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DOSSIER

30 AÑOS DESPUÉS DE LA CAÍDA DEL MURO DE BERLÍN:
LA IZQUIERDA LATINOAMERICANA

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30 años después de la “caída del muro” de Berlín: la izquierda latinoamericana

30 anos após a “queda do muro” de Berlim: a esquerda latino-americana

30 years after Berlin's “wall fall”: the Latin American left

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Presentación del Dossier

Ciertamente, el final de los países “socialistas” de Europa del Este fue el hecho más llamativo de finales del siglo XX. Aunque ha sido un proceso de varios años, que atraviesa crisis en países como China y Alemania del Este y el desmantelamiento de la Unión Soviética, que también se hace eco de algunas rebeliones de décadas anteriores, como las de Checoslovaquia y Polonia, posiblemente el evento simbólico más recordado es llamado la caída del Muro de Berlín en 1989. Construido en 1961 para dividir la ciudad de Berlín, el muro fue uno de los principales símbolos de disputas políticas en el mundo durante todo el siglo XX. Esta disputa, que se desarrolló desde el final de la Segunda Guerra Mundial, estuvo marcada por enfrentamientos retóricos, diplomáticos y, en algunos casos, militares, conocidos como la Guerra Fría.

El fin de los gobiernos de la burocracia estalinista tuvo un gran impacto en las izquierdas, y no es una exageración decir que “los bloques de hormigón que cayeron sobre el muro de Berlín cayeron sobre sus cabezas, especialmente aquellos que tenían mayor afinidad con el sistema político de países como la Unión Soviética”. Alemania del Este, Rumania, entre otros” (Francia, 2015, p. 11). Los países de Europa del Este fueron una referencia política para la izquierda. A lo largo del siglo XX, hubo una “dinámica mundial que recurrió al comunismo, ya sea para combatirlo, como en el caso de los gobiernos de los países capitalistas occidentales, o para reclamarlo, como fue el caso de todo el movimiento obrero mundial que, incluso con duras críticas, vi en los países de Europa del Este un punto de referencia como una alternativa al capitalismo” (França, 2015, p. 56-7). Aunque eran repúblicas controladas por una burocracia, cuyo régimen político no estaba estructurado en organismos de poder dirigidos directamente por los trabajadores, en el escenario de disputa mundial terminaron reuniendo todas las tendencias teóricas y políticas a su alrededor. El hecho de que estos regímenes existan, independientemente del modelo que terminaron construyendo, había demostrado que sería posible expropiar el capitalismo y, a partir de eso, construir un mundo nuevo. Si estos regímenes de transición no avanzaron al socialismo, las explicaciones ciertamente no son ni simples ni fáciles, a pesar de que necesariamente involucran las derrotas de la revolución en diferentes áreas y las opciones políticas de la dirección de izquierda. Vale la pena recordar el pronóstico de Trotsky (2008, p. 75), cuando afirmó: “o la burocracia, que se convierte cada vez más en el órgano de la burguesía mundial en los estados obreros, derrocará las nuevas formas de propiedad y devolverá al país el capitalismo, o la clase obrera destruirá la burocracia y abrirá un camino hacia el socialismo”.

El fin de casi todos estos países que expropiaron el capitalismo y llevaron al poder a los partidos que afirman ser socialistas o incluso comunistas nos permite pensar en diferentes elementos importantes para comprender el período posterior a 1989. El período está marcado por un avance brutal del capitalismo, que, por a través de sus organismos internacionales y gobiernos de felpudos, comienza a buscar una “reestructuración” en la economía, que implica la flexibilidad o incluso la destrucción de los derechos de los trabajadores, especialmente aquellos asociados con el estado del bienestar. En varios países, se han llevado a cabo “reformas” de los tipos más variados, aunque las más impactantes para la mayoría de la población son aquellas que hacen que los derechos laborales y de seguridad social sean más flexibles.

A la izquierda, la crisis en los países gobernados por la burocracia estalinista también marcó un retroceso en teoría. El marxismo terminó siendo asociado erróneamente con regímenes políticos que se derrumbaban en todo el mun-

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do. En todo el mundo, casi todos los intelectuales se unieron a la campaña que presentaba el marxismo como algo dañino y que debería combatirse. Los conceptos centrales del marxismo, como la lucha de clases y el modo de producción, fueron atacados como obsoletos e insuficientes para analizar la realidad a través de la nueva realidad histórica. El siguiente paso fue negar la existencia de incluso las clases sociales, a pesar de que los trabajadores diarios de todo el mundo intentaron resistir la ofensiva capitalista.

Un producto de esta crisis fue también la retirada de la utopía. En ese contexto, “los historiadores decretaron el final prematuro del siglo XX a partir de entonces. Otros, aún más atrevidos, dijeron que estábamos presenciando el final de la historia. Los más creativos, por otro lado, estaban preocupados por acuñar nuevos conceptos, como la globalización” (FRANCIA, 2015, p. 11). Los regímenes construidos en Europa del Este habrían sido exactamente lo que Marx había previsto y su caída sería una prueba de que su utopía habría resultado ser un gran desastre para la humanidad. El socialismo e incluso el comunismo, confundidos con los regímenes controlados por la burocracia estalinista, no habrían funcionado y, por lo tanto, sería necesario aceptar el capitalismo como una realidad social e histórica para la humanidad. Para muchos, esto habría significado incluso el “final de la historia”.

Otro elemento evidente fue el profundo cambio que ocurrió en numerosos partidos comunistas, que se trasladaron al centro o incluso a la derecha, como en Brasil e Italia. Otro factor observable fue la migración de la mayoría de los partidos de tradición socialdemócrata o laboral al campo de la derecha, llegando al poder para implementar proyectos de la burguesía, como ocurrió en Brasil e Inglaterra. También se observan casos de partidos que, aunque no son de una tradición comunista o socialdemócrata, pero que tuvieron una importancia significativa en las luchas de los trabajadores, también se trasladaron al campo de las reformas estructurales del imperialismo, como en Argentina y México.

Con la crisis de las principales direcciones de los trabajadores, se construyeron nuevas organizaciones importantes en América Latina. El zapatismo en México se formó a principios de la década de 1990. En el período también hubo un crecimiento del PT en Brasil, ocupando un papel que antes era laborista y comunista, aumentando gradualmente su desempeño parlamentario y ganando las elecciones presidenciales de 2002. Argentina, un renovado peronismo ganó las elecciones y puso fin a la inestabilidad política en 2003. Los gobiernos progresistas en Ecuador y Uruguay también son parte de este contexto, además de las victorias sucesivas de una izquierda más tradicional en Chile.

Sin embargo, el papel principal en este contexto fue uno de los intentos más profundos en nuevos proyectos políticos. En Venezuela, Hugo Chávez buscó construir lo que llamó el “socialismo del siglo XX”, señalando una alternativa política con elementos nacionalistas incluso en un escenario de crisis en la economía internacional. En Bolivia, además de importantes reformas, Evo Morales apostó por construir un estado que respete la diversidad política y cultural del país. El movimiento político organizado en torno al presidente muestra características muy particulares, en las que diferentes factores afectan el concepto de clase, después de todo, “incluso cuando se trata de defender sus intereses económicos, los cocaleros nunca se definieron solo como campesinos, sino como plantadores indígenas, y protectores de una hoja simbólica para su cultura andina, la hoja de coca consagrada” (URQUIDI, 2004, p. 197). En el movimiento cocalero, desde la formación en defensa de los intereses inmediatos “ha habido una organización progresiva de sus acciones hacia la creación de una centralidad no de clase, sino de identidades imbricadas y no completamente definidas, en torno a objetivos amplios, que permitió la dispersión de las fuerzas sociales nacionales dispersas” (URQUIDI, 2004, p. 197-8).

Aunque estos movimientos no tenían la intención de romper con el capitalismo, el continente fue movido por movilizaciones sociales y políticas y gobiernos que señalaron la necesidad de construir una alternativa que, aunque no necesariamente antiimperialista o anticapitalista, al menos mostró una perspectiva de intentar desarrollar sus economías de manera autónoma, colaborando entre sí y con otros países de África y Asia. En resumen, se puede decir que las diferentes organizaciones, colectivos e intelectuales que siguieron críticamente el curso de los gobiernos progresistas destacaron sus aspectos fundamentales: las limitaciones para eliminar las características clave de la estructura legal-normativa neoliberal; la profundización del modelo extractivo exploratorio y sus efectos de comercialización; la dificultad de superar una matriz productiva que reproduce las condiciones de dependencia histórico-estructural en la región; y la renuencia a implementar reformas democráticas más radicales y duraderas (TADDEI, 2018, p. 18-19).

Las formas tradicionales de organización también se han transformado o incluso superado. Chávez y Morales inicialmente lideraron movimientos que luego se convertirían en partidos, sin consolidar nunca una estructura de partido más tradicional. En Ecuador, un amplio frente de sectores populares llegó al poder a través del Parlamento de los Pueblos, aunque esta fue una experiencia efímera. Muchas de las políticas de los gobiernos considerados “progresistas” fueron elaboradas y discutidas dentro del movimiento antiglobalización, en espacios de luchas y debates de movimientos sociales en todo el mundo, y que ganaron más cuerpo en las sucesivas ediciones del Foro Social Mundial.

En el período posterior a la “caída” del muro, los grupos marxistas continuaron existiendo, pero son pequeños y cada vez más fragmentados. Ciertamente, gran parte de esta condición tiene que ver con su falta de afianzamiento en la clase, lo que los lleva a buscar su construcción dentro de los partidos con registro electoral. Por otro lado, algunos de estos grupos comenzaron a construir partidos de vanguardia ampliamente organizados,

reuniendo un campo genéricamente anticapitalista, como es el caso del PSOL, en Brasil. Posiblemente, la única excepción a esta tendencia fue en Argentina, donde dos partidos independientes, el PTS y el PO, alcanzaron una inserción importante en el movimiento obrero y, después de unirse a un boleto electoral, han ganado importantes votos.

Por lo tanto, en el período posterior a la “caída” del muro de Berlín, lo que se percibe en la izquierda latinoamericana es un intento de encontrar nuevos caminos, tanto organizativos como teóricos. Una marca fuerte sigue siendo el antiimperialismo como programa estratégico, especialmente en la confrontación con los Estados Unidos. En términos estratégicos, se consolida el abandono casi completo de la perspectiva socialista, buscando utopías quizás más basadas en la diversidad de tradiciones culturales, como se puede ver en la experiencia boliviana. El socialismo continúa solo en el programa de pequeños grupos marxistas.

El presente dossier es una forma de reflexionar sobre estos temas y, principalmente, de mostrar las alternativas teóricas y políticas que se han debatido y construido en los últimos treinta años en América Latina, permitiendo analizar estas propuestas y, principalmente, problematizar su viaje y los pasos que señala. para el futuro.

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Apresentação de dossiê

Certamente o fim dos países “socialistas” do Leste Europeu foi o fato mais marcante do final do século XX. Embora tenha sido um processo de vários anos, que passa por crises em países como China e Alemanha Oriental e pelo desmantelamento da União Soviética, reverberando também algumas rebeliões das décadas anteriores como as da Tchecoslováquia e da Polônia, possivelmente o evento simbólico mais lembrado é a chamada queda do Muro de Berlim, em 1989. Construído em 1961 para dividir a cidade de Berlim, o muro foi um dos principais símbolos das disputas políticas no mundo ao longo do século XX. Essa disputa, que se desdobrou desde o final da Segunda Guerra Mundial, foi marcada por embates retóricos, diplomáticos e, em alguns casos, militares, conhecida como Guerra Fria.

O fim dos governos da burocracia stalinista trouxe grande impacto sobre as esquerdas, não sendo exagerado afirmar que “blocos de concreto que despencavam no muro de Berlim caíram sobre suas cabeças, sobretudo daqueles que possuíam maior afinidade com o sistema político de países como União Soviética, Alemanha Oriental, Romênia, dentre outros” (França, 2015, p. 11). Os países do Leste Europeu eram uma referência

política para as esquerdas. Ao longo do século XX viu-se uma “dinâmica mundial que se voltava para o comunismo, fosse para combatê-lo – caso dos governos dos países capitalistas ocidentais, fosse para reivindicá-lo – como era o caso de todo o movimento operário mundial que, mesmo com críticas duras, via nos países do leste europeu um referencial de alternativa ao capitalismo” (França, 2015, p. 56-7). Embora fossem repúblicas controladas por uma burocracia, cujo regime político não estava estruturado em organismos de poder dirigidos diretamente pelos trabalhadores, no cenário de disputa mundial acabavam reunindo em torno de si todas as tendências teóricas e políticas. O fato de existirem esses regimes, independente do modelo que acabaram construindo, tinha mostrado que seria possível expropriar o capitalismo e, a partir disso, construir um novo mundo. Se esses regimes de transição não avançaram ao socialismo, certamente as explicações não são simples nem fáceis, ainda que necessariamente passem pelas derrotas da revolução em diversos e pelas opções políticas das direções das esquerdas. Não custa lembrar o prognóstico de Trotsky (2008, p. 75), quando afirmava: “ou a burocracia, tornando-se cada vez mais o órgão da burguesia mundial nos Estados operários, derrubará as novas formas de propriedade e lançará o país de volta ao capitalismo, ou a classe operária destruirá a burocracia e abrirá uma saída em direção ao socialismo”.

O fim de quase todos esses países que expropriaram o capitalismo e levaram ao poder partidos que se reivindicam socialistas ou mesmo comunistas permite pensar diferentes elementos importantes para compreender o período posterior a 1989. O período está marcado por um avanço brutal do capitalismo, que, por meio de seus organismos internacionais e governos capachos, passa a buscar uma “reestruturação” na economia, que passa pela flexibilização ou mesmo destruição de direitos dos trabalhadores, em especial aqueles associados ao *welfare state*. Em diversos países foram realizadas “reformas” dos mais variados tipos, ainda que as mais impactantes para a maioria da população sejam aquelas que flexibilizam direitos trabalhistas e previdenciários.

No âmbito da esquerda, a crise dos países governados pela burocracia stalinista marcou também um recuo na teoria. O marxismo acabou sendo associado de forma equivocada aos regimes políticos que ruíram pelo mundo. No mundo todo a quase totalidade da intelectualidade aderiu à campanha que apresentava o marxismo como algo nocivo e que deveria ser combatido. Conceitos centrais do marxismo, como luta de classes e modo de produção, passaram a ser atacados como obsoletos e insuficientes para analisar a realidade pela nova realidade histórica. O próximo passo foi negar a existência inclusive das classes sociais, ainda que cotidianamente trabalhadores em todo o mundo tentassem resistir à ofensiva capitalista.

Produto dessa crise foi também o recuo da utopia. Naquele contexto “historiadores decretaram o fim prematuro do século XX a partir de então. Outros, ainda mais afoitos, afirmaram que presenciávamos o fim da história. Já aqueles mais criativos se preocuparam em cunhar novos conceitos, como o de globalização” (FRANÇA, 2015, p. 11). Os regimes construídos no Leste Europeu teriam sido exatamente o que havia previsto Marx e sua queda seria a prova de que sua utopia teria se mostrado um grande desastre para a humanidade. O socialismo e até mesmo o comunismo, confundidos com os regimes controlados pela burocracia stalinista, não teriam dado certo e, por isso, seria preciso aceitar o capitalismo como realidade social e histórica para a humanidade. Para muitos, isso teria significado inclusive o “fim da história”.

Outro elemento evidente foi a profunda mudança ocorrida em numerosos partidos comunistas, que passaram para o campo do centro ou mesmo da direita, como no Brasil e na Itália. Outro fator observável foi a migração da maior parte dos partidos de tradição social-democrata ou trabalhista para o campo da direita, chegando ao poder para aplicar projetos da burguesia, como ocorreu no Brasil e na Inglaterra. Percebe-se também casos de partidos que, mesmo não sendo de uma tradição comunista ou social-democrata, mas que tiveram expressiva importância em lutas dos trabalhadores, também passaram ao terreno das reformas estruturais do imperialismo, como na Argentina e no México.

Com a crise das principais direções dos trabalhadores, na América Latina foram construídas novas importantes organizações. O zapatismo no México se constituiu logo no começo da década de 1990. No período também houve o crescimento do PT no Brasil, ocupando um protagonismo que outrora foi de trabalhistas e comunistas, paulatinamente aumentando sua atuação parlamentar e vencendo as eleições presidenciais de 2002. Na Argentina um peronismo renovado ganhou as eleições e acabou com a instabilidade política, em 2003. Fazem parte desse contexto também governos progressistas no Equador e no Uruguai, além das sucessivas vitórias de uma esquerda mais tradicional no Chile.

Contudo, o protagonismo desse contexto coube a uma das mais profundas tentativas de novos projetos políticos. Na Venezuela, Hugo Chavez buscou construir o que chamou de “socialismo do século XX”, apontando para uma alternativa política com elementos nacionalistas mesmo em um cenário de crise da economia internacional. Na Bolívia, além de reformas importantes, Evo Morales apostou na construção de um Estado que respeitasse a diversidade política e cultural do país. O movimento político organizado em torno do presidente mostra características bastante particulares, no qual diferentes fatores afetam o conceito de classe, afinal, “mesmo em se tratando de defesa de seus interesses econômicos, os *cocaleros* nunca se definiram apenas como camponeses, mas como indígenas plantadores e protetores de uma folha simbólica para sua cultura andina, a consagrada folha de coca” (URQUIDI, 2004, p. 197). No movimento *cocalero*, desde a conformação em defesa dos interesses imediatos “observou-se a progressiva organização das suas ações em direção à criação de uma centralidade não de classe, mas de identidades imbricadas e não total-

mente definidas, em torno de objetivos amplos, o que permitiu a aglutinação das forças sociais nacionais dispersas” (URQUIDI, 2004, p. 197-8).

Embora esses movimentos não se propusessem a romper com o capitalismo, o continente foi movimentado por mobilizações sociais e políticas e governos que apontaram para a necessidade de construir uma alternativa que, mesmo não sendo necessariamente anti-imperialista nem anticapitalistas, no mínimo mostravam uma perspectiva de tentar um desenvolvimento autônomo de suas economias, colaborando entre si e com outros países da África e da Ásia. Em um balanço, pode-se afirmar que diferentes organizações, coletivos e intelectuais que acompanharam criticamente o rumo dos governos progressistas ressaltaram seus aspectos fundamentais: as limitações na remoção das características-chave da estrutura jurídico-normativa neoliberal; o aprofundamento do modelo extrativista explorador e seus efeitos de mercantilização; a dificuldade em superar uma matriz produtivista que reproduz as condições de dependência histórico-estrutural da região; e as reticências na concretização de reformas democráticas mais radicais e duradouras (TADDEI, 2018, p. 18-19).

As formas tradicionais de organização também foram transformadas ou mesmo superadas. Chavez e Morales dirigiram inicialmente movimentos que posteriormente viriam a se transformar em partidos, nunca chegando a consolidar uma estrutura partidária mais tradicional. No Equador uma ampla frente de setores populares chegou ao poder por meio do Parlamento dos Povos, ainda que esta tenha sido uma experiência efêmera. Muitas das políticas dos governos tidos como “progressistas” foram elaboradas e discutidas no interior do movimento antiglobalização, em espaços de lutas e debates de movimentos sociais de todo o mundo, e que ganharam mais corpo nas sucessivas edições do Fórum Social Mundial.

No período posterior à “queda” do muro, os grupos marxistas continuaram a existir, mas são pequenos e cada vez mais fragmentados. Certamente muito dessa condição tem a ver com sua falta de enraizamento da classe, o que os leva a buscar sua construção dentro de partidos com registro eleitoral. Por outro lado, alguns desses grupos passaram a construir partidos de vanguarda organizados de forma ampla, reunindo um campo genericamente anticapitalistas, como é o caso do PSOL, no Brasil. Possivelmente a única exceção a essa tendência se deu na Argentina, onde dois partidos independentes, o PTS e o PO, alcançaram uma importante inserção no movimento de trabalhadores e, depois de se unirem numa chapa eleitoral, vêm conquistando importantes votações.

Portanto, no período posterior à “queda” do muro Berlim, o que se percebe na esquerda latino-americana é uma tentativa de encontrar novos caminhos tanto organizativos como teóricos. Uma forte marca continua a ser o anti-imperialismo enquanto programa estratégico, em especial no enfrentamento com os Estados Unidos. Em termos estratégicos, consolida-se o abandono quase completo da perspectiva socialista, buscando-se utopias talvez mais embasadas na diversidade de tradições culturais, como se percebe na experiência boliviana. O socialismo continua somente no programa de pequenos grupos marxistas.

O presente dossiê é uma forma de refletir sobre essas questões e, principalmente, mostrar as alternativas teóricas e políticas que foram debatidas e construídas nos últimos trinta anos na América Latina, permitindo analisar essas propostas e, principalmente, problematizar sua caminhada e os passos que aponta para o futuro.

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Ser de izquierda hoy: propuesta para una redefinición conceptual

Be left today: proposal for a conceptual redefinition

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RESUMEN

Este ensayo realiza una revisión sucinta de los criterios más influyentes que fueron utilizados como medida de diferenciación entre izquierda y derecha que se reúnen en una tipología que recoge las opiniones vertidas sobre este tópico en cuatro grupos: las definiciones basadas en un contenido material concreto, las caracterizaciones de la izquierda fundamentadas en el principio de igualdad, las propuestas que recurren a ideas alternativas y las ideas que niegan la validez de esta distinción. Posteriormente, se exponen los esquemas de interpretación que la izquierda ecuatoriana hizo de sí misma con el objetivo de problematizar la definición de la izquierda política en el siglo XXI. Finalmente, se brindan los argumentos para la selección de otro criterio en este debate: la visión que las fuerzas políticas tienen sobre el problema del poder.

Palabras clave: poder, izquierda, teoría política, ideología política

ABSTRACT

This essay makes a succinct review of the most influential criteria that were used as a measure of differentiation between the left and the right that meet in a typology that gathers the opinions expressed on this topic in four groups: definitions based on a specific material content, characterizations of the left based on the principle of equality, proposals that resort to alternative ideas and ideas that deny the validity of this distinction. Subsequently, the interpretation schemes that the Ecuadorian left made of itself with the aim of problematizing the definition of the political left in the 21st century are exposed. Finally, the arguments for the selection of another criterion in this debate are offered: the vision that the political forces have on the problem of power.

Keywords: power, left, political theory, political ideology

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1. INTRODUCCIÓN

El presente ensayo reedita el debate sobre la definición de la izquierda proponiendo el concepto poder como el criterio de diferenciación respecto a la derecha. Consideramos pertinente retomar un tópico tan polémico por la trascendencia que tiene en el trigésimo aniversario del final del corto siglo XX que fue, a la par, el punto de inflexión para la desbordante ofensiva del capitalismo a nivel mundial. Adicionalmente, para el caso latinoamericano, la discusión sobre el carácter de la izquierda cobra actualidad ante el apareamiento de una cantidad importante de gobiernos en la región que se reivindican de izquierda, fenómeno denominado como “progresismo”.

En la primera parte, se procede a una revisión sucinta, que no pretende ser exhaustiva, de los criterios más influyentes que fueron utilizados como medida de diferenciación entre izquierda y derecha. En el mismo apartado se expone una tipología de estas definiciones con el objetivo de dejar expuestos los contrapuntos que alberga nuestra tesis en relación a las posturas existentes.

En el segundo apartado, se exponen algunas interpretaciones que, desde la izquierda ecuatoriana, fueron emitidos en relación con la definición de izquierda y que abren un camino para problematizar tal identidad política de cara al siglo XXI.

En un tercer momento, se exponen los argumentos para la selección de nuestro propio criterio -el poder- en la división topológica de la política. Posteriormente, se ofrece una apretadísima panorámica de la contraposición de posturas en la teoría del poder con la finalidad de aproximar al lector a la acepción que, consideramos, es la que brinda los elementos para una diferenciación más clara entre los polos de la dimensión ideológica de la política.

Advertimos que, como salta a la vista, la propuesta de esta investigación se sitúa en un rango amplio del debate al interior de la teoría política. En este sentido, la tesis que se sustenta es más una hoja de ruta para la construcción de una posición de izquierda para el siglo XXI, que un modelo terminado de una crítica de la teoría política.

2. DISCURSOS SOBRE LA IZQUIERDA

La melancolía y el luto tuvieron un importante papel en la militancia de izquierda que con frecuencia desarrolló su práctica política en condiciones desfavorables. Mas, “la derrota¹ sufrida en 1989 [...] fue diferente: no se produjo tras una batalla y no generó orgullo alguno” (Traverso, 2018; 56-57); ¿cómo, entonces, el trigésimo aniversario de la caída del muro de Berlín puede abrir un camino para fortalecer la utopía de izquierda² en el sentido de eliminar la melancolía y superar el luto ante la ausencia del referente revolucionario?

La respuesta no parte de la coherencia conceptual entre teoría y programa de acción y, menos, de la evaluación de la praxis de la izquierda, por estar fuera del alcance de esta investigación. Partimos de algo más elemental. Nos preguntamos, ¿qué significa izquierda en el siglo XXI?

Aunque autores como Hubeñak (2012) retrotraen hasta los relatos míticos³ y el análisis del inconsciente el origen de la diáda, nos parece pertinente para este debate exponer los criterios modernos sobre la contraposición de ideas políticas. Aun así, el rango de opiniones es sumamente amplio.

Zincone (en Bobbio, 2014: 210) caracteriza a la izquierda como inclusiva y abiertamente confortadora con todo tipo de exclusión. Nadra (en GIA, 1999: 2) asume que “todas las fuerzas que pretendan transformaciones con un sentido antiimperialista y antioligárquico” son de izquierda. Pousadela (2010: 17), por su parte, erige un elemento diferenciador más etéreo: “hacer lo imposible” y, con el mismo matiz, Borón (en GIA, 1999: 3) sostiene que la izquierda no es “ninguna fuerza partidaria en particular. La izquierda no es monopolio de ninguna organización [...] La izquierda es un campo de fuerza”. Desde otro ángulo, Coppedge (parafraseado por González y Queirolo, 2013: 89) sostiene que “los partidos de izquierda priorizan la distribución sobre la acumulación, y asignan gran peso al Estado”; un criterio que es compartido, desde una crítica liberal, por Lucio Paredes (2011: 11-12) quien entiende que “la izquierda quiere más Estado pretendiendo que puede controlar sus abusos” y, por eso, “tiene un serio problema: no tiene en su esencia la capacidad de generar riqueza, progreso”.

Otras definiciones, como la propuesta por Solana y Szalkowicz (2017) para el caso de la izquierda en América Latina, son de gran complejidad e incluyen una pléyade de condiciones como “superar la matriz productiva que impuso en Nuestra América el capitalismo dependiente”, “mandar obedeciendo, construir poder popular”, “enfrentar decididamente al patriarcado”, “impulsar una verdadera “revolución cultural””, “apelar al pueblo, también para librar la batalla comunicacional”, “cultivar una ética política antagónica a la de la partidocracia tradicional”, “desbordar los límites de la democracia liberal”, “combinar las diversas formas de lucha”, “más debate, más autocrítica” y “potenciar la integración económica continental”. Otro tanto hace De Sousa (2014) cuando muestra unas “izquierdas” diversas que son,

Los partidos y movimientos sociales que luchan contra el capitalismo, el colonialismo, el racismo, el sexismo y la homofobia, y a toda la ciudadanía que, sin estar organizada, comparte los objetivos y aspiraciones de quienes se organizan para luchar contra estos fenómenos. Es un público muy amplio, sobre todo porque incluye a quienes llevan a cabo prácticas de izquierda sin considerarse de izquierda.

¹ Derrota no solo por el proceso de derechización tras la caída de la URSS, sino porque –a diferencia de lo ocurrido después de la Segunda Guerra Mundial cuando era vergonzante declararse de derecha- tras la caída del muro de Berlín la militancia de izquierda fue cuestionada (Bobbio, 2014: 217-233) bajo diferentes calificativos desde trasnochada hasta vana.

² La utopía de izquierda entendida como el “aún no” o anticipación (Bloch en Traverso, 2018_ 207).

³ Es un lugar común, v. g., referirse a la etimología de los polos ideológicos derecha e izquierda por su analogía con recto y torcido, respectivamente.

También, existen criterios de definición de la izquierda que la caracterizan por la vocación para “cambiar el status quo, impulsa[r] la igualdad y la solidaridad” (Arditi, 2009: 234). En consecuencia, esta tendencia sería contraria al conservadurismo y a lo reaccionario. En otro caso, la línea divisoria entre los extremos ideológicos y las posturas más moderadas está en el apego o rechazo al sistema electoral. Ideas de este tipo son criticadas por Rodríguez (2008: 3) porque han sido transversales a la derecha e izquierda. Una postura menos ilustrada, pero que permite mostrar el sentido común de la crítica liberal, es el concepto de la izquierda (los “progre”) de InfoVlogger (2017) que asocia esta identidad con la opción de voto, el anti capitalismo, el estatismo, la defensa de la autodeterminación “para romper la nación”, el odio a los ricos, a la iglesia católica y al franquismo (en el caso español).

Sin duda, el criterio más influyente sobre la definición de la izquierda fue formulado por Bobbio (2014: 107-108) y señala a la izquierda por su comprensión de la igualdad, la libertad y la paz, destacando la primera idea en términos de deseabilidad y viabilidad, así como de los sujetos, los objetos y los criterios de la repartición. En sus palabras, “el criterio entre derecha e izquierda está en el distinto criterio por el que se distinguen los iguales de los desiguales” (Bobbio, 2014: 219), es decir, que un “igualitario es quien tiende a atenuar las diferencias; no igualitario, quien tiende a reforzarlas” (Bobbio, 2014: 119). En otro pasaje, Bobbio y Giddens (en Pousadela, 2010: 13) afirman que la izquierda política se caracteriza por la afirmación en conjunto de los principios de libertad, igualdad y justicia.

Algunas posturas se derivan de la tesis de Bobbio sobre la igualdad. En este marco, Rodríguez (2008: 19-22) identifica a la izquierda por defender las “demandas por un mayor igualitarismo, pero con libertades y democracia”, es decir, igualdad sin dominación o bien que “el concepto democracia se extiende a los ámbitos social, de las libertades y de la justicia, es decir como elemento favorecedor de tendencias igualitarias y que disminuyan o eliminen la dominación de unos sobre otros”. Para López (2016: 75-76) ‘la izquierda se distingue por considerar que las desigualdades no son normales, sino el producto de relaciones sociales que pueden solucionarse con una política estatal adecuada. Un argumento similar presenta De Sousa (en Rivadeneira, 2011: 49) al considerar que “la izquierda es un conjunto de posiciones políticas que comparten el ideal de que todos los seres humanos tienen el mismo valor y constituyen el valor supremo”.

Finalmente, Herreros (2010: 5) hace parte de este grupo al destacar los valores de “igualdad, comunidad y libertad”. Sin embargo, da un giro en la discusión al dar un carácter instrumental a las ideas de igualdad -sobre todo la “igualdad socialista de oportunidades” (Cohen en Herreros, 2010: 8)- y la comunidad, señalando como objetivo último de la izquierda la libertad “entendida como ausencia de dominación y de explotación”⁵. Es decir, la izquierda se orientaría hacia la libertad positiva⁶ que es la libre determinación del individuo por la “eliminación de obstáculos a su voluntad” que es posible gracias a la disposición de los recursos necesarios para desarrollarla (Herreros, 2010: 13-14).

En este punto, es importante dejar en evidencia el supuesto más importante en el esquema de interpretación más importante de las diferencias ideológicas en la política (la diada izquierda y derecha): la creencia de que se trata de polos diametralmente opuestos definidos por la oposición discursiva entre sus ideas, como categorías mutuamente excluyentes (Bobbio, 2014: 33; Freidenberg y Alcántara, 2001: 140-142, 246-248; Pousadela, 2010: 12-13; López, 2016: 75-76). Pero, ¿Qué sucede si la izquierda y derecha no actúan como polos contrapuestos?

Respondiendo a esta condición, algunas apreciaciones refuerzan la idea de la superación o al menos de la reducción de la importancia de la diada sea por la “crisis de las ideologías” (Bobbio, 2014: 27-35), por la difusión de un pragmatismo que conduce a que “cualquiera que llegue al poder velará por sus propios intereses y no por los intereses de los otros” (Llanes, 2011: 18) o porque “la lógica binaria: derecha – izquierda [...] es una lógica colonial, que en este tiempo ya no representa la diferencia en las relaciones de poder” (Oviedo, 2019). De allí las expresiones que sostienen que no hay ni izquierda ni derecha puras y que estas terminan siendo meros contenedores de ideas (Bobbio, 2014: 172) o, desde otra perspectiva, son solo “atajos cognitivos que permiten a las personas resumir información sobre las cosas sin esfuerzo adicional” (Freidenberg, 2006: 242).

En resumen, los criterios para diferenciar la izquierda de la derecha, hasta aquí, pueden ser reunidos en la siguiente tipología que se organiza desde las definiciones basadas en un criterio concreto, pasando por el uso de ideas más abstractas o imprecisas, hasta la negación de la diada.

- Las definiciones basadas en un contenido material concreto: posición antiimperialista-antioligárquica, redistribución de la riqueza, intervención del Estado y cambio del status quo.
- La izquierda fundamentada en el principio de igualdad en solitario o combinando esta idea con otros valores como solidaridad, libertad, paz, justicia, democracia, inclusión, comunidad y otros.
- Las propuestas que apelan a otros criterios donde se identifican tres situaciones: a) el recurso a conceptos con cierta precisión -como la libertad positiva-, la fundamentación con pensamientos más o menos difusos -como

4 De momento no nos interesa discutir con mayor profundidad el craso error de contraponer igualdad y diferencia, cuando los antónimos -no solamente desde el aspecto semántico- son, respectivamente, desigualdad e indiferencia.

5 “Por lo que respecta a la derecha, se distinguen los valores liberales, por un lado, fundamentalmente la libertad entendida como ausencia de interferencia y su corolario de tolerancia, y por otro, los valores conservadores. Estos últimos incluyen la tradición, la autoridad y la defensa de una desigualdad natural entre los hombres que explica y justifica las desigualdades de resultado” (Herreros, 2010: 5).

6 Por oposición, la derecha defendería “la libertad negativa [que] es, de acuerdo con Berlin (2008a: 169), el área dentro de la cual cada persona puede actuar sin ser obstruida por otras. Si otras personas impiden que alcances un objetivo que te has propuesto, esto supone una limitación de tu libertad. La función del Estado, de acuerdo con esta concepción de la libertad, es evitar (si es necesario por la fuerza) que unos individuos, mediante sus acciones, reduzcan la libertad de los demás. La libertad negativa implica que hay una esfera de la vida (la vida privada) en la que la autoridad pública no debe intervenir” (Herreros, 2010: 17).

decir que la izquierda es un “campo de fuerza” o “hacer lo imposible”- o con una combinación de numerosos elementos que hacen difícil una definición precisa.

- Las ideas que enfatizan el vacío de la diada derecha-izquierda por la escasa importancia de las diferencias ideológicas, el peso del pragmatismo en la actividad de la izquierda que hace esta identidad un mero contenedor de ideas o un atajo cognitivo.

3. EL DEBATE SOBRE LA IZQUIERDA EN ECUADOR

La amplitud de opiniones en la izquierda ecuatoriana es similar. Quintero (2002: 30) señala que “toda clasificación de los partidos debe ser coyuntural, pues el ‘mismo partido’ ubicado, por ejemplo, en la ‘Izquierda’ en un momento dado puede desplazarse hacia posiciones de Centro Derecha en otro tiempo”. Un argumento un tanto menos laxo, que sustentó la reflexión de varios intelectuales de la izquierda ecuatoriana, es el que encontramos, v. g., en Maugé (1987b, 237) quien definió la izquierda “en función de los objetivos que se persiguen” y, evidentemente, solo aquellos que concuerden con los objetivos su organización política de entonces –el Partido Comunista del Ecuador– eran auténticamente de izquierda⁷. Por su parte, Isch (2008: 47) aterriza esta idea en algo más concreto; define a la izquierda como el anti capitalismo sumado al horizonte socialista: son “aquellas fuerzas, organizaciones y personas que se plantean la necesidad de superar el sistema capitalista y avanzar hacia el socialismo”.

Las expresiones llegan hasta posiciones teleológicas, como en Miranda (1995: 237)⁸ que sostiene la posibilidad de ser izquierdista ahora y siempre: “somos de izquierda y expresamos lo nuevo, lo que nace, lo que está en desarrollo, lo científico, porque somos el presente y el futuro de la humanidad. Siempre fuimos y seremos de alternativa, izquierda, fuerza nueva, insurgente”.

A contrapelo de las observaciones realizadas, es notorio que en el debate sobre la izquierda ecuatoriana hablar de la existencia, casi de la certidumbre, de la influencia del pensamiento liberal sobre la izquierda no es nada nuevo; es, no obstante, nuestro punto de partida⁹.

Entre dos intelectuales de pensamiento liberal, uno de los cuales era miembro del PSE, había menos diferencia que entre dos Socialistas, uno de los cuales era un intelectual liberal. (Quintero, 1981: 33-34)

Convertir al Estado de Derecho en el deber ser de la lucha social es liberalismo puro y duro. (Dávalos en Quintero, 2007: 74)

¿Cómo es posible esto? Para algunos la respuesta es cuasi salomónica o “amplia”; “no podemos hablar de una sola izquierda en el caso ecuatoriano o tal vez en ningún otro país del mundo, a pesar que en gran parte compartimos errores y las mismas culpas” (Isch, s/f: 158). Otra variante de respuesta considera la izquierda como una categoría pan-histórica que, presente en todas las épocas, representan las posturas de avanzada. Así,

Juan Montalvo y un grupo de jóvenes liberales combatió a esta situación, que terminó con la muerte de García Moreno.

Este grupo político es la Izquierda de esta época. [...] El Jefe Supremo de Manabí fue el General Eloy Alfaro, que es el Jefe de la Izquierda que lucha hasta triunfar el 5 de junio de 1895 [...] Los emigrados europeos, especialmente españoles e italianos trajeron las ideas anarquistas y anarcosindicalistas, y los seguidores se constituyeron en la Izquierda del momento. (Lovato, 1980: 339)

Tal es la amplitud y vaguedad de tales soluciones que Ibarra (2012: 62) que sostiene que el concepto de “izquierda” es tan flexible que “siempre el ámbito de lo que se consideraba izquierda llegaba hasta los liberales”. Esto se constata en la asunción como izquierdistas, cada uno a su modo, de personajes de tan variada filiación como Velasco Ibarra y Abdalá Bucaram –reconocidos caudillos populistas–, Álvaro Noboa –conspicuo candidato y agroexportador bananero– o Rafael

⁷ Maugé (1987b: 237) quien definió izquierda “en función de los objetivos que se persiguen. Ser de izquierda en un país como el nuestro es ser portador o ser parte de las fuerzas que propugnamos el cambio social y las transformaciones revolucionarias. Y ¿Cuál es el cambio social que anhelamos? El Partido considera que, para nuestro pueblo, está en el orden del día la tarea de la Revolución Nacional Liberadora hacia el socialismo, decir, la tarea de la REVOLUCION NACIONAL DEMOCRÁTICA Y ANTIMPERIALISTA. Todas aquellas fuerzas país, no sólo comunistas o socialistas, sino además de las fuerzas que concuerdan en plantear la necesidad de una revolución democrática – nacional y antimperialista, son la Izquierda Ecuatoriana”

⁸ “Somos izquierda porque nuestra doctrina y programa representan los intereses más avanzados y revolucionarios de la época, los intereses del proletariado, porque en esos planteamientos programáticos caben los anhelos y aspiraciones más sentidos de los pueblos y naciones dependientes, porque sólo con la liberación de la clase obrera se emancipará la humanidad. También militan en la izquierda las organizaciones políticas y las personalidades democráticas, patrióticas y revolucionarias que se oponen a la dominación imperialista y combaten por la liberación social y nacional” (Miranda, 1995: 237).

⁹ En otras opiniones encontramos las siguientes: “Esas condiciones concretas del proletariado ecuatoriano constituyen la base objetiva que permitiría a la naciente izquierda ecuatoriana actuar con un programa político democrático, cuya función práctica fue la conciliación de clases y una ideología – liberal de izquierda, expresión de ese proceso de fusión entre la teoría de la Revolución de Liberación Nacional y el movimiento político de las capas medias. Fusión concretada en los partidos Socialista y Comunista” (Moreano, 1983: 128).

“La socialdemocracia pues, como corriente ideológica y política, no se expresa solamente en el llamado “centro”, está también en el interior de la izquierda, ya que la ideología fuye, atraviesa el conjunto de la sociedad” (MRIC, 1984: 19).

“La izquierda ecuatoriana se desarrolla a partir de la segunda década del presente siglo en muchos aspectos a partir de las concepciones liberales. Y de ellas extrae no solo su tradición de lucha, sino también sus esquemas metodológicos e interpretativos, los cuales fueron asimilados por la tendencia naciente sin beneficio de inventario y apelando al bautizo de las concepciones de base positivista con nombres marxistas que, como es obvio, no constituían más que escaparates para los contenidos burgueses” (Castillo, 2005: s/p).

“Las tesis socialistas aún no se divorciaban completamente de las liberales, en la caracterización de la sociedad y en el objetivo político, derrotar a las fuerzas feudatarias” (Razin y Moreno, 2011: 43).

Correa –líder del progresismo en Ecuador–¹⁰. En consonancia, la izquierda coordinó con frecuencia su actividad en el Congreso Nacional y en la movilización en las calles¹¹ y, bajo la lógica de “golpear juntos, marchar separados”, luego sustituida por “unidad en la diversidad”¹², se presentó la coincidencia en la práctica y la separación en la teoría, como una afirmación de la identidad de izquierda y de la diversidad de manifestaciones que tiene esta tendencia.

Ante esta constatación, cabe retomar la evidencia de Rodríguez (2008: 4) quien advierte que “derecha e izquierda no son palabras que designen contenidos fijados de una vez para siempre. Pueden designar diferentes contenidos según los tiempos y las situaciones”. En paralelo, pareciera que la sola autodefinición de los partidos como “izquierda” valida la clasificación que sigue el “eje izquierda-derecha” (Freidenberg, 2006: 242)

El ‘estado-de-ánimo’ de izquierda [...] es autoreferencial y opera como un mecanismo de identidad que define de forma preliminar a todo aquel que se considera de izquierda. ¡Soy de izquierda porque me siento de izquierda! El derecho a la identidad no puede quedar en manos del otro. (Torres-Rivas y Gomáriz, 2007: 13)

Las preguntas se multiplican ante estas apreciaciones: ¿todo individuo o colectivo que se reconozca de izquierda es tal por la sola autodefinición?, ¿qué sucede con la izquierda si sus ideas están más alineadas con los esquemas de pensamiento de la modernidad capitalista que con las lecturas críticas del capitalismo?

4. EXCURSO: REDEFINIR LA IZQUIERDA

La comprensión del concepto “poder” es la línea demarcadora entre el pensamiento de izquierda y derecha. En consecuencia, tiene centralidad teórica para entender la historia del pensamiento de la izquierda por varias razones. Primero, porque el poder es el concepto que le otorga sentido a la práctica política moderna, tiene centralidad en la teoría política como su objetivo de estudio, desde su germen moderno en Maquiavelo (2010), hasta las versiones más populares como Weber (1998) y Marx (1998). Pero, también, el concepto poder ha sido el objetivo estratégico por excelencia de la izquierda del Ecuador¹³ y, por eso, es el concepto que ordena su corpus teórico y que enfila sus repertorios de acción y sus alianzas; de allí que las diferencias en la reflexión sobre el poder condujeran a teorizaciones divergentes en los sujetos de la política de izquierda y por supuesto, en sus repertorios de acción¹⁴.

Segundo, este criterio se encuentra a una prudente distancia de “los calificativos superficiales como métodos de discusión [...] que niegan] el debate con el fácil subterfugio de recurrir a la calificación de posiciones políticas por adjetivaciones políticas que no desentrañan los contenidos reales de las mismas” (MRIC, 1981: 5). Como si se tratara de una contradicción in adjecto, es un criterio intrínseco para definir una identidad que presenta diferentes imágenes en el tiempo y el espacio.

Tercero, elimina la vaguedad del término izquierda y la arbitrariedad de las autodefiniciones y las coyunturas que, dependiendo del caso, pueden acercar a la izquierda posiciones incongruentes con la crítica misma y, más todavía, con la crítica de la modernidad capitalista y su racionalidad. Además, utilizar el poder como criterio para definir a la izquierda terminará por retroalimentar, enriquecer y precisar la discusión sobre el poder, desde el marco de lo político, alejándola de un uso en la política que tendió a utilizar este concepto como significante vacío, como un fetiche aglutinador.

Cuarto, permite a la izquierda rebasar los límites del “enfermizo sectarismo” (MRIC, 1984: 31) que produce la constatación de un número significativo de incongruencias entre el decir y el hacer de la izquierda, pero que, de manera contraproducente, encierran la crítica en un ejercicio de negación de la voluntad y la razón de otros individuos y organizaciones políticas autonombradas de izquierda o, con mayor frecuencia, se reemplaza la elaboración de teoría revolucionaria (Lenin, 2014) por una serie de calificativos. El más recurrente y conocido de estos adjetivos –que dejaron de usarse como conceptos políticos– es el “revisionismo”/ “reformismo” que al colocarse con su antónimo –“revolucionario”– crea un marco para dividir a los buenos de los malos. El análisis de la izquierda se transformó, de esta manera, en un discurso moral y dejó de lado el relato sobre el poder.

Tal forma de entender la crítica asume que renovar su posición o reafirmarla consiste en repetir con alguna variación el siguiente patrón: análisis estructural nacional e internacional, descripción estratégica del carácter de la revolución y, finalmente, el programa de transformaciones mínimas y la táctica para llevar a cabo el cambio.

10 Como señaló, con menos refinamiento el “delfín” de la derecha, Jaime Nebot (1987): “Esbirro traidor que has vendido a tu partido... que socialismo mamarracho. Vestido de Frág, con pipa y tabaco inglés, ¡cojudo! ¿Socialista? Oligarca imbabureño. ¿Qué socialistas? ¡Ni tú ni ninguno de ustedes es socialista!”

11 “De palabras en muchas ocasiones se puede coincidir en política, pero lo que define la esencia de los partidos políticos es precisamente su acción, la consecuencia en la práctica con los principios que proclama” (Hurtado, 1987: 76).

12 También para Bobbio (2014: 51) se debe hablar de “izquierdas” en plural. De Sousa (2008: 21) también asiente esta condición al decir que “la diversidad, más que un obstáculo para la unidad, se ha convertido en una condición para la unidad”.

13 En el Partido Socialista Ecuatoriano en su fundación deja rastros de su idea del poder al mencionar como finalidad la dictadura del proletariado (PSE, 2006: 149). El problema del poder se presenta en las diferentes fracciones que integraron el Partido socialista. En el Socialismo Revolucionario (PSRE, 1994: 51), en el Frente Socialista (1994: 61), permanece con el Partido Socialista – Frente Amplio (PS-FA, 2017: 43) que busca construir “un Estado al servicio de otro bloque de poder” y se sostiene en la Renovación Socialista (2017: 58) que reivindica su llamado a cambiar la “estructura del poder real”. El Partido Comunista del Ecuador (1968: 33), originado en el socialismo, tras caracterizar su revolución dice que “en esta revolución, como en toda revolución, el problema central es el problema del poder”. Incluso en sus momentos de reorganización sus intelectuales se preguntaban si están “en el camino adecuado y con los mejores procedimientos para la toma del poder” (Delgado, 1988: 38), o hacen hincapié en que “la formulación de “un nuevo partido para una nueva realidad”, no implica solamente un replanteamiento profundo, sino el esfuerzo por impulsar un cambio cuantitativo [...] que convoque a nuevos movimientos y grupos sociales, buscando integrarlos y representarlos adecuadamente en la esfera de la lucha por el poder” (Ayala, 1994b: 2).

14 Como bien señaló Berman (en Blyth, 2003: 698) al analizar la historia de la socialdemocracia alemana y sueca, las ideas determinan la trayectoria de las organizaciones políticas y conocerlas nos permite una comprensión global de su pensamiento político.

Quinto, permite superar lo que denominaremos los “límites del uso del marxismo”. Nos explicamos. El arsenal categorial de esta teoría fluye incesantemente al criticar al capitalismo, pero se agota al tratar la polémica en el seno de la izquierda y del otrora campo socialista. Es notoria la reflexión sobre el aborto de la revolución agraria a inicios de la década de 1960 a causa de “la traición de la camarilla de Pedro Saad que se había apoderado de la dirección del viejo Partido Comunista” (Miranda, 1995: 40). Su uso se estira para entender el fin del socialismo real (Miranda, 1995: 103-114) hablando de “camarillas apoderadas del poder” (Miranda, 1995: 115), incluso de “contienda entre las camarillas nacionales y la gran camarilla de la URSS” (Miranda, 1995: 113). Los actos de las camarillas¹⁶ son “traiciones”, “usurpaciones” y “degeneraciones”, v. g., sobre Jrushov dice: la “traición revisionista”, “la traición se consumó” (Miranda, 1995: 110), sobre el PCUS “el surgimiento del revisionismo en la Unión Soviética fue el resultado del proceso degenerativo de un Partido Comunista en el Poder” (PCMLE, 1979: 45) y la “usurpación” de la revolución (Miranda, 2014a, 81). La idea de camarillas sustituye a la clase y el individualismo metodológico¹⁷ es el supuesto analítico más importante para pensar la izquierda:

Camarilla de reformistas y traidores; de esta manera el viejo Partido Comunista proclamaba la revolución, pero su dirección trabajaba por sabotearla. (Miranda, 2008: 39)

Fuimos engañados y traicionados por una camarilla de oportunistas y traidores que usurpó la dirección del Partido Comunista, que renunció a la revolución y al socialismo y transformó al partido en una organización reformista. (Miranda, 2003a)

Finalmente, al utilizar el criterio del poder tomamos distancia de la postura de Cofrancesco que, en palabras de Bobbio (2014: 217), afirma que,

El mejor criterio para distinguir la derecha de la izquierda es la actitud frente al poder: en la derecha se subraya que es imprescindible, en la izquierda se denuncian sus potencialidades represivas y deshumanizadoras [...]; la izquierda, así entendida, parece identificarse con la anarquía [...] Las palabras tienen su significado histórico que, en una redefinición, no puede ser completamente ignorado.

En su lugar, retomamos el sentido histórico de la izquierda y su relación el poder de aquel pasaje, casi mítico, de la Asamblea Constituyente de 1789 en Francia (Sedano, 1996: 31-32), cuando enfrentó no solo la posición de la monarquía sobre un problema particular de política pública, sino que cuestionó y transformó las instituciones del Ancien regime, es decir, modificó un sistema de relaciones de poder en nombre de la revolución (Hubeñak, 2012: 13). Tal posición frente al poder es lo que, sostenemos, evidencia la distinción de la izquierda a treinta años de la caída del muro de Berlín en una coyuntura que muestra una posibilidad dicotómica entre la perduración de la especie humana o el mantenimiento del sistema capitalista. La izquierda, en ese contexto, solo se puede diferenciar por venir cargada de futuro.

Dos esquemas de interpretación sobre el poder se enfrentan en este marco. Por un lado, se entiende el poder como dominación¹⁸ que, con Maquiavelo (2010: 28, 48), entiende la política como un problema técnico, esto es, en la capacidad de acceder al poder y conservarlo, sea por medio de la fuerza o por apoyo popular. Ergo, el poder reside en la fuerza, siendo la guerra el oficio del soberano. Continuando con esta línea de interpretación, Weber (1998: 82-84) afirma que la política es la lucha por el poder y, por tanto, “quien hace política aspira al poder”. Pero aquí hay un matiz claro, es “la aspiración (Streben) a participar en el poder o a influir en la distribución del poder entre los distintos Estados o, dentro de un mismo Estado, entre los distintos grupos de hombres que lo componen” (Weber, 1998: 84) o, en otros términos, es la disputa por “el control sobre la distribución de los cargos” (Weber, 1998: 100). De esta manera, lucha política=lucha por el poder=lucha por los cargos¹⁹. El poder es, así, “la probabilidad de imponer la propia voluntad, dentro de una relación social, aún contra toda resistencia y cualquiera que sea el fundamento de esa probabilidad”. (Weber, 1993: 43) o bien, al decir de Dahl (1957: 201-205), “la capacidad de un actor de conseguir que otro haga lo que de otro modo éste no haría” y Montbrun (2010: 370), parafraseando a Deutsch, señala que “el poder es [...] la producción de un cambio en la distribución de probabilidades de los acontecimientos del mundo y, dado que el mundo ya está cambiando, el poder se refiere al cambio del cambio”.

Por otro lado, está la crítica a la teoría del poder. Marx hace una crítica a la abstracción política, característica de la relación entre Estado y sociedad civil en Hegel, y al develamiento de la modernidad como sociedad burguesa y al Estado-nación como Estado burgués (Artous 2016, 64-70). La centralidad del concepto clase para la comprensión del poder, de las formas de gobierno y de Estado es la columna vertebral del discurso sobre lo político en Marx. De allí que Lenin (1974, 278) dijera que “la política es la relación entre las clases” y, dado que “el problema fundamental de toda revolución

¹⁵ Tomamos el caso de Miranda para ilustrar una línea argumental y un método de análisis transversal a la “izquierda” cuando se interpela a sí misma.

¹⁶ Althusser (1969: s/p) observó la presencia del concepto “camarilla” en la izquierda y su uso para la explicación mecánica de la ideología.

¹⁷ Pese a esto Miranda (1995: 274) menciona que “las transformaciones sociales obra son de las masas”.

¹⁸ Incluso para Foucault (1988, 19-20) las relaciones de poder se presentan como un todo cerrado puesto que las estrategias de enfrentamiento terminan convirtiéndose en una relación de poder al institucionalizarse.

¹⁹ El objetivo de la socialdemocracia se alinea con este esquema de interpretación por busca llegar al poder (Bruni 1990, 69), entendiéndose por esto controlar el Estado. No obstante, la práctica política parte de que la idea distintiva del marxismo es la evolución (Bernstein 1990, 82) y, por tanto, no existe un “objetivo final” para la izquierda (Bernstein 1990, 90) o, visto desde otro ángulo, el problema de la “táctica depende de las circunstancias” (Bernstein 1990, 10), es saber hacer. La variante más infuyente del marxismo en Rusia, la teoría del DIAMAT especialmente en su segunda elaboración, también está alineada con este principio teórico de comprensión del poder (ver Madrid, 2019).

es, indudablemente, el problema del poder. Lo decisivo es qué clase tiene el poder” (Lenin 1981b, 281), su crítica de la teoría política estuvo signada por una diferenciación radical entre poder burgués y poder proletario²⁰.

El Estado proletario es “la organización del proletariado como clase dominante” (Marx y Engels 1998, 76), no es una “suplantación de funciones”, como si el cambio de las relaciones de producción dependiera de la patente de corso del grupo que se hace cargo del Estado. Por eso, Lenin (2009 59-76) al referirse al Estado de la clase trabajadora tiene la prolijidad de decir: “Estado proletario”, “semi Estado”, “otro Estado”, “Estado-comuna”, o “cuasi-Estado”. Resume su intención en la frase de Marx (citado por Lenin 2009, 60) “La clase obrera no puede simplemente tomar posesión de la máquina estatal existente y ponerla en marcha para sus propios fines”. No es una república parlamentaria –la forma más avanzada del Estado burgués (Lenin 1981b, 52)- porque se caracteriza por la ruptura del monopolio legítimo del uso de la fuerza por parte del Estado, por la expropiación de los medios de producción y la construcción de un discurso, una ideología y, cuanto más, una cultura desde las clases dominadas en el modo de producción capitalista.

Máiz (2003, 8) observa que el poder “no constituye, en fin, un concepto negativo desde un punto de vista normativo, no es necesariamente represivo, sino que apropiadamente constituido deviene un elemento fundamental de una democracia, de una sociedad bien ordenada y justa”. Dusell (2006, 29) denomina al “retorno” de la potestas a la potentia como poder “para-sí”. En el contexto latinoamericano se acuñó el término poder popular para referirse a los organismos que cumplen con las características del Estado-comuna o del soviét, esto es, a las instituciones del Estado proletario.

5. SER RADICALES

El problema más importante con el criterio del poder para diferenciar a la izquierda es que, como constató Aguirre (en Granda, 2008: 72), en el caso ecuatoriano, la izquierda se caracterizó por “la falta de auténtico desarrollo teórico y de una visión que permita conocer a profundidad la realidad y mirar objetivos de largo plazo, nuestra izquierda no se ha constituido en una real alternativa de poder”. El vacío se puede notar, v. g., en la abundante producción de los intelectuales de la izquierda ecuatoriana que, con excepción de los documentos partidarios, sustentaban sus ideas en discursos pronunciados durante mítines y reuniones²¹. Por supuesto, esta observación no puede ser generalizada, pero en varios casos la crítica a la posición de oficial de las organizaciones de izquierda derivó en rupturas o en censura de la posición minoritaria dentro de los partidos. Como diría Palti (2007: 247), las discusiones se zanjaron por “la conversión o la coerción”, mostrando el límite de los partidos como “totalidad orgánica, perfectamente integrada y homogénea”. En otros casos, de forma tácita o explícita, se apoyó la tesis del MLN-Tupamaros de Uruguay: “la teoría nos divide, la práctica nos une”, o como otros gustan decir: “nosotros somos prácticos, déjales la teoría a los académicos”, ante el apremio que los acontecimientos imponen.

Una lectura radical en la definición de la izquierda a partir del poder –entendiendo por radical el “agarrar la cuestión por la raíz” (Marx, 2010: 44)- busca arribar a una definición de “una izquierda de izquierda” (Bourdieu en GIA, 1999: 1). Caracterizar a la izquierda a partir de su conceptualización del poder permite rescatar que, dentro del ideario de la izquierda, la lucha por la transformación revolucionaria de la sociedad capitalista no versaba simplemente sobre llegar a resultados distintos en el ejercicio político –como si se tratase de una política alternativa dentro del capitalismo-, sino en realizar un cambio total de la sociedad. En el plano de las ideas, esto obliga a discutir los supuestos teóricos con que la izquierda sostuvo sus posiciones. Como dijeron connotados dirigentes de la izquierda,

El nombre no hace la cosa, según el viejo dicho francés, que equivale al nuestro, el hábito no hace al monje. Se pondrán el hábito de comunistas, pero no son comunistas. (Saad, 1987: 22)

La distancia entre las palabras y las definiciones, entre lo que se dice y lo que se hace, debe ser superada al máximo nivel posible en la construcción del ideario común para que, quienes los suscriban, puedan mirarse entre sí como compañeros de ruta. (Isch, 2008: 45)

En el caso de la crítica de la economía política, que fue “una crítica a los presupuestos categoriales de toda una ciencia” o, como diría el propio Marx, fue “al mismo tiempo la exposición del sistema y a través de la exposición la crítica del mismo” (Heinrich, 2008: 122); solo la extensión de la crítica de la economía política hacia la crítica de la teoría política podrá entregar respuestas que permitan silenciar a los apóstatas de la lógica de la acumulación del capital que como Warren Baffet, v. g., dicen: “estamos en una guerra de clases, pero es mi clase, la clase rica, la que está haciendo la guerra, y la estamos ganando”.

²⁰ No obstante, tal distinción está marcada por el contexto. Alrededor de la revolución de 1905 todavía tenía una inclinación a reivindicar “la Asamblea Constituyente de todo el pueblo” para “realizar el programa mínimo de la democracia proletaria” (Lenin 1976, 10), de “la república democrática” (Lenin 1981a, 191) y del gobierno revolucionario (Lenin 1981a, 587).

²¹ Agustín Cueva (en Albormoz, 1995: 59) observa un “contraste entre la riqueza de aquel cúmulo de imágenes y representaciones revolucionarias, y la relativa y simultánea pobreza del pensamiento abstractamente expresado: ensayo filosófico, sociológico, etc. [...] Se registra un notorio desarrollo desigual del marxismo: hegemónico en muchas áreas de la cultura, cuaja muchísimo menos en el plano orgánico-partidario (pese a la existencia de PC y afines) y penetra solo muy lentamente en las masas”.

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O teatro contra-ataca: a retomada do teatro político brasileiro em 1990

El teatro contraataca: la reanudación del teatro político brasileño en 1990

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RESUMO

Este artigo tem como tema central o terceiro ciclo de politização da dramaturgia nacional, iniciado em 1990. Partindo do pressuposto de que a arte, enquanto produção humana, se origina de condições históricas específicas, o artigo objetiva expor 1) os principais fatos sociais que explicam a retomada do teatro político brasileiro, 2) suas características formais que subvertem a forma dramática burguesa e 3) os principais grupos ainda hoje em atuação. O texto pretende ser um registro de um movimento artístico capaz de fazer da luta de classes uma categoria poética.

Palavras-chave: Teatro de grupo. Teatro Épico. Brasil. Luta de Classes.

RESUMEN

Este artículo tiene como tema central el tercer ciclo de politización de la dramaturgia nacional, que comenzó en 1990. Suponiendo que el arte, como producción humana, se origina en condiciones históricas específicas, el artículo pretende exponer 1) los principales hechos sociales que explican la reanudación del teatro político brasileño, 2) sus características formales que subvierten la forma dramática burguesa y 3) los principales grupos que aún operan hoy. El texto pretende ser un registro de un movimiento artístico capaz de hacer de la lucha de clases una categoría poética.

Palabras clave: teatro grupal. Teatro épico. Brasil Lucha de clases.

ABSTRACT

This article has as its central theme the third cycle of politicization of national dramaturgy, which begun in 1990. Assuming that art as human production is originated from specific historical conditions, this article aims to expose 1) the main social facts that explain the resumption of Brazilian political theater, 2) its formal characteristics that subverted the bourgeois dramatic form and 3) the main groups which are still working today. The text aims to register a movement which was capable of turning class struggle into a poetic category.

Keywords: Group theater. Epic Theater. Brazil. Class struggle.

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INTRODUÇÃO

1. “A arte é filha da dor, é filha sempre de algum impedimento vital”

A frase acima foi escrita por Mário de Andrade na peça *Café – Tragédia coral* em 3 atos, escrita entre os anos de 1933 e 1942. Essa obra-prima da dramaturgia nacional – tão frequentemente esquecida quanto o restante da nossa produção dramática – tematiza a crise de superprodução cafeeira no Brasil em 1930. A situação, como se sabe, gerou a queima de mais de 70 milhões de sacas de café (referida, inclusive, no filme *Kuhle Wampe*, de 1931, com roteiro de Bertolt Brecht e Ernst Ottwalt). Mário optou por representar o sentido simbólico do café enquanto “mito na raiz de tantas culturas, desde a Grécia Antiga”, sem, contudo, se esquecer de que esse princípio repousa “nas bases das próprias formas econômicas e institucionais das sociedades” e que, portanto, “os donos da vida perturbam a marcha natural do comércio de café” e a economia paulista torna-se dependente da sua “morte e ressurreição ânua”, que deixa desamparados os trabalhadores, estivadores e colonos. A peça, no entanto, foi mais otimista que a própria história de tal modo que “Dia Novo”, seu último ato, termina com a revolução e a vitória. A vida nem sempre imita a arte; ao contrário disso, nesse caso, ela mostrava – ao modo de um balde de água fria – que o processo histórico não concretizaria os objetivos libertários que outrora animavam os primeiros modernistas (Schwarz, 1987). Por isso, em uma conferência de 1942, Mário de Andrade realizava um balanço geral do movimento e o elaborava nos seguintes termos: “Si tudo mudávamos em nós, uma coisa esquecemos de mudar: a atitude interessada diante da vida contemporânea. E isso era o principal!” (Andrade apud Bosi, 2006: 240). Algo além do tempo separa o experimentalismo do Mário de 1922 do seu engajamento de 1942. O sentido conservador tomado pela Revolução de 30, a Segunda Guerra Mundial e o consequente adensamento ideológico revelam que o tempo não é só a passagem dos anos, mas também o legado da sequência de fatos que os atravessam. Não por acaso, portanto, Mário fez parte daquele que foi denominado por Carvalho (2009) como o primeiro ciclo de politização do teatro brasileiro.

A recuperação dessa mudança de postura dos primeiros modernistas pode parecer fora de propósito em um artigo que se propõe a pensar a retomada do teatro político cinquenta anos depois, não fosse a lição que carrega em suas entrelinhas e que agora nos interessa enfatizar como pressuposto da nossa discussão: o fim da crença de que o país chegará à uma suposta modernidade frequentemente leva os intelectuais a tomarem consciência do subdesenvolvimento. A desqualificação pelo rumo da história da ideia mesma de desenvolvimento foi condição sine qua non do engajamento posterior da produção de Mário, da produção dramática de 1960 (que ganhou expressão em grupos como o Teatro de Arena e o Centro Popular de Cultura) e também do teatro político de 1990. Não é de se estranhar que em tempos sombrios seja o teatro o primeiro gênero a reivindicar para si a função social da arte. Iná Camargo Costa recorreu à imagem de “termômetro social” para definir essa arte que, trabalhando sob o signo da imediatez, exige a produção coletiva de algo que será sempre uma intervenção na esfera pública. A condição coletiva da sua esfera de produção e de fruição contribui para que o teatro seja frequentemente fruto do calor da hora e para que acabe levantando possibilidades de reflexão política, econômica e histórica a partir de recursos estéticos. Isso ocorreu, no Brasil, em 1930, em 1960 e, a partir de 1990, momentos nos quais o teatro foi, de maneira diversa e com diferentes graus de consciência e intensidade, uma arma simbólica. A sua eficácia, no entanto, dependeu nesses três ciclos de politização da subversão da forma dramática tradicional.

Isso porque um percurso pela história da dramaturgia ocidental nos revela que as transformações estéticas são, também, resultados de transformações sociais e históricas. Tomemos como exemplo os gêneros clássicos e suas gradativas substituições a partir do século XVIII, pelos gêneros burgueses. Quando o novo estágio de desenvolvimento da sociedade, pautado por outra estrutura econômica e por novas relações de produção, gerou, entre outras consequências, o declínio da nobreza e a ascensão da burguesia, a literatura, como produto social, necessitou de novas formas para expressar os novos conteúdos. Não podemos perder de vista, portanto, que, conforme toda e qualquer sociedade se estabelece, surge um aparelho ideológico que a justifica e que explica a forma de sociabilização por ela engendrada. A literatura faz parte deste aparelho e, por isso, é preciso considerá-la também, a ela e a todo o conjunto da cultura, em sua conformação de classe. Assim, à medida que a sociedade abandonava uma organização social aristocrática e os valores universalistas e fixos que dela advinham e que eram veiculados pela tragédia neoclássica e pela alta comédia, o drama burguês, assim como o romance, surgia para poder retratar, a partir de suas novas premissas formais, os conflitos individuais e a vida cotidiana do homem “comum”. Em oposição à tragédia clássica, ele expressa uma nova visão – burguesa – de mundo: tendo como pressuposto formal o desenvolvimento de ações e conflitos que são consequências da iniciativa de sujeitos livres (ou seja, burgueses, homens e brancos), o enredo do drama desenvolve-se, sobretudo, por meio do diálogo, veículo das intenções desses sujeitos. Essa dramaturgia foi denominada também de drama absoluto por se bastar a si mesmo, uma vez que o palco – completamente separado, inclusive fisicamente, da plateia – cria conflitos apenas a partir das relações intersubjetivas dos personagens. Diz respeito, assim, apenas à vida privada. Com isso, não remete a nada que não seja ele mesmo, como a história, a condição social dos personagens ou a dimensão coletiva da criação da subjetividade pela cultura. Tal forma, portanto, não seria capaz de expressar os temas que entravam na ordem do dia, todos de dimensão coletiva e histórica. Este é o pressuposto da conhecida frase de Maiakovski, segundo o qual “sem forma revolucionária não há arte revolucionária”. Do ponto de vista formal, referir-se às contradições do capitalismo e às suas consequências coletivas significou inserir recursos épicos ao drama. No contexto mundial, o primeiro a perceber conscientemente isso a ponto de sistematizar a percepção ao longo de sua própria obra foi Bertolt Brecht:

Durante o espaço de quinze anos após a primeira grande guerra mundial, experimentou-se, em alguns teatros alemães, uma forma relativamente nova de representar, que se denominou “forma épica”, em virtude de possuir um cunho nitidamente narrativo e descritivo e de utilizar cores e projeções com finalidade crítica. Por meio de uma técnica que de forma alguma era fácil, o ator distanciava-se da personagem que representava e colocava as situações sob um tal ângulo que sobre elas vinha infalivelmente a incidir a crítica do espectador. Os paladinos do teatro épico alegavam que os novos temas – os acontecimentos extremamente complexos de uma luta de classes no seu momento decisivo – eram mais fáceis

de dominar dessa forma, uma vez que assim seria possível apresentar os acontecimentos sociais (em processo) nas suas relações causais. (Brecht, 1978: 67).

No Brasil, a dramaturgia produzida a partir de 1990 lançou mão (assim como já havia feito o teatro modernista e o teatro de grupo da década de 60) de recursos épicos para retratar um país que, em decorrência do avanço do capitalismo, adquiriu formas cada vez mais complexas e contraditórias de sociabilização. Mais importante, no entanto, do que apontar essa espécie de retomada do teatro político, é descobrir o seu sentido social, histórico e humano. Propomos, portanto, uma breve recuperação dos antecedentes fundamentais que parecem justificá-la. Uma vez desnudados seus pressupostos, discutiremos as suas consequências. Em ambos reencontraremos o ponto de partida deste texto: a arte como filha da dor.

2. O motor da história

Não é de hoje o compromisso do Estado brasileiro de atender as demandas do mercado. Trata-se de um compromisso antigo e progressivo cumprido à risca por um país que traz em seu próprio nome a mercadoria (pau-brasil) que primeiro o legou à condição – que até hoje exerce – de grande latifúndio do mundo. Há, sem dúvida, momentos em que essa função deve ser exercida de modo mais enfático, atendendo com maior furor às demandas do capital internacional e da elite nacional. Certamente, 1989 é um desses momentos, extremamente significativo do alinhamento do Brasil às injunções do capitalismo mundial. O Consenso de Washington é o motivo deste marco, à medida que culminou na adesão do Estado brasileiro às disposições formuladas pelas instituições financeiras globais, como o FMI, o Banco Mundial e o Departamento do Tesouro dos Estados Unidos. Revestidas como necessárias para acelerar a economia e promover o ajustamento macroeconômico, elas foram, na verdade, instrumentos eficazes de pressão internacional para a adoção do neoliberalismo pelos países periféricos. Entre elas – já suficientemente conhecidas para que baste enumerá-las – estavam a redução dos gastos públicos e a diminuição da intervenção estatal, a desregulamentação dos mercados internos, o investimento estrangeiro direto (IED), privatizações dos serviços públicos e o consequente afrouxamento das leis trabalhistas. Embora elas tenham sido inicialmente adotadas por vários países sem qualquer questionamento, o posterior desenvolvimento econômico-social – marcado pela crise asiática, pela queda do PIB da Rússia em 30% e pela crise argentina – revelou a sua desvantagem para as economias dependentes. Na década de 1990, com o Plano Nacional de Desestatização (PND), os brasileiros, por exemplo, assistiam atônitos a uma série de inúmeras privatizações¹ das quais a mais emblemática talvez seja a da Companhia Vale do Rio Doce (1997), uma das maiores mineradoras do mundo, leiloadas por R\$ 3,3 bilhões, quando apenas suas reservas minerais eram calculadas em mais de R\$ 100 bilhões. À época, uma máxima popular proclamava que, com a venda da Vale, poderíamos retirar o amarelo de nossa bandeira.

No âmbito da história mundial, a queda do muro de Berlim (1989), apesar de assinalar simbolicamente (para o discurso dominante) a vitória do capitalismo e da economia de mercado sobre o estatismo, significou, na prática material, a expressão da crise do próprio sistema (Kurz, 1993)². A crise do sistema, antes de atingir os países ricos, já estava presente nos países do Terceiro Mundo e nos países socialistas como crise do sistema produtor de mercadorias. Assim, a queda destes países e de suas indústrias indicava justamente os impasses do capitalismo – o colapso da modernização econômico-social –, visto que essas economias já estavam inseridas no sistema mundial de produção de mercadorias. Uma crise sistêmica do próprio capitalismo foi vendida como uma vitória do neoliberalismo quando a aliança entre a investigação científica, a tecnologia e o processo produtivo, pautada na lógica mercantil, agravavam ainda mais a situação:

A concorrência no mercado mundial torna obrigatório o novo padrão de produtividade, configurado pela combinação de ciência, tecnologia avançada e grandes investimentos. Tanto o mercado como o padrão, na sua forma atual, são resultados tardios e consistentes da evolução do sistema capitalista, que, chegado a esse patamar – sempre segundo Kurz –, alcançou o seu limite, criando condições completamente novas. Pela primeira vez o aumento da produtividade está significando dispensa de trabalhadores também em números absolutos, ou seja, o capital começa a perder a faculdade de explorar trabalho. A mão-de-obra barata e semiforçada com base na qual o Brasil ou a União Soviética contavam desenvolver uma indústria moderna ficou sem relevância e não terá comprador. Depois de lutar contra a exploração capitalista, os trabalhadores deverão se debater contra a falta dela [...] (Schwarz, 1999: 185).

Em um país como o Brasil, que continuamente repõe sua modernização conservadora – elevado crescimento econômico combinado com enorme desigualdade e falta de estrutura social mínima – esse quadro se torna ainda mais incisivo. É necessário lembrar que Fernando Henrique Cardoso seguia a risca a cartilha neoliberal quando os países desenvolvidos já sentiam a crise consequente dessa prática. Como esclarece Marx (2013), os países industrialmente mais desenvolvidos não fazem mais do que mostrar aos menos desenvolvidos a imagem de seu próprio futuro. Embora, vale a pena frisar, o futuro dos de baixo nunca seja ocupar o lugar dos de cima. Por isso, o subdesenvolvimento e sua entrada gradativa no modo de produção capitalista implicam piores condições à medida que une a permanência vegetativa de modos de produção arcaicos e antiquados com o seu séquito de relações sociais e políticas anacrônicas. A nova conjuntura política – pautada por medidas neoliberais que, visando à reposição do atraso, geraram uma série de consequências sociais – fez

¹ Entre elas estão, ainda sob o governo Collor, a da Usiminas (1991), então uma das mais lucrativas: a Companhia Siderúrgica Nacional (1993) e a Embraer, ícone da indústria aeronáutica brasileira, já sob o governo Itamar Franco. No entanto, foi sob o governo Fernando Henrique Cardoso que as privatizações ganharam fôlego e se intensificaram: a Telebrás (1998), Eletropaulo (1998), Embratel (1998), bancos estaduais como o Banerj (1997) e o Banespa (2000), foram privatizados. Além disso, ocorreu o desmonte das estatais ferroviárias (1996-1999) e a emblemática privatização da Companhia Vale do Rio Doce (1997). Fonte: Banco Nacional do Desenvolvimento: http://www.bndes.gov.br/SiteBNDES/bndes/bndes_pt/Inst%20nacional/BNDES_Transparente/Privatizacao/historico.html

² As ideias aqui descritas são desenvolvidas profundamente no livro *O colapso da modernização*, de Robert Kurz (1993) e resumidas no ensaio *O livro audacioso* de Robert Kurz, de Roberto Schwarz (1999).

com que o projeto burguês se tornasse inacabado, inclusive, no plano simbólico, do discurso. O capitalismo adquiria, assim, uma face ainda mais perversa que, no Brasil, encontrou expressão máxima no governo de Fernando Henrique Cardoso. Embora já fosse possível constatar que, na prática, a ideologia do *self-made man* nem sempre se concretizava, o discurso dos governos neoliberais – como pontuou Oliveira (2009) – abandonou explicitamente qualquer compromisso com integrar. À época, até mesmo o atrito entre o idealismo burguês e o motivo econômico deixou de existir. Fernando Henrique Cardoso, por exemplo, afirmou: “o Brasil tem 40 milhões de inimpregáveis” (Oliveira, 2009: 24). Esse contexto se tornou propício para o fortalecimento da luta de classes – representada na oposição social e política que então exercia o Partido dos Trabalhadores – e para o revigoramento de um teatro engajado politicamente. Ambos, como se vê, retomados por força de um contexto negativo. Em tempos de neoliberalismo universalizado (apenas no discurso, é claro), saltou aos olhos a importância de um discurso contra-hegemônico, político e antissubjetivo por princípio. O teatro brasileiro se dispôs a proferi-lo.

3. O teatro contra-ataca

O desejo de revelar as consequências do capitalismo representando a realidade brasileira pela perspectiva da coletividade tem sido comum, desde o fim do século XX, a muitos grupos teatrais que passaram a adotar um discurso e, por vezes, uma prática de resistência. Quando a lógica irracional do capital impera (o Brasil em recessão tem que pagar suas dívidas), um contraponto crítico tornou-se necessário. Entre esses grupos, podemos citar a Companhia do Latão, a Folias D’Arte, a Kiwi Companhia de Teatro, o Coletivo de Teatro Alfenim, a Companhia Ocamorana de Teatro, a Tribo de Atuadores Ôi Nós aqui Traveiz, o Teatro de Narradores e a Companhia São Jorge de Variedades. Outros grupos já realizavam trabalhos mais antigos dentro da periferia como Pombas Urbanas, União Olho Vivo e a Brava Companhia – e continuaram atuantes. Como aponta Carvalho (2009), esses grupos, oriundos da década de 1970, reconquistaram seu lugar de referência dentro dos intercâmbios culturais da cidade que, agora, voltavam a ganhar força.

Ao movimento teatral da década de 1990 interessou, principalmente, expor em alguma medida as contradições que levam um país como o Brasil a adotar uma postura abertamente neoliberalizante em terreno já devastado, já que, diferentemente dos países desenvolvidos, não tivemos aqui, sequer, uma política de Welfare State. Para esses grupos – que, embora entretenham e se saibam mercadoria, não atendem a um mercado teatral, nem a um padrão que os insira no espaço da indústria cultural – torna-se necessário a dedicação à pesquisa histórica e estética, o que se dá tanto devido a questões materiais mais diretas, quanto por questões ideológicas. Essa pesquisa ocorre também por meio do diálogo com momentos de fortalecimento do discurso de esquerda, como a década de 1960, e com a produção artística dessa época. Tanto a análise da conjuntura anticapitalista, quanto a experimentação estética empreendida por frentes culturais do passado, e mesmo o esvaziamento do discurso crítico que ocorre, sobretudo, pós-1968, tornam-se pontos de partida e acumulação crítica a ser revisitada para se pensar também a equação pós-1990.

Este posicionamento estético deve-se, ainda, ao desafio de fazer teatro quando o capitalismo neoliberal leva ao extremo o processo de mercantilização da produção artística. Também a arte não estava alheia, portanto, ao predomínio da forma-mercadoria. As décadas de 1980 e 1990 foram marcadas, no plano artístico, pela influência da indústria cultural norte-americana, tanto que, para Carvalho (2009), a internacionalização do capital financeirizado foi contemporânea a uma onda de importação cultural nos países periféricos. Essas décadas, que trouxeram em seu bojo a influência massiva das tendências pós-dramáticas, praticamente apagaram a antiga criação coletiva e o interesse político e crítico que, como sabemos, figuravam na América Latina. Por isso mesmo Carvalho (2009) – que sugere considerar o movimento do teatro de grupo de 1990 como um terceiro ciclo de politização da dramaturgia nacional – aponta também a natureza diversa desse terceiro momento e o projeto de arte nacional-popular que animava os grupos de 1960. Carvalho (2009: 157) define, assim, a trajetória dos grupos atuais como “distinta, marcadamente negativa”. Nota-se, de fato, a diferença entre o atual ciclo de politização do teatro brasileiro e aquele de 1960. A trajetória dos grupos do passado era indiscutivelmente positiva, impulsionada e fomentada por um ideário e uma prática social de esquerda que abria, então, um campo de possibilidades e expectativas revolucionárias. Hoje, a trajetória política dos movimentos teatrais se dá em negativo, uma vez que alimenta um ideário e uma prática artística de esquerda em um capitalismo que constantemente se fortalece e se recompõe. Embora seja comum aos dois ciclos a articulação entre criação coletiva e teatro politizado, para Carvalho (2009: 158), esses dois movimentos teatrais foram separados por uma “enxurrada liberal conservadora dos anos de 1980” que pouco fez sobrar do desejo de aproximar experimentalismo e pesquisa de uma arte nacional popular. Como nos esclarece Schwarz (2000), a importação de ideologias (e, acrescentamos, neste momento em específico, da ideologia do pós-estruturalismo artístico) e de formas sempre atualizadas acontece, no caso do Brasil, muitas vezes, sem necessidade interna. Sem termos esgotado uma experiência intelectual e crítica anterior, as ideologias e as formas são importadas sem qualquer mediação com o chão material que, em outros países, podem ter lhes dado origem. Nesse sentido, o movimento atual de teatro de grupo é também uma reação às representações artísticas hegemônicas relacionadas apenas ao desejo de circulação e aceitação no mercado nacional e internacional e que, por isso, não se dispõem nem a compreender, nem a tornar compreensíveis processos sociais que, atualmente, não sabemos sequer nomear.

A produção hegemônica, um verdadeiro fetiche do produto à medida que a criação de espetáculos visa exclusivamente à aceitação e circulação, foi estimulada pela política neoliberal então em curso, uma vez que as questões culturais, de interesse público, passaram a ser conduzidas a partir de interesses privados. Iná Camargo Costa e Dorberto Carvalho (2008) explicam o início das ações que culminariam nesse processo. Segundo eles, com o AI-5, a cultura de esquerda é eliminada, da maneira mais torpe, como se sabe. Criam-se, então, as infraestruturas necessárias para o estabelecimento, entre nós, da indústria cultural que ganha expressão principalmente na Embratel (1965) e no Ministério das Comunicações (1967). O ciclo, no entanto, se completa quando, em 1985, o governo da Nova República desvincula o Ministério da Cultura (MinC) do Ministério da Educação: iniciava-se no Brasil a administração da cultura pelo capital.

A criação, em 1991, da Lei Rouanet – política de incentivos fiscais que possibilita que pessoas jurídicas e físicas apliquem uma parte do Imposto de Renda devido em ações culturais – é prova disso e confirma o papel que passa a ser exercido pelo Estado, legitimador do capitalismo global. Como nos esclarece Betti (2012), com a Lei Rouanet, uma empresa patrocinadora podia não só divulgar a sua marca, mas também influir decisivamente no que iria ou não ser produzido na esfera cultural. Sem oferecer políticas públicas realmente adequadas para a cultura, o Estado a relegou também ao capital privado. Diante desta situação, alguns grupos se organizaram politicamente³, por meio do Movimento Arte contra a Barbárie (1999), para discutir os rumos da cultura na cidade de São Paulo. Os artistas interessados em fazer arte não comercial alegavam que a Lei Rouanet não contemplava o tipo de teatro que produziam, na contramão do teatro comercial. O movimento também discutia o papel do teatro na sociedade, pois reivindicava mecanismos regulares de circulação de espetáculos, e teve papel fundamental na formação política desses grupos teatrais.

Além disso, o Movimento resultou na criação de O Sarrafo, jornal de intervenção e debate no e sobre o setor cultural, e na Lei Municipal de Fomento ao Teatro (13.279), redigida por alguns líderes do Movimento, encampada e, posteriormente, aprovada na Câmara dos Vereadores de São Paulo em dezembro de 2001. A lei, por meio de editais públicos⁴, passou a assistir financeiramente a manutenção de projetos de trabalho e produção teatral, pois permite que os grupos ocupem um espaço pelo período de dois anos e que, nele, desenvolvam trabalhos de pesquisa e montagem continuados, sem os quais, como reforça Betti (2012), era difícil se chegar a um amadurecimento artístico e reflexivo. A lei prevê, também, a escolha de projetos artísticos com relevância social e uma contrapartida para a sociedade dos projetos selecionados, isto é, um maior acesso do público ao aparato teatral.

Ao lado da explosão do hip-hop, com o qual tem muito a ver malgrado as diferenças de escala e classe, não sou por certo o único a reconhecer no atual renascimento do teatro de grupo o fato cultural público mais significativo hoje em São Paulo. Fala-se em mais de 500 coletivos, por assim dizer, dando combate no front cultural que se abriu com a ofensiva privatizante. Não são só os números que impressionam, mas também a qualidade das encenações, cuja contundência surpreende, ainda mais quando associada a uma ocupação inédita de espaços os mais inesperados da cidade, gerando pelo menos o desenho de uma mistura social que ninguém planejou, simplesmente está acontecendo como efeito colateral das segregações e hierarquias que o novo estado do mundo vai multiplicando [...] Nos tempos que correm não é pouca coisa converter consciência artística em protagonismo político. Foi uma vitória conceitual também, pois além de expor o caráter obscuro das leis de incentivo, deslocaram o foco do produto para o processo, obrigando a lei a reconhecer que o trabalho teatral não se reduz a uma linha de montagem de eventos e espetáculos. Nele se encontram indissociados, invenção na sala de ensaio, pesquisa de campo e intervenção na imaginação pública. Quando essas três dimensões convergem para aglutinar uma plateia que prescindia do guichê, o teatro de grupo acontece. Mesmo quem honestamente acredita que está fazendo apenas (boa) pesquisa de linguagem, de fato está acionando toda essa dinâmica. (Arantes, 2011: 200-201).

Gostaríamos de destacar desde já que Paulo Arantes (2012) faz algumas ressalvas ao comentar a Lei do Fomento dez anos depois. Trata-se, portanto, de um balanço das contradições por ela geradas. Compreendida à luz da distância histórica como “relativo desaforo material e cativo”, a Lei de Fomento é repensada, sem ilusões, dentro de uma nova conjuntura histórica pautada na centralidade do Estado, constantemente garantida pelas políticas públicas, por meio das quais a cultura, pela Lei de Fomento, também passou a ser beneficiada. Tais como outros movimentos de luta, também o setor cultural teria se acomodado. Segundo Arantes (2012), esse processo se deu em sintonia com a metamorfose da principal força de esquerda do país que, de oposição social, se converteu em oposição eleitoral. Por ora, interessa-nos destacar que não só as condições sociais demandavam uma produção artística que discutisse os valores de uma sociedade neoliberal, mas também as próprias condições artísticas, limitadas. A resistência política desdobrou-se, assim, em um discurso de resistência no nível das obras produzidas e também em uma prática de resistência. Como reforça Betti (2012:120), os setores responsáveis pela criação do Movimento Arte contra a Barbárie organizaram-se novamente em 2003 para a constituição do Fundo Estadual de Arte e Cultura, prevendo uma dotação orçamentária anual fixa para fomentar projetos criados por artistas e produtores independentes, programas municipais e ações estratégicas do governo estadual. Não nos esqueçamos, também, as mobilizações contra as tentativas dos governos municipais de barrar a Lei em 2004 e contra o contingenciamento do orçamento do Minc pelo Governo Federal em 2005, e as passeatas e ocupações da Funarte (Piacentini, 2012). Apesar de algumas contradições, a reflexão e articulação políticas facilitadas pela Lei permitiram que os grupos compusessem, no fim do século XX, um novo perfil para o teatro no Brasil que, coletivizado e politizado, se expandiu em quantidade e qualidade:

O avanço significativo consistiu não apenas na existência dessa mobilização e nos resultados atingidos, mas no fato de ela ter permitido a retomada de perspectivas históricas de ação cultural e de criação artística interrompidas pelo golpe militar de 1964 e pelo AI-5, em 1968. (Betti, 2012:120).

Dada a conjuntura exposta e tendo como horizonte o Brasil, podemos constatar com Flory (2013) que o teatro épico, tal como formulado por Brecht, sobreviveu a duas mortes anunciadas: uma de ordem estética e outra de ordem social. De acordo com a primeira, a teoria e a prática de Brecht pouco significariam diante das tendências pós-dramáticas que, erroneamente, concebem o seu teatro como textual, formalista e racionalista. No entanto, o impulso que ganhou o teatro de grupo em perspectiva crítica no fim do século XX desmente essa possibilidade. Ainda que produções pós-dramáticas,

³ Sobre o assunto: A luta dos grupos teatrais de São Paulo por políticas públicas para a cultura: os cinco primeiros anos da Lei de Fomento ao Teatro, de Iná Camargo Costa e Dorberto Carvalho. São Paulo: Cooperatva Paulista de Teatro, 2008.

⁴ Sobre o processo de seleção, ler: Breve relato do exercício ético praticado em algumas comissões de seleção do Programa Municipal de Fomento, de Alexandre Mate (2012).

caracterizadas pela abstração e centradas mais na performance do que na representação do mundo, sejam predominantes no cenário teatral brasileiro, o teatro crítico como contraponto a esse quadro restritivo fez-se presente e tornou-se ainda mais necessário à medida que se opôs a uma tendência neoliberal que vê o mercado como a instância definidora também da prática artística.

De fato, é grande a quantidade de peças que, por meio do emprego de dispositivos formais épicos, apresentam uma visão crítica da ordem burguesa e de suas formas de representação. O deus da fortuna (2013), do Coletivo de Teatro Alfenim, da Paraíba, parte de uma alusão de Brecht, em seu Diário de Trabalho, a uma peça sobre o deus da fortuna e recorre à referências chinesas para pensar a situação do Brasil. Voltando à China antiga, a peça inicia com um culto ao Deus da Fortuna que está montado em um tigre, o Trabalho. Didaticamente, é exposto ao público que o Deus, o Capital, se alimenta do trabalho. As peripécias do deus, apesar do ritual, não se restringem ao plano metafísico, mas se estendem, principalmente, à vida material. Como esclarece o hoje diretor do Alfenim, Márcio Marciano (apud Carvalho: 2009), a intenção foi unir o plano da alegoria e o plano das determinações do capital no universo das relações privadas. Por isso, temos na peça o personagem do Senhor Wang, proprietário de terras que é a representação excelente de nossa burguesia periférica: do mesmo modo que explora o trabalho dos camponeses, é explorado pelo capital financeiro na figura do agiota Cai Fu. Mais adiante, o Deus da Fortuna toma a forma de Cai Fu para julgar o senhor Wang em outro plano do enredo. Em chave alegórica, a peça apresenta, ainda, as relações que marcam o capitalismo à brasileira: os trabalhadores não se insurgem contra seu opressor, Sr. Wang, visto como “bom patrão”. Como as oferendas ao Deus da Fortuna são inúteis para perdoar suas dívidas, Wang acaba vendendo a própria filha ao credor. No casamento, uma aparição do deus lhe desvenda o futuro com a condição de que um Templo da Fortuna seja construído em sua homenagem. A massa, os colonos, escravos e descendentes de escravos, explorados sem condescendência pelo Senhor Wang, ameaça se revoltar revelando o gérmen do potencial revolucionário; no entanto, logo cedem aos caprichos do Deus da Fortuna, reproduzindo a ideologia do capital. Wang, por sua vez, aprende com o deus que deve abandonar as formas primitivas de acumulação e dedicar-se à especulação financeira. O enredo alegórico, formalizado de forma fragmentada, é um relato cômico da dimensão metafísica conferida hoje ao mercado econômico. Para quem ainda duvida dessa dimensão, basta lembrar-se da crise de 2008, quando pessoas oraram, em Wall Street, diante do símbolo da economia americana, a estátua do touro de bronze.

Ruptura – Um processo revolucionário (2011), da Companhia Ocamorana e dirigida por Márcio Boaro, atenta às lutas da história recente, conta a história do movimento que, com a adesão do exército, derrubou a ditadura salazarista em Portugal na década de 1970: a Revolução dos Cravos. A peça traça ainda um paralelo entre os anos que antecederam, em Portugal, a construção de um processo democrático após 30 anos de ditadura e os meses anteriores à Diretas Já! no Brasil. O espetáculo reforça, com isso, a importância dos processos revolucionários para uma emancipação efetiva. Já a peça Três Movimentos (2013), integrante, inclusive, da programação paulista “O imaginário dos 50 anos do golpe” (2014), é resultado de dois anos de pesquisa realizada a partir do projeto contemplado pela 19ª edição do Fomento ao Teatro da Cidade de São Paulo. Fragmentada em três partes, a peça retrata, tal como propõe o título, três movimentos de luta em diferentes momentos históricos: a década de 1970, 1990 e a atual. O primeiro retrata a resistência à ditadura e a construção de um movimento amplo de trabalhadores expresso na greve do ABC paulista e na resistência pacífica das Mães de Maio que impediram a reação violenta da polícia à greve. Essa primeira parte termina com o julgamento (sem sentença) do assassino responsável pela morte do líder

Operário Santo Dias. O segundo movimento retrata os dilemas de um antigo funcionário de uma corporação prestes a se aposentar. A escolha irônica entre a demissão ou a abertura de uma empresa que continue prestando serviços terceirizados à corporação retrata a chegada da política econômica neoliberalista no Brasil como capitalismo cassino – a bolsa de salários como jogo, ou pior, como mercadoria com cada vez menos valor, dependente de um processo aparentemente decidido por uma máquina que faz cotações mundiais online, como uma assombração viva da precariedade do trabalho contemporâneo. O terceiro movimento, localizado na atualidade, narra a ocupação de uma escola pública abandonada. O encontro de velhos amigos militantes e o conflito entre suas posições ideológicas atuais leva ao fracasso a administração participativa e democrática da escola. A escolha de retratar aspectos da experiência social recente faz com que a pesquisa formal do grupo centre-se no teatro épico e documentário, na acepção de Peter Weiss. Por isso, o recurso a temas históricos, mas sempre historicizados, é constante. Para Weiss (1968), no teatro documentário, o assunto pode até partir do documento histórico intocado, mas não a forma de sua apropriação e expressão cênicas. A importância conferida à formalização estética, necessariamente antidramática, e o seu posicionamento crítico no nível temático, o aproxima do teatro épico:

[...] o teatro documentário se insurge contra a dramática, que faz de seu tema principal seu próprio desespero e raiva, aferrando-se a uma concepção de um mundo absurdo e sem saída. O teatro documentário aparece como uma alternativa, mostrando que a realidade, por mais que seja opaca, inextricável e impossível de compreensão completa, pode ser discutida em cada uma de suas conexões de sentido (Weiss, 1968: s/p) [tradução nossa].

Como não é nossa intenção discorrer sobre a variedade de formas épicas que ganham expressão, recentemente, no teatro contemporâneo brasileiro, nos interessa apenas evidenciar, a partir de alguns exemplos, a sua força e permanência nos palcos. Iná Camargo Costa (2012), em Experimentos cênicos: um enredo, elenca uma série de espetáculos viabilizados pela Lei de Fomento nos últimos dez anos. Para ela, os grupos vêm elaborando uma espécie de “história do Brasil, em cena”. Seu artigo divide-se em três subtemas: 1) “Brasil colônia, império e república”, tema abordado pelas peças A lenda de Sepé Tiraju e João Cândido do Brasil (União Olho Vivo), A guerra dos caloteiros (Ocamorana), Brasil, quem

foi que te pariu? (Trupe Artemanha), Auto dos bons tratos e O nome do sujeito (Companhia do Latão), Entre a coroa e o vampiro (Antropofágica), Higiene (Grupo XIX), Outros quinhentos (Engenho Teatral); 2) “Brasil na Ditadura”, tema abordado pelos espetáculos Pálido colosso e Veleidades tropicais (Companhia do Feijão), Para não dizer que não falei das flores e Os filhos da Dita (Os Arlequins de Guarulhos), Memória das coisas e Enxurro (Fraternal), os dois primeiros atos de Ópera dos vivos (Companhia do Latão), Orfeu mestiço, uma hip-hópera brasileira (Bartolomeu); e 3) “Brasil no desmanche e a resistência”, tema exposto pelas dramaturgias de Babilônia e Êxodus (Folia D’Arte), Frátria (Bartolomeu), O santo guerreiro e o herói desajustado e Bastianas (São Jorge de Variedades), Homem-cavalo (Estável), Pequenas histórias e Em pedaços (Engenho), A rua é um rio (Tablado de Arruar), Youkali e Quando os trabalhadores perderem a paciência (Brava Companhia), e os dois últimos atos de Ópera dos vivos (Companhia do Latão). É significativo que as produções teatrais tenham podido, por meio da Lei de Fomento, compreender, recuperar e representar processos históricos e políticos especialmente no Brasil, país onde o esquecimento é também um projeto programado das classes dominantes.

É possível mencionar, ainda, as montagens e adaptações recentes de textos dramáticos do próprio Brecht, como as realizadas a partir de 1997 pelo Projeto Bertolt Brecht do grupo de Porto Alegre Ói Nós Aqui Traveiz: “Lições de História” com as encenações de Os Fuzis da Senhora Carrar, Quanto Custa o Ferro?, Terror e Miséria do III Reich e A Decisão (1998), e os espetáculos Um Homem é um Homem (1998, trabalho realizado junto ao núcleo de teatro do Círculo Operário Pelotense) e A Exceção e a Regra (1997); Ensaio sobre o Latão (1997) e O círculo de giz caucasiano (2006), da Companhia do Latão; Acordes (2012), dirigida por Zé Celso e encenada pelo Teatro Oficina; e Um Homem é um Homem (2005-2007), do grupo mineiro Galpão, dirigida por Paulo José, apenas para citar algumas entre muitas outras. Portanto, mesmo um levantamento rápido como o nosso desmente a possível falta de espaço para um trabalho dramático com propósitos específicos, que alie – como pretendemos ter demonstrado ainda que brevemente – temas históricos, políticos e sociais ao desmonte ideológico das formas burguesas dominantes.

A segunda obsolescência da obra de Brecht hoje estaria na suposta inutilidade de um teatro anticapitalista sem a perspectiva imediata do socialismo (Schwarz, 1999). Com o fim do bloco soviético (que, como vimos, não representou o fim de uma organização social socialista, mas uma crise conjuntural do próprio sistema capitalista), estaria perdido, para alguns, o horizonte político do qual dependeria o teatro brechtiano. Esta hipótese foi exposta por Schwarz no primeiro evento público em que a Companhia do Latão adotou o nome do grupo. O grupo que, desde o início, procura manter interlocução crítica com intelectuais brasileiros, convidou Schwarz para debater a atualidade de Brecht, assunto dos mais relevantes para uma companhia que pretende adotar a obra do dramaturgo como modelo artístico⁵ e como prática transformadora. No momento, o grupo encenava a peça de Brecht Santa Joana dos Matadouros. Para Schwarz, cuja palestra naquele momento originou o conhecido texto Altos e baixos da atualidade de Brecht (1999), à falta de horizonte político estaria relacionada também a nova configuração do capitalismo que, evidentemente, não é mais o mesmo do início do século XX. Brecht, partindo da naturalização ideológica dos processos sociais constatado por Marx (2013a), podia desnaturalizar em suas peças o comportamento e as práticas desumanizadoras dos capitalistas, procedimento artístico denominado de efeito de distanciamento que, segundo Pasta Jr. (2010: 278), consiste na “metodização do espanto, de sua produção e de seus efeitos”. Agora, em tempos de capitalismo financeiro e despersonalizado, quando as determinações econômicas como fim último de qualquer ação não são mais escondidas, desnaturalizar as práticas capitalistas no palco não seria mais novidade, pois com elas já não mais nos espantamos. A citação do então presidente FHC, reproduzida por nós logo no início, confirma como, mesmo no plano simbólico, as determinações econômicas não são mais escamoteadas. Apesar disso, as desigualdades sociais aumentam cada vez mais e a criminalização daqueles que pretendem combatê-las também. Diante disso, a suposta ausência de alternativas ao capitalismo não seria uma armadilha ideológica ainda mais perigosa? Justamente devido ao empenho do discurso conservador em naturalizar as relações de exploração, é cada vez mais indispensável criticá-las. Não seria, de fato, a postura desnaturalizadora e historicizante por parte da arte, nesse caso, ainda mais necessária e urgente? Carvalho (2009), algum tempo depois, responderia nesses mesmos termos às inquietações levantadas por Schwarz (1999). Dentre várias, uma de suas justificativas para a atualidade de Brecht merece ser reproduzida dado seu poder de síntese:

Era evidente que existem diferenças entre o capitalismo do começo do século XX e o atual. Mas uma leitura atenta – e interessada – da peça mostra que Santa Joana mantém uma distância crítica em relação aos materiais retratados porque sua principal questão é de método da análise social. Assim, Santa Joana não é um retrato verista de um processo de crises no mercado de carnes estadunidense, mas sobretudo uma encenação da teoria das crises de Marx tal como formulada em O capital. (Carvalho, 2009: 20).

Caso ainda seja necessário, podemos lembrar como última justificativa para a utilização do modelo artístico brechtiano em tempos de naturalização extrema da exploração capitalista, que o próprio Brecht produziu a maior parte de sua dramaturgia sob o signo da “falta de imediatidade” (Pasta Jr, 2010: 258). Durou pouco, se obversarmos todo o período da produção de Brecht, a iminência da revolução enquanto possibilidade efetiva que fundou a sua prática artística. É preciso considerarmos, portanto, que entre os anos de 1933 e 1948 Brecht trabalhou exilado e privado de seu público, grande parte trabalhadores berlinenses que, associados ao Volksbühne (cena do povo), dialogavam interessadamente

⁵ Com a expressão “modelo artístico” não queremos dizer, no caso da Cia. do Latão, que o grupo se apropria das técnicas teatrais cuja única função é promover um estilo brechtiano. Ao expormos, em seguida, a inocuidade e a contradição dessa prática, pretendemos enfatizar que este absolutamente não é o caso da Companhia do Latão, que tem o Brasil como horizonte temático e a experimentação formal constante como horizonte estético. Sobre isso, vale a pena reproduzirmos uma fala de Sérgio de Carvalho (2009) que esclarece a questão: “Em nossa prática, sempre interessou mais o projeto de Brecht do que seus achados formais, o seu uso livre da dialética marxista no campo da estética, do que suas geniais figuras cênicas resultantes desse método.” (Carvalho, 2009: 208).

com o que estava sendo produzido. Por todo esse período e mesmo antes dele, a Alemanha, outrora lugar de luta revolucionária, foi palco de um intenso processo de contrarrevolução, dos mais catastróficos. É Pasta Jr. (2010) quem nos lembra que grande parte da força do trabalho de Brecht consiste na sua capacidade de assimilar internamente em sua obra todos os aspectos da falta de imediatidade a que estava radicalmente condenada

Se a fase imediatamente anterior de Brecht fora dominada, como para o jovem Schiller, pela “tentativa de exprimir no drama os problemas morais da atitude revolucionária” (lembrem-se A decisão, Aquele que diz sim e aquele que diz não, A exceção e a regra), a partir de 1933 o problema central passa a ser a dificuldade de enfrentar, literariamente, a presença ameaçadora, maciça e crescente da contrarrevolução, cujo avanço, durante grande parte da guerra, nada autorizava a acreditar contido ou, sequer, resistível. A Alemanha, que pouco antes se acreditava viver a iminência revolucionária, via-se transformar na pátria da contrarrevolução. (Pasta Jr., 2010: 259).

Se, contudo, apontamos as duas mortes possíveis da obra de Brecht e a ambas refutamos a partir, ao menos, do contexto brasileiro, outra morte ainda seria possível e talvez mais dificilmente refutável. Schwarz (1999) é quem também a menciona: a apropriação dos recursos formais épicos sem a dimensão política, deles indissociável. Essa apropriação reduz a teoria de Brecht a técnicas isoláveis, das quais o uso dos recursos de distanciamento pela publicidade e pela mídia é apenas um exemplo. Não precisamos, contudo, nos distanciar do teatro para identificar o desmonte dos dispositivos dialéticos brechtianos. Na edição de 2015, o Festival Internacional de Londrina (FILO), festival de teatro tradicional no estado do Paraná e hoje em sua 47ª edição, trouxe como uma das peças de sua programação. Diga que você está de acordo! Máquina Fatzer (2014), da companhia cearense Teatro Máquina. A montagem parte dos fragmentos do texto inacabado Fatzer de Brecht. Escrito entre 1926 e 1931, o texto retrata quatro soldados da primeira guerra confinados na casa de um deles à espera de uma revolução. Por isso, cada decisão precisa ser debatida com cuidado, mas o ex-soldado Fatzer é o egoísta do grupo, dificultando este processo. A peça seria, segundo a crítica, uma paródia da formação dos soviets. Heiner Müller, mais tarde, ordenou os fragmentos brechtianos originais e a obra foi publicada com o nome O Declínio do Egoísta Johann Fatzer. Segunda Fran Teixeira (2015), diretora do grupo, na montagem do Teatro Máquina, o foco é o lado formal e gestual de Brecht, não diretamente o político:

Esse é um autor instigador do nosso trabalho, mas não fazemos teatro engajado, nem ‘brechtiano’ [...] Nosso espetáculo não retrata apenas quatro soldados confinados. É muito mais sobre o acordo e sobre o que nos resta. Sobre esse lugar sombrio que revela a natureza, revela o que pensamos termos construído como humanidade, revela o que não podemos entender como homens, o que não queremos saber. (Teixeira, 2015: s/p).

Brecht, que tudo queria explicar justamente porque tudo, como homens, podemos entender e modificar, utilizava seus recursos formais e gestuais para ensinar. Sem desconhecer que a reportagem na qual as afirmações da diretora foram divulgadas possa ser tendenciosa e ter sido, por exemplo, editada, acreditamos que, ainda assim, sua afirmação sirva de exemplo sobre como a crítica materialista pode ser facilmente abandonada em função de formulações idealistas autorreferentes que, como esclarecia Guarnieri (1981: 7) ainda na década de 1960, “servirão somente para nos obscurecer sem nada de novo ou verdadeiro nos dar”. Por isso, para os, hoje, no Brasil, interessados na obra de Brecht como modelo artístico – como vimos, não são poucos, embora estejam, ainda assim, à margem – torna-se necessário não só reinventá-lo 1) a partir de temas especificamente brasileiros, mas, principalmente, a partir do que as décadas de 1930 e 1960 legaram à arte: a reinvenção das formas; procedimento que contempla tanto 2) a negação da incorporação mecanicista dos recursos formais épicos, quanto 3) a apropriação épica do repertório dramático burguês existente. A presença desses três fatores na produção dramatúrgica do teatro de grupo a partir de 1990 é o que nos motiva a registrar, ainda que brevemente, a sua formação e parte de sua trajetória.

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Continuidades, rupturas y oportunidades de la izquierda mexicana, 30 años después de la caída del muro de Berlín

Ruptures, continuities and opportunities of the Mexican left, 30 years after the fall of the Berlin Wall.

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RESUMEN

El presente texto busca explicar el devenir actual de la izquierda en México. A partir del giro que presentaron las organizaciones políticas con la caída del muro de Berlín. Donde surgieron nuevos partidos y organizaciones, muchas de éstas como fusiones y escisiones. El triunfo del partido Movimiento de Regeneración Nacional (MORENA) representó la coronación de este devenir. Pero no fue sino a costa de la extirpación de todo proyecto político que representó una transformación del capitalismo mexicano. Sin embargo, una izquierda no electoral se fue también construyendo al margen del sistema político mexicano. Ésta resultó la que mayor similitud guarda con la vieja izquierda socialista en México. Pero su desacierto en muchos casos ha sido la de quedarse en el aislamiento, de no lograr trascender en la influencia más allá de los círculos cercanos o en regiones específicas. A pesar, de esto el mapa político en México quedó abierto a la disputa. Los partidos tradicionales están en su inanición, el nuevo gobierno en sus primeros seis meses tiene una serie de dificultades. Las cuales, por ahora, son sorteables debido a los altos márgenes de popularidad que goza el presidente. Para los militantes de la izquierda anticapitalista toca escribir una historia nueva para México.

Palabras clave: México, izquierda, socialismo, Muro de Berlín.

ABSTRACT

The present text seeks to explain the current evolution of the left in Mexico. From the turn presented by political organizations with the fall of the Berlin Wall. Where new parties and organizations emerged, many of these as mergers and divisions. The triumph of the National Regeneration Movement party represented the crowning of this past. But it was at the expense of the extirpation of all political projects that represented a transformation revolutionary of Mexican capitalism. However, a non-electoral left was also building outside the Mexican political system. This left have more similarity with the old socialist left in Mexico. But his mistake in many cases has been to remain in isolation, not to transcend influence beyond nearby circles or in specific regions. In spite of this, the political map in Mexico was open to dispute. The traditional parties are in their starvation, the new government in its first six months has a series of difficulties. Which, for now, are available because of the high margins of popularity enjoyed by the president. For militants of the anti-capitalist left, it's time to write a new history for Mexico.

Keywords: Mexico, left, socialism, Berlin Wall.

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INTRODUCCIÓN

La definición de lo que representan los partidos u organizaciones políticas de izquierda resulta compleja. Bobbio en 1994 ya había apuntado la redefinición del concepto. Otros autores abonaron también al debate sobre la definición y crisis de la vieja izquierda (Adamovsky, Ezequiel, 2007.). Evidentemente, la definición de la misma, no puede más que cargar el peso del contexto espacio temporal de cada uno los autores. Así como sus propias inclinaciones personales. Sin embargo, en el lenguaje cotidiano, el que no necesariamente circula por la academia. El término de izquierda, aún con lo empantanado que puede resultar continúa teniendo una simplificación explicativa. La cual irremediablemente sigue incluyendo desde las posturas más revolucionarias y aquellas más cargadas hacia la socialdemocracia. En este conjunto de posiciones es claro apreciar algunos postulados elementales como redistribución de la riqueza, la intervención estatal en distintos ámbitos de lo social, la lucha por los derechos humanos, las regulaciones al mercado. Así como la posibilidad de construir otro tipo de sociedad diametralmente opuesta al capitalismo. Estas y entre otras características constituyen lo que significa la izquierda política.

Sin embargo, en la etapa particular de políticas económicas que corre en la región desde hace más de tres décadas la izquierda prácticamente incluye a todo aquello que aparezca como una alternativa al proyecto neoliberal (Pousadela, 2010 : 11-12). En efecto, actualmente pueden caber en el mismo concepto desde la izquierda socialista revolucionaria hasta aquellas con un giro reformista nacional-popular.

La caída del muro de Berlín represento en la línea del pensamiento conservador el triunfo absoluto del capitalismo. No había opción alguna, el “fracaso” soviético para ellos era la evidencia de que el capitalismo se erguiría sobre el planeta como única opción de desarrollo económico.

En cuanto a la izquierda en distintos países, especialmente en la región latinoamericana, su posición pareció correr entre un ostracismo (Petras, James, 2009: 431) y una reconversión discursiva. En esta última sus tendencias fueron notables: rupturas internas, alianzas impensables y discursos democráticos (Rodríguez Lazcano, 2004: 173).

El ascenso vertiginoso de las políticas neoliberales a principios de los noventa junto con los sucesos políticos del este europeo delinearón las siguientes tres décadas de lucha. Desde el vínculo que se erigió entre ciertas fracciones del radicalismo de izquierda, algunos con la herencia guerrillera (Pomar, Valter, 2009: 55), con las facciones que se desprendieron de los partidos corporativos tradicionales. Hasta la izquierda de filiación cuasi religiosa de una buena cantidad de lo que hoy son grupúsculos a nivel latinoamericano. Éstos aún mantienen tradiciones políticas maoístas, estalinistas o trotskistas entre otras derivaciones (véase, Löwy, Michael, 1980), que en muchos casos terminan en el sectarismo. Por otro lado, el surgimiento de una izquierda mucho menos canónica y más abierta a la lucha contra los procesos globales. Encabezada principalmente por los movimientos indígenas, feministas y ecologistas aunque su posición de fuerza en buena medida depende del contexto nacional en que se gestaron. Estas luchas salían de un marco de análisis restringido a la relación capital-trabajo y de lo netamente electoral. Aunque tampoco lograron hacer viable su proyecto político para el conjunto de la población.

Nosotros partimos de la tesis de que gran parte de la izquierda latinoamericana que ha participado en los procesos electorales más recientes y ha resultado ganadora con amplias bases sociales son resultado del vínculo que se entrelazó entre facciones de la izquierda radical (socialista-comunista) y desprendimientos de militantes y militares de los partidos hegemónicos tradicionales. Donde los primeros terminan siendo subordinados a los segundos, generalmente. Esta alianza puede explicarse en parte, a la caída del bloque soviético, lo que significo falta de brújula política, aun cuando se mantuviera una distancia o crítica ante el Partido Comunista de la Unión Soviética (PCUS), para las organizaciones más radicales. A su vez, el ascenso de la tecnocracia neoliberal que para ciertas facciones de los partidos tradicionales significo un desplazamiento político. En donde no pudieron entrar, no supieron o no quisieron simplemente por cuestiones ideológicas nacional-populares. El resultado de este proceso sin duda lo terminarían culminando en su tiempo Chávez, Kirchner, Evo, Lula, Mujica (entre otros) o como se les adjetivo, los populistas radicales (Gilly, Adolfo, 2004: 188). Proceso que presentó un ciclo, con distintas etapas y alcances, donde se dieron ciertos avances en temas redistributivos y pero también regresiones políticas importantes en algunos momentos de sus gobiernos (Modonesi, Massimo, 2017). Aunque a final de cuentas se introdujeron pocos cambios en la estructura social básica de la riqueza (Petras, James, 2009). Resultando imposible para sus gobiernos dismantelar la estructura económica vigente.

Es texto centrará su atención especialmente a lo acontecido en México. Donde los procesos de lucha de esa izquierda post-URSS (Almeyra, Guillermo, 2013: 330) y de aquellas facciones del Partido Revolucionario Institucional (PRI) empataron tempranamente con la candidatura de Cuauhtémoc Cárdenas. Posteriormente vendría la fundación del Partido de la Revolución Democrática (PRD), pero tardíamente lograron el triunfo tres décadas después con la constitución de MORENA. En efecto, la llegada al gobierno federal de este partido cierran ese ciclo de alianzas construidas entre las bases del ala nacional-popular del priismo y otras organizaciones de la izquierda socialista (alguna recargadas al estalinismo, o la guerrilla, otras, las menos, al trotskismo). En los hechos estas posiciones políticas terminaron sucumbiendo, fueron absorbidos, transformados o domesticados por las dirigencias dominantes. Primero con el nacimiento del PRD y dos décadas más tarde con la constitución de MORENA. La intención de este texto es rastrear las huellas, los remantes que quedaron en la izquierda actual de México, donde muchas de estas prácticamente desaparecieron. Sufrieron una licuefacción imposible de recuperarse hasta el día de hoy.

1. Los orígenes

El surgimiento del Frente Democrático Nacional (FDN), la candidatura de Cárdenas y la posterior fundación del PRD constituyen un momento de cambio importante en la izquierda mexicana. Ya sea desde su postura más radical hasta la que se pueda considerar moderada. En menos de dos años la izquierda mexicana se reestructuro de forma notable, se articularon las tendencias descritas. Pese a que aún no había caído el muro de Berlín, y aún sin que se hubiera formalizado la desintegración de la URSS. Las reformas económicas y políticas (perestroika y glasnost) que se llevaba a cabo desde los primeros años de Gorbachov para forjar una estructura social más abierta anunciaban cambios profundos. Con ello la influencia de Moscú sobre una buena cantidad de partidos comunistas a nivel mundial daría un viraje impresionante (Dabat, Alejandro, Toledo, Patiño, 1992: 186). Mismo que ya tenía desgastes y roces desde un par de años atrás con la distintas corrientes que pusieron en duda los planteamientos de la línea política por donde se deberían conducir.

Muchos partidos comunistas de Europa tomaron distancia frente al PCUS. En cuanto América Latina, la tendencia marcaba también un cierto alejamiento. En México el Partido Comunista Mexicano (PCM) en sus inicios tuvo una importante influencia del PCUS al replicar la línea política del frente proletario, en sus primeros años de existencia. Lo que le permitió ganar rápidamente enemigos del régimen, como Calles, y posteriormente ser promotor de las principales centrales obreras del país. Sin embargo, el PCUS y por tal la Internacional Comunista cambio de táctica drásticamente con la línea política del frente popular en su VII Congreso a mediados de los años treinta (Niszt Acosta, 2012: 23). Ello conlleva a que el PCM replicará mecánicamente esta táctica. Ello significo en su tiempo empatarse políticamente con el priismo en su carácter nacional popular relegando el socialismo al segundo plano. Sin embargo, esta relación comenzaría a fracturarse cuando a causa del XX Congreso del PCUS se denunciaron los crímenes estalinistas (Concheiro, Elvira, 2014: 32).

Finalmente la relación estaba por concluir cuando a finales de los setenta en el XVIII congreso del PCM Arnoldo Martínez Verdugo plantea la posibilidad de fusionar y cambiar el nombre (Rodríguez, Araujo, 1986: 197) a una de las organizaciones políticas más viejas del país. Este hecho nos parece central para entender el devenir de gran parte de la izquierda socialista-comunista de México. En esos momentos, la guerrilla en México estaba prácticamente aplastada, a excepción de algunos bastiones que construirían otra historia al sur del país, o por los remanentes del Partido De Los Pobres (PDLP), que justamente secuestraría de forma abrupta a Martínez Verdugo. La participación en las elecciones había tomado peso en las discusiones de los comunistas de aquellos años. La revolución no estaba cercana y de forma similar al eurocomunismo tomo peso la participación en el sistema político “oficial”.

De esta manera la progresiva desvinculación entre el PCUS y el PCM dio origen, posteriormente, a una serie de partidos menores. En otros casos había un fraccionamiento importante entre corrientes que mantenían vínculos con el PRI y a la vez con aún PCM, así como organizaciones que quedaban entre sus posturas “socialistas” y los acercamientos evidentes con el priismo tal fue el caso del Partido Popular Socialista (PPS) (Rodríguez, Araujo, 1989: 149). Para principios de los ochenta el histórico PCM dejó de existir. En su lugar el recién PSUM marco un giro significativo en su orientación. Donde se empalmaba más con los principios del eurocomunismo que con los posicionamientos tradicionales del PCUS. Lo primordial eran las libertades, la liberación de los presos políticos, la eliminación de cuerpos de seguridad pública, que resultaban anticonstitucionales, luego la libertad de afiliación política y de refilón la libertad de organización sindical y de huelga (Martínez, Verdugo, 1982: 159). En efecto, cuando revisamos los discursos de uno de sus principales dirigentes como lo fue Martínez Verdugo, vemos que en líneas claras el socialismo no aparece en referencia alguna de profundo calado. Con ello se terminaba formalmente la relación con el PCUS (Hirales, Gustavo, 1989)

Con la candidatura de Cárdenas y del FDN la izquierda socialista-comunista que se integró de forma, quizás precipitada al proyecto, no apareció ni en discursos, ni en programas (Niszt Acosta, 2012: 220) . El ganador de la coyuntura de finales de los ochenta no sería precisamente la izquierda sino el nacionalismo revolucionario a la postre

El PRD nació así con un claro predominio del nacionalismo frente a la corriente socialista y comunista, con profundas diferencias en su interior que, a pesar de la esperanza de cambio que prometía, no dejaron de hacerse presente incluso durante los primeros años del partido (Niszt Acosta, 2012: 221)

Por otro lado, vale la pena recordar el papel del trotskismo en México. A nivel internacional en el seno de la IV internacional, se abrieron dos posiciones respecto a la guerrilla y al eurocomunismo. Donde Ernest Mandel encabezaba el ala pro-guerrillera y posteriormente su fijación hacia el eurocomunismo, en los ochenta. En tanto que Nahuel Moreno sería parte del ala ortodoxa, de la construcción de un partido obrero y de masas al estilo clásico del leninismo. Las diferencias entre ambos dirigentes estuvieron presentes en varios momentos en la historia política a nivel internacional pero llegaron a su máxima culminación con la revolución nicaragüense (Véase Moreno, Nahuel, 2013 y Mandel Ernest, 1973). Para ambas tendencias los sucesos ocurridos en 1989 marcaron también un cambio de época sin precedentes. La caída de la URSS terminaría por diluir los ejes clásicos bajo los cuales se sostuvieron las distintas posiciones del trotskismo a nivel internacional. La fragmentación de toda la corriente trotskista no se hizo esperar. Desde el propio mandelismo hasta el propio morenismo fueron arrastrados por la caída de la URSS. Si bien la atribución que cada uno delimitó sobre este hecho fue diferente, la cuestión es que el referente de reacción, como lo fue el estalinismo desapareció del mapa político internacional. Fuese para bien o para mal, ahora

la ruta estaba a la deriva. Aunque la historia quedaba abierta, lo cierto es que para la izquierda marxista, tenían la posición política menos ventajosa. No importa cuánto se pudiera renegar del estalinismo soviético. Para la derecha y para los neoliberales el socialismo estaba muerto y con él todas sus expresiones de lucha política. Alegar que el socialismo en la URSS nunca lo fue, era una batalla infructuosa, era remar a contracorriente.

En México, de forma muy similar como ocurrió con el PCM en relación a la Internacional Comunista, se dieron replicas semejantes de las posiciones internacionales del trotskismo. Entre los cincuentas y sesentas, las fracturas, divisiones entre sus organizaciones fueron una constante, fuese entre el Partido Obrero Revolucionario (POR) o con la Liga Obrera Marxista (LOM). A principios de los setenta se dio todo un proceso de formación y escisiones de nuevas corrientes trotskistas. Todo ello terminaría por culminar con el nacimiento del Partido Revolucionario de los Trabajadores (PRT). Un acelerado y profuso crecimiento en las masas, le daría un enorme reconocimiento a nivel nacional e internacional.

Sin embargo, con el registro logrado por parte del PRT en los ochenta. Aunado a la crisis que el propio sistema de partido único mostraba en México, la organización sucumbió. Una parte importante de sus militantes conformaría otra organización que sería posteriormente absorbida por la candidatura de Cárdenas (Modonessi Masimo, 2003: 107). Ya para los noventa no existía partido trotskista solido que fuese de masas de alcance amplio en México (Revista Proceso, 2009). El PRD vino a darle un cierre a esta enorme tradición absorbiendo a sus militantes. Incluso la corriente británica Militante que germinó ahí intentó conquistar posiciones dentro del partido sin lograrlo. El resto que no fue subordinado por el PRD, quedó al margen de la política electoral. El resultado fue la formación de varios grupos trotskistas, algunos de ellos sin una clara política efectiva con las masas y/o con los trabajadores otro tanto con vínculos con trabajadores y sindicatos, aunque sin lograr tener una gran influencia. Eran tiempos de reflujo político para la izquierda socialista-comunista. No solamente era difícil sino imposible lograr sortear las condiciones estructurales que imponían el sistema político nacional y el escenario mundial después de la caída de la URSS.

Con lo señalado hasta aquí dejamos de lado una innumerable cantidad de organizaciones que se asumían de izquierda a finales de los ochenta. Pero muchas de estas desaparecieron, otras tuvieron una duración efímera. Algunas surgieron como desprendimiento de otras. Incluso algunas fueron parte del entramado del régimen priista para “[...] simular que en México hay democracia” (Castillo Heberto, 1974: 18) como el caso del PPS y el PST. Quizás el Partido Mexicano de los Trabajadores (PMT) constituyó el único bastión con independencia de Moscú o de alguna organización internacional. Éste fue heredero de la intelectualidad del 68, aunque no logró trascender, pues al igual que el Partido Socialista Unificado de México (PSUM) y parte del PRT terminarían engrosando al PRD posteriormente. De forma similar ocurrió con algunas organizaciones maoístas que tuvieron remanentes e influencia en las disidencias magisteriales, por ejemplo, la Organización de Izquierda Revolucionaria – Línea de masas (OIR-LM), así como el Movimiento Revolucionario del Pueblo (MRP) que tuvo también una orientación maoísta pero en el sector urbano popular entre muchas otras más organizaciones (Martínez González, Víctor, 2005: 54).

Pero como señalábamos la historia no solo se inscribía en la lucha electoral. La cual en muchos casos se volvía el fin último de las organizaciones descritas, aun cuando formalmente no lo expresaban. Pues era una condición casi estructural, mantener un doble trabajo, entre lo que declaras como fin último de la lucha y entre la cotidianidad del sentido político (en este caso de lo electoral) parece algo difícil de mantener a flote a largo plazo. Sin que esto último termine desdibujando lo primero. Justamente fuera de lo electoral, estaban aún organizaciones guerrilleras que no estaban en el punto ebullición, tampoco en la lucha electoral sino la construcción societal en territorios olvidados. En ello es como se construyó el proyecto zapatista.

En los orígenes el Ejército Zapatista de Liberación Nacional (EZLN), aún sin dicho membrete, tuvo como referentes experiencias guerrilleras de los sesentas y setentas. Empero, el proceso se complejizó cuando los contactos con los pueblos indígenas se hicieron presentes en la Selva Lacandona (Hernández Millán, 2006: 266). En efecto, las luchas agrarias indígenas entre otra innumerable cantidad de exigencias y resistencias de los pueblos originarios de Chiapas imprimieron en los rebeldes guerrilleros concepciones más acabadas que el guerrillerismo tradicional. Éste en la mayoría de los casos terminó por ser aniquilado. Justamente el camino que se tomó cuando se llegó a Chiapas, por segunda vez por parte del Fuerzas de Liberación Nacional (FLN), fue inversamente proporcional al que labró el guerrillerismo clásico. La construcción directa, y conjunta con las comunidades indígenas, de un contrapoder en territorios que el Estado mexicano dejó al olvido no así de la represión que mantuvo constantemente. Quizás la virtud de esta izquierda es que no cayó en intentar ser la vanguardia que iluminaría el camino hacia el estallido directo y mediato de la revolución social. Su virtud estuvo en la propia apertura frente al movimiento campesino e indígena de Chiapas. En ello, la mayoría de las guerrillas mexicanas erraron, muchas de éstas quizás con la intención de replicar el foquismo guerrillero emprendieron un camino de aislamiento que no las potencializó. Para el EZLN quizás el derrumbe del bloque soviético no haya significado tanto, pues a finales de los ochenta la idea original: la insurrección foquista ya había sido superada. En este sentido, la caída de la URSS tuvo un mayor impacto con los partidos políticos socialistas y comunistas del centro del país que con los zapatistas.

2. Las rupturas y continuidades

Es complicado hacer saltos en la historia del tiempo presente que no resulten perniciosos en el entendimiento del devenir actual. Sin embargo, suelen ser necesarios para poder enfatizar los momentos históricos más importantes,

aún más cuando lo que se está de fondo son asuntos políticos, en este caso el devenir de la izquierda.

Cómo apuntábamos al inicio la izquierda electoral en México en buena medida tiene su nacimiento consolidado con el surgimiento del PRD, y a la vez, con la desintegración de la URSS. No son ajenos estos procesos a la forma en que se siguió desarrollando la política nacional en los noventa y en la primera década del siglo XXI. Pues la falta de brújula política de izquierda a nivel internacional sea para bien o para mal había desaparecido. En tanto que el PRD capitalizó a buena parte de toda la izquierda socialista-comunista, al tiempo que la subordinó. La dirección del PRD iba a estar en manos principalmente del ala priista desheredada. No es de extrañar que en los primeros diez años de existencia el PRD tuvo como presidentes del partido únicamente políticos ex-priistas. Los que alcanzaron la dirección del partido o cargos de elección popular, con un pasado socialista-comunista, lejos de reivindicarlo o continuar con su crecimiento al interior del partido, lo prescribieron. De alguna forma era casi natural prescribirlo pues para entonces el partido ya estaba firmemente cimentado con los postulados de toda la pléyade ex-priista.

Empero, el punto álgido del PRD no vino con el inevitable triunfo de Cárdenas como Jefe de Gobierno al Distrito Federal. Sino con la Candidatura del Andrés Manuel López Obrador (AMLO) en las elecciones de 2006. El programa político del PRD y de la coalición *Por el Bien de Todos* marcaba una ruta diferente a la política neoliberal ortodoxa. Quizás fue el momento, en que más cerca estuvo de darle un viraje de mayor profundidad al neoliberalismo. Aunque es preciso recordar que desde esta campaña electoral, siempre se cuidaron los términos respecto al modelo económico. Empero, el fraude asestado terminaría marcando una de las derrotas más duras para la izquierda electoral en México, pese a las movilizaciones posteriores. En las elecciones de 2012, aparecieron nuevas demandas, ya no sólo se hablaba del cambio de modelo económico sino del viraje de la política de seguridad interior en el país. Así comenzó la lucha electoral de 2012, donde AMLO ahora tuvo un lenguaje menos visceral pero con un cierto símil al proyecto de nación de 2006. Sin embargo, las contradicciones internas del PRD estarían a punto de estallar.

El nacimiento de MORENA dentro del panorama de la izquierda electoral representó un importante punto de inflexión para la izquierda electoral en el país. Fue una ruptura que manifestó el alejamiento ideológico del nacionalismo revolucionario del PRD por parte de una de sus corrientes internas hegemónicas (Nueva Izquierda). Aunque muchos miembros de ésta, tenían un pasado socialista y más vinculante al nacionalismo revolucionario, ahora abrazaban abiertamente la socialdemocracia. (Othon, López-Saavedra, Tamayo, Carcia Castro, 2011: 12). Así el surgimiento de MORENA tuvo sin duda una diferenciación importante respecto al PRD

“[...] Morena posee rasgos claramente más conservadores que los del PRD surgido en 1989 –que mantuvo características izquierdistas por lo menos hasta 1997 y quizás hasta 2000, aun en medio de fuertes tendencias nacional – populares y socialdemócratas que a la postres se fueron imponiendo [...]” (Modonessi, 2017: 153-154)

Por otro lado, las tendencias que ha tenido el discurso de AMLO y su equipo de colaboradores más que el propio partido MORENA (pues éste apenas cumplirá 5 años de fundación), han tenido un cambio drástico. Es decir el progresismo proyectado por AMLO y compañía en 2006 y 2012 es notablemente diferente al que presentó en las elecciones de 2018.

En suma, el PRD dejó de representar progresismo alguno, al menos en materia redistributiva. Fue partero del Pacto Por México, el paquete de reformas estructurales de esencia neoliberal. En tanto que MORENA mantuvo desde su fundación un doble discurso, el que se veían en los mítines populares (de un populismo radical y redistributivo) y el que se planteaba cuando se daban convenciones empresariales (manteniendo ciertos aspectos de política económica neoliberal). Esta lógica, acompañaría casi toda la campaña de AMLO en 2018. En buena medida, debido los intereses que articulaba MORENA, sea desde las bases de militantes decididos y con una perspectiva de izquierda, pero también de las elites empresariales que se sumaron al proyecto.

Sin embargo, alejados del “halo” de la izquierda electoral, una buena cantidad de procesos subyacentes de lucha estaban presentes. Sin tomarlos en cuenta es difícil entender que básicamente ya para el siglo XXI, el PRD y posteriormente MORENA, ya poco tenían que ver con las herencias que confluieron a finales de los ochenta. La caída de la URSS y en general el proyecto socialista, ya no representaba referencia alguna para la izquierda electoral. Tampoco para algunos dirigentes con pasado socialista o comunista. Empero, la historia persiste y las huellas se mantienen. Quedando una buena cantidad de grupos de izquierda socialista y comunista en México. Resabios de socialismo que se habían mantenido, que seguían con cuadros políticos y con una organización persistente. Aunque sus alcances fueran extremadamente modestos. En determinadas coyunturas tuvieron una presencia destacable, fuese en el movimiento obrero, estudiantil, campesino, indígena, popular, feminista, en la búsqueda de desaparecidos o la lucha por los derechos humanos o la desmilitarización. Esa izquierda que por momentos se haya sin nombre por la bastardad en que está constituida ha actuado al margen de los procesos electorales. Si señaláramos algunas con sus nombres sería injusto para el resto. Empero, quizás la más evidente haya sido la del EZLN. Porque construyó un importantísimo proyecto en Chiapas y encaró en distintos momentos al PRD y en 2018 a MORENA. Las vicisitudes entre ellos y la izquierda electoral siempre fueron persistentes desde comienzos del siglo XXI.

3. Las oportunidades

La candidatura, por la vía independiente, de María de Jesús Patricio (Marichuy) fue una importante contribución por parte del movimiento indígena y con ello del EZLN. Donde se planteó emprender un camino más abierto para construir nuevas oportunidades de lucha. En este proceso se articularon un conjunto de organizaciones de izquierda, sea en el plano estudiantil, sindical o partidario (Luna Hernández, González Contreras, Madonessi, 2019: 32), aunque algunas también quedaron al margen. Fue sumamente complicado intentar lograr el registro frente al INE que apretó los candados y dejó claro para quien se había diseñado la arquitectura de las candidaturas independientes. Pese a todos los esfuerzos que realizaron los activistas de distintas organizaciones que apoyaban la candidatura, resultó imposible alcanzar el número de firmas requeridas, en el tiempo tan corto que se estableció.

La campaña de Marichuy para lograr el registro no tuvo el despegue más idóneo. Aunque la caravana que emprendió fue importante no logró conectar con la mayoría de la población mexicana. Tampoco amplió significativamente las bases sociales para el propio movimiento indígena. Sería difícil conocer la valoración que el conjunto de la población mexicana le dio a la candidatura indígena. Pero evidentemente no trascendió más que para los activistas de la izquierda no electoral.

Más allá de los desaciertos que pudo tener el proceso, resulto importante la cantidad de organizaciones que se adhirieron. Todas o la mayoría con un claro carácter anti-capitalista se sumaron para lograr el registro. Justamente ahí residió la importancia de la propuesta del movimiento indígena y del EZLN.

Cuando miramos las cosas en retrospectiva, podemos encontrar un conjunto de deficiencias que pudo guardar la candidatura de Marichuy. Pero también los aciertos que se apreciaron, no solo evidenció un régimen electoral terriblemente emmohecido y carente de frescura política. Donde la posibilidad de acceder a él para la mayoría de los mexicanos que hayan estado al margen de los partidos tradicionales (PAN, PRI y PRD) quedó descartada completamente. Por otro lado, mostró la necesidad urgente de converger políticamente y de forma táctica a través de los procesos electorales por parte de la izquierda anticapitalista. En efecto, al igual que a finales ochenta apareció posibilidad electoral, quizás por una cuestión, táctica, de amplificar la voz de la izquierda anticapitalista. Pero ahora, la historia ya había enseñado que era necesario marcar una independencia política, no repetir lo que ocurrió cuando el grueso de cuadros militantes engrosó las filas del FDN y luego del PRD. Dejando de tener una política crítica e independiente por aparecer en las boletas electorales pero de la mano de los mismos “finqueros” —expresarían los zapatistas, respecto al triunfo de AMLO—.

Entre las continuidades y las rupturas de la izquierda no electoral en México con los años ochenta aparece de forma más clara una profunda ruptura. Las continuidades ahora menos visibles y más endebles parecen estar más a cargo aún de un conjunto de organizaciones socialistas, un pequeño reducto que ha quedado en su mayoría en el aislamiento. La posibilidad de que estas corrientes puedan vincularse y ganar adeptos dependerá en buena medida en que estén dispuestas también a construir, como lo hicieron algunas, con la propuesta del EZLN. Su fortaleza será en no perder la independencia política, manteniendo siempre un proyecto que pretenda realmente transformar estructuralmente al régimen capitalista. Su debilidad radicará, cómo lo demostró la historia, en sus tendencias sectarias, su falta de autocrítica, sus discusiones de complacencia, sus análisis sin profundidad y su panfletismo no propositivo. Y no menos importante en su precario trabajo artesanal —diría Lenin— con el pueblo trabajador.

Las oportunidades están presentes, el triunfo apabullante del nuevo gobierno (a nivel federal y estatal) dejó en la ruina política a los principales partidos electorales. Su influencia decayó y ahora son meros apéndices del sistema de partidos en México. En tanto el actual partido en el gobierno ha encarado una serie de dificultades, que por ahora son sorteables, pero de mantenerse pueden provocarle fisuras importantes. El discurso que manejó MORENA en campaña se está tropezando con la realidad de gobernar para polos opuestos. Por un lado, para los grupos empresariales, y por el otro, para el “pueblo”. Por un lado, con los fríos y más ortodoxos lineamientos neoliberales de su Secretaría de Hacienda y por el otro, atendiendo las prioridades sociales. Con la encrucijada arancelaria (tan aborrecida por los neoliberales) pero con la moneda de cambio de los migrantes que propuso el gobierno norteamericano. Con un discurso nacionalista pero dando concesiones tan fuertes al imperialismo. Justamente, estas contradicciones son a la vez, la posibilidad del surgimiento de una izquierda anticapitalista, llevando a su máxima expresión las demandas sociales. Y a la vez, se mostrando en lo que terminará siendo el proyecto del gobierno federal. La única manera de hacerlo fehacientemente será dejando el sectarismo, dejando disputas infructuosas. Construyéndose críticamente ante la realidad que impone México y salvaguardando sus independencias políticas.

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La izquierda ecuatoriana en la era posterior a la caída del Muro de Berlín (1989-2018): El partido-movimiento y el populismo de izquierda

The Ecuadorian left after the fall of the Berlin Wall (1989-2018): The movement-party and left-populism.

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RESUMEN

La izquierda ecuatoriana en la era posterior a la caída del Muro de Berlín pasó principalmente a girar en torno a dos estrategias e iniciativas. Por un lado la construcción de un partido-movimiento alrededor de la CONAIE y los nuevos movimientos sociales con el MUPP. Por otro lado la del “populismo de izquierda” con la promoción de una personalidad carismática para elecciones presidenciales capaz de implementar un gobierno redistributista y desmarcado de la hegemonía estadounidense. El MUPP posibilitó una renovación de la izquierda ecuatoriana pero la estrategia del populismo de izquierda produjo éxitos electorales en elecciones presidenciales. Las experiencias bajo los gobiernos de Lucio Gutiérrez, Rafael Correa y Lenín Moreno muestran las potencialidades y riesgos de la segunda estrategia. Claramente la estrategia del populismo de izquierda no fue una mera adopción voluntaria sino posiblemente la única opción de acceso al gobierno para la izquierda ecuatoriana en esas décadas.

Palabras clave: Izquierda, Ecuador, movimientos sociales, populismo, izquierda latinoamericana

ABSTRACT

The Ecuadorian left after the fall of the Berlin Wall turned to exist mainly around two strategies and initiatives. On the one hand a movement party around CONAIE and new social movements with the MUPP. On the other with “left populism” which consisted on the promotion of a charismatic personality for presidential elections which will be able to implement a redistributist government non-aligned with US hegemony. MUPP made possible a renewal of the Ecuadorian left but the strategy of left-populism produced electoral successes in presidential elections. The experiences with the presidencies of Lucio Gutiérrez, Rafael Correa and Lenín Moreno showed the potentialities and risks of the second strategy. Clearly the strategy of left-populism was not simply a voluntary choice but possibly the only option of access to government for the Ecuadorian left in those decades.

Keywords: Left politics, Ecuador, social movements, populism, Latin American left

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INTRODUCCIÓN

La izquierda en el Ecuador antes de la caída del Muro de Berlín estaba constituida entre la continuidad de los partidos originarios de esta de principios de siglo XX (partidos socialista y comunista), la “nueva izquierda” que apareció en los 1960s después de la Revolución Cubana (PSRE, MPD/PCMLE y otros), el experimento con la socialdemocracia de la ID, y un emergente sector organizado de nuevas configuraciones sindicales y movimientistas que se configuró desde los años 1970s.

Al llegar el año 1989 ese sector político ecuatoriano parecía recibir un golpe muy duro con la caída del Muro de Berlín, además en medio de un gobierno socialdemócrata muy restringido económicamente por la crisis de la “Década perdida”. Sin embargo la CONAIE lidera un levantamiento indígena nacional en el año 1990 cercano a la celebración de 500 años de resistencia indígena continental. Así el impacto en el Ecuador de la debacle del modelo organizativo e ideológico marxista-leninista pudo haber durado poco tiempo debido a que en 1995 la CONAIE, junto con otros grupos e individualidades del ámbito de los nuevos movimientos sociales y las ONGs, deciden converger para establecer el MUPP como movimiento electoral pluriétnico y pluriclasista de cara a las elecciones presidenciales de 1996.

Por otro lado la rebelión del oficial militar Frank Vargas Pazzos en el año 1987 inicia una serie de intentos de constitución rápida de candidaturas presidenciales que abrazan un discurso *anti-establishment* tanto contra los partidos políticos existentes como contra el modelo económico neoliberal y sus beneficiarios. Incluso la candidatura del MUPP del 1996 toma elementos de esta estrategia al lanzar a la presidencia al *outsider* de la clase política, el periodista Freddy Ehlers. Así la estrategia del “populismo de izquierda” se establece como una vía hacia lograr gobernar el país por primera vez para la izquierda ecuatoriana, la cual vio frustrada dicha aspiración tanto en las eras de los partidos originarios de esta (1927-1959) como durante la era posterior a la Revolución Cubana. Con “populismo de izquierda” nos referimos a una “vía al poder” (Freidenberg, 2007) en tanto candidatura de estilo y discurso anti-establishment de programa de izquierda anti-neoliberal. El populismo de izquierda ya fue identificado como tal y como “populismo socialista” por Ernesto Laclau en el año 1977 (Laclau, 1986: 165-253).

La estrategia del partido-movimiento del MUPP convergió con la del populismo de izquierda en la candidatura presidencial del 2002 de otro oficial del ejército, Lucio Gutiérrez. Posteriormente en esa presidencia se pudo apreciar claramente el riesgo que se corre en la aventura de una candidatura en torno a una personalidad de fuera del campo organizativo de la izquierda, cuando este decide poco después de subir a la presidencia adoptar de nuevo el neoliberalismo a través de una carta de intención con el FMI. Pese al derrocamiento de Gutiérrez a manos de protestas populares, sectores de la izquierda pasan a insistir en la estrategia del populismo de izquierda y convergen en torno al Phd en Economía Rafael Correa quien gana sorpresivamente la elección presidencial de 2006. Por otro lado, el MUPP decide limitarse al partido-movimiento del MUPP en esa elección y a sus bases organizativas indígenas para mostrar los limitantes de dicha estrategia logrando apenas un 2% con la candidatura presidencial del líder histórico de la CONAIE Luis Macas.

Así comienza la singular experiencia de la autodenominada “Revolución Ciudadana” liderada por Correa la cual constituye un hito no solo para la izquierda ecuatoriana sino para la historia política republicana país al gobernar Correa en forma continua más que ningún otro presidente en la historia ecuatoriana (10 años) y lograr dos reelecciones en su cargo. Pese a logros como la salida de la pobreza de 2 millones de personas y la caída a más de la mitad y reducción a un dígito del índice de homicidios en el país, el gobierno “correista” configura relaciones muy conflictivas con el resto de la izquierda del país. Esto último contribuye a un desgaste que forzó al movimiento electoral Alianza País a enfrentar las elecciones presidenciales del 2017 con un candidato nuevo, que decía asumir el reto de continuar el programa económico redistributista y proteccionista de Correa y al mismo tiempo modificar las formas poco dialogadoras con la sociedad civil que habría tenido dicho presidente. Para el año 2018 ocurre una división en AP en la cual dicho movimiento electoral se separa entre “correistas” y los seguidores del nuevo presidente Moreno, y posteriormente este presidente pasa a abrazar el programa económico neoliberal a través de una nueva carta de intención con el FMI en forma similar a Lucio Gutiérrez.

De allí que se proponga que la historia de la izquierda ecuatoriana a partir de la crisis de la caída del Muro de Berlín muestra las realidades políticas del actuar en un campo político de partidos muy precario, y de poca conexión con las amplias mayorías sociales, al igual que en una sociedad civil poco organizada-sobre todo en sus clases populares. Aquello ha determinado que las estrategias partidistas y de partido-movimiento en elecciones presidenciales para la izquierda hayan tenido por sí mismas poco éxito en el Ecuador a diferencia de otros países de la región (Brasil, Uruguay, Bolivia). De allí que, al igual que en Argentina y Venezuela, en el Ecuador se impuso la vía al poder para la izquierda por la estrategia del populismo de izquierda y con los riesgos que aquello implica en tanto la dependencia en un liderazgo personalista “plebicitario”.

La crisis de la vieja y “nueva izquierda” en el neoliberalismo

Los años 1980 en el Ecuador comienzan con una repentina caída de los precios del petróleo en una economía que en la década anterior consolidó una dependencia estatal fuerte en las rentas de exportación de petróleo, y en el contexto latinoamericano de crisis de deuda e inflación. En el ámbito político el Ecuador regresaba a la democracia después de dos décadas de gobiernos golpistas militares, pero esos problemas económicos no eran un buen contexto para que se consolide el sistema de partidos ecuatoriano el cual incluía a los partidos de izquierda.

Los 1980s en el Ecuador vivieron en esa década lo que sería al mismo tiempo su aventura guerrillera izquierdista más importante y el final de la relevancia política de la estrategia insurreccionista armada en el país con Alfaro Vive Carajo (AVC). AVC entrega las armas al estado en 1991 y cesa su actividad político-militar. En 1988 gana las elecciones presidenciales el partido más importante de la socialdemocracia ecuatoriana, la Izquierda Democrática (ID). El inicio de ese gobierno cuenta

con el apoyo de la “vieja izquierda” en torno al Partido Socialista y comunista (FADI), pero la difícil situación económica del país dentro del antes descrito contexto regional no permite a ese gobierno suficientes posibilidades de implementar un programa redistributista y neo-desarrollista capaz de consolidarlo. El gobierno de la ID principalmente se dedica a aplicar el programa de austeridad neoliberal usual de la época, pero con formas menos represivas y más dialogadoras con la protesta social que las de los gobiernos anteriores (Barrera, 2001: 106-107).

Llega el año 1989 con el derrumbe de los gobiernos marxistas-leninistas de Europa del Este y Ortiz Crespo (2015) nota que ciertamente sectores importantes de la izquierda de la región y del país entraban en un periodo de desorientación ideológica e incluso de fin del apoyo económico que recibían de Moscú. Sin embargo ese autor nota que la política del país estaba en ese entonces más determinada por las protestas y descontentos con la crisis económica. Pero principalmente se puede constatar que los partidos de izquierda del país (Frente Amplio de Izquierda- FADI, Movimiento Popular Democrático- MPD, Partido Socialista Ecuatoriano) no lograron tener la fuerza electoral suficiente para disputar las elecciones presidenciales durante los 1980s y que la socialdemocracia local (ID) había fracasado en proveer una alternativa creíble de gobierno a las políticas neoliberales de la época. De allí la crisis del “Socialismo Real” simplemente reafirmó una situación más amplia de impotencia política de la izquierda ecuatoriana-tanto en sus ramas insurreccionistas y partidistas electorales, que dio paso a que en las elecciones del año 1992 se disputen la presidencia dos candidatos conservadores de políticas neoliberales.

Basabe (2016: 943) muestra además que las organizaciones sociales en el Ecuador se fueron debilitando en el periodo 1979-2014, y fruto de ello los partidos que las representaban se habrían visto afectadas en su apoyo electoral o simplemente desaparecieron. Como experimentando este proceso menciona al Partido Socialista Ecuatoriano, al MPD, a la ID y al MUPP a partir del 2003. Como consecuencia de aquello se fortalecieron las estrategias electorales basadas en “maquinarias electorales, caudillistas y dependientes de la figura del líder del momento”.

El ascenso de la CONAIE y el “partido-movimiento” MUPP en los 1990s

Si esta combinación de situaciones convergía en forma crucial contra las izquierdas de ese momento, por otro lado los 1980s vio el liderazgo de la protesta social del Frente Unitario de Trabajadores (FUT) y el año 1990 marca la aparición determinante en la política ecuatoriana de la Confederación de Nacionalidades Indígenas del Ecuador (CONAIE). Creada 4 años antes, la CONAIE ejecuta su primer “levantamiento nacional” cerrando la carretera Panamericana con lo cual se inaugura como una organización social en los 1990s posteriormente capaz de liderar derrocamientos de presidentes. Se puede sugerir que la crisis combinada de las izquierdas antes mencionadas tenía un efecto paradójico que facilitaba la convergencia en la protesta y en lo electoral de la izquierda del país en lo posterior. Esto debido a que al inicio de los 1990s terminaban los conflictos sectarios en torno a las alineaciones internacionales de la Revolución Rusa, del conflicto sino-soviético y las contradicciones entre lo electoral y lo insurreccional; para dar paso a una simplificación de las opciones posibles para la izquierda en torno a solo dos estrategias y posibles combinaciones entre estas: movimientos sociales de protesta y lucha electoral democrática. Pero además la CONAIE, junto con los nuevos movimientos sociales, trajeron una renovación teórica y programática de la izquierda ecuatoriana en torno a problemáticas como la interculturalidad, la plurinacionalidad, y la diversidad (Rodas Chaves, 2004: 189).

La CONAIE así emergió como una organización capaz de articular alrededor de sí a los sectores opuestos al modelo neoliberal durante los 1990s. Ese liderazgo socio-político tomó fuerza cuando dentro de esa organización ya venían ocurriendo discusiones en torno a su relación con lo electoral. La reforma política del 1994 que permitió la inscripción electoral de los “independientes” facilitó la decisión de la CONAIE y de sectores urbanos de establecer el siguiente año el Movimiento de Unidad Plurinacional Pachakutik (MUPP) como instrumento de lucha electoral de ese campo socio-político progresista amplio. Siguiendo a Kitschelt (2006: 280) podemos ver al MUPP como un “partido-movimiento” en tanto nos referimos a una coalición de activistas políticos que emana de movimientos sociales. Sin embargo Barrera (2001: 208-209) nota que la “aritmética de los resultados” en elecciones democráticas imponía una “política de alianzas aún más amplia” que el campo activista que creó el MUPP. Así el liderazgo del MUPP parecía notar tempranamente los límites de su “partido-movimiento” en el contexto político ecuatoriano. En tanto, dicho movimiento electoral decidió converger con una iniciativa en marcha de organizaciones sindicales y progresistas urbanas de postular a la presidencia en 1996 al famoso conductor televisivo Freddy Ehlers. Esto en tanto articular a “los sentidos democráticos de una clase media que vivió el descontento y el empobrecimiento de esos años”. Claramente las aspiraciones del MUPP era mayores que la participación testimonial que tuvieron las otras izquierdas, exceptuando la ID, en las elecciones presidenciales de los 1980s. Aquello evidencia el que no se haya elegido a un militante de las organizaciones sociales, para optar por una personalidad carismática capaz de atraer a sectores lejanos a los ámbitos activistas que puedan converger con las consignas de profundización democrática y nuevo modelo económico. De allí que se sugiera que aquí se optó por una estrategia más “populista”/ personalista para enfrentar mejor esas elecciones.

La candidatura de Ehlers logró un considerable éxito, en tanto movimiento electoral recién establecido, al ubicarse en el tercer lugar de dichas elecciones. Madrid (2012: 94) mira que aquello giraba en torno a una combinación de discursos y estilos personalistas, *anti-establishment*, nacionalistas y de intervención estatal para atraer votantes. Y la racionalidad de dicha estrategia más “populista” se podía comprobar al mirar el discurso y el estilo del triunfador de dicha elección. Se mira aquí al populismo como un tipo de discurso y estilo político en el cual se asume un marco político antagonista y moral en el cual “el pueblo” es presentado como una comunidad homogénea y virtuosa mientras la élite es vista como corrupta o auto-interesada (Moffitt, 2018: 4) (Hawkins & Rovira Kaltwasser, 2019: 3). Barrera (2001: 210-211) así nota que el candidato ganador, Abdalá Bucaram, se presentaba en forma “intensa, beligerante y casi provocadora” en estilo.

En el discurso “explotaba el imaginario anti-oligárquico de la población” y se posicionaba como “la fuerza de los pobres” en contra del candidato conservador Jaime Nebot, usando una dicotomía de “simples oposiciones” entre “oligarquía vs. pueblo, aniñados vs. humildes, hombres de bien vs. hombres de mal”. En el contexto de grave deterioro económico y baja credibilidad de los partidos políticos de ese entonces, el estilo y discurso de Bucaram pudo así interpelar mejor a grandes espacios de población que la moderación y el respeto a las formas cordiales. Pero Barrera además nota que el guayaquileño Bucaram era capaz de atraer a un segmento muy importante de población, al cual una candidatura muy “serrana” como la de Ehlers no podía acceder, como era el voto popular en la región Costa. Se debe notar que la izquierda ecuatoriana, incluyendo a la ID, hasta los años 1990 era seriamente incapaz de tener inserción social en la región Costa del país capaz de darle réditos electorales en elecciones presidenciales. En cambio Barrera nota que Bucaram estaba bien “asentado en la herencia del viejo populismo costeño”, como para apreciar la facilidad que tenía ese candidato en atraer ese voto por sobre el “populismo blando” del *outsider* Ehlers.

Pese al estilo y discurso muy “anti-oligárquico” de Bucaram, su gobierno pasó a insertarse dentro de lo que la literatura sobre el populismo latinoamericano ya identificaba como el “populismo neoliberal” (Roberts, 1995) (Weyland, 1999) de los 1990s junto a Carlos Menem en Argentina o Alberto Fujimori en Perú. El “anti-bucaramismo” de derecha e izquierda convergió muy rápidamente en forma asombrosa en protestas lideradas por la CONAIE para empujar al Congreso Nacional a destituir a ese presidente apenas ya en 1997.

El primer triunfo de la estrategia del “populismo de izquierda”

El 21 de enero del 2000 el Congreso Nacional fue invadido por una muchedumbre que finalmente lo logró penetrar superando a las fuerzas policiales, después de protestas masivas por la grave situación de crisis financiera del país en torno al episodio recordado como el “Feriado Bancario”. Un triunvirato compuesto por el presidente de la CONAIE, el coronel Lucio Gutiérrez del ejército y el ex presidente de la Corte Suprema de Justicia quiso asumir la dirección del estado en remplazo del presidente demócratacristiano Jamil Mahuad. Aquello fracasó, pero la salida de la presidencia de Mahuad si ocurre dándose así la segunda salida de un presidente en el cargo en el país en menos de tres años.

Se avecinaban las elecciones presidenciales del 2002 y en el MUPP y su entorno miraron que el militar rebelde antes mencionado, Lucio Gutiérrez, constituía una buena opción electoral presidencial a la cual apoyar activamente para apostar por un gobierno alejado del consenso neoliberal de la época. Gutiérrez había pasado 120 días en una cárcel militar y, apenas salió de allí, pasó a crear brevemente el movimiento electoral Sociedad Patriótica 21 de Enero con miras a las elecciones del 2002. Esta historia es similar a dos del pasado reciente. En el año 1992 el comandante del ejército venezolano Hugo Chávez encabezaba una rebelión militar contra el presidente Carlos Andrés Pérez en medio de una grave crisis económica. Para el año 1998 Chávez gana las elecciones presidenciales con su perfil *outsider* de la clase política y de la élite socio-económica del país. Por otro lado, en el Ecuador en el año 1987 el general Frank Vargas Pazzos encabeza una rebelión que dura varios días contra el gobierno derechista de León Febres Cordero y motiva a un movimiento de simpatía en sectores de la población en un contexto de fuertes protestas. Apenas en la elección del 1998 Vargas Pazzos decide ser candidato presidencial por el previamente existente movimiento electoral populista APRE en alianza con el Partido Socialista Ecuatoriano, quedando en cuarto lugar.

En estos 3 casos podemos ver como grupos políticos deciden el apoyar a alguien sin experiencia previa en función estatal, que al contrario ha logrado notoriedad pública por actos de rebeldía contra un gobierno en funciones. Aquí podemos recurrir a Weber (2002: 848) y considerar como sugería que “el portador del carisma abraza el cometido que le ha sido asignado y exige obediencia y adhesión en virtud de su misión. El éxito decide sobre ello”. Si se reconoce dicho éxito, el personaje carismático “se convierte en su “señor” mientras sepa mantener por la “prueba” tal reconocimiento” por sobre sus seguidores. Pazzos, Chávez y Gutiérrez así al parecer evocaban un aura de rebelión y decisión en la *praxis* para sus auspiciadores políticos, en torno a lo cual se construyeron esos movimientos electorales y-exceptuando a Pazzos-gobiernos.

Gutiérrez gana las elecciones presidenciales del año 2002 y sectores de la prensa y la opinión internacional sugerían que había aparecido el “Chávez ecuatoriano”-en referencia al recién instalado gobierno del militar venezolano antes mencionado, al mirar que ganaba la presidencia en alianza con el partido de la poderosa organización anti-neoliberal indígena CONAIE (BBC News World Edition, 2002). También un mes antes ya había ganado la presidencia Lula da Silva en Brasil, líder del Partido de los Trabajadores y ex dirigente sindical. Sin embargo, pocos meses después los sectores de izquierda que apoyaron a Gutiérrez constataron los riesgos de una apuesta de liderazgo personalista con la cual se tiene poca historia político-organizativa común previa. En un punto temprano de su mandato Gutiérrez decide abandonar el programa redistributista anti-Consenso de Washington con el que fue elegido con sus socios de gobierno (el MUPP) y pasa a acercarse geopolíticamente a Estados Unidos, al mismo tiempo que firma una carta de intención con el FMI con lo que adquiere un compromiso para la aplicación de medidas económicas neoliberales. Un año antes de las elecciones presidenciales del 2006 Gutiérrez se convierte en el tercer presidente ecuatoriano derrocado de sus funciones por protestas populares masivas en menos de 10 años. De allí que también pueda ser visto, junto con Bucaram, como otro caso más de populistas neoliberales latinoamericanos.

Como uno más de los manifestantes en las protestas que derrocan a Gutiérrez se encontraba el PhD en Economía y guayaquileño Rafael Correa. Poco después de aquellos eventos es llamado por el nuevo presidente, ex vicepresidente de Gutiérrez, Alfredo Palacio a ser Ministro de Economía. Allí demostró una decisión muy visible de transgredir y enfrentar al consenso neoliberal de la época por lo cual llegó a incomodar al presidente Palacio y permanecer solo por pocos meses en ese cargo. Regresando a la anterior cita de Weber, se puede sugerir que con aquello Correa

ejecutó en los hechos una rebelión anti-neoliberal en la administración estatal, quizás a diferencia de Gutiérrez, en los ojos de sectores de intelectuales y activistas de izquierda, como para que poco después de salir de ese cargo se conforme un grupúsculo en su entorno para aspirar con su candidatura a la presidencia en las elecciones del 2006. Este asume el nombre de Alianza País (AP) y entra en diálogos con otros sectores de la izquierda, incluyendo al MUPP, de cara a las elecciones.

Hacia la primera vuelta presidencial ese diálogo en particular no prospera y el MUPP decide optar por lanzar de candidato propio al dirigente histórico de la CONAIE Luis Macas. Mientras Correa lograba sorpresivamente entrar en la segunda vuelta presidencial con el populista de derecha Álvaro Noboa, Macas logró apenas un 2,19% de votación nacional. La literatura sobre la CONAIE y el MUPP ha tendido a afirmar que ese campo socio-político entró en crisis organizativa y de imagen pública debido al haber sido parte del gobierno derrocado de Gutiérrez. Así ese partido se mostró en esta oportunidad más cauteloso con respecto al apoyar y entrar en una candidatura presidencial de una personalidad lejana a sus bases organizativas e incluso de las de la izquierda del país como era Correa. Así Cordero (2016: 40) reporta que el MUPP todavía tenía presente el “riesgo que tomaron a apoyar a Lucio Gutiérrez”. Correa venía de hacer postgrados en el exterior y de ejercer la docencia universitaria y no propiamente del ámbito activista y partidista de la izquierda. Pero además se debe notar que el MUPP internamente se encontraba en un proceso de re direccionamiento estratégico y organizacional. Becker (2015: 99) afirma que “los principales líderes indígenas” del MUPP “culparon a sus colegas mestizos de la desastrosa decisión de aliarse con Gutiérrez y comenzaron a forzar su salida del movimiento”. Madrid (2012: 104) coincide en notar esa situación en el MUPP y propone que aquello lo alejó de lo que llama su “etnopopulismo” previo, mirando además que sindicatos y otras organizaciones urbanas que le venían apoyando desde su inicio decidían abandonarla. Madrid propone que se puede afirmar que otros factores lograron que el MUPP no se convierta un partido “dominante” como el Movimiento al Socialismo (MAS) de Bolivia-el caso de “etnopopulismo” más exitoso de América Latina según ese autor. Mira que su “pequeña base indígena” no le permitía crecer más y que tuvo competición populista e izquierdista más fuerte que la que tuvo el MAS. De allí que se pueda afirmar que, a partir de este punto, el MUPP abandona los propósitos iniciales de ser un partido-movimiento multiétnico y pluriclasista amplio de construcción de una alternativa nacional conectando al campo y a la ciudad, para pasar a ser un partido-movimiento más centrado en la representación del sector indígena y rural del país alineado con la CONAIE. Durante el gobierno de Correa en el campo socio-político del MUPP-CONAIE toma crucial importancia el ecologismo en resistencia local a las operaciones económicas “extractivistas”, lo cual será una de las razones principales del conflicto de ese sector con el gobierno de Correa.

En la segunda vuelta presidencial Correa logra la hazaña de pasar en pocos meses de un grupúsculo de intelectuales y activistas a ganar las elecciones presidenciales de un país. Aquello claramente sería más difícil sin bases partidarias y organizacionales en otros países latinoamericanos-o casi imposible en un sistema parlamentario de democracia, pero Mudde y Rovira Kaltwasser (2017: 58) miran que eso se facilita en un sistema presidencialista como los latinoamericanos. Ulloa (2017) añade que en un país con un sistema de partidos muy institucionalizado como el uruguayo eso también habría sido imposible pero que en el caso ecuatoriano ocurría un caso de una crisis institucional “evidente e incontenible”. Barr (2017: 143) señala, a través de un estudio comparativo entre 11 países latinoamericanos, que solo Perú tuvo un sistema de partidos más débil que Ecuador durante el periodo 1996-2010. AP fue así capaz de aprovechar en forma muy llamativa esa “estructura de oportunidades políticas” de crisis del sistema político ecuatoriano.

Alianza País y las otras izquierdas

Correa es inaugurado en la presidencia en enero del 2007 y saldrá de ese cargo 10 años después siendo el presidente de gobierno más longevo en la historia republicana ecuatoriana en forma continua. Aquel logró es todavía más impresionante cuando apenas se venía de 3 presidentes derrocados elegidos en urnas. La hegemonía socio-política que llega a alcanzar Correa y AP es tal que logra una segunda reelección y la gana en primera vuelta en 2013 con un 57,17 % de votación total. Correa logra además lo que había sido esquivo para las izquierdas ecuatorianas antes de su gobierno: lograr una importante adhesión electoral de sectores populares y medios en la Costa del país. Aquel logro de popularidad, sin embargo, no se basó simplemente en carisma, estilo y discursos. La pobreza en el país declinó del 46 al 30% y la indigencia del 19% al 9% entre comienzos del 2007 y fines del 2014 (Larrea & Greene, 2018: 93), mientras que la tasa de homicidios por cada 100.000 habitantes del país disminuyó desde 18,045 en el 2008 a 5,854 en el 2016 (Banco Mundial, 2018). Además existió un importante aumento de la cobertura de salud y educación así como una considerable construcción de infraestructuras nuevas en todo el país.

El discurso y el estilo político de Correa llevó a un sociólogo ecuatoriano a acuñar un extraño concepto que denominó “tecnopopulismo” debido a que miraba que ese presidente lograba una muy efectiva combinación paradójica entre las formas tecnocráticas-ligadas a su PhD en Economía de EEUU-con las del populismo latinoamericano por su discurso *anti-establishment* (De la Torre, 2013). Su “populismo” era similar a ratos al del antes mencionado Abdalá Bucaram debido a que recurría en sus expresiones públicas a palabras del habla popular ecuatoriana en torno a las élites socio-económicas como “pelucones” y “añiñados”. Su tecnocratismo se observaba en el llenar la alta burocracia de titulados de post-grados y en la capacidad de dar “cifras e indicadores técnicos para presentar las iniciativas del gobierno” (De la Torre, 2013: 32). Su izquierdismo era visible en su política económica la cual tendió a ser vista por la literatura académica como girando en torno al proteccionismo, el redistributismo y la alineación latinoamericanista y multilateralista en política exterior. De allí que el gobierno de Correa ha sido visto como parte de la oleada de presidentes de izquierda de los 2000-2010, y dentro de esta de los presidentes del “populismo de izquierda” (Mudde & Rovira Kaltwasser, 2017: 31) (Barr,

2017: 143) junto con Hugo Chávez, el matrimonio Kirchner-Fernández y Evo Morales.

Así Correa claramente era un monstruo político muy difícil de combatir para la oposición. La oposición apareció desde los inicios de su presidencia y era principalmente de derecha. Después de aprobarse la nueva constitución del año 2008—que Correa había ofrecido en su primera campaña presidencial como forma de “refundar” el país—comienza a crecer también una corriente de oposición de izquierda a su gobierno. Para los inicios de los 2010s se puede identificar un creciente discurso “anti-correísta” que giraba—más allá de las ideologías políticas—en torno a acusaciones a Correa de ser autoritario e irrespetuoso de la separación de poderes. Con la antes mencionada apabullante victoria electoral del año 2013 de 57,17 % no se puede hablar seriamente de una polarización política entre correísmo y anti-correísmo hasta entonces debido a que esa cifra muestra una mayoría de apoyo en la población. Para el año 2015, con la crisis internacional de precios del petróleo, toma fuerza un discurso dentro del anti-correísmo que acusa a Correa de manejo económico irresponsable, y poco después uno que acusa a AP de cometer y permitir la corrupción en el estado. Posteriormente el debate y la disputa política en el país si tendieron a ser crecientemente dominados por el eje de polarización entre correísmo/anti-correísmo, lo cual fue visible electoralmente en el estrecho resultado de las elecciones presidenciales del 2017 entre el candidato de AP victorioso y su oponente de derecha que tuvo que ser resuelta en una segunda vuelta (51.16% frente a 48.84% respectivamente).

La derecha acusaba en particular a Correa de asfixiar a los empresarios con “estatismo” por lo que básicamente defendían posiciones neoliberales en economía. Para enfocarnos en las críticas principales del anti-correísmo de izquierda se puede mirar que denunciaban reformas económicas muy tímidas, continuidad en la dependencia del “extractivismo” de materias primas como petróleo y minería, y cierto conservadurismo moral de Correa en decisiones como no dar paso a la despenalización del aborto en casos de violación. Las principales organizaciones que lideraron ese sector del anti-correísmo fueron la CONAIE, el FUT, activistas ecologistas y comunidades contra el “extractivismo”, los partidos políticos de izquierda MPD y MUPP y un sector del Partido Socialista, e intelectuales-activistas como el economista Alberto Acosta. En general esas organizaciones señalaban además falta de dialogo y excesos de represión por parte del gobierno de Correa. Por su parte, ese presidente las acusaba de tener intereses “corporativos” en el estado fruto de privilegios concedidos por gobiernos anteriores (sobre todo a CONAIE y a la Unión Nacional de Educadores ligada al MPD), y de ser minorías políticas no representativas de la mayoría de la población por lograr pobres resultados electorales como el 3,26% del antes mencionado Alberto Acosta en la elección presidencial del 2013. Acosta fue candidato presidencial en ese año por la confluencia electoral entre el MUPP, el MPD y el sector anti-correísta del Partido Socialista. Las victorias electorales continuas de AP justificaron la decisión del gobierno de Correa de asumir el conflicto con ese sector político alrededor de esos 2 razonamientos.

Estas críticas de la izquierda anti-correísta pueden remontarse a las quejas de un sector del Partido Socialista de que existieron malas formas y faltas de consideración de Correa contra ese partido político, pese a que este le prestó a AP su espacio electoral para la primera candidatura presidencial de Correa en 2006 (Renovación Socialista, 2017: 17-20). Ese grupo del Partido Socialista tituló esa denuncia como “El socialismo traicionado” y evoca en cierta forma lo que también sintió el sector del MUPP y de otros sectores de izquierda con el gobierno de Lucio Gutiérrez. Específicamente acusan a Correa de negarse a tratar con el Partido Socialista como un aliado mientras habría “cooptado” a militantes y dirigentes dentro de este y promovido divisiones internas. Por otro lado, el sector que tomó el control del Partido Socialista—enfrentado internamente al anterior—se mantuvo en alianza con el gobierno de Correa hasta el final de sus presidencias evaluando que el país vivía un proceso importante de cambios socio-políticos.

En el 2016 se decide en AP que Correa ya no sea el candidato presidencial de ese movimiento para las elecciones del siguiente año y que sea remplazado por su ex vicepresidente, Lenin Moreno. Moreno venía anunciando en la campaña presidencial del 2017 que tenía su “propio estilo” en comparación con Correa. Después de ganar en segunda vuelta estrechamente la presidencia frente a un candidato banquero de derecha (Guillermo Lasso), comenzaba a dar gestos de que quería establecer relaciones menos conflictivas con los movimientos sociales y la izquierda del país, al mismo tiempo que nombraba Ministros de Economía de posiciones heterodoxas o keynesianas. Esto era visible incluso al poderse constatar que nombró brevemente como Ministra de Economía a una ex ocupante del mismo cargo durante el gobierno de Correa, Elsa Viteri.

En septiembre de 2017 Moreno anuncia una consulta popular que incluía una prohibición expresa de que exista reelección por más de una vez en un cargo estatal. Aquello era visto públicamente como impidiendo una posible futura candidatura presidencial para Correa. Esta medida y otras por parte de Moreno venían configurando una división interna profunda en AP, hasta que en enero del 2018 el Tribunal Contencioso Electoral decide confirmar en la presidencia de AP a Moreno y entregar a sus simpatizantes los edificios del partido. En respuesta el sector de simpatizantes fieles a Correa arranca una oleada de desafiliaciones públicas de AP y así pasan a confluir en lo que se llamara el Movimiento de la Revolución Ciudadana. Los medios de cobertura nacional tendieron a ahora hablar de “morenistas” y “correístas”, y esa fractura se explicitó en la división de la bancada de AP en dos en la Asamblea Nacional. Para ese momento Moreno ya abrazó un discurso fuertemente alineado con los antes mencionados marcos centrales del anti-correísmo (acusaciones contra Correa y sus seguidores de autoritarismo, falta de separación de poderes, mal manejo económico, corrupción).

En mayo del 2018 Moreno da un giro casi inesperado, pese a que los correístas ya lo acusaban de ser un presidente “neoliberal”. Moreno decide remplazar a economista keynesiano Carlos de la Torre al frente del Ministerio de Economía y ubicar en su lugar al más reciente presidente del Comité Empresarial Ecuatoriano Richard Martínez. Al final del 2018

Martínez establece negociaciones con el FMI y el siguiente año pasa a liderar la firma del estado ecuatoriano de una carta de intención con ese organismo, con lo cual el gobierno se comprometía a cumplir una serie de medidas de austeridad y de liberalización de la economía. Este giro, o “traición” según los “correístas”, de Moreno en su política económica podía recordar la decisión similar de Lucio Gutiérrez que fue una de las causas que motivaron en buena parte las protestas que lo derrocaron. Se puede sugerir que ese giro de política económica tan brusco y posiblemente también la decisión de Moreno de adoptar una línea política en contra de su antecesor en el cargo y en el liderazgo de AP-Correa, se facilitaron paradójicamente por las estructuras internas personalistas y no establecidas jurídicamente dentro de un procedimiento de AP que Moreno heredó del anterior liderazgo de Correa. Para comienzos del 2019, la izquierda anti-correísta (MUPP, MPD, sector anti-correísta ex perteneciente al Partido Socialista) comenzaba a también criticar el giro económico del gobierno en forma similar al correísmo, pero se mantenían dentro del campo socio-político informal y transideológico del anti-correísmo lo cual impedía una confluencia más fuerte en contra de las políticas neoliberales de Moreno.

Conclusión

La izquierda ecuatoriana después de la caída del Muro de Berlín pasó a girar en torno a dos estrategias e iniciativas. Por un lado la construcción de un partido-movimiento alrededor de la CONAIE y los nuevos movimientos sociales con el MUPP. Por otro lado la del “populismo de izquierda” con la promoción de una personalidad carismática para elecciones presidenciales capaz de implementar un gobierno redistributista y desmarcado de la hegemonía estadounidense.

La CONAIE y el MUPP posibilitaron una renovación de la izquierda ecuatoriana después de la crisis ideológica de la caída del muro de Berlín. Consolidaron así a la lucha de los movimientos sociales y la electoral como los horizontes básicos de la izquierda ecuatoriana, simplificando así a un campo de disputa que previamente se veía dividido por razones de alineación ideológica o de estrategia. Además enriquecieron las preocupaciones de la izquierda ecuatoriana en torno a la diversidad étnica y la interculturalidad. La CONAIE se tornó en la organización líder de la lucha anti-neoliberal en los 1990s que llegó a forzar la salida de dos presidentes de políticas neoliberales (Bucaram y Mahuad). Por otro lado el partido-movimiento MUPP logró incluir al sector indígena de la población y a nuevos emergentes sectores urbanos en la disputa político-electoral del país, y lo hizo con un éxito considerable hasta lograr la presidencia en el 2002 con una alianza con el militar “rebelde” Lucio Gutiérrez.

El partido-movimiento MUPP pronto miró los limitantes de restringirse a su área de influencia socio-política y así la estrategia “populista” en elecciones presidenciales del partido-movimiento MUPP inicio con éxito considerable con la candidatura del famoso presentador de TV Freddy Ehlers logrando el tercer lugar. Ese éxito fue definitivo con Lucio Gutiérrez en el 2002 ganando la presidencia. Después del giro neoliberal de Gutiérrez que contribuye a su derrocamiento por protestas populares, la estrategia del populismo de izquierda vuela a ser exitosa con la elección de Rafael Correa en el 2006. Se la puede mirar como más exitosa que la experiencia con Gutiérrez debido a que Correa gobierna al país por 10 años con políticas redistributistas con algunos resultados importantes en el área social, mientras el latino americanismo multilateralista es lo que se persiguió en la política exterior. Además logra claramente expandir la adhesión a políticas de izquierda dentro de los sectores populares y medios en la populosa región Costa, cosa que la izquierda antes de ese gobierno no había logrado. Desde el punto de vista de la izquierda anti-correísta, Correa no habría sido suficientemente radical en sus políticas y habría tenido relaciones conflictivas y poco dialogadores con ese sector de ideología afín.

Así la estrategia del “populismo de izquierda” no fue una mera adopción voluntaria sino posiblemente la única opción de acceso al gobierno para la izquierda ecuatoriana en esas décadas. Esto debido a la poca organización social de los sectores populares del país y a la debilidad relacionada de los partidos de izquierda. Los riesgos del apostar por aquello implican el exponerse al personalismo del liderazgo y a la falta de controles efectivos sobre este que pueden tener las organizaciones que le dan su apoyo en un momento. Denuncias de ese tipo así aparecieron-como se vio en este artículo-bajo las presidencias de Gutiérrez, Correa y Moreno. Sin embargo, el no optar por esa estrategia pudo haber condenado a la izquierda del país a continuar en la irrelevancia en elecciones presidenciales.

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Reprimarización, indigenismo y Buen Vivir: la reconfiguración de la política en Bolivia y Ecuador tras el fin de la Guerra Fría

Reprimarization, indigenismo and Buen Vivir: the reconfiguration of politics in Bolivia and Ecuador after the end of the Cold War

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RESUMEN

Tras el final de la Guerra Fría, la expansión de las prescripciones económicas de distintas instituciones supranacionales como el Fondo Monetario Internacional y el Banco Mundial, tuvieron como consecuencia la remodelación política y económica del Sur global. Concretamente dentro de América Latina, en Bolivia y Ecuador, el movimiento indigenista, articulado entorno al discurso del Buen Vivir, emergería transformando radicalmente la política, desde el nivel local hasta el estatal. Este artículo, tiene como objetivo realizar un análisis multiescalar, utilizando los marcos de la teoría de los sistemas-mundo, la acción colectiva y la teoría del discurso, para explicar y comprender la trascendencia de este proceso.

Palabras clave: Bolivia, Ecuador, Indigenismo, Buen Vivir, Reprimarización y Guerra Fría

ABSTRACT

After the end of the Cold War, the expansion of the economic prescriptions of various supranational institutions such as the International Monetary Fund and the World Bank, resulted in the political and economic restructuring of the global South. Specifically within Latin America, in Bolivia and Ecuador, the indigenist movement, articulated around the Buen Vivir discourse, would emerge radically for transforming politics, from the local to the state level. This paper aims to perform a multiscalar analysis, using the frameworks of world-systems, collective action and discourse theory, to explain and understand the significance of this process.

Keywords: Bolivia, Ecuador, Indigenism, Buen Vivir, Reprimarisation and Cold War.

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Introducción

Existe un amplio consenso dentro de las ciencias sociales, más concretamente dentro de las Relaciones Internacionales y la Ciencia Política, acerca de la trascendencia que adquirió la desintegración de la URSS y la caída del muro de Berlín, dentro del escenario geopolítico a nivel global. Hasta ese mismo momento, tanto los códigos, como las prácticas espaciales y las distintas acciones llevadas a cabo por los diferentes actores internacionales, se encontraban reguladas y situadas dentro del marco de la Guerra Fría, o también denominado por algunos autores como la era ideológica de la geopolítica (Agnew y Corbridge, 2002; Agnew, 2004), ya que esta se habría caracterizado por el continuo antagonismo entre el modelo capitalista frente al socialista, plasmado espacialmente a través del conflicto permanente entre Estados Unidos y la URSS, representando cada uno de ellos de manera respectiva al bloque occidental frente al oriental. La concepción del Oeste como el bloque de la libertad, la civilización, los derechos individuales, frente a Oriente como el bloque de “los otros”, asociado a lo desconocido, al totalitarismo, a lo “anti occidental”, operó como imaginario hegemónico durante la segunda mitad del siglo XX.

En un tercer lugar, al margen de estos dos bloques irreconciliables, se encontraba el denominado como Tercer Mundo; el cual se vio sometido a una continua disputa por parte de ambos bloques, a través de enfrentamientos armados que nunca tuvieron lugar de manera directa, con el fin de ejercer su influencia en el territorio, desplegando posteriormente una serie de relaciones que poseían cierto carácter imperialista de una manera informal (ibid, 2004).

Tras el fin de este periodo histórico, han sido muchas las hipótesis que se han ido formulando, sobre cómo y en qué dirección se ha producido la reconfiguración del orden geopolítico; destacando entre otros, modelos como el basado en la dicotomía núcleo/brecha (Barnett, 2003), el choque de civilizaciones (Huntington, 2000), un asentamiento de la hegemonía estadounidense en el resto del globo (Agnew, 2005) o la tendencia hacia un escenario de multipolaridad (Hepple, 1986). En cualquier caso, aunque no haya un acuerdo entorno a cuáles son las relaciones de poder de manera concreta, y los conflictos que derivan de estas a nivel mundial, lo que sí parece común en todas estas teorías es cómo el proceso de globalización ha ido generando toda una red que ha integrado a múltiples actores, no sólo los Estados-nación, transformado y alterando de manera clave el desarrollo tecnológico y las formas de producción económicas (Flint, 2006). Estos cambios en el statu quo han conllevado una modificación drástica del papel del Sur global en la escena internacional, especialmente de América Latina, cuyas últimas décadas no podrían comprenderse en ninguna instancia al margen de las consecuencias ligadas al proceso de globalización. Derivados de este hecho, durante la década de los noventa y los primeros años del siglo XXI, emergieron con mucha fuerza toda una serie de conflictos sociales, relacionados con las reivindicaciones indigenistas, ante la drástica alteración en los modos de vida que muchas comunidades y sectores de la población estaban empezando a experimentar. De manera particular, Bolivia y Ecuador, se han convertido en dos ejemplos paradigmáticos de cómo estos movimientos no solo han ejercido un gran peso en la izquierda, si no dentro de todo el campo político de ambos países, siendo fundamentales en la caída de distintos gobiernos o influenciando en la elaboración de las últimas constituciones (Gudynas, 2009, 2011).

Este trabajo tiene como objetivos, tanto explicar cómo comprender, el papel que ha jugado la globalización a la hora de transformar política y económicamente América Latina tras la caída de la URSS; por qué han sido capaces de emerger con tanta fuerza esta serie de movimientos, así como de qué manera se han articulado conformando una nueva mayoría política en ambos países a través del discurso del Buen Vivir. Para ello, se emplearán distintos marcos y herramientas conceptuales propias de la teoría de los sistemas-mundo (Wallerstein, 2004; Taylor, 1982; Taylor y Flint, 2002), de la acción colectiva, guiada por la categoría de estructura de oportunidad política (Tilly, 1981; Tarrow, 2011) y de la teoría del discurso y las prácticas de articulación (Laclau, 2012; Laclau y Mouffe, 2014; Howarth y Torfing, 2004). Así mismo, la estructura propuesta para el artículo se basa en una primera parte donde se explica el desarrollo de los cambios propios de la globalización en América Latina a través de los consensos de Washington. Una segunda parte donde se recoge un análisis del auge del indigenismo, así como su influencia a la hora de consolidar políticamente al MAS y a Alianza PAIS. Posteriormente se detalla una hipótesis acerca de cómo ha sido posible este proceso de incorporación de los distintos movimientos sociales, conllevando un crecimiento de las alternativas de izquierda y finalmente, en el último apartado, se recogen a modo de síntesis, las principales ideas expuestas a lo largo del todo el texto, las cuales puedan servir como conclusiones que aporten una visión global de todo este proceso.

Los consensos de Washington: hacía una reprimarización de la economía latinoamericana

Con la propia caída del muro de Berlín, a partir de los años noventa, se pusieron en marcha las políticas enmarcadas en los denominados consensos de Washington (Williamson, 1993). Aunque se empezaran a expandir a partir de este periodo histórico, lo cierto es que ya se habían experimentado algunos antecedentes de estas medidas de liberalización de la economía, dentro de Estados Unidos, Reino Unido y China durante los años ochenta, con los gobiernos de Reagan, Thatcher y Den Xiao Pin (Harvey, 2007a). Esta política económica neoliberal, explica el inicio de una reconfiguración estructural que a finales del siglo XX sirvió para alterar las bases de la economía-mundo.

Los consensos de Washington, promovidos por organismos supranacionales como el Banco Mundial, la Organización Mundial para el Comercio, el Fondo Monetario Internacional y la Organización para la Cooperación y el Desarrollo Económico, vinieron a expandir al Sur global los cambios ya iniciados unos pocos años antes en el Norte y a asentar la presencia de estas instituciones originadas tras la Segunda Guerra Mundial, con el acuerdo de Bretton Woods. Bajo la retórica de la necesidad de reducir la inflación, reducir la deuda económica y producir estímulos que generaran crecimiento; se llevaron a cabo medidas políticas y legislativas, en una gran mayoría de Estados, enfocadas a la privatización de sectores estratégicos, diversos tipos de rebajas fiscales, la reducción de los tipos de cambio, la eliminación de aranceles y al recorte del gasto público (Rodrik, 2006).

Lejos de iniciar un desarrollo social y de conseguir un crecimiento económico, más bien se generó un decrecimiento durante muchos años, tal y como se puede apreciar en la tendencia de la **Figura 1**, que en algunos casos derivó en crisis financieras y devaluaciones monetarias como en los casos de Argentina y Brasil. Por el contrario, la Unión Europea y Estados Unidos experimentaron un crecimiento porcentual en los inicios de los noventa.

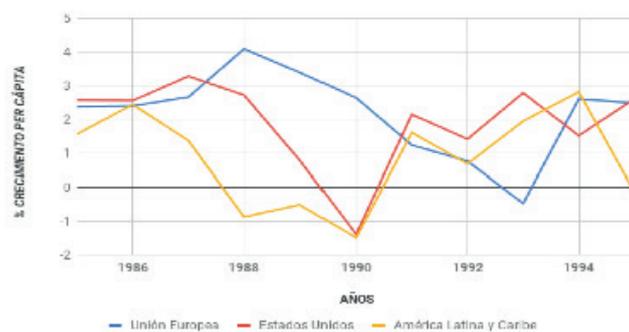


Figura 1. Crecimiento económico en América Latina, Unión Europea y Estados Unidos entre 1985 y 1995.

Fuente: Banco Mundial

Sin embargo, lo que sí significó esta desregulación financiera y comercial fue un proceso de reprimitización de la economía latinoamericana. El ligero incremento de la industrialización acontecido en el continente durante las décadas de los sesenta y setenta, se vio revertido en parte por un crecimiento del peso de las exportaciones de materias primas, siendo destacado el caso del petróleo, el cual llegó a doblar su volumen de ventas (**Figura 2**).

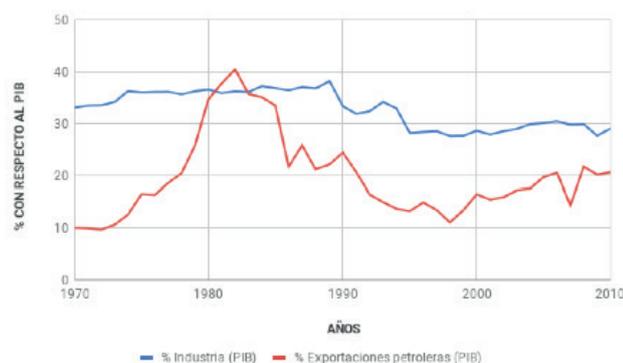


Figura 2. % De exportaciones petroleras-% de industria con respecto al PIB de 1970 a 2010.

Fuente: Banco Mundial

Este fenómeno puede ser entendido dentro del espacio de la economía-mundo a través de la dialéctica expansión/acumulación y centro/periferia: Tras unas décadas de expansión y redistribución económica durante el periodo de posguerra, las reformas globales promovidas, tuvieron como objetivo generar una nueva fase de acumulación, ampliando el espacio global influenciado por las nuevas transformaciones en el modo de producción, para así disponer tanto de una mayor fuerza de trabajo como de una mayor cantidad de recursos naturales, cuyo valor de uso pudiera ser convertido en valor de cambio, entrando así en el circuito del mercado global, aumentando la oferta de estos, y en consecuencia disminuyendo las rentas del trabajo, aumentando las rentas del capital, y por lo tanto optimizándose la acumulación (Harvey, 2007b). No obstante, como se observa en la **Figura 1**, este crecimiento, esta acumulación, tuvo lugar principalmente en Europa y Estados Unidos, a diferencia de América Latina, cuyos recursos naturales sirvieron para el repunte económico del Norte global. Es decir, que se llevó a cabo un proceso de acumulación por desposesión (Harvey, 2004), cuya principal consecuencia para América Latina fue una profundización de su condición de periferia, caracterizada por una alta dependencia externa, altos niveles de desempleo y pobreza, bajo desarrollo tecnológico y un alto número de pequeños productores, frente a Occidente, que se habría reforzado como centro económico, caracterizado por todos los elementos opuestos: menor dependencia externa, bajos niveles de desempleo y pobreza, alto desarrollo tecnológico, importantes oligopolios encargados de la mayor parte de la producción etc. (Wallerstein, 2004).

Este nuevo escenario, para una mayor concreción, ha sido renombrado como el del Consenso de las Commodities (Svampa, 2012, 2013) en lugar de Consensos de Washington, para poner el foco en cómo esta reprimitización de las economías latinoamericanas, ahonda en el rol extractivista que siempre han poseído estas desde los inicios de la colonización, pero que tiene lugar a una escala mayor, que cada vez incluye a más mercados y actores, como por ejemplo los BRICS (Brasil, Rusia, India, China y Sudáfrica) y que al mismo tiempo lastra las posibilidades de un desarrollo económico y social en un sentido amplio, ya que las mercancías además de poseer un escaso valor agregado, mayoritariamente no son renovables y además todos los sistemas e infraestructuras que se despliegan en el territorio, sólo lo hacen bajo una lógica de seguir llevando a cabo las prácticas extractivistas.

Todos estos últimos aspectos, son los que tienen lugar en la escala de la economía-mundo o realidad, según apunta Taylor (1982). Sin embargo, simultáneamente habrían generado toda una serie de correlatos en escalas inferiores, como la estatal o ideológica, y la local o de la experiencia (ibid, xxxx). Es en esta última, donde acontecieron toda una serie de hechos y procesos durante los años noventa y principios del siglo XXI, cuyo análisis nos servirá para comprender como las transformaciones globales, produjeron un conjunto de impactos en lo local, que terminarían alterando en el plano político la escala estatal. Se trata de los conflictos que provocarían la emergencia del indigenismo.

El indigenismo y la acción colectiva: de lo local a lo estatal

Tanto el caso ecuatoriano como el boliviano, comparten una serie de elementos comunes derivados de las transformaciones en la escala global. No obstante, la materialización del avance y la consolidación del movimiento indígena se dan con particularidades diferenciales.

En el caso de Ecuador, los orígenes hay que empezar a buscarlos en el tránsito de los ochenta a los noventa, cuando los precios de las principales mercancías exportadas (cacao, café y petróleo) decayeron un 36% (Larrea, 1997). A lo largo de este periodo hay un empobrecimiento de la población debido a la inflación y a la devaluación de la moneda, produciéndose una caída de la masa salarial con respecto a la década de los setenta, donde las rentas del trabajo eran mayores y la expansión de servicios públicos había sido más destacada (Barrera y Guarderas, 2001).

En junio de 1990, se llevó a cabo la ocupación de la iglesia de Santo Domingo por parte de varios grupos indígenas, con el horizonte de demandar una solución ante los distintos conflictos por las expropiaciones de tierra que se estaban llevando a cabo hacia comunidades campesinas indígenas. Esto desencadenó toda una serie de movilizaciones, concentraciones y ocupaciones de carreteras por todo el país, recibiendo un fuerte apoyo popular. Aunque el conflicto apenas duró nueve días, requirió la mediación del gobierno de Borja, que era presidente en aquel momento. Este hecho, operó como hito fundacional de la emergencia del movimiento indigenista, significándose como principal actor de la resignación en el país. Para Albó (2008), esto se explica así, porque en la transición del modelo desarrollista previo, a uno nuevo de carácter neoextractivista; la ausencia de una representación social clara, en el contexto de descomposición de las estructuras políticas y económicas existentes, unido a la creciente impopularidad del gobierno de Borja, ante sus medidas de ajuste económico y liberalización, generando un fuerte respaldo hacia estas movilizaciones, por parte de amplios sectores de la sociedad ecuatoriana, más allá de las propias comunidades indígenas. Tras esto, el gobierno intentó llevar a cabo una restauración que absorbiera en parte las demandas indígenas y que disipara su conflictividad. Pero por el contrario, ante la falta de apoyo hacia las medidas de ajuste, y las movilizaciones contra la reforma agraria propuesta en aquel momento, se ahondó en una mayor deslegitimación a nivel institucional y en un fortalecimiento del movimiento indígena.

A partir de ese momento, el indigenismo ecuatoriano, experimenta un fuerte crecimiento y una consolidación a nivel organizativo tanto en el plano estatal con la CONAIE (Confederación de Nacionalidades Indígenas del Ecuador), como a nivel provincial, creando el Parlamento de los Pueblos amazónicos y aumentando su influencia en la zona costera del país, como dentro de las propias comunidades a nivel local.

Tras importantes debates dentro del movimiento, se optó por una estrategia a largo plazo, basada en ganar posiciones en lo municipal, para así en el largo plazo dar pie a un proyecto de Estado plurinacional. Para ello, se crea en 1995 el partido Pachakutik. Un año después, tras estos avances, el propio gobierno del por aquel entonces presidente Bucaram, creará incluso una Secretaría Nacional de Asuntos Indígenas.

Ya en 1997, la profundización de las nuevas políticas económicas, hará que se constituya el Frente Patriótico, derivado de la unión de campesinos, indígenas, actores sindicales, estudiantes etc. Este, convocó una movilización que desembocó en la ocupación de la Catedral Metropolitana, seguida de multitudinarias movilizaciones a lo largo de todo el país, que tuvieron como efecto la caída de Bucaram como presidente y la posterior convocatoria de una Asamblea Constituyente, por parte del nuevo presidente Alarcón, ya en 1998. En ella, la buena organización del movimiento, hizo que en el debate constituyente, las comunidades indígenas jugaran un papel muy destacado a lo largo de todo el país. Pachakutik, aunque no obtuvo una representación muy destacada dentro de esta asamblea, supo muy bien como expandir el debate a nivel nacional, gracias a CONAIE, teniendo como resultado, la aprobación de un apartado específico dentro de la nueva constitución, de cara al reconocimiento de los derechos de los pueblos indígenas y afro ecuatorianos.

En el 2000, tras estos logros parciales, se producirá un punto de inflexión. El nuevo presidente Mahuad, tras sumir en una fuerte crisis económica al país, fruto de la continuación de las últimas políticas económicas, decidió iniciar un proceso de dolarización de la economía. Unos días después la movilización de algunos sectores del ejército, dentro de los cuales estaba el general Gutiérrez, unidos a la CONAIE, logró forzar la dimisión de Mahuad, generando otro hito simbólico de gran relevancia. No obstante, del 2000 en adelante, habrá una serie de reflujos institucionales por parte de Pachakutik, llegando a apoyar y a entrar en coalición de gobierno con Lucio Gutiérrez; seguido de una salida de su gobierno, acompañado de una pérdida progresiva de popularidad de esta formación política. Sin embargo, será en las elecciones presidenciales de 2005, cuando Rafael Correa, que anteriormente había sido ministro de economía del expresidente Palacio, decida presentarse como candidato, consiguiendo una inesperada victoria en segunda vuelta frente a Noboa. Según pueden corroborar algunos trabajos de geografía electoral (Báez y Bretón, 2006), es aquí cuando se va mostrar de manera explícita, el decidido apoyo de las principales comunidades indígenas del Estado hacia Alianza PAIS, frente a Pachakutik, que irá perdiendo sus bases iniciales lentamente.

Por el contrario en el caso de Bolivia, el proceso de articulación del movimiento indígena se dio de manera latente, a lo largo de los años noventa, sin tener ningún tipo de vínculo significativo entre una multitud de pequeños partidos de carácter katarista, y mucho menos con los más ortodoxos, como el Partido Comunista Boliviano o el Movimiento

de Izquierda Revolucionaria. Su desarrollo y expansión fueron posibles gracias principalmente a dos elementos: por un lado el proceso de ampliación y descentralización de las instituciones políticas del Estado boliviano, mediante la Ley de Participación Popular de 1994, hacia los municipios, así como la creación de diputaciones uninominales, facilitaron e hicieron efectiva la participación de las comunidades indígenas y campesinas; y por otro lado, el quiebre de las expectativas de mejoras a nivel económico y social, que se habían ligado al proceso de democratización, no tuvieron lugar, debido a las políticas neoliberales que estaban siendo implementadas, produciendo así un fuerte rechazo y una desafección hacia todo aquello que estuviera relacionado con las élites políticas de ese momento (Zuazo, 2010). Este contexto, fue clave para una lenta pero exitosa configuración del MAS, que terminaría de irrumpir con fuerza a nivel estatal, a raíz de la crisis económica del país y la fuerte pérdida de legitimidad del gobierno de Banzer.

De manera previa a este momento no destacan grandes movilizaciones o hitos fundacionales, como si los pudo tener Ecuador, a excepción de la Marcha por el Territorio y la Paz, que desembocó en la ratificación del Convenio 169 de la OIT, por parte del parlamento, durante el gobierno de Jaime Paz; así como las marchas cocaleras de finales de los noventa hacia Cochabamba y La Paz, durante el ejecutivo de Goni. Sin embargo, si que se irán produciendo pequeñas victorias electorales en el ámbito municipal, gracias al liderazgo de los cocaleros indígenas, bajo el paraguas del IPSP (Instrumento Político por la Soberanía de los Pueblos) en su lucha contra la intervención de Estados Unidos en el país, y al de los campesinos organizados entorno a la demanda de las Tierras Comunitarias de Origen, ante el avance de las compañías madereras extranjeras en las tierras bajas; desembocando todo ello en la elección de Evo Morales como diputado en las elecciones generales 1997, a través de la coalición MAS-IPSP.

A partir de abril del 2000, tendrán lugar cuatro acontecimientos, cargados de una fuerte conflictividad social, que serán claves para el crecimiento del MAS y la obtención de un mayor respaldo del movimiento indígena por parte de múltiples estratos de la sociedad boliviana.

El motor de ellos fue la denominada como “Guerra del agua” en Cochabamba, surgida de la decisión del ayuntamiento de privatizar, a través de la filial de una multinacional, la empresa pública encargada de proveer agua potable a la población, generándose un significativo aumento de las tarifas por el servicio (Perreault, 2006). Las protestas llegaron a hacer incluso que Banzer declarara de manera oficial el Estado de Sitio. Dos años después, se inició otro intenso ciclo de movilizaciones a causa de la aprobación del Decreto Supremo 26415, que prohibía el secado y la comercialización de la hoja de coca del Chapare; llegando a producir fuertes disturbios entre la policía y los cocaleros en Cochabamba, siendo asignada la responsabilidad de estos hechos a Evo Morales, por parte de la Cámara de Diputados.

Al poco, se llevó a cabo una amplia marcha, demandando la convocatoria de una nueva asamblea constituyente, la cual sirvió como impulso a la candidatura de Evo a la presidencia del gobierno, no llegando a ganar pero sí llegando a ser la segunda opción más apoyada por detrás de Goni.

Finalmente, ya en 2003, el MAS tuvo la capacidad de convocar movilizaciones, conocidas como la “Guerra del Gas”, muy respaldadas, sobre todo en el Alto y el Altiplano, ante la decisión del gobierno de iniciar una estrategia comercial de venta de gas a México y Estados Unidos, empleando el apoyo de la logística portuaria chilena. Creando un relato que ligaba la venta de recursos naturales al extranjero como un agravio al interés del país, en beneficio de Chile, el MAS fue capaz de sumar nuevos sectores sociales, de carácter más urbano, a las protestas (Albó, 2008). Estos apoyos que se habían ido acumulando, aumentaron tras las fuertes medidas represivas de Goni durante estas movilizaciones, las cuales le obligaron a dimitir.

En las elecciones generales de diciembre 2005, Evo obtuvo más de la mitad de los apoyos del censo y el MAS consiguió una importante mayoría en el parlamento.

El buen vivir como significante articulador del movimiento

Para entender el potencial del “Buen Vivir”, tanto en Bolivia como en Ecuador, como significante articulador de sectores de la sociedad muy heterogéneos, de aquel momento, es necesario entender la carga simbólica destituyente que fue adquiriendo la idea de “desarrollo”. Tras la implementación a nivel estatal de todas las políticas económicas de liberalización y ajuste fiscal, recomendadas por las instituciones supranacionales, el “desarrollo”, aunque de origen occidental, como significante perdió la capacidad de fijar un sentido de mejora en las condiciones de vida de la población, que había tenido hasta entonces o al menos en las décadas anteriores a los años noventa. Es entonces cuando se cae la articulación que se había construido a nivel institucional, iniciándose una oportunidad de una nueva construcción en términos hegemónicos, en este caso a través de un nuevo conjunto de sentidos ligados al Buen Vivir o *sumak kawsay* o *suma qamaña*.

Aunque en su origen tuviera sólo algún tipo de sentido, como cosmovisión dentro de las distintas naciones indígenas; el hecho de que estas fueran los actores centrales durante el proceso de cuestionamiento al orden económico y político, derivado de los Consensos de Washington, consiguió generar una identificación de otros sujetos políticos desagregados por la insatisfacción de sus demandas concretas en este nuevo periodo. De esta manera, el significante experimento un ascenso de su carácter particular hacía uno universal, que era capaz de relacionar las distintas subjetividades y sentidos a través de las equivalencias que se fueron construyendo. Por lo tanto, fue capaz de encarnar un antagonismo entre el desarrollo en términos occidentales, el cual se había asociado a la explotación recursos naturales, irrumpiendo violentamente a través de prácticas represivas y de la expropiación forzosa de tierras a las comunidades indígenas; frente al Buen Vivir, que significaba un retorno a un escenario de armonía, paz y valoración de los saberes ancestrales y tradicionales, como

por ejemplo el asociado a la hoja de coca como elemento milenario heredado de los antepasados (Stefanoni, 2003). Tal y como señala Gudynas “El Buen Vivir se aparta de los discursos que celebran el crecimiento económico o el consumo material como indicadores de bienestar, ni alaba la obsesión con la rentabilidad o el consumo. Sus apelaciones a la calidad de vida discurren por otros caminos” (Gudynas, 2011; 462).

El concepto de Buen Vivir del indigenismo, al ser capaz de contraponerse a todas las experiencias y prácticas que representaban las nuevas transformaciones vividas en los noventa, dejando atrás el contexto social vivido anteriormente, opera con la capacidad de convertirse en una nueva formación discursiva que articula las distintas demandas e identificaciones dentro de los sectores muy heterogéneos de las sociedades boliviana y ecuatoriana, tales como los campesinos, las mujeres, los estudiantes, los militares, los estudiantes, población urbana etc mantenido una tensión entre sus particularidades y la posibilidad de identificarse con un nuevo sujeto político que aspira a representar al todo frente a las élites políticas y económicas.

El mantenimiento de esas distintas particularidades articuladas a través de equivalencias, y diferencias con respecto al anterior orden social, lo podemos ver en los distintos significados que ha sido capaz de aglutinar el Buen Vivir. En la línea de lo que recoge Prada (2013, 146), podemos llegar a distinguir seis principales sentidos para este significante:

1. Solidaridad social, bajo la premisa de que los seres humanos sólo puede lograr tal plenitud de manera colectiva
2. La producción es fruto de la interacción del trabajo comunal.
3. La reproducción de la fuerza de trabajo y el cuidado de la familia es responsabilidad de la familia y del colectivo.
4. La interdependencia entre diferentes seres humanos, con diferentes habilidades y atributos que enriquecen la interacción, como base para el aprendizaje común.
5. La producción y el trabajo se realiza con respeto y en armonía con la naturaleza.
6. La naturaleza es sagrada y los pactos con ella se deben de renovar

Con todo ello el indigenismo, a través de la nueva articulación discursiva hegemónica del Buen Vivir, se convirtió en el actor central dentro del proceso de cambio político de principios del siglo XXI. No tanto en la lógica propia de las tesis del marxismo-katarismo, como las de Mariátegui, que entendían a la comunidad indígena como sujeto de una revolución socialista en América Latina, ya que cuantitativamente es cierto que por ejemplo en el caso de Bolivia con el MAS, tenían una mayor presencia las organización sindicales como tal frente a las indígenas (Quijano, 2006). Pero si lo fue a la hora de ser una parte capaz de representar las aspiraciones de un todo.

Conclusiones

Si hacemos una radiografía de las principales ideas esbozadas a lo largo del texto, podemos encontrar tres conclusiones principales, que se relacionan entre sí aportando una síntesis de cómo las transformaciones en la escala global, tuvieron una serie de consecuencias primero en lo local y luego en lo estatal, que reconfiguraron el mapa político en Bolivia y Ecuador tras finalizar la Guerra Fría:

- Las prescripciones económicas de las instituciones supranacionales al término de la caída del muro de Berlín, sirvieron para una mayor facilidad a la hora de realizar exportaciones por parte de los países latinoamericanos. Esta se tradujo en una reprimarización de los modelos productivos, ahondando en su rol periférico y favoreciendo la acumulación capitalista de las rentas de estas commodities en el centro de la economía-mundo.
- El asentamiento del modelo neextractivista generó toda una serie de conflictos derivados de la alteración de los modos de producción y reproducción vigentes hasta entonces. Sumado al descrédito hacia los principales representantes de los sistemas políticos, surgió un contexto con toda una serie de estructuras de oportunidad política que fueron bien aprovechadas por el movimiento indigenista boliviano y ecuatoriano, de cara a conformar nuevas mayorías políticas que desembocaron en los gobiernos de Correa y Morales. Ambos casos poseían ciertas similitudes (como la apuesta por una estrategia de avances en términos electorales a nivel municipal) pero también con sus particularidades (por ejemplo la constante presencia de las bases del indigenismo dentro del MAS y el IPSP en Bolivia, frente a la inicial presencia de estas en Pachakutik y su posterior marcha a Alianza PAIS tras la aparición de Correa).
- Ante la desarticulación del orden que había conseguido instaurar el significante de desarrollo anteriormente; el Buen Vivir surgió con el potencial de crear equivalencias entre una multitud de demandas insatisfechas por las instituciones de aquel entonces, pasando de ser el significante ligado solo a una parte (los indígenas) a serlo para el todo (el nueva mayoría electoral y social)

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Differentiated Instruction and Its Impact on ESL Pre-University Students' Language Attitude

Instrucción diferenciada y su impacto en la actitud lingüística de los estudiantes preuniversitarios de ESL

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ABSTRACT

Modern education has acknowledged the importance of differentiating lessons to meet multifarious needs for learning within a single classroom. The diverse needs are especially evident in language classrooms as they are often comprised of learners with different levels of proficiency and motivated by different learning triggers. This study examines the impacts of differentiated instruction (DI) on ESL students' language attitude in a tertiary education setting following a four-week classroom intervention. Through the longitudinal study, 21 second semester students (age 18) from a matriculation college in South Peninsular, Malaysia were involved. The student-participants' English language attitude was measured through three constructs, namely cognitive, affective, and behavioural and was analysed and reported separately before they were amalgamated to form a general report of language attitude. Through a purposive sampling, the participants were selected and their learning styles were using Grasha-Reichmann Scale Survey prior to the intervention. Driven by the learning style preference test results, differentiated learning activities were designed to accommodate the different types of learning style preference. The intervention, which spanned four weeks, included a pre- and post-test based on Gardner's Attitude and Motivation Test Battery to measure and re-measure the participants' language attitude. The findings revealed no statistically significant difference between the mean scores of the pre- and post-test. However, a new pattern was identified when the three constructs were ranked as opposed to previous studies. Some pedagogical implications were discussed at the end of the paper for ESL instructors to consider in enriching their teaching repertoire.

Keywords: differentiated instruction, tertiary education, ESL context, language attitude, effects.

RESUMEN

La educación moderna ha reconocido la importancia de diferenciar las lecciones para satisfacer las múltiples necesidades de aprendizaje dentro de un solo salón de clases. Las diversas necesidades son especialmente evidentes en las aulas de idiomas, ya que a menudo están formadas por alumnos con diferentes niveles de competencia y motivados por diferentes factores desencadenantes del aprendizaje. Este estudio examina los impactos de la instrucción diferenciada (DI) en la actitud lingüística de los estudiantes de ESL en un entorno de educación terciaria después de una intervención en el aula de cuatro semanas. A través del estudio longitudinal, participaron 21 estudiantes del segundo semestre (18 años) de una universidad de matriculación en el sur de la península de Malasia. La actitud del idioma inglés de los estudiantes participantes se midió a través de tres constructos, a saber, cognitivo, afectivo y conductual, y se analizó e informó por separado antes de fusionarse para formar un informe general de la actitud del idioma. A través de una muestra intencional, los participantes fueron seleccionados y sus estilos de aprendizaje estaban utilizando la Encuesta de Escala Grasha-Reichmann antes de la intervención. Impulsados por los resultados de las pruebas de preferencia de estilo de aprendizaje, las actividades de aprendizaje diferenciadas se diseñaron para acomodar los diferentes tipos de preferencia de estilo de aprendizaje. La intervención, que duró cuatro semanas, incluyó una prueba previa y posterior basada en la Batería de prueba de actitud y motivación de Gardner para medir y volver a medir la actitud lingüística de los participantes. Los hallazgos no revelaron diferencias estadísticamente significativas entre las puntuaciones medias de la prueba previa y posterior. Sin embargo, se identificó un nuevo patrón cuando las tres construcciones se clasificaron en comparación con estudios anteriores. Se discutieron algunas implicaciones pedagógicas al final del documento para que los instructores de ESL las tengan en cuenta al enriquecer su repertorio de enseñanza.

Palabras clave: instrucción diferenciada, educación terciaria, contexto de ESL, actitud lingüística, efectos.

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1. INTRODUCTION

A mixed-ability classroom consists of students with varying degrees of notional learning capability as well as learning needs, interests, and styles (Alhashmi & Bayan Elyas 2018). In order to reach out to most if not all the students within a single classroom, a teacher needs to embrace the notion that students are naturally predisposed with different strengths and weaknesses. Consequently, they learn at a different pace and possibly different preferred learning pathways. Differentiated instruction (DI) is a teaching philosophy that changes educators' way of viewing teaching and accommodating learning needs of various students in a single classroom and scholars (e.g. Alavinia & Viyani 2018; Tomlinson & Imbeau 2010) indicate that when implemented in lessons DI has helped to accommodate students' various notional abilities and learning preferences. When referred to as a teaching philosophy, what it really means is that DI requires teachers to rethink one's classroom practices and lessons, resulting in a continuous process of adaptation in the classroom (Tomlinson & Imbeau, 2010). By relying on it, teachers acknowledge the truth that they need to continuously reflect and adjust lessons and classroom practices that suit their students' needs and differences.

Nevertheless, scholars have suggested that the notion of DI has been misinterpreted by many teachers and school leaders (Tomlinson & Imbeau 2010) as being only a set of instruction. While it is true that DI is an instructional approach, it is still connected to other elements such as supportive learning environment, excellent curriculum, evaluation, and flexible classroom management. Tomlinson (2000) suggests that in differentiated lessons, teachers use several methods to deliver curriculum content, conduct suitable activities or processes that match students' learning preferences to help students understand the lessons taught, and offer various options for students are able to demonstrate what they have understood. In other words, teachers are able to adequately challenge the students by creatively crafting the content (curriculum), process (teaching and learning activities) and product (homework or assignments) to meet students where they are in a learning continuum. The implementation of DI is suitable for any subjects and past studies suggest that it is especially useful for subjects such as languages, mathematics, sciences, and special education (Alavinia & Viyani, 2018; Alhashmi & Elyas 2018; Aliakbari & Haghighi, 2014; Altintas & Ozdemir, 2014; Bal, 2016; Cannon, 2017; Chamberlin & Powers, 2010; Fadzil, Kamarudin, Hasrul, Kamarulzaman, & Ishak, 2018; Gaitas & Alves-Martins, 2017; Kamarudin, 2017; Kamarulzaman, Azman, & Zahidi, 2018; Magayon & Tan, 2016; Moreno & Moreno, 2015; Muhammad, Nizan, Saali, Hasrul, & Fadzil, 2017; Ocampo, 2018; Scott, 2012; Siddiqui & Alghamdi (2017); Valiandes, 2015; Zola, 2017).

Meanwhile, learning is a continuous process and attitude forms an integral aspect to determine learning performance and eventually, success. In second language learning, Dornyei (2005) suggests that second language learners' attitudes towards the target language influence how successful the learning of it will be. Scholars define attitude as a mental disposition that comprises complex turmoil of feelings, or other tendencies that have given a person a certain readiness that may lead him or her to act for or against something (Chave, 1928; Droba, 1933; Singh, 2014). Katz (1960) and Gardner (1985) are researchers who categorize attitude into 3 components, which are cognitive, affective and behavioural. The first component refers to the mental process and beliefs about an object and in the context of this study, it is the learning of English language. It explains how learners view and think about the knowledge they garner. A person's cognitive attitude is demonstrated as one 1) connects existing knowledge with newly developed knowledge, b) creates new knowledge, c) checks new knowledge, and d) applies the newly developed knowledge in other situations (Katz, 1960). The affective construct represents the emotions that result in the learning of English such as the likes and dislikes and/or trust and distrust towards a language, the native speakers, and their culture. Finally, the behavioural construct describes the specific actions that a learner undertakes when learning a target language (Garcia-Santillan et al., 2012).

Thus, DI is a teaching approach that is integrated in the present intervention study by involving a less commonly investigated group of participants – the ESL learners at a tertiary education setting. A differentiated learning module was developed based on their learning style preferences and validated by DI experts prior to its implementation in English lessons for 12 hours, spanning four weeks. The differentiated lessons were hypothesised to positively impact the students' English language attitude, a variable that is also not commonly reported in the literature of DI.

2. LITERATURE REVIEW

Differentiated Instruction and Zone of Proximal Development

The implementation of DI is in line with the principles of the Zone of Proximal Development (ZPD) concept which stems from Vygotsky's sociocultural theory. It promotes the concept of students as active participants in the quest for knowledge and teachers are merely the facilitators of their learning achievement. Langford (2005) claims that Vygotsky's theory postulates that children express their needs and interests through self-chosen project work and have the autonomy to choose one's preferred essay topics and books for subjects or learning modules. Teachers' roles are mainly to advise whenever the students face any learning problems such as the inability to find relevant facts or data when at a loss for ideas and information. However, it imposes some unforeseen challenges when teachers may find it difficult to assist because of lack of relevant resources. Vygotsky saw the need to differentiate between what a learner can or cannot do without assistance (Siyepu, 2013). Besides, teachers are also important in the process of learning at any level of development. Vygotsky believed that the facilitation of new information is not warranted by a becoming level of development but rather it should be encouraged through instruction to be further developed. Thus, the cooperation between the teacher and students will trigger students' higher psychological functions (Alves, 2014). The notion can be manifested in the form of differentiated lessons that position teachers as facilitators who need to meet students where they are in terms of learning capability and who offer learning pathways that they are able to choose from. Through this practice, learning autonomy flourishes as students are encouraged to eventually acquire knowledge through their own effort.

Studies on Differentiated Instruction and Language Attitude

On reviewing the literature, there is a burgeoning number of studies across the world as it is considerably a new field of research but out of these, none was found to have investigated Malaysian tertiary students. DI is a teaching approach that influences positive impacts on students' achievement especially in language classrooms comprising of learners with varying abilities. Beasley & Beck (2017) argue that differentiated instruction strategy is strongly needed by learners because of their multifarious nature of language learning styles. They also mentioned that teacher-respondents in the study strongly felt the need to differentiate based on learning styles, due to two main reasons: 1) much precious time was wasted when teachers used less effective practice and 2) less significant impact on student achievement was detected when using the traditional teaching methods whereby all students received the same treatment despite their varying learning abilities.

DI has been found to be of a particular significance when used as a form of intervention in reading comprehension class. Aliakbari & Haghghi (2014) found significant impact of DI in promoting both male and female elementary students' reading comprehension regardless of the different socio-economic background, learning styles preferences, and learning profiles. The finding concurs with a study by Bhlood (2013) who found positive impacts on English reading comprehension skills among ninth graders' at Gaza UNRWA Schools and revealed that the learners in the treatment group outperformed those in the control group. However, a study by Alhashmi & Bayan Elyas (2018) at King Abdul-Aziz University found that the performance by both control and experimental groups was not statistically different. Nevertheless, the student-participants were noted to claim that DI helped to increase their motivation, easy access to learning, and learning autonomy.

Out of the increasing number of studies that have reported empirical evidence on differentiated instruction until now, only three studies were found that included Malaysian learners. Hamidah et al. (2011) explored some English instructors' view on a writing programme designed for Malaysia's academically gifted learners at a secondary education level that looked at the implementation of differentiated instruction in ESL writing classroom. Meanwhile, Kamarulzaman, Azman, and Zahidi (2015) carried out a qualitative study to investigate the impacts of differentiated instruction on learners' achievement while also exploring the challenges by English teachers when planning lessons at the School of Gifted Learners in Malaysia. Another study by Najiba et al. (2014) was a study carried out at a high-performing school to measure the impacts of differentiated learning on the learners' motivation in Arabic lessons.

When learning a second or foreign language, attitude is one of the most important elements to determine the success of the endeavour. The literature records a number of attitudinal studies that examine the role of attitude in ESL learning. Malekmahmudi and Malekmahmudi (2018) evaluated the EFL learning language attitude of human sciences and medical sciences students in Iran through a questionnaire survey. The findings revealed that the participants' gender had no significant influence on the behavioural, cognitive and emotional constructs of attitude but their field of study was reported to have affected the behavioural and cognitive aspects in learning English. On the contrary, Munir and Rehman's (2015) study of secondary school students in Pakistan revealed that the female participants were more positive in the cognitive and behavioural constructs as compared to the males. They also found that the field of study played a role and the science stream participants showed more significant positive attitudes in learning English as compared to arts stream students. More studies have reported a display of positive attitudes by ESL learners. Eshghinejad (2016) studied students at Kashan University and recorded positive attitudes across the three aspects. Similarly, a study by Setianengsih et al. (2017) indicated that 55 grade tenth and eleventh grade students at a rural area in Sambas displayed positive language attitudes in learning English. However, a common pattern identified from these past studies is that the affective aspect seemed low and it is suggested to have affected the process of learning English.

In the Malaysian setting, Siti Sukainah and Melor (2014) found a display of high motivation and positive attitudes towards English had no direct impact on students' efforts in improving their language proficiency. The participants were also revealed to only put efforts to learn and improve English which was limited to the classrooms. They found that no efforts were carried out at home for the purpose of improving their English proficiency. Ironically, Thang and Nurjanah (2011) found that students with higher language proficiency displayed more efforts to better themselves than the weak ones. The researchers found a pattern that prevails as the cognitive component was the construct with the highest mean score. This was followed by the affective and the behavioural construct was the lowest and this concurs with the findings by a more recent study by Nur-Ehsan et al. (2018). The study managed to document yet another case of positive language attitude among ESL learners in a secondary education context. The findings also revealed that the field of study had no influence on students' attitude as no significant mean differences between the science stream and social science stream students were found.

Past studies (e.g. Nur-Ehsan et al. 2018, Salem et al., 2017; Samsiah et al., 2009) have revealed the significance of teaching strategies in influencing second language learners' attitude. Ismail, Abdullah, and Ghani (2014) argue that pedagogical strategies could even motivate learners who were found to display negative attitudes when learning English. Practicality is another trait that helped to boost learners' passion to learn the language. When they realized the importance of learning English in practice, their attitude improved. A more conducive classroom environment and teachers' attitude are also of paramount importance to facilitate a better display of attitude and achievement by their learners (Choy & Troudi, 2006; Lim Chi Yin et al., 2019). The present study hypothesizes that through differentiated lessons, the research participants' language attitude across the three constructs would improve.

3. METHODOLOGY

The present study employed a quasi-experimental design to measure the impacts of the classroom intervention

through a pre- and post-test. Kirk (2007) suggests that the design would enable researchers to compare the means between the same test that is administered twice and to measure them with the same precision. The null hypothesis of the study is: *There is no significant difference between the mean scores of the pre- and post-test of pre-university students' English language attitude.*

The research population is all the students at 14 matriculation colleges across Malaysia. For the purpose of conducting this study, a matriculation college in Southern Peninsular Malaysia was chosen involving Semester II students. The college educates a total of 123 students from the second semester who formed 6 classes. An intact classroom was recruited for the study comprising 21 students through purposive sampling. Even though the study intended to recruit a higher number of research samples, only one classroom was involved due to the strict access outlined by the college administration to minimise learning interruption as well as to accommodate the limited availability of facility.

The study involved three main phases: needs analysis, intervention development, and implementation of intervention. Prior to designing the intervention programme, a survey was carried out using Grasha-Reichmann learning scale to identify the research participants' language learning style preference. The instrument was originally designed to be used by secondary school and college students to find out how they interacted with course instructors and other students. The practice helped to promote an optimal teaching and learning environment by helping teachers to develop sensitivity to students' learning needs. The survey that was used consists of 60 questions with 6 scales that represent the learning style construct: Independent, Dependent, Avoidant, Participant, Collaborative, and Competitive (Grasha & Riechmann, 1989). Findings from the survey were analysed to drive the development of teaching and learning activities in the differentiated module.

In the second phase, a total of 12 lesson plans were created primarily on reading skills. The teaching materials (reading texts and worksheet) used in the study were provided by the course instructor but the teaching and learning activities were differentiated to accommodate the students' needs. The practice ensured that the lessons prepared would adhere to the syllabus outlined by the matriculation division under the Ministry of Education Malaysia. The course instructor involved was first introduced to the philosophy of DI and the importance of the philosophy for the students. She was later briefed on the content of the lessons and was trained for several hours. The first author was informed that the lecturer had once attended a course on DI in 2017 and the input received helped to shape her perspective prior to the intervention programme.

In the final phase, the language attitude test was distributed to all research participants during their English lessons. Before it was carried out, the students were briefed on the research purposes and procedures, and they were also promised anonymity. The students were also reminded that they were free to withdraw from participating in the study. The language attitude questionnaire was adapted from Gardner (1985) and Mohamad Jafre et al. (2012). It consists of 45 questions that test students' language attitude based on three components, namely cognitive, affective and behavioural with 5-likert points. To validate the adapted questionnaire, help was sought from English lecturers of *Universiti Kebangsaan Malaysia* and Negeri Sembilan Matriculation College. The questionnaire was emended to accommodate the given comments before it was piloted at the research site with another class of 31 second semester students. The Cronbach's Alpha for the cognitive component was 0.583, the behavioural component index was 0.561, and the affective component 0.642. All the indexes suggest acceptable consistency as each value exceeds 0.3 (Gliem & Gliem, 2003). The questionnaire was first distributed during the pre-test and later the post-test. In each stage, the research participants were given 15 minutes to fill in the questionnaire. The intervention began after the pre-test was completed and the implementation of the differentiated module was carried out by the research participants' English instructors. The intervention was carried out during their English contact hours for three hours per week, totalling to 12 hours throughout the intervention period.

The data were analysed using SPSS Version 23 to report the descriptive and inferential statistics. The descriptive statistical analysis was carried out to calculate the mean of all three constructs of language attitude in both the pre- and post-tests. Meanwhile, inferential statistical analysis was carried out to estimate the significance of mean score gain in the research participants' language attitude.

4. FINDINGS AND DISCUSSION

Table 1 indicates that the lowest mean score in the pre-test across the language attitude constructs was from the affective construct ($M=3.58$, $SD=0.34$) which is reported to be of moderate level. Cognitive was the construct with the highest mean score ($M= 4.00$, $SD = 0.38$) and the second highest was the behavioural construct ($M= 3.90$, $SD = 0.30$). When the three constructs are accumulated leading to an overall report of the language attitude, the participants' mean score before the intervention ($M=3.83$, $SD=0.30$) was high. It suggests that the students, as a whole, had a positive language attitude towards the English language.

Table 1: Mean Value and Standard Deviation of the Student-participants' Language Attitude (Pre-Test)

	Mean	SD	Level
Cognitive	4.00	0.38	High
Affective	3.58	0.34	Moderate
Behavioural	3.90	0.30	High
Overall (Students' Language Attitude)	3.83	0.28	High

(Level: Low = 1.00 – 2.33, Moderate = 2.34 – 3.66, High = 3.67 – 5.00)

Data from the post-test are shown in Table 2. The mean score of the affective construct was found to be moderate ($M = 3.64$, $SD = 0.42$) while the cognitive construct is relatively high ($M = 4.03$, $SD = 0.34$) as well as the behavioural construct ($M = 3.97$, $SD = 0.28$). The same pattern found in the pre-test prevails in the post-test – the cognitive construct was reported to be the highest, followed by the behavioural and affective constructs.

Table 2: Mean Value and Standard Deviation of Student-participants' Language Attitude (Post-Test)

	Mean	SD	Level
Cognitive	4.03	0.34	High
Affective	3.64	0.42	Moderate
Behavioural	3.97	0.28	High
Overall (ESL Students' Language Attitude)	3.88	0.32	High

(Level: Low = 1.00 – 2.33, Moderate = 2.34 – 3.66, High = 3.67 – 5.00)

With the data from the pre- and post-test, the paired samples t -test was run to determine the mean score gain significance so as to accept or reject the null hypothesis of the study. As indicated in Table 3, the p -value ($p = 0.254$) for the data was $p > 0.05$. Thus, the two-tailed paired-samples t -test suggests that the participants had no statistically significant gain score in the post-test ($M = 3.88$, $SD = 0.32$) than the pre-test ($M = 3.83$, $SD = 0.28$) and the null hypothesis that there was no difference is accepted, $t(20) = -1.174$, $p \geq 0.05$. Upon estimation, the value of d from the data was 0.256, suggesting that the intervention led to a small effect size (Sullivan & Feinn, 2012).

Table 3 T-test (Mean score difference between Pre-Test and Post-Test of Student-participants' Language Attitude)

	Paired Differences					t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error Mean	95% Confidence Interval of the Difference				
				Lower	Upper			
Post-Test – Pre-Test	.05397	.21065	.04597	-.04192	.14986	-1.174	20	.254

The study was carried out at one of the matriculation colleges in Southern Peninsular Malaysia involving second semester students (age 18). The participants indicated a positive language attitude in general which concurs with findings from previous international studies (e.g. Eshghinejad, 2016; Setianengsih et al., 2017) and Malaysian studies (e.g. Nur-Ehsan et al., 2018; Thang & Nurjanah, 2011; Siti Sukainah & Melor, 2014). However, there appears to be a different pattern when the three specific constructs of language attitude were measured. In contrast to findings by Nur-Ehsan et al. (2018) and Thang and Nurjanah (2011) who found that the behavioural construct seemed to be the lowest out of the three, the present study revealed that affective to be the lowest. The two studies recruited secondary school ESL learners as participants while this study involved learners in a tertiary education setting. The ESL tertiary students believed that learning English was very important for their studies and their future job. It is followed by their behavioural attitude which was found to be high. However, the mean value of the affective component that refers to their emotions was moderate for both the pre- and post-test, suggesting that they were either not happy with how they learnt English in class or they did not have favourable feelings towards English and its community. Despite having a moderate affective attitude, the adult learners managed to be in charge of their studies, indicating that a lower display of affective attitude than the remaining two constructs did not hinder the adult learners from forcing themselves to complete language tasks so as to improve their English proficiency.

Based on the findings, it can be suggested that the approach employed managed to increase the mean scores of participants' language attitude post-test, albeit an increase that was not statistically significant. It was most likely due to the short intervention period (four weeks) and the students were exposed to the approach only for a total of 12 hours as compared to a previous experimental study by Siddiqui & Alghamdi (2017), for example, took 10 weeks to report statistically significant learning gain. Therefore, a longer intervention is envisioned to increase the success rate of the students' learning process.

5. CONCLUSION AND IMPLICATION

In conclusion, the present study shows that the Malaysian ESL tertiary learners were with a generally positive language attitude towards the English language but with new insights. Despite the affective construct being the lowest and of only moderate mean value, it did not affect the adult learners' determination to continue carrying out tasks to improve their language proficiency. More studies are necessary to explore the findings further through qualitative lens in order to obtain richer data that explain the phenomenon. The study also suggests the need for a longer intervention period for a differentiated module to bring an impact to any variable. However, as noted in the methodology section, obtaining permission for a longitudinal study proves to remain a challenge for Malaysian researchers. The challenge needs to also be understood and investigated in order to suggest some solutions; as the country strives to become a more progressive and scientific nation, evidence-based practice needs to dominate teachers' lesson planning, development and implementation across Malaysia to ensure that students are exposed to teaching strategies that have been tested highly effective or at least yielded positive results from ESL learners.

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Investigation of the amount of attention to multicultural education approach in the education department of North Khorasan

Investigación de la cantidad de atención al enfoque de educación multicultural en el departamento de educación de Khorasan del norte

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ABSTRACT

This research is aimed at investigating the amount of attention to multicultural education approach in education department of North Khorasan. In terms of purpose, this research is an applied one and in terms of method, this is a descriptive-survey research. The research population includes all the second-grade teachers of girls' elementary schools in Bojnord city who are 100 people. In this research, total count sampling method had been used. So, all the 100 people of the population were selected. For collecting data, two methods of library and field data collection have been used. Data collection tool was a researcher-made questionnaire. Validity of the variables was evaluated as 0/86 by Cronbach's alpha coefficient. Content validity of the questionnaire was confirmed by the experts. In order to statistically analyze the data, factor analysis method using SPSS 19 software and structural model method using LISREL 8/8 software were employed. The results should that regarding the output of LISREL software and the obtained value of path coefficient, the component of the teacher with the path coefficient of 0/69 from the structural dimension and the component of the goals with the factor loading of 0/43 from the content dimension have the highest effect among the components recognized as being effective on multicultural education, and the other components are at the lower degrees.

Keywords: education approach, multicultural education approach, education department of North Khorasan, multicultural.

RESUMEN

Esta investigación tiene como objetivo investigar la cantidad de atención al enfoque de educación multicultural en el departamento de educación de North Khorasan. En términos de propósito, esta investigación es aplicada y en términos de método, esta es una investigación de encuesta descriptiva. La población de investigación incluye a todos los maestros de segundo grado de las escuelas primarias de niñas en la ciudad de Bojnord, que son 100 personas. En esta investigación, se utilizó el método de muestreo de recuento total. Entonces, todas las 100 personas de la población fueron seleccionadas. Para recopilar datos, se han utilizado dos métodos de recopilación de datos de biblioteca y campo. La herramienta de recolección de datos fue un cuestionario realizado por investigadores. La validez de las variables se evaluó como 0/86 por el coeficiente alfa de Cronbach. La validez del contenido del cuestionario fue confirmada por los expertos. Para analizar estadísticamente los datos, se emplearon el método de análisis factorial utilizando el software SPSS 19 y el método de modelo estructural utilizando el software LISREL 8/8. Los resultados deberían ser los relacionados con la salida del software LISREL y el valor obtenido del coeficiente de trayectoria, el componente del profesor con el coeficiente de trayectoria de 0/69 de la dimensión estructural y el componente de las metas con la carga del factor de 0/43 de la dimensión del contenido tiene el mayor efecto entre los componentes reconocidos como eficaces en la educación multicultural, y los otros componentes están en los grados más bajos.

Palabras clave: enfoque educativo, enfoque educativo multicultural, departamento de educación de Khorasan del Norte, multicultural.

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Introduction

Teachers are the major correspondents of the education system. Competency of every education system is equal to the competency of the teachers of that system, and quality of education system depends on the quality of teachers of that society. In fact, no country can go beyond the level of its teachers. Accordingly, teacher training is worth the strongest careful and continuous attention (UNESCO, 1990: 82). Executive guarantee of improvements of an education system is the presence of good and efficient teachers. Success or failure of the best or the weakest curriculums depends on the teacher's designing and executing. Looking at the changes of evolutions of education systems at national and international levels, it becomes evident that without considering a specific role for the teachers, none of the goals and desires will be achieved and education systems cannot achieve any scientific change or innovation. Before beginning the discussion on multicultural teaching and the relevant topics, understanding the concepts such as culture, identity, and ethnicity, multicultural society, globalization, and pluralism is necessary. Gidnez (2006:34) defines culture as life styles of group members of society. In his opinion, culture is the interaction of how to wear, customs, marriage, family life, working patterns, rituals, and recreation. Nito (2004:146) considers culture as including values, traditions, sociopolitical relationships, and worldviews which are created, shared, and transformed by a group of people who are connected to each other by shared history, geographical location, language, social class, religion, or other shared identities. As human societies have different cultures, every culture forms a special identity. Therefore, every society has a distinguished identity due to having a special culture. In terms of pluralism, identity is a characteristic which originates from a set of customs, behaviors, legacies, specific social group, and a set of specific experiences (Sajadi, 2005: 33). Since one of the aspects of multicultural education is reviewing different cultural identities within a pluralistic society and making the learners familiar with the unique characteristics of these identities, consideration of this aspect in the process of training and educating the future teachers seems to be necessary. Therefore, multicultural society should allow its members to define their identities in the group or groups to which they feel a close affinity, and also every group is allowed to form its genuine demands and differences according to its situation (Miller, 2003: 145-146).

The issue of multiculturalism has a long history in the world. Although the framework of multiculturalism in the contemporary world is the same as its frameworks in ancient periods, since cultural communication, requirements, and encounters of today's societies are more expanded than the ancient periods, this concept has gotten a broader semantic scope and also, it has gotten more depth and expansion in terms of both theory and practice. So that, semantic expansion of this concept has become fitting to the people's needs and the today's societies' requirements. However, multicultural education, in its recent concept in the West, is a new issue and its history dates back to less than half a century. The start of this approach was in 1960s and its golden age is considered in the mid 1980s (Resnik, 2009).

James Nebx, one of the pioneers of multicultural education, studies school as a social system in a multicultural platform (Banx, 1986). In his opinion, the concept of multicultural education is "equality of education". According to Banx, in order to preserve the environment of multicultural school, all the components of school should be studied and revised and changed in favor of multicultural education. The elements that should be revised include: policies, teachers' attitudes, educational materials, evaluation methods, consultation, and teaching methods. In the mid and late 1980s, other people including high school teachers, researchers such as Carl Grant, Christian Slitter, Jenuagi, and Sonia Nito provided more facilities for multicultural education and created new and deeper frameworks; frameworks that were based on the ideal of equal educational opportunities and the link between evolution of school and social transformation. For this purpose, in Banx's works, change does not refer to only quantitative change of curriculum. Rather, he criticizes the unfavorable situation which is an obstacle to elimination of this educational inequality, for example curiosity about people's situation and conditions, suppressive teaching approaches, and standardized tests. Multicultural curriculum movement has become caught in the stressful distance between the ideals and the reality. Many actions have been done in this regards around the worlds. Various associations have been created for promoting multicultural educaiotn. National council has been established for issuing the letter of credit of standards of educating the teacher training students regarding multiculturalism. Knowledge of the education authorities and teachers for teaching the students with different cultural backgrounds has been promoted (Gay, 2006). Sub-culture refers to a group which is smaller than the society. Subculture is related to a wider culture, because it accepts many of the norms and standards of the larger culture. But on the other hand, sub-culture is distinct from the culture of the whole society, because it has some specific norms and standards (Tavasoli, 2002).

Brake, English sociologist, considers subculture as a historic reaction to cultural modes and their formation originating from the efforts of each generation for solving structural problems, the efforts which are collectively experienced by the members of that generation. Generally, subcultures are groups which are paid attention as deviation from the principle standards of the society. They are formed based on age, gender, economic trends, race, etc. In terms of social analysis, subcultures are defined as having no right to political participation, being under governance, and ruled. People who scientifically study the subcultures consider them as opposed to other forms and the current culture (Smith, 2003). Sheikhavandi considers subcultures as the main element of identity of the nations and ethnicities and states that the identity of nations originates from their culture and subcultures. In other words, subcultures are called the sprouts and foliage of trunk of the society culture. Subcultures are considered as the main components of the culture of every society. Subcultures have a crucial role in education and curriculum planning systems, and without these subcultures, the society does not have full functions and true concepts.

The term multiculturalism is a concept emphasized on in the recent years and refers to the fact that despite expanded communication between the countries and their movement towards a worldwide or at least regional system, the issue of nations and cultural differences between them has still a great importance (Khosravi, 2008).

Multiculturalism tries to show that how sounds and experiences of different groups of people are silent and removed from the dominant cultural flow, and also it fights for challenging the different attitudes, experiences, and cultural forms by the groups who have become deprived of the dominant flow. Multiculturalism confirms the value of different types of cultures and cultural groups and asserts that for example black people, redskin people, Asians, and native Americans have their value and importance (Kalhor, 2010).

The first conceptualization of the concept of multiculturalism dates back to 1960s and this concept has had many changes. As other educational concepts, various definitions have been proposed for this concept and most of the experts try to explain this concept based on their perspectives. Some definitions focus on the students, some others focus on teachers' characteristics such as the teacher's culture, the ways of the teacher's dealing with classroom issues or teaching method, and some others focus on specific features of schools such as systematization and organizational framework, standard ranking or discrimination in allocating financial resources, some others focus on improving the schools in all aspects, and cultural characteristics of different groups, and some others consider multicultural education as a change of curriculum which is simply made by adding new and various materials in the curriculum (Sadeghi, 2011).

Multicultural education includes at least three elements: 1. An idea or concept, 2. An educational reform movement, 3. A process. This kind of education is based on commitment to pluralism and is aimed at directing the learners to become prepared for actively participate in a diverse and democratic society. In other words, in this approach, all the learners should benefit from equal educational opportunities regardless of the group to which they belong. Multicultural education is an effort for releasing the learners from ethnical constraints and making them aware of the confrontation of the cultures, societies, and others' thoughts and life styles. The ultimate goal of this education is enabling the learners to look at the world without any fanaticism and prejudice and to be able and willing to explore its variety and riches (Gharibi, 2009).

According to Gay (2008, quoted by Sadeghi, 2010), the importance of multicultural education is due to at least three elements: 1. Social realities, 2. The effect of human's culture and race on his/her growth and progress, 3. Effective teaching and learning conditions.

1. Social reality: our world is a (socially) plural, and multilayer world with different nations and races. Racial, cultural, ethnic, and language diversities are considered as the most prominent features of today's world. Researches such as the work done by Smith suggested that when ethnic groups become grow wider and get political importance, social policies and programs should meet their needs too.

2. The effect of human's culture and race on his growth and progress: culture forms human's behaviors, attitudes, and values. In a pluralistic society, responsive educational decision making will be achieved when the education leaders plan their educational programs being aware of the way of formation of their own and their students' attitudes, values, and behaviors by culture (Epnidler, 1987, quoted from Sadeghi).

3. Effective teaching and learning conditions: in multicultural education, teaching and learning are considered as cultural processes. In order to achieve the best (qualitatively) education, the students' culture should be carefully reviewed and analyzed. In other words, most of the differences between the students' learning process are due to their cultures. About the relationship between culture, teaching, and learning, Sadeghi (2010) has stated that: A) Multicultural education is a basis for all the students in a pluralistic society in terms of culture, ethnicity, and sociality. B) Nationality and culture are effective variables forming the individual identity and behavior. C) Cultural sociability first deeply roots in human's personality and then remains for life. D) Cultural diversity is today's reality of the international community. E) Multicultural education is a complement for qualitative education. F) Nationality, culture, and humanity are inseparably interconnected and have mutual relationship with each other.

In his study titled "multicultural education as an educational approach", Javadi (2015) investigating and reflecting on the concept of multicultural education, considers it as an effort for releasing the children from ethnical constraints and making them aware of the existence of cultures, societies, and data of others' thoughts and lives.

In their study titled "the effect of globalization on national identity (case study: students of public universities of Tehran)", Hafeznia et al (2014) concluded that expanded globalization processes in the form of information and communication technology has led to strengthened transnational identity of students.

In this research, Banx (2016) concluded that the future teachers are still getting prepared to teach in idealistic schools of white skinned, monolingual, and middle class children. Also, most of the teachers of social sciences are not familiar with the concepts and goals of multicultural education. In his study, Smith (2015) concluded that background experiences of the teachers are valuable for enlightening and raising the understanding ability of pre-service teachers about perspectives and viewpoints of multicultural teaching.

Research method

The present research is a cross-sectional explanatory research that has been done as a survey and using the tool of questionnaire. The research population includes all the teachers of girls' elementary schools in Bojnord city who are 100 people. In this research, total count sampling method had been used. So, all the 100 people of the population were selected. Data collection method is a researcher-made questionnaire. After that validity (professors' and experts' judgment) and reliability (obtained as 0/86 by using Cronbach's alpha) of the questionnaire were approved, it was distributed among the elementary teachers. Descriptive and inferential statistical methods were used for analyzing

the data. In descriptive statistics, central and dispersion indexes such as mean and standard deviation were used, and in inferential statistics, exploratory factor analysis and confirmatory factor analysis were used at the confidence level of 95% by using SPSS 18 and LISEREL 8/8 software.

Research findings

In the present research using LISEREL structural model software, effectiveness of each factor was measured and finally, they were ranked, the results of which are presented in the following. Regarding the output of LISEREL software and the obtained value of path coefficient, among the recognized factors influencing multiculturalism, the structural dimension with the factor loading of 0/51 is in the second degree of importance after the content dimension with the factor loading of 0/85.

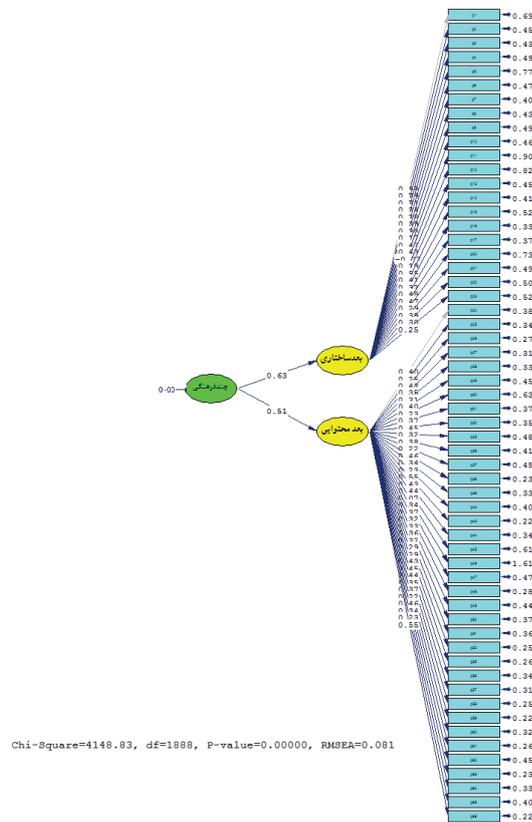


Figure 1. Structural model of the research in the standard mode

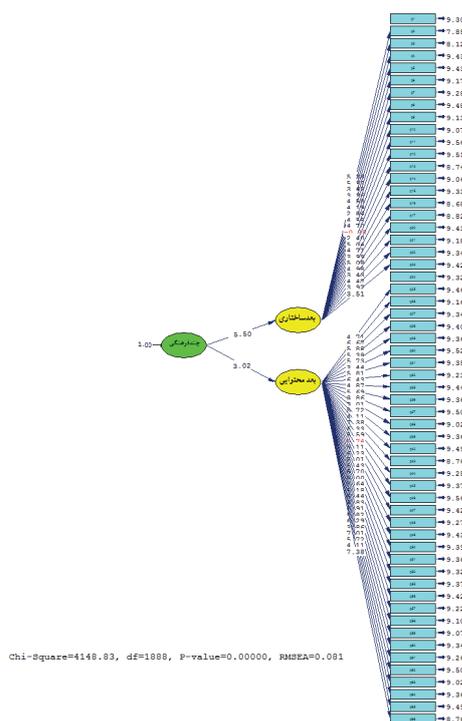


Figure 2. Structural model of the research in the significance mode

In the following, communication path of each of the recognized dimensions and components in multicultural education (related to obvious (tangible) variables and hidden (intangible) variables) and also standard and significance coefficients of the measuring equation are presented.

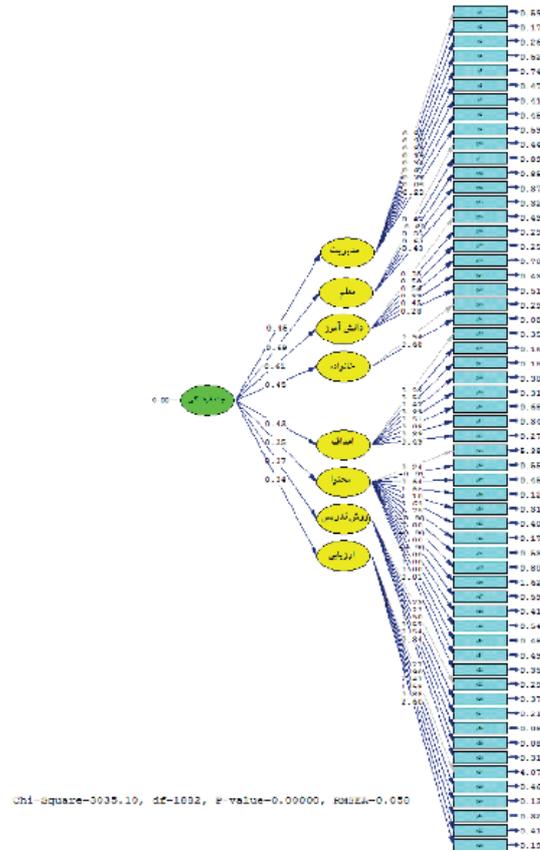


Figure3. Structural model of the research in the standard mode

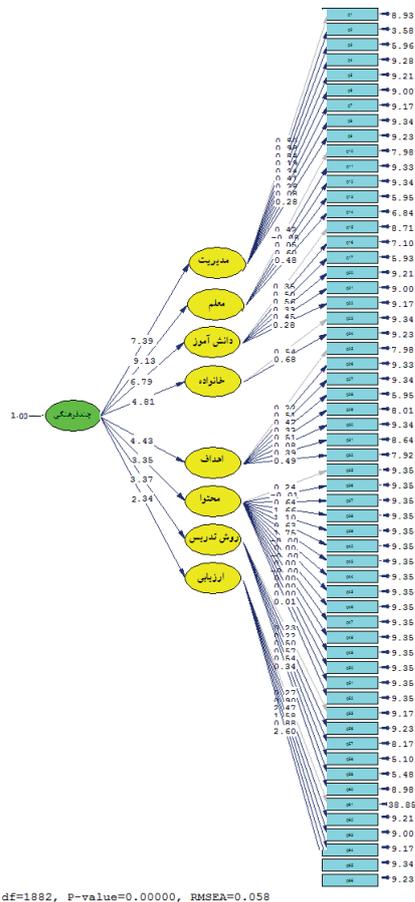


Figure4. Structural model of the research in the significance mode

Table1. Direct coefficients of communication path of the most effective components

No.	Component (communication path)	Path coefficient	Significance	Result	Rank
1	Management	0/45	7/39	Is significant.	3
2	Teacher	0/69	9/13	Is significant.	1
3	Student	0/61	6/79	Is significant.	2
4	Family	0/45	4/81	Is significant.	4
5	Goals	0/43	4/43	Is significant.	5
6	Content	0/35	3/35	Is significant.	7
7	Teaching method	0/37	3/37	Is significant.	6
8	Evaluation	0/34	2/43	Is significant.	8

According to the output of LISEREL software and the values of path coefficient obtained in the above table, the component of the teacher with the path coefficient of 0/69 from the structural dimension and the component of the goals with the factor loading of 0/43 from the content dimension have the highest effect among the components recognized as being effective on multicultural education, and the other components are at the lower degrees.

Discussion and conclusion

The world we live in includes a wide range of different races, nations, and cultures, and education of the student belonging to these diverse cultures is accompanied by many difficulties and complexities. Efficiency of education system in pluralistic societies culturally depends on multiple elements. One of these important elements is the teacher who must be familiar with the bases of multicultural education in order to be successful in teaching in a multicultural society. Therefore, in addition to accepting the issue of multiculturalism and the necessity of multicultural education in the state education system, teacher training centers should make effort for education of the knowledge, intuition, and skills required for achieving the goals of multicultural education in the schools. However, the real practice and the amount of emphasis on cultural education in administrative and educational mechanisms and the content of courses and curriculums should be contemplated. On the other hand, education is a time-consuming, fruitful, and also difficult process in which teachers are the starting point of any educational evolution. So that, in the age of facing with global challenges, making a change in the society will not be possible unless by thoughtful and creative teachers. The need to competent, knowledgeable, and powerful teachers is felt in every era, especially in the present day which is the age of research, technology, informatics, and explosion of knowledge and information. The emphasis on the teachers' central role is due to the fact that they are considered as the correspondents of education, and the active goals and purposes of education systems in different aspects should be realized by the teachers (Mehrmohammadi, 2015:5). In the mid 70s, people around the world found that education department cannot and should not ignore this major element and so, they founded a new education system in which teachers are considered as the bases and foundations.

The period of the 80s can be named as the decade of warning thinkers and researchers about the necessity of changing and improving the quality of teacher training. In this decade, in every book about economic, social, cultural, and even political changes published by new thinkers, they seriously pointed to the issue of teacher and changing the teaching-learning methods and principles. Their statements suggested the fact as is every fundamental change is subject to making a change in education system and no changes are made in a system unless the necessary changes are made in education practices (Raouf, 2013). In the late 90s, the basic characteristics of education in 21th century were considered and the teachers' role was changes from a mere provider of knowledge and information to a director and facilitator of the teaching-learning process, and the most important characteristics of the teachers of this century were considered as creative thinking, leading the learners to knowledge production and guiding them in the teaching-learning process. In other words, being a thoughtful teacher was considered as the important characteristics of the teachers in 21th century. Some of the characteristics of a thoughtful teacher have been recounted as flexibility, collaboration with others, innovation, being a questioner, and creativity (Majdfar, 2012: 12). The importance of teacher training and the suggestions and emphases in this field have made it necessary to paying attention to reforming the teacher training systems and adopting logical measures for improving the professional teacher training. One of the most important theories that have been raised in this field in recent decades is Donald Schon's (2011) theory of thoughtful acting and thoughtful teaching which has gained a lot of attention in the field of education and a large mass of educational research has been done on it. This theory has also attracted a great deal of attention as a pattern for teacher training. Gimenez (1999) has named the period of the 90s as the decade of reflection on teacher training. He states that although the meaning of reflection is not exactly obvious, nowadays anyone who discusses the issue of teacher training cannot ignore this concept. Donald Schon has criticized the positivistic approach which dominates the professional education and teacher training system of America that is called technical rationality. He states that such education is based on two basic presuppositions: A) academic research provides useful professional knowledge (Gimenez, 1999:12).

B) This professional knowledge, in the case of being taught in teacher training centers, makes the students prepared for the needs of the real world. Following Dewey and Schon, many approaches were created in teacher training whose goal was to train thoughtful teachers who are willing to make intelligent decisions about what to teach. Nevertheless, these approaches have not had any agreement about the fact that what exactly is reflection. Depending on the knowledge bases on which each of these approaches are based or the purposes which they have considered for reflection and the role or responsibility that they consider for the teacher, and generally the ideologies dominating their curriculum, different approaches have been mentioned that cover a wide range of conceptual differences and have consequently proposed different implications for organizing and designing teacher training courses (Emam Jomeh, 2013: 15).

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Methods to improve the Economy based on the Tourism Industry

Métodos para mejorar la economía basados en la industria del turismo

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ABSTRACT

This study aims to deal with the actual problem of managing tourist destinations organization to increase the competitive potential of the domestic tourist market. In order to accomplish the goal, the authors studied the comparative advantages of the Stavropol Territory as a tourist destination that should become its competitive advantages if implemented through a comprehensive destination management system. The strategy taken into account on the opportunities to maximize the strengths and compensate for the current competitive weaknesses of tourism development in Stavropol. The complex tourist destination competitiveness model and the system of its management in the Stavropol Territory depend on creating a regional organization for tourist destination management that would coordinate practices of the key regional tourism actors, ensure their interests and develop their interaction. On the example of the Stavropol Territory, the authors propose an alternative model of the tourist destination management system, which is to be implemented through mechanisms and practices of planning, development and increasing competitiveness of the tourist destination and to be institutionalized in the form of a regional organization for the tourist destination management. This model can contribute significantly to the social and economic development of the given region.

Keywords: tourist destination, tourist market, tourist potential, control system

RESUMEN

Este estudio tiene como objetivo abordar el problema real de la gestión de la organización de destinos turísticos para aumentar el potencial competitivo del mercado turístico nacional. Para lograr el objetivo, los autores estudiaron las ventajas comparativas del Territorio de Stavropol como destino turístico que deberían convertirse en sus ventajas competitivas si se implementan a través de un sistema integral de gestión de destinos. La estrategia tuvo en cuenta las oportunidades para maximizar las fortalezas y compensar las debilidades competitivas actuales del desarrollo turístico en Stavropol. El complejo modelo de competitividad del destino turístico y el sistema de gestión en el Territorio de Stavropol dependen de la creación de una organización regional para la gestión del destino turístico que coordine las prácticas de los actores clave del turismo regional, garantice sus intereses y desarrolle su interacción. En el ejemplo del Territorio de Stavropol, los autores proponen un modelo alternativo del sistema de gestión de destinos turísticos, que se implementará a través de mecanismos y prácticas de planificación, desarrollo y aumento de la competitividad del destino turístico y se institucionalizará en forma de organización regional para la gestión del destino turístico. Este modelo puede contribuir significativamente al desarrollo social y económico de la región dada.

Palabras clave: destino turístico, mercado turístico, potencial turístico, sistema de control

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Introduction

Positioning, promotion and organization of a tourist destination is one of the main tasks when it comes to increasing the attractiveness of a region from a tourist point of view. According to worldwide experience, the organization of destinations plays a key role in the management of their development and is only possible as an accumulated joint effort of all tourism actors involved. In this study, management of a tourist destination is considered on the example of the Stavropol Territory, where despite a significant tourist and recreational potential, strategic tourism development programs and activities undertaken by regional authorities, the tourist flow and the share of tourist services in the structure of GRP remain insignificant.

In this regard, the relevance of the research topic is determined by the need for significant developments that would ensure an effective organization of the tourist destination of the Stavropol Territory implemented through concrete practices in the planning and development of its competitiveness potential. Thus, management of the Stavropol tourist destination demands a unified approach embracing all the parties involved and a mechanism that would promote the region as a tourist destination both on the Russian and international tourist markets.

The aim of the study is to suggest a comprehensive competitiveness model of a tourist destination, apply it to the development of the tourist destination of Stavropol, and based on international experience work out a management system of the tourist destination in question.

The methodological basis of the research comprises the general scientific research methods, as well as the dialectical, systemic-logical, complex, observation, comparison, factor study and others methods that allow to ensure the reliability and validity of the conclusions and recommendations formulated by the authors.

Results

For the first time a comprehensive model of a tourist destination competitiveness has been applied to the development of the tourist destination of Stavropol. A whole system of management of the tourist destination of the Stavropol Territory has been evolved based on international experience.

Also, an alternative model of tourist destination management is proposed on the example of the Stavropol Territory. It is implemented through mechanisms and practices of planning, development and ensuring the competitiveness of the tourist destination, which are institutionalized in the form of a regional organization for the management of the destination of the Stavropol Territory (OMD ST), based on the interaction of the key actors of tourism and ensuring their interests, which previously has not been considered in scientific research by other authors.

The unique characteristics of the proposed model of destination management are the organizational management structure and functions of the executive body of the organization as well as an electronic system of tourist destination management (eOMD ST).

Discussion

Despite some positive dynamics in the development of the tourism industry in the region, the Stavropol Territory does not occupy a leading position in Russia, being significantly inferior to the competitor regions. The contribution of tourism to the economy of the region accounts for about 1.1%. The most common for the region in terms of turnover (total cost of tickets sold) and the number of tourists served is outbound tourism (up to 90% of the tourist market of the Stavropol Territory) (Burnyasheva, Pavlyuchkova, 2015).

On these premises, it would be reasonable to link the strategic guidelines for the development of the tourist destination of Stavropol with an active development of its infrastructure.

It is obvious that the demand from tourists for the Stavropol destination, as well as strategic prospects for its development, largely depend not only on the national factors, but also on the global trends. The most significant of them as specified by the professional community are the following:

1. The progressive growth of tourist arrivals with the preservation of their major geographical architectonics.
2. The dependence of tourism on the crisis processes in economy, nature, society, as manifested in the fall of tourist activity having though a rapid recovery growth potential (Rud, Kiseleva, Kasaeva, 2015; Nagoev, 2018; Jenaabadi, & Issazadegan, (2014).
3. Concentration and transnationalization in the tourism industry (introduction of constructive mechanisms of state support for small forms of tourism business, as well as their integration into business associations in the format of self-regulatory organizations).
4. Scientific and technological progress, primarily related to the development of information technologies, the use of which allowed creating a global system of tourist navigation (e.g. Amadeus, Galileo, Worldspan, Sabre) for travel companies and the Internet (or alternative) system of distribution of tourist services (e.g. Expedia.com, Orbitz.com, HRS.com, Travelocity.com, Hotels.com, Priceline.com, Hotels.su) for individuals; Internet portals with mobile

versions and tourist registers on the basis of regional tourist information centers, virtual tourist products and corporate websites.

5. Sustainable tourism development. This factor is meaningful as the tourist industry acts as a driver of economic processes and a factor of social stability on the one hand and, on the other one, has a significant impact on the natural environment.

6. Changes in consumer preferences of tourists.

7. Active state regulation and strategic positioning of tourism, which is quite fair, bearing in mind the locomotive role of the industry on a global and national scale (Gorbunov, Gazgireeva, Burnyasheva, Rud, 2016; Tatuev, 2016).

As practice shows, the systemic nature of the development of tourism and related industries provides for coordinated work of all public structures within the tourism policy framework at the state and regional levels at the initial stages, and as it is being implemented – at the local and corporate levels. In this mechanism, national tourism organizations possess a special regulatory status, the main purpose of which is marketing and promotion of national tourism products (Kiryanova, 2014).

One should be mindful of the cause-and-effect relations in the context of promoting the Stavropol destination while forming its holistic vision as a unique tourist product. Although implemented through a variety of tools, there should be a single advertising and information policy, based on the regional tourist information center, which should provide travel agents with a full range of information and marketing services (Morozenko, 2015; Sohrabi, (2017).

Meanwhile, in view of its network form of organization and infrastructural nature, the cluster approach and the public-private partnership are recognized as non-alternative and effective tools for the development of the tourism industry in the world, and more recently in domestic practice.

The mechanism of public-private partnership should be considered as a qualitatively new model of management of the Stavropol tourist destination, the possible forms of implementation of which are presented in table 1.

Table 1

Mechanism of implementation of public-private partnership in the development of the Stavropol Territory tourist destination¹

Forms of public-private partnership (PPP)	Ownership of a PPP object	Operation and maintenance	Investments	Commercial risk	Time frame	Sphere of application
Service contracts (outsourcing)	PS*	PS, PrS**	PS	PS	-3 years	Marketing of the region, landscape development, landscape gardening, waste management, energy saving, sightseeing tours, organization of conferences and exhibitions, restoration works
Management contracts	PS	PrS	PS	PS	3-5 (8) years	Maintenance of park, medical, recreational, tourist infrastructure, architectural, natural monuments, recreation areas, etc.
Lease and temporary transfer of rights	PS	PrS	PS	PS, PrS	5(8) -15 years	Transport services, waste processing, water and sewage infrastructure, heat supply to the tourist destination, etc.
Concession agreements	PS, PrS	PrS	PrS	PrS	15-30	Recreational nature management, construction and operation of tourism facilities, transport, engineering, energy infrastructure of tourist destinations, etc.

Thus, in conditions of high uncertainty and variability of internal factors and external conditions for tourism development, national-state and regional policy, as well as business practices, should be adapted to the perception of such changes. Their comprehensive and systematic analysis allows to take into account global trends and national specifics, to outline territorial and sectoral prospects of cluster initiatives, to consolidate the efforts of the state and business and, finally, to serve as a “road map” for the consistent promotion and implementation of tourism

1

Note: PS* – public sector; PrS** – private sector.

products of the Stavropol destination.

Based on the conceptual model of competitiveness by B. Richie and J. Crouch and the works of S. Pykes, it can be concluded that in order to maintain and develop a competitive regional tourist and recreational complex and promote a tourist product in the domestic and international tourist markets, it is necessary to focus on turning the comparative advantages of the destination into its competitive advantages (Kotler, Haider, Rein, 2013; Sheralieva, (2016).

Only the tourist destinations with a strategy for tourism development, mutual understanding and partnership between the main stakeholders (the state, business, and local residents), a target market with clearly defined and studied needs of tourists, a tourist product and a purposeful campaign for its advance are competitive. The thesis by M. Porter that “Nations that have limited resources are motivated to find innovative ways of overcoming their comparative disadvantages through the development of competitive advantages” is actual with regard to the Stavropol Territory (Shorokhov, 2017). It has a resource base for the development of tourism, which can eventually become a competitive advantage of the region.

Following the logic above, it should be concluded that the comparative advantages of the Stavropol Territory as a tourist destination should become its competitive advantages, which depends entirely on the system of management of the tourist destination development (Burnyasheva and Pavlyuchkov, 2015).

To transform the comparative advantages of the Stavropol Territory as a tourist destination into competitive ones, we propose the development of a comprehensive model of the tourist destination competitiveness and an alternative model of the tourist destination management system on the example of the Stavropol Territory, implemented through mechanisms and practices for planning, development and ensuring the competitiveness of the tourist destination. These models are institutionalized in the form of a regional organization for the management of the destination, including in its structure a design and research unit, a congress bureau, a tourist information center and an e-OMD system. (Kazantsev, 2014).

1) *Development of a tourist destination competitiveness model for the Stavropol territory*

In order to form a model of competitiveness of a tourist destination, it is essential to analyze such key components as comparative and competitive advantages in relation to the destination. Comparative advantages represent all types of resources of the destination, as well as its competitive advantages – the ability of the destination to effectively use resources over a long time. The resources of the destination determining its comparative advantages include natural and geographical resources, historical and cultural resources, human resources, financial resources, infrastructure (Zakharchenko, 2015; Nebessayeva, et al, (2018).

The destination that has a concept for tourism development, mutual understanding between the key players (government, business, residents) regarding the direction of the destination development, a clearly defined target market, a developed product satisfying the needs of tourists and a targeted campaign to promote it can be much more competitive in the market than the destination that has never been engaged in strategic planning of tourism development.

Thus, we offer a competitiveness model of the tourist destination of the Stavropol Territory (Fig. 1).

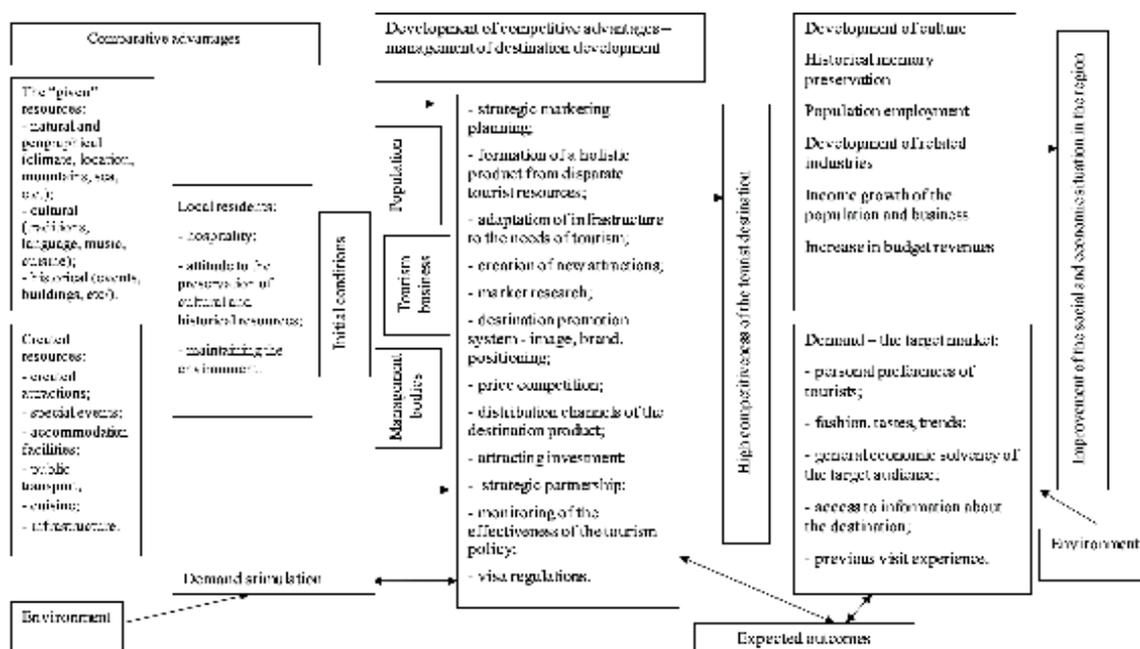


Fig. 1. Competitiveness model of the tourist destination of the Stavropol Territory (Fig. 1).

The model of competitiveness of the tourist destination of the Stavropol Territory will be incomplete without taking into account another important aspect – the attractiveness of the destination (Figure 2).

Competitiveness and attractiveness are characterized by two aspects of the Stavropol Territory destination functioning – its attractiveness from the point of view of the tourist, and its competitiveness from the point of view of the management of the destination (Gorbunov, Burnyasheva, Gazgireeva, Rud, 2016). It is the attractiveness of the destination that will attract tourists, stimulate their travel, and be a primary factor in the development of tourism.

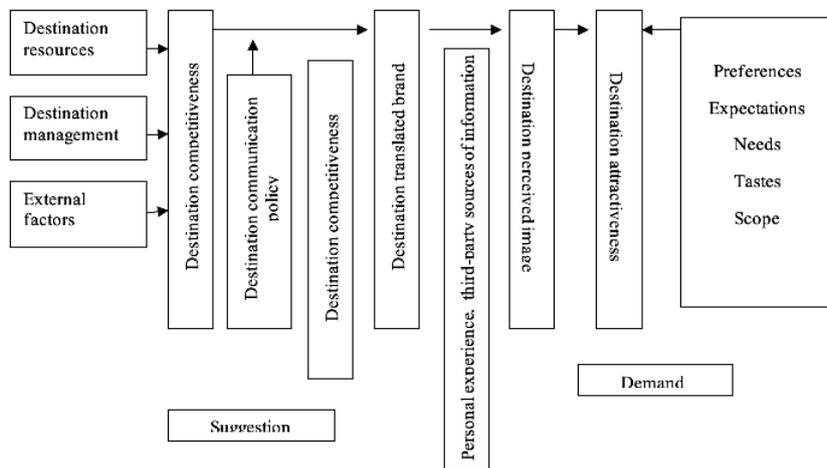


Fig. 2. The relationship of competitiveness and attractiveness of the Stavropol territory destination.

2) Development of an alternative model of the tourist destination management system of the Stavropol territory

To effectively manage the development of tourism in the Stavropol Territory, it is necessary to unite the efforts of all stakeholders of the destination. The result of this joint effort should be the creation of an official organization for the management of the region’s destination, with a full range of functions and tasks.

We offer an alternative model of the tourist destination management system, implemented through the mechanisms and practices of planning, development and competitiveness of the tourist destination, which are institutionalized in the form of a regional organization for the management of the destination (OMD ST), based on the interaction of the key actors of tourism in the region and ensuring their interests.

We propose to create an organization for the management of the destination (on the example of the Stavropol Territory – OMD ST). As the tourist destination is a dynamic open system and has been established to be a multi-aspect phenomenon, it is necessary to involve in its management the key tourism actors as well as their coordinated practices which in their complex create a competitive integrated tourism product – a destination.

Taking this into account, within the framework of the current Russian legislation, the authors have chosen two possible options for the organizational and legal form of OMD ST: a non-profit partnership (NPP) or an autonomous non-profit organization (ANPO).

The purpose of the organization for the management of the Stavropol Territory destination is to promote the Stavropol Territory as a tourist destination in the Russian and international tourist markets and to ensure the long-term competitiveness of the tourist product of the region through effective interaction of the stakeholders to achieve a high level of life for the local population.

The main objectives of the organization for the management of the Stavropol Territory are presented in Table 2.

Table 2 Main objectives of the organization for the management of the Stavropol Territory

1	Marketing and branding of the Stavropol Territory as a tourist destination for science, business and leisure in the domestic and global tourist markets.
2	Coordination of marketing activities of the stakeholders to promote the Stavropol Territory as a tourist destination for science, business and leisure.
3	Participation in the development of strategic and program-target planning documents.
4	Formation of a single tourist information space of the Stavropol Territory.

5	Provision of tourist information and consulting services.
6	Formation of a positive internal image of the region as a tourist destination for science, business and leisure. Development of a set of measures to involve local residents in the development of tourism in the Stavropol Territory.
7	Education, trainings, professional development for specialists of the tourism industry.
8	Collection of tourist statistics, formation of a database of tourist attractions and research of the tourist market.
9	Implementation of event management (introduction of a calendar of events).
10	Development of the tourism product. Development of tourist attractions.
11	Improving the quality and competitiveness of tourism services.
12	Ensuring and supporting cooperation between public and private entities. Creation of a platform, a mechanism for interaction and accumulation of efforts of universities, government, business and local residents to develop and promote the region as a tourist destination for science, business and leisure.

Categories of OMD ST members: administrations of the Stavropol Territory and the city of Stavropol; Stavropol chamber of commerce and industry; tourist and excursion enterprises; companies organizing congresses; congress centers, international business centers and exhibition centers, Expocentre SEZ “Stavropol”; Congress Bureau “Progress”, means of placement; catering establishments; establishments of culture and art (museums, theaters, galleries, etc.); branch professional associations (e.g. “North Caucasian Association of Cooks»); institutions of higher and secondary professional education; transport companies (air, railway, bus companies, urban transport); airport “Stavropol”, airport “Mineralnye Vody”; local community (residents of the region); media.

Management bodies of the organization for the management of the Stavropol Territory destination in the form of a non-profit partnership are (Fig. 3): General assembly of members, Board, Executive Director.

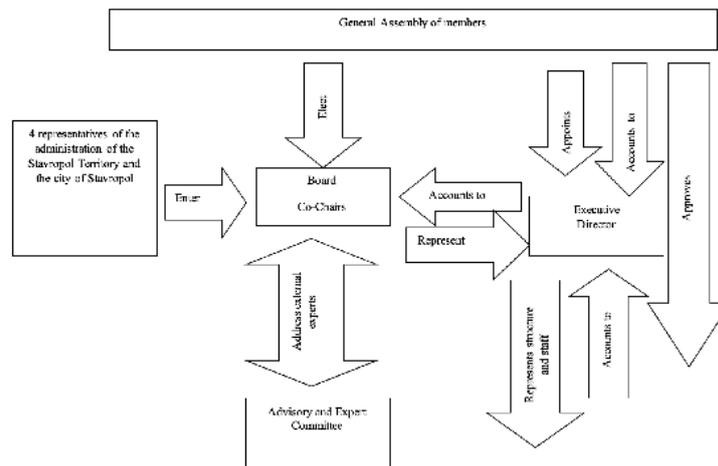


Fig. 3. Organizational structure of the organization for management of destinations in the Stavropol Territory in the form of noncommercial partnership.

The unique characteristics of the proposed model of destination management organization are the organizational management structure, functions of the Executive body of the organization, and an electronic system of tourist destination management (e-OMD).

The e-OMD system is an “electronic OMD ST”, i.e. a virtual office created with the help of modern information and communication technologies (ICT) to ensure the presence of the organization for the management of the Stavropol Territory destination the Internet and its promotion.

The main goal of the demo system is to become a key media for the accumulation of efforts of all stakeholders to promote the Stavropol Territory as a tourist destination for science, business and leisure, to provide an opportunity for their joint work on the development of the destination, to become a “virtual platform” for communication of the OMD with the tourism actors and the actors among themselves.

The characteristics of the e-OMD are presented in Table 3.

Table 3 Characteristics of the e-OMD system

1	categories of users for whom the electronic resource is intended: tourists, local residents, representatives of the tourism industry, tour operators, travel agencies, hotels, catering businesses, museums, etc., local authorities, expert community, educational and scientific institutions, professional associations (associations, unions), organizers of congresses and exhibitions, congress venues, meeting planners; media
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2	mode of access to the sections of the e-OMD system: open; partially open, requiring registration with login and password
3	versions in Russian and English
4	highly informative content: compliance with the information needs of all categories of users, relevance of information, intuitive interface, ease of navigation, visualization of tourist sites, etc.
5	- interactivity
6	access to the e-OMD system (means of communication, applications): personal computers, smartphones, tablets with Android and iOS systems, interactive TV, navigation systems in the car, information kiosks, call-center, e-mail, etc.

The e-OMD system includes:

1. e-Destination (Fig. 4). The official tourist portal of the region as a tourist destination for science, business and leisure with mandatory sections for B2C and B2B, and a corporate OMD ST section.

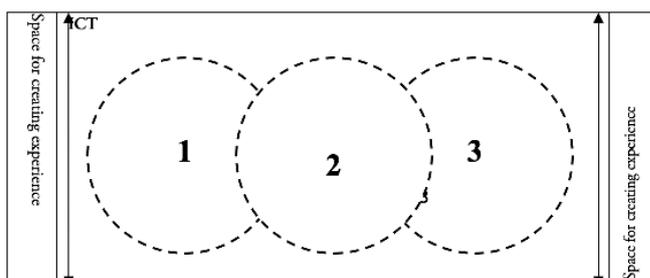


Fig. 4. -Destination. Creation of a tourist experience with the help of information and communication technologies: 1 Destination (attractions, OMD, hotels, tourist companies, etc.); 2 Consumer; 3 Creation of a tourist experience

2. e-Marketing: promotion of the region as a tourist destination for science, business and leisure in social networks (Social Media Marketing), in search engines Google and Yandex; advertising and image articles on thematic and information sites; e-mail marketing; use of Customer Relationship Management (CRM), the formation of a database of users of the e-OMD system, possibility for creating a personal account/user profile, saving user settings, participation; the possibility of forming a database of tourist attractions; conducting research on the Internet, collecting tourist statistics, etc.

3. e-Communication: use of video conferencing, Skype, other online communication and consultation programs; electronic document management.

4. e-Education-distance learning.

The potential risks of creating the OMD ST in the form of a non-profit partnership are: limited financial support/guarantees from the authorities, low level of influence on strategic decision-making in the region (weak political will), as the public authority can not be the founder of a NPO. In this regard, the second version of the organizational and legal form is proposed: an autonomous non-profit organization, which allows obtaining financial support from the regional or municipal budget, in the case of its establishment by a public authority. In addition, citizens and other legal entities can become co-founders on the basis of voluntary property contributions (Dudetsky, 2014). The actors of the destination will be able to participate in the activities of the organization not only as co-founders, but also through joining the Board (the supreme collegial governing body), the Supervisory Board (coordination and advisory body), the Director General Office (executive body).

Conclusion

Based on foreign experience, the authors propose development of a comprehensive model of increasing competitiveness of tourist destinations and a management system of the tourist destination of the Stavropol Territory. The authors suggest creating a regional organization for the management of the destination, which would coordinate the practices of key regional tourism actors and ensure their interests and interaction. The unique characteristics of the proposed destination management system in the form of OMD ST include the organizational and management structure and functionality of the Executive directorate for an NP or Office of Director General for an ANPO, as well as an electronic tourist destination management system (e-OMD). (Dracheva, 2015).

A comprehensive development of the tourist destination of the Stavropol Territory will significantly increase the level of social and economic development of the region. Many new jobs will be created, as a result of which the employment of the population will be increased, tax revenues to the budget will increase as well, and the local population will have the opportunity of rest and recreation in places of residence.

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Aspects to promote agricultural Production in terms of their cost

Aspectos para promover la producción agrícola en términos de costo

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ABSTRACT

This study aims to argue for the application of product cost calculation by the “direct-costing” model which can serve can improvement in the management accounting system in agricultural enterprises. It categorizes the costs of agricultural production. The methodology of transfer pricing has also been developed, as a tool for assessing the effectiveness and determining the final result (profit and loss) of each responsibility center. A gradual construction of cost accounting, output and financial results has been suggested. Therefore, in order to implement the accounting system proposed in the article and to increase its controlling functions, the authors developed an analytical accounting register or a production report form, where financial results should be identified at the production stage and at the level of the organizational units. The article is not only scientific, but also practice-oriented, thus the outcomes will be useful not only for students, graduate students and teachers of economic subjects, but also for practicing accountants and managers.

Keywords: “direct-costing” method, management accounting, cost accounting, marginal profit, agriculture, responsibility center.

RESUMEN

El objetivo de este estudio es argumentar la utilización del cálculo del costo del producto mediante el modelo de “costo directo” que puede servir para mejorar el sistema de contabilidad de gestión en las empresas agrícolas. Clasifica los costos de producción agrícola. También se ha desarrollado la metodología de precios de transferencia, como una herramienta para evaluar la efectividad y determinar el resultado final (pérdidas y ganancias) de cada centro de responsabilidad. Se ha sugerido una construcción gradual de contabilidad de costos, resultados y resultados financieros. Por lo tanto, para implementar el sistema de contabilidad propuesto en el artículo y aumentar sus funciones de control, los autores desarrollaron un registro de contabilidad analítico o un formulario de informe de producción, donde los resultados financieros deben identificarse en la etapa de producción y en el nivel de la organización. unidades. El artículo no solo es científico, sino que también está orientado a la práctica, por lo que los resultados serán útiles no solo para estudiantes, estudiantes de posgrado y profesores de materias económicas, sino también para contadores y gerentes en ejercicio.

Palabras clave: método de “costo directo”, contabilidad de gestión, contabilidad de costos, ganancia marginal, agricultura, centro de responsabilidad.

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1. Introduction

Under the conditions of market economy, the new methodological guidelines for accounting should be developed in Russian agricultural organizations in an effort to meet international accounting standards. Compared to other industries, agricultural production has some peculiarities that affect accounting, planning and costing processes.

The financial results of agricultural production significantly depend on the sustainable use of material, labor and financial resources (Alborov et al, 2010). Therefore, the scientifically based organization of accounting and production process accounting based on the management model of “costs - volume - results” is of great importance. In our opinion, the accounting must address better the information needs of operational and strategic production management, as well as the requirements of internal control (Borodin et al, 2015; Zeighami, & Bahmaei, (2016).

The methods of cost accounting should also meet the requirements of economic analysis and determine the patterns of change in costs, output, and financial results of the organization and its divisions.

2. Methods

The studies of Russian and foreign scientists on the theory and methodology of financial and management accounting, analysis and control; legislative and normative acts regulating the costs accounting and calculation in agricultural production became the methodological and theoretical basis for our work. The following methods were used during our study: basic accounting methods; analysis, synthesis, abstract-logical, monographic, methods of systematization and generalization of research results.

3. Results

3.1 Organization of financial responsibility centers in agricultural enterprises

At present, Russian agricultural enterprises commonly use only the per-order method of all existing cost accounting methods. This method meets the requirements of centralized planning, which characterized the totalitarian command economy. In the market economy conditions, agricultural organizations received complete independence in productive activities and full responsibility for their productivity (works, services). Therefore, these organizations develop a system of economic methods of production management, which requires the creation of an appropriate, reliable and adequate information base.

This implies the increased use of cost accounting methods, i.e. application of more progressive methods, such as process, phase-by-phase and standard costing methods. At the same time, each organization must take into account the qualification level of their accounting staff and technical equipment at their disposal.

Not only agricultural crops (groups of crops), farm animals (groups of animals), but also technological processes, redistribution and production phases should become accounting objects when using these methods of production accounting.

The effectiveness of production accounting can be significantly increased if the proposed accounting methods are used in combination with the standard costing method. Costs accounting is now multidimensional, but we can distinguish two main approaches in its development. The first approach is aimed at improving the costing and control of costs for each separate type of finished products (works, services). It is characterized by the classification of all costs into direct and indirect costs, and the practical implementation of this approach is targeted at full cost calculation.

The second approach implies the improvement of administrative decision-making, its compliance with changes in market conditions and other external factors. The relevant accounting system emphasizes costs dependence on changes in the volume and structure of the finished products, which gives relevance to the classification of costs into direct and indirect. If the first approach is product-oriented, the second one is market-oriented. The first approach is based on the traditional system of manufacturing accounting, the second approach is based on the “direct-costing” system. One of the advantages of the marginal costing is its flexibility and ease of use in case of short-term settlements typical for enterprises vulnerable to the risks posed by market fluctuations. The above-mentioned system of calculation will allow to generate the most essential information for administrative and management personnel with the purpose of adoption of a specific decision (Eseneeva & Kostyukova, 2016; Muyambiri, & Chabaefe, (2018)).

In order to increase the efficiency of agricultural production, improve the financial performance of agricultural organizations, a restructuring of economic entities and the creation of financial responsibility centers: cost centers; revenue centers; centers of investment, - would be needed (Ovsyuchuk, 2006).

These centers can operate effectively based on the principles of self-control, self-financing, self-government, and self-support (Moschenko, 2007). Therefore, there is an objective need for a wider use of economic methods of

management and decentralization of some of its functions, including management accounting for the “cost-output-benefit” model (Figure 1.).

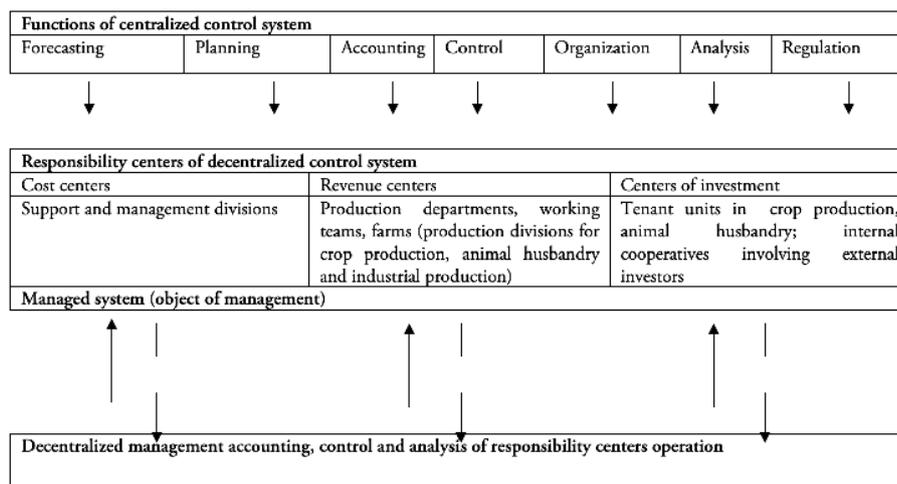


Fig. 1. Model of the responsibility centers organization, management accounting, control and analysis of their activities under the “cost-output-benefit” scheme

- forward linkage - backward linkage

Practical implementation of this model allows to take into account, analyze and control the production volume, its cost and financial results directly by units (responsibility centers) in an operative manner. To do this, it is necessary to change the system of the production management cost accounting, the methods of economic valuation of different products (works, services) of the responsibility centers and assessing their performance.

3.2. Classification of cost accounting in management and financial accounting

One of the most important aspects of improving cost accounting is the correct classification of costs by items in management accounting and by elements in financial accounting.

In order to optimize the management costs accounting and evaluation of the financial results of the responsibility centers, the costs of agricultural organizations must be grouped depending on the production output into variable, semi-variable and fixed costs. Besides, methodology should be developed for transfer pricing as a tool for assessing the effectiveness of activities and determining the final result (profit and loss) of each responsibility center [8, P.30].

At the same time, the transfer price should be higher than the variable (department) production costs and below the market selling price:

$$P_t = p \cdot (Svsv / 100), \tag{1}$$

where P_t is the transfer price of 1 centner (hundred kilograms) of product in RUR;

$Svsv$ is the share of variable and semi-variable costs in the cost structure for 1 centner (hundred kilograms) of product in RUR;

p is the market price of 1 centner (hundred kilograms) of product in RUR.

In this case, we propose to maintain management (production) cost accounting of responsibility centers by cost items categorized by the following areas (see Table 1).

Table 1 – Cost accounting items and elements by responsibility centers and across the organization

N	Elements and items of cost accounting	In financial accounting	In management accounting
1.	Compensation of employees including:) regular staff remuneration b) contract labor expense c) wages in kind	+ - - -	- + + +
2.	Crop and animal protection agents	+	+
3.	Feed and fertilizers	+	+
4.	Raw materials for industrial production	+	+
5.	Works and services, including:) fleet vehicles b) agricultural equipment and tractor park c) animal-drawn transport d) water supply e) gas supply f) heat- and cold supply	+ - - - - - -	- + + + + + +
6.	Maintenance of fixed assets including:) repair and maintenance cost b) depreciation, rent and lease payments	+ - -	- + +
7.	Other expenses	+	+
8.	Farm, working team or department expenses	+	+
9.	Sectorwide expenses	+	-
10.	General expenses	+	-
11.	Insurance payments and financial costs	+	-
12.	Sales expenditures	+	-

«+»- accounted for; «-»- not accounted for

The cost items in lines 1 to 9 form a working team (department, farm) cost. The composition of this type of cost includes variable, semi-variable and fixed costs. This classification of cost accounting allows to promptly control expenses, to determine factors and magnitude of their impact on the marginal profit and revenue of a structural unit.

Thus, the margin profit of a responsibility center is found as follows:

$$MPf = GPf - VCf - SVCf \quad (2)$$

The revenue of a unit is calculated using the following formula:

$$= MPf - FCfb, \quad (3)$$

where MPf - is the real marginal revenue of a unit in RUR;

GPf - is global production of a unit at transfer prices, RUR;

VCf and SVCf – variable and semi-variable actual costs of a unit, respectivey, RUR.;

FCfb - fixed costs.

The above aspects of cost accounting and methodology for calculating transfer prices, allow to monitor and analyze the costs, marginal revenue and profit of unit in relation to the production budget of this responsibility center.

4. Results

Systematization of indicators of the enterprise's business operations is required to ensure the operational management and control of economic activities. Such data could be found in the accounts of an enterprise. Currently, all the production accounts provide for a two-tier structure: control accounts; sub-account. In accordance with the Methodological Recommendations of the Ministry of Agriculture of the Russian Federation (2003), enterprises and organizations have also analytical accounts, and keep accounting records of costs and outcome of agricultural products, constituting the third stage in the structure of accounts. The volume of information was the basic criterion for this structure. However, the three-step structure of production (operating) accounts for the purposes of accounting in agricultural production is not enough. Agricultural production is multisectoral and sub-sectoral in nature (Novoselova & Usanov, 2010; Kabayeva, et al, 2018; Zare, & Zade, (2014).

Each of these sectors has a number of sub-sectors, are singled out as independent industries (fodder production, vegetable growing, sheep breeding, pig production, etc.) in specialized farms.

Therefore, to get detailed information for the purpose of monitoring costs and managing the efficiency of production of various sectors and sub-sectors, as well as to classify correctly the above information on analytical accounts, there is an objective need for ranking accounts within the corresponding sub-account, and for distinguishing internal sub-accounts of both second and third order. At the same time, every account will have an eight-digit code. For example, the account “Main Production” will have a code of 20 01 02 03. The first two digits denote a synthetic account (of the first order), the second two digits - the subaccount (second order), the third ones - the semi-sub-account (the third order), the fourth ones - the analytical account (fourth order).

At the same time, the information of account 20 and its sub-accounts will be used in financial accounting, and the information of semi-subaccounts and analytical accounts of this synthetic account will be used in management accounting of production costs for decision-making purposes.

Similarly, the structure of accounts 43 “Finished products”, 90 “Sales” and others can be built. At the same time, accounting of costs, output and financial results in the agricultural production management system is carried out according to a pyramidal (multi-step) scheme (Figure 2).

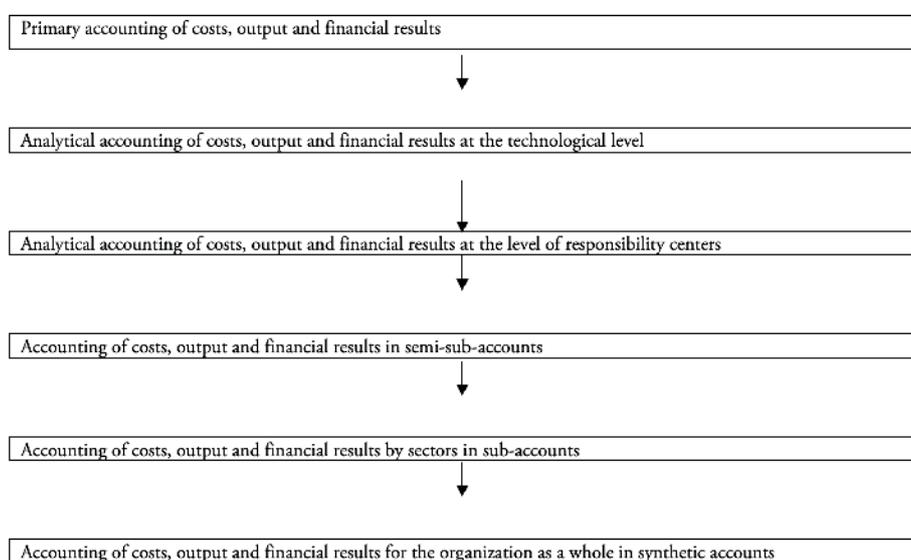


Fig. 2. Stepwise construction of cost, output and financial results accounting

The above scheme of the stepwise accounting of costs, output and financial results during its practical implementation will significantly increase the analytical and control functions of accounting, the communicability of its information in the system of production and financial management of the organization.

In order to implement this accounting system and improve its controlling functions, it is also necessary to develop an analytical accounting register or a production report form, where financial results should be identified at the production stage and at the level of the organizational units (Table 2).

Table 2 – Fragment of the production report of a self-supporting unit

1. Production costs (sales expenditures) by objects of accounting (debit of account 20 or account 90)

1	2	Objects of cost accounting, thousand rubles.									Total actual expenditure, thousand rubles.		12	
		3	4	5	B			Etc.			10	11		
					standard	variance (+;-)	actl	standard	variance (+;-)	actl				standard
1.	labor	12	+1	13	25	-2	23	-	-	-	56	49	70	
2.	depreciation	6	-	6	6	-	6	-	-	-	35	18	02	
3.	Etc..													

2. Output or sale of products and their cost (credit of account 20 or debit of account 90)

	Product	Product quantity, hundred kilograms			Production cost, rubles.			Corresponding account
		standard	variance (+;-)	actl	standard	variance (+;-)	actl	
1	2	3	4	5	6	7	8	9
1.	Potatoes	1270	+120	1390	4500	+300	4800	43
2.	Field vegetables	200	-7	193	7000	-20	6980	43
3.	Etc.							

3. Analysis of cost recovery and financial results of a unit

	Indicator	Product								
		standard	variance (+;-)	actl	standard	variance (+;-)	actl	standard	variance (+;-)	actl
1	2	3	4	5	6	7	8	9	10	11
1.	Global production, thousand rubles.	1300	+178	1478	678	-75	603	67	-9	58
2.	Marginal revenue, thousand rubles.	780	-80	700	670	+100	770	100	-	100
3.	Profit, thousand rubles.	520	198	778	78	-25	-167	-33	-9	158

Thus, the financial cost accounting based on this scheme should hold records of cost elements, and the management cost accounting - for cost items (Khosiev & Moschenko, 2009).

5. Conclusion

Our study on the organization of modern cost accounting and production cost calculating in Russian agricultural enterprises have revealed a number of problems. The complex market processes imply the complexity of an individual producer's orientation and affect the fluctuations in the volume of production and sales, on the one hand, and the increase of fixed costs share, on the other hand, have a significant effect on production cost, and thus, on the profits. Therefore, the rapid reforms of domestic methods of calculating the cost of agricultural products (Tsyrenova & Dashiev, 2013; Borodin et al, 2015).

Valuable management information obtained as a result of applying the method of calculating agricultural products on the basis of "direct-costing" model will facilitate the rapid recording, control and analysis of the agricultural production costs.

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Improvement of the investment climate in Uzbekistan

Mejora del clima de inversión en Uzbekistán

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ABSTRACT

The aim of the research work is to develop scientific and practical recommendations for perfection of scientific-methodic bases of raising attractiveness of Uzbekistan's investment climate.

Keywords: Foreign investment, investor rights protection, investment attractiveness, regional investment attractiveness.

RESUMEN

El objetivo del trabajo de investigación es desarrollar recomendaciones científicas y prácticas para la perfección de las bases científico-metódicas para aumentar el atractivo del clima de inversión de Uzbekistán.

Palabras clave: inversión extranjera, protección de los derechos de los inversores, atractivo de la inversión, atractivo de la inversión regional.

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Introduction

In world practice, the investment attractiveness of countries is determined by the investment potential and investment risk, which is characterized by a number of important factors. Foreign investors make decisions based on such indices as Doing Business (World Bank), Global Competitiveness Index (1, Doing business), which characterize the investment climate of the countries in exporting direct investments to a particular state economy.

In the period of independent development, accelerating investment activity, providing incentives and guarantees to national and foreign investors, as well as ensuring the effectiveness of these processes, including annual national and regional reforms, will be the key condition for radical restructuring of the economy, ensuring stable and high growth rates in Uzbekistan. measures on development and consistent implementation of investment programs were implemented. Institutional changes have been developed, such as regulatory documents, standards and requirements, and management structures have been improved to ensure that foreign investment in the economy and the formation of the infrastructure meet international requirements. In particular, on March 31, 2017 the State Committee for Investment of the Republic of Uzbekistan was established. As a result of these important measures, total investment in fixed assets in 2016 increased 3.2 times compared to 2010, and per capita investment increased almost three times. Improvement of the investment climate, active attraction of foreign, first and foremost, direct foreign investments into the sectors and regions of the country's economy are identified in the Strategy of Action of the Republic of Uzbekistan for 2017-2021 (2, The Decree of the President of the Republic of Uzbekistan).

Improving the investment attractiveness of Uzbekistan, along with the harmonization of legal and regulatory documents with international standards, is one of the ways to increase investment attractiveness of the country in rating indicators of Doing Business (World Bank), Global Competitiveness Index (World Economic Forum).

The following tasks will be addressed during research on trends in improving the investment climate in Uzbekistan:

- analysis of Uzbekistan's Doing Business (World Bank) indicators;
- Analyze the impact of Uzbekistan's ratings on the Global Competitiveness Index (World Economic Forum) on investment attractiveness of the country;
- Analysis of the socio-economic, innovative and investment potential of the regions of the country using economic and mathematical models.

Research methodology

The study used analysis and synthesis, induction and deduction, economic and mathematical modeling, statistical data grouping, comparative analysis, sampling observation, correlation and regression analysis, scientific abstraction, and other methods.

The extent to which the subject is studied

Scientific and methodological aspects of increasing the attractiveness of the investment climate are led by many foreign scientists: OA Biyakov, VV Bocharov, A. Margolin, Glushkova, Yu.Doroshenko, NI Klimova, ES Gubanova, Yu.Korchagin, I.P. Researched by Malichenko, VV Bykovsky, BA Chub, SA Kostornichenko and others.

Successful and effective implementation of investment policy in regulating regional economic development of Uzbekistan: A. Bekmurodov, GK Saidova, A. Sadykov, Sh. .Imomov, Sh.Kh.Nazarov, DGGozibekov made a worthy contribution.

These economists will determine the investment attractiveness, analyze its horizontal and vertical composition, evaluate the economic potential of the country and calculate the effectiveness of the use of economic resources of the regions, socio-economic modeling of regional industrial complexes, and develop a methodology for regional development. activation of investment in regions, financial reporting and investment management system illuminated related to the improvement of the analysis of trends.

From today's realities, taking into account trends in foreign direct investment to ensure economic growth, addressing issues of effective use of advanced scientific and technological achievements in determining the attractiveness of the investment climate, as well as improving existing methods for identifying risks and risks in the country and its regions. There is enough research related to the formation and definition of scientific theoretical expression of investment activity, investment potential, investment capacity. The inadequacy of this requires the implementation of in-depth scientific and methodological research on the subject.

Analysis and Results

According to the World Bank's Doing Business rating, Uzbekistan is ranked 41st, Business Registration (12th), Loans (60th), Credit Insolvency (91st), It ranks among the top 100 countries in terms of real estate registration (71st place) and minority investor protection (64th place). The country ranked 82nd in business performance in 2016, 87th in 2017 and 74th in 189 countries in 2018. We can see the 13th place in the overall ranking. However, there has been a 3-point decline in international trade. Linking this to the above, we can see that the share of small business and private entrepreneurship in the export of goods and services changed in a straight proportion, and the share of imports of goods and services reversed.

Table 1. Indicators of Doing Business in Uzbekistan Doing Business 2016–2019

Directions	DB 2016 Rating Index	DB 2017 Rating Index	DB 2018 Rating Index	DB 2019 Rating Index
Business registration	23	25	11	12
Permission for construction	147	147	135	134
Electrical connection	78	83	27	35
Registration of private property	81	75	73	71
To get a loan	42	44	55	60
Investor rights protection	78	70	62	64
Taxation and taxation	139	138	78	64
International trade	166	165	168	165
Ensure the implementation of contracts	37	38	39	41
Allow for insolvency	72	77	87	91

**Doing business <https://russian.doingbusiness.org/ru/rankings>*

As you can see in the table, in 2019 our country was ranked 12th in the business registration process. In particular, there are 3 procedures required to register a business in Uzbekistan and it takes no more than 4 business days to register. Charter capital is not required for business registration. Comparing these figures with other Central Asian countries, we see the advantages of doing business in Uzbekistan.

Indicators in Uzbekistan on construction permits are unsatisfactory, and in 2019 it holds 134 positions. Although this figure has improved since 2016-2018, only 17 of the number of procedures (16 in Europe and Central Asia) require 246 days for permission, which necessitates government reforms in this area.

Looking at foreign experience, the tendency to hire private sector engineers or specialized construction firms in the public service sector, which started in high-income countries such as Australia, Japan and the UK, has been accelerating in low- and middle-income countries. Modern construction systems are increasingly turning to private engineers or firms that are certified or approved to perform the facility's control function. In general, the role of the private sector can range from a very limited scope to a much wider scope that controls the design and construction process of the private sector. According to the World Bank's Doing Business 2018 report, 93 out of 190 countries use some form of outsourced private services to manage construction. Of the upper and middle income countries, 66.1% and 56.9% use third-party services to regulate construction, while only 37.7% of low- and middle-income countries use third-party services. In contrast, only 25 percent of low-income countries use private third-party services to regulate construction.

According to the participants, the involvement of the private sector in the area of construction regulation and its connection with it will contribute to improving the quality of construction and adherence to the construction rules.

First, the transfer of some of the regulatory functions from the state to the private sector must be done in the public interest. (20, National agency for project management)

Second, cooperation between the public and the private sector in the field of regulation of construction, as a key safeguard, will be successful if the government imposes significant requirements on the qualifications and experience of private entities and develops effective mechanisms of control and conflict of interest.

"Taxation" is also one of the indicators that improved in 2019 compared to 2016-2018. In 2019, Uzbekistan is ranked 64th. In particular, the annual number of faithful reports was 10, and the preparation and submission of tax returns took 181 hours per year. The main reason for these positive shifts is the reduction of taxes by the government. Starting January 1, 2019, business entities will pay the following taxes:

- Single tax payment. Depending on the type of activity, direction and type of business entity, it is approved at the beginning of the reporting year in accordance with the Presidential Decree.
- customs payments;
- Taxes and special payments for subsoil users;

- tax on water resources use - use of water resources for entrepreneurial activity;
- excise tax - when producing excisable goods;
- single social payment;
- the state duty;
- fee for receipt and (or) temporary import of vehicles. (21, UzA.uz).

Table 2. Investor Rights Protection Indicators 2019

#	Index	Uzbekistan	Europe and Central Asia
1	Information Disclosure Index. (0-10)	8.0	7.3
2	Director Responsibility Index	3.0	4.9
3	Executive Legal Responsibility Index	7.0	6.8
4	Shareholder Rights Index	6.0	7.1
5	Management Structure Development Index	5.0	5.6
6	Corporate Transparency Index	7.0	7.5

**Doing business <https://russian.doingbusiness.org/ru/rankings>*

According to the table, in 2019 Uzbekistan holds 62 positions on investor rights. Although this figure has improved over the 2016-2018 year, it is 3 points on the 10-point scale of CEO responsibility and 5 points on Uzbekistan's 10-point scale of managerial growth, suggesting that the investment attractiveness of the country is lower than in Europe and Central Asia.

The low level of responsibility for the management of enterprises and projects in Uzbekistan and the imperfect structure of governance affect the financial behavior of foreign investors.

The methodological aspects of the accounting of innovative and labor potential in the socio-economic potential of the regions and the complex development of the regions are justified;

The study proposes a method for determining the value of regional investment attractiveness (IJ) and calculating the factors affecting it, taking into account the existing risks. These methods and formulas are the product of previous research and studies conducted by foreign and local scientists in different periods, and to some extent, are an improved version of the calculations used.

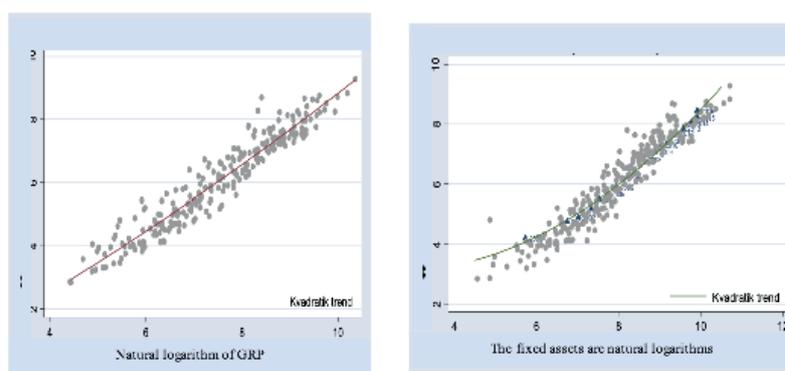


Figure 1. The relationship between investment and gross regional product

The relationship between investment and fixed assets. The type of data collected belongs to the panel data, and the panel units are the regions of the Republic of Uzbekistan (14 administrative regions). The data for each region are presented for the period 2000-2016.

While the econometric analysis of a number of variables, including investment in fixed assets (hereinafter «investments»), growth rates of investments, foreign investment and loans, and their share in investment, as independent variables, they are included in fixed assets for research purposes. The investments made are selected as a fixed variable. In an intuitive way, the more attractive the investment climate of a particular region, the greater the interest of investors in the area.

Of course, the size of investment depends not only on the interest of individual investors, but also on government decisions. The size of the investment in government decisions related to government decisions was small and the impact was not considered in the study.

The correlation between the factors was found to be across the regions of Uzbekistan between 2000 and 2016 (Figure 1).

The following steps were performed in the thesis for the calculation of the panel models described above.

First, choosing a free variable. In the regression model, the independent variables were chosen based on the theory. At the same time, it is necessary to take into account the correlation of some variables. In cases where the correlation coefficient between the two regressors is high (although there is no multicollinearity problem), the high correlation coefficient increases the standard error in calculating the econometric model. One of the variables with the highest correlation was chosen when selecting variables for the model. Although the normal correlation coefficient does not take into account intervals or panel correlations separately, it represents the link between the two variables under consideration.

Second, arbitrary and volatile variables vary between panel units and time. Intermittent variation of variables is referred to as intermittent variation, and the variance between regions is called variation between panel units, calculated as follows:

Intermediate dispersion:

$$s_{within}^2 = \frac{1}{NT-1} \sum_i \sum_t (x_{it} - \bar{x}_i)^2 = \frac{1}{NT-1} \sum_i \sum_t (x_{it} - \bar{x}_i + \bar{x})^2 \quad (1)$$

Dispersion between panel units:

$$s_{between}^2 = \frac{1}{N-1} \sum_i (\bar{x}_i - \bar{x})^2 \quad (2)$$

Total dispersion:

$$s_{overall}^2 = \frac{1}{NT-1} \sum_i \sum_t (x_{it} - \bar{x})^2 \quad (3)$$

It is desirable to distinguish between time intervals and panel units for calculation using panel models. In particular, the calculation of the model of fixed effects produces ineffective estimates when the time variance is smaller than the variation between panel units.

Third, the base model as a base model is estimated using the least squares method. Although it is not appropriate to calculate panel sampling using the ECK method, it is appropriate to start calculating panel models using the ECK method.

In addition, a compound error in calculating the $y_{it} = x'_{it}\beta + \alpha + \varepsilon_{it}$ model using the PCC method is a prerequisite for testing the hypotheses with the rule of $\varepsilon_{it} \sim (0, \sigma_{\varepsilon}^2)$. This hypothesis is not satisfied with panel data and therefore is not effective, although the calculated parameters are reasonable.

Table 3

$y_{it} = x'_{it}\beta + \alpha + \varepsilon_{it}$ panel model calculation results

	(1)	(2)	(3)	(4)
An arbitrary variable: linc	Model of assembly	Cluster-resistant aggregate model	Immutable effects	Random effects
linc_pc	0.395*** (0.0731)	0.395 (0.244)	0.623*** (0.107)	0.650*** (0.0918)
lhigher	0.425*** (0.141)	0.425 (0.246)	0.0238 (0.187)	0.181 (0.148)
lroads	0.358*** (0.119)	0.358 (0.352)	0.686 (0.991)	0.625* (0.350)
lassets	0.829*** (0.118)	0.829** (0.298)	0.232* (0.139)	0.299** (0.133)
grpq	0.00633* (0.00380)	0.00633 (0.00516)	0.00614** (0.00298)	0.00584** (0.00291)
lind	-0.128** (0.0627)	-0.128 (0.0791)	0.178* (0.102)	0.118 (0.0874)
leco_active	0.190**	0.190	0.734	0.225

	(0.0759)	(0.223)	(0.754)	(0.252)
Constant	-7.974***	-7.974***	-11.75	-8.713***
	(0.921)	(2.223)	(7.537)	(2.544)
	195	195	195	195
R-	0.928	0.928	0.958	
			13	13

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Fourth, although there are several empirical computational methods based on panel data, the most common are nonlinear effects (OLS) and random effects (GLS – Generalized least squares, MLE – Maximum likelihood estimation). At the same time, it is advisable to use a fixed effects model if the unobservable interim variables (investor culture and customs) and the variable effects between the panel units are strong, affecting the amount of investment.

Fifth, the Hausman test (22, Hausman) is used to select one of the fixed and random effects models. According to this test, is known to be , and it is assumed that is effective.

is an effective estimate of the true parameter. If the null hypothesis is true, there is no systematic difference between these two estimates, and the random effects model is used to calculate regression parameters. If the null hypothesis is not true, there is a systematic difference between the two estimates, and the hypothesis, that is, the parameters calculated using the random effects, are rejected, and the parameters calculated using the indefinite effects model are valid (Table 3).

Consolidated Models (Models 1 and 2) The first computational model calculated by the ECK method is based on the per capita income, higher education, infrastructure, cost of fixed assets in the country, and economically active population 1% of the investment (for the economically active population). 5%) at the statistical level. Their quantitative growth and other factors have led to an increase in investment in Uzbekistan.

Table 4. Results of the Hausman test

	----	Coefficients	----	
	(b)	(B)	(b-B)	sqrt(diag(V_b-V_B))
	fixed	random	Difference	S.E.
linc_pc	0.6228293	0.6501478	-0.0273185	0.055422
lhigher	0.0237553	0.1811028	-0.1573475	0.1148152
lroads	0.6863717	0.6251157	0.061256	0.9270906
lassets	0.2324024	0.2987003	-0.0662978	0.0419287
grpg	0.0061386	0.0058405	0.0002981	0.0006631
lind	0.1776677	0.1184616	0.0592062	0.0526569
leco_active	0.7343876	0.225257	0.5091307	0.710903
	b = consistent under Ho and Ha; obtained from xtreg			
B =	inconsistent under Ha, efficient under Ho; obtained from xtreg			
Test: Ho:	difference in coefficients not systematic			
	chi2(7) = (b-B)'((V_b-V_B)^(-1))(b-B)			
	4.65			
	Prob>chi2 = 0.7028			

In addition, according to the investment theory calculated by the ECK method, unexpected parameters are the expected parameter in panel models. That is, the parameters calculated as a result of considering the heterogeneity of the regions, remain valid. Secondly, the calculated parameters in the invariant and random effects models show a close elasticity. In other words, it can be seen that the parameters calculated using the ECK method are almost the same distance from the quantitative point of view. When per capita incomes increase by 1%, the investment in these regions, with the exception of other factors, increases by 0.623% (unchanged effects) and 0.650% (random effects). (Table 4).

Which of these two panel models best explains the investment in regions is explained by several criteria (Depending on the individual statistical significance of the computed parameters, the general significance test (test, test) The official Hausmann test was used.

Conclusions and Suggestions

The following conclusions were made within the framework of this research:

- Investment attractiveness of the country, along with legal and political factors, depends on the level of development of management in the country and the responsibility of managers for the project and the company, which is reflected in the World Bank's rating;
- There is no methodological basis for ensuring the participation of Uzbekistan in such key indexes of the investment climate of the country as widely used in the world practice, such as Genuine saving (GS), The Global Competitiveness Index (GCI). Uzbekistan's participation in these indices allows investors to identify the country's ability to achieve sustainable economic growth, to assess technology, government institutions and macroeconomic status.
- In international practice, the assessment of the potential of regions is determined by integral indicators - the arithmetic mean and the sum of the derivatives. When evaluating the potential of regions in Uzbekistan using these methods, it is advisable to use integrated indicators, which include the following steps: 1) justification of selected indicators; 2) assessment of the sustainability of the region for each indicator; 3) calculating economic, social and environmental sustainability through multivariate comparative analysis; 4) formation of integral index; 5) Determining the results with the highest (regions with the financial and intellectual resources: development potential, diversified and favorable environmental environment) and the lowest sustainability.
- Excessive capital stock reduces the efficiency of the capital factor and has a negative impact on the output of the final product. One of the prerequisites is an increase in the quality of labor resources in parallel with the increase in capital reserves. Therefore, when designing comprehensive development measures, it is advisable to take all the factors into account and make rational economic decisions based on accurate regression models.
- Based on the panel data for 2000-2016 across regions of Uzbekistan, independent factors (investment and loans, gross regional product, per capita investment, agriculture, industry, and services) and the independent factors (key factors) are analyzed. a direct correlation between the volume of capital investments). According to the random effects model, when per capita income increases by 1 percent, the region's investment in 0.650 percent and road construction (infrastructure) increases by 0.625 percent while other factors remain unchanged. The results of the Hausmann test show that, because , the hypothesized effect on the parameters of the random effects model was not rejected by any standard statistical significance, and therefore the amount of investment in the regions was interpreted using the random effects model. The decision was made as to its expediency.

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Malaysian School Counsellors' Challenges in Job Description, Job Satisfaction and Competency

Desafíos de los consejeros escolares de Malasia en la descripción del trabajo, la satisfacción laboral y la competencia

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ABSTRACT

School counselors play an important role in providing professional counseling services. In Malaysia, the role of school counselors correlates in filling the needs of developed countries by 2020 to develop a human capital with a strong identity and are noble, knowledgeable, and highly skilled. To perform these roles, school counselors need to constantly improve their knowledge, skills, and competencies to meet the demands and needs related to the wellbeing of students holistically. These include the students' emotional, mental, and behavioral health, which in turn contribute to academic excellence. This study aimed to explore the challenges of Malaysian school counselors in their job descriptions, job satisfaction, and competency. This was a qualitative study that used semi-structured interviews conducted with five school counselors. The results provided valuable information about the practice of counseling in a school setting in Malaysia. Results showed that conflict existed within the job scope and role of school counselors, job satisfaction, and competency of school counselors. This study supported the notion that the counseling service in primary schools should be given attention by the responsible authorities in order to enhance the quality of the profession. The implication of the study was to improve the practice of counseling in primary school settings in Malaysia.

Keywords: School Counselor, Challenges of Job Description, Job Satisfaction, Competency.

RESUMEN

Los consejeros escolares juegan un papel importante en la prestación de servicios de asesoramiento profesional. En Malasia, el papel de los consejeros escolares se correlaciona para satisfacer las necesidades de los países desarrollados en 2020 para desarrollar un capital humano con una fuerte identidad y que sean nobles, conocedores y altamente calificados. Para desempeñar estos roles, los consejeros escolares deben mejorar constantemente sus conocimientos, habilidades y competencias para satisfacer las demandas y necesidades relacionadas con el bienestar integral de los estudiantes. Estos incluyen la salud emocional, mental y conductual de los estudiantes, que a su vez contribuyen a la excelencia académica. Este estudio tuvo como objetivo explorar los desafíos de los consejeros escolares de Malasia en sus descripciones de trabajo, satisfacción laboral y competencia. Este fue un estudio cualitativo que utilizó entrevistas semiestructuradas realizadas con cinco consejeros escolares. Los resultados proporcionaron información valiosa sobre la práctica del asesoramiento en un entorno escolar en Malasia. Los resultados mostraron que existía un conflicto dentro del alcance del trabajo y el papel de los consejeros escolares, la satisfacción laboral y la competencia de los consejeros escolares. Este estudio apoyó la idea de que las autoridades responsables deberían prestar atención al servicio de asesoramiento en las escuelas primarias para mejorar la calidad de la profesión. La implicación del estudio fue mejorar la práctica del asesoramiento en entornos de escuelas primarias en Malasia.

Palabras clave: consejero escolar, desafíos de la descripción del trabajo, satisfacción laboral, competencia.

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1. INTRODUCTION

Guidance and counseling services in schools are essential requirements in Malaysia's educational system. The four main concerns that need to be implemented by the school counselors emphasize on the student's personality development and progress, student's discipline enhancement, student's career education, and student's psychosocial and mental wellbeing (Ministry of Education, 2012). Guidance and counseling services are services that can help to emotionally, mentally, and behaviorally shape, mature and balance the students as indicated in Malaysia's educational goals. Counselors are professionals in the school setting who play essential roles in helping the country to pursue its goal in developing its citizens' wellbeing holistically.

Individual development should be supported in early childhood so as to produce excellent and well-rounded individuals (Cates, Schaeffe, Smaby, Maddux & LeBeauf, 2007). School counselors also help in the development of every individual's personality, starting from their early stage of schooling which contributes to the country's advancement and is not limited to the aspects of knowledge and higher education (Alias, Nik Mohd Rahimi & Ruhizan, 2011). However, the roles and responsibilities of school counselors have become increasingly challenging. This is due to the existence of various factors and negative influences prevalent in society today.

Job Description

A primary school in Malaysia has been required by the Ministry of Education to have at least one school counselor full-time, starting in 2000 (See & Ng, 2010) within the ratio of one school counselor to students at 1: 500 (Abdul Rahman, Mohd Isa & Atan, 2013). For primary schools with the enrollment of less than 350 students and have no provision for the position of a full-time school counselor, the school is required to appoint an internal level of school counselor that teaches subjects at the same time.

The job scope of school counselors in Malaysia is based on the Ministry of Education KPM Handout No 12, 2012, which provides four main focuses for the school counselors in the counseling and guidance services to help their client's mental, emotional, and behavioral wellbeing. The four main emphases are the students' personality development and expansion, students' discipline enhancement, students' career education, and students' psychosocial and mental wellbeing. Effective counseling services in schools can help identify and resolve problems experienced by students in the early stages of their development.

According to the Directory Book of Implementation of Counseling and Guidance Services at Primary and Secondary School 2014 Edition, school counselors in Malaysia are required to provide individual counseling sessions for at least one session per day or five sessions per week or 150 sessions in a year. For group counseling sessions, school counselors need to undertake at least one session per week or 40 sessions in a year. This requirement is considerably minimal, as school counselors have to spend most of their time providing counseling services to students (American School Counselor Association, 2012). The most important task is to help clients to discover and understand their own behavior, interest, talents, and abilities in order to flourish, understand, and realize their many opportunities. This helps achieve self-perfection by finding their self-balance, in line with religious and societal demands (ASCA, 2012).

Job Satisfaction

According to the Directory Book, the lists of 20 jobs require the school counselors to plan, implement, and regulate activities and programs involving the guidance and counseling unit (Abdul Rahman et al., 2013). Made Wahyu, Mohamed Yusoff, Ashairi suliman et.al (2018), define teacher job satisfaction as an attitude, which results from balancing and summation of many specific experiences in connection to the job. However, the job satisfaction factor among school counselors is low due to being tasked with administrative responsibilities outside their job-scope (Cervoni & Annemarie, 2011). According to Sidek, Nordin, Mohd Yusoff, Shamsudin and Halimatun Halaliah (2005), despite being responsible for guidance and counseling services, most school counselors are burdened with administrative and teaching tasks which undermine their ability to perform their job as full-time counselors (Abdul Rahman et al., 2013).

According to Boon, Wan Marzuki Wan Jaafar and Maznah Baba (2015), having the opportunity to focus on their job scope is the key for job satisfaction among school counselors in Malaysia. Focusing on counseling leads to professional mastery and increases the self-efficacy level of a counselor such as performing tasks more effectively and enhancing assistance rendered to students. The role played by counselors at the school level is essential to help children gain emotional, mental, and behavioral wellbeing (Philips & Smith, 2011; Carey & Dimmitt, 2012). Therefore, high competency level is needed by providing oneself with knowledge, skills and competency to achieve the counseling goal. Counseling is a professional field, whereby counselors are bound to ethical policies for a healthy and confidential client-counselor relationship. The effectiveness of counseling services is affected by counselor competency in helping clients with various issues and problems.

Competency

Competency is a professional responsibility and closely related with the counselors' personality and reflects on the counselors' training, ethics, and professional identity. Roles to be played as a counselor must be based on precise knowledge regarding guidance and counseling to be able to handle school problems and this highlights the important role of counseling at school. Counselor professionalism can be enhanced through training, courses, and workshops.

As a conclusion, this study aimed to identify the counselors' job description, satisfaction, and competency in primary schools which comprised of the factors affecting the effectiveness of counseling services in schools.

2. METHODOLOGY

Research Design

This was a qualitative study that used semi-structured interviews to collect data from five randomly selected primary school counselors (Creswell, 2008). The researcher formulated few research questions that guiding during the interview process while also having the freedom to ask in depth regarding the primary school counselors' challenges in their job description, satisfaction, and competency.

Participants

The study participants comprised five qualified school counselors. Initial contact was made with several counselors who practicing counseling at school setting. Eight counselors were identified considering the study requirement. However, only five counselors agreed to participate in the study and all data from them were qualified to be used in this study. The sample size of five is considered sufficient in providing complex and accurate information. Table 1 displays the demographic data for the five school counselors which included age, gender, years of experience and academic qualification. The age of the school counselors ranged from 26 to 35 years old. All were females. All school counselors had adequate working experience which five to ten years of experience as primary school counselors. One school counselors had Master's Degree and four school counselors had Bachelor's Degree stated in Guidance and 3.

Respondent	R1	R2	R3	R4	R5
Age	47	35	29	37	34
Gender	Female	Female	Female	Female	Female
Years of Experience	10	8	5	9	7
Academic Qualification	Bachelor's Degree	Master's Degree	Bachelor's Degree	Bachelor's Degree	Bachelor's Degree

Table 1 School Counselors' Demographic Information

Procedure

The main data source for this research was the focus group interviews with the school counselors. Two focus group sessions were conducted in face to face format (Krueger 1994). The focus group method was facilitated open discussion using group interactions and collected rich data on the experiences of the school counselors. Interviews were conducted in small group (2 and 3 school counselors) and ranged from two to three hours. All sessions were conducted in a closed room and were audio-recorded. All interviews were transcribed verbatim in Malay. Then, the process of back-to-back translation was conducted on the interview's transcript from the original Malay language to English language in order to ensure the accuracy and validity of the meaning of the original language. Data analysis used the thematic approach of the coding process to identify themes and subthemes.

3. RESULT AND DISCUSSION

The qualitative data presenting three themes from this study were related to job description, job satisfaction, and competency as a counselor in Malaysian primary school settings. The first theme that related to job description had three subthemes, second theme that related to job satisfaction had three subthemes and third theme that related to competency also had three subthemes. Table 2 summarizes the themes and subthemes found in this study.

Themes	Subthemes	Description of Summary
Job Description	Main Job Scope and Feasibility	Conducting individual sessions and group counseling, replacement classes and guidance activities
	Parents Consultation	Consultation sessions with parents of counseled students conducted in two ways including meeting the parents at school and visiting the student's house
	Jobs Unrelated to Counseling	Planning school programs, academic programs, and ensuring that these programs coincide with the school administrator's requirements and take most of their time.
Job Satisfaction	Clients' Positive Changes	Helping students to succeed and secure greater self-balance is central to job satisfaction. Counselors feel proud when seeing their clients prosper.
	Counseling Room Facilities	Comfortable and conducive counseling facilities were seen as important for job satisfaction.
	Cooperation and Support From Administrator and School Teachers	Getting cooperation and support from the administrator and teachers is one of the factors that contributed to job satisfaction as a school counselor.

	The Approach of Counseling Session	The school counselors used direct or indirect approaches while conducting the counseling session. The use of conventional counseling approach towards child clients was seen as ineffective.
Competency		It showed the need of school counselors to improve their skills and advancement in dealing with child clients.
	Applications of Theories in Session	The school counselors' competencies in applying the theories were ineffective.
	Efforts to Increase Competency	The school counselors increased their competency and enhanced their knowledge and skills by reading, furthering their studies at a graduate level and attending training courses related to counseling.

Table 2. Summary of the Study Findings among Primary School Counselor.

Counselor's Job Description

According to the findings, there were three sub-themes related to the counselor's job description in primary schools which were the main job scope and feasibility, parent's consultation and jobs unrelated to counseling.

Main job scope and feasibility. According to the interviews, a counselor had four main tasks and responsibilities in the school which were conducting individual and group counseling sessions, replacement classes, and guidance activities. All five interviewed counselors had the same understanding related to the provided main job scope which was the need to conduct at least one session with a client for an individual session every day and at least one group counseling session per week. The replacement classes were optional depending on the school's administrator. However, the school counselors cannot accept more than nine replacement classes in a week, whereas a fixed number of guidance activities had not been provided and depended on the school's program. Apart from that, school counselors needed to write reports and keep counseling records that were bound to ethical policy. This rule was written in the Guidance and Counseling Services Circulars at schools by the Malaysia Ministry of Education. An example of the statement is "...regarding the job scope, I need to conduct individual and group counseling sessions, guidance sessions. Actually, every school counselor needs to do individual session for at least one client in one day and for group counseling, there must be one group session in a week. Whereas for relief, must not be more than nine periods in a week" (R4)

This study revealed that all interviewed counselors were unable to achieve and manage their targets, either in individual counseling sessions or group sessions as provided in the guidance and counseling services guideline by the Malaysian Ministry of Education due to time constraints. An example of the statement is "I don't have a fixed job schedule. Sometimes, the new principal is likely to ask me to give more attention on handling academic programs, sometimes, in a week, I can only do two to three sessions a day. Then, the next days, I don't even have a session. For group counseling, I manage to conduct a group session in a week" (R1)

Parent's consultation. According to the findings, school counselors also needed to conduct consultation sessions with parents of the counseled students. Consultations with parents are conducted in two ways; first, by meeting the parents in school and second, by visiting the student's house. Consultations with parents that occur in school are conducted to acquire information and support related to the issues of the referred student and discussing the student's development in helping them in the counseling process. External tasks such as visiting students' houses to meet with their parents aim to observe their home settings and offer support to the family.

Three respondents said that consulting with parents is part of the job scope of a counselor at primary schools, either by doing it at school or by visiting their homes. These statements were supported by two other respondents stating that consultation with parents is important so that the parents know about the issues and problems their children 9km, are experiencing in school and their overall development. An example of the statement is "...parents' consultation needs to be conducted because it is important for the parents to be involved in the process of helping their children" (R2)

Jobs unrelated to counseling. Other jobs besides counseling, as stated by the respondents, were taking most of their time. Some examples of it were planning school programs, academic programs, and ensuring that these programs coincided with the school administrator's requirements. The counselors needed to ensure that every process in the program was implemented smoothly. There were also programs that needed to be conducted by the counselors due to orders from the Department of State Education (JPN). Programs that involved year 6 students were handed to the counselors for planning and implementing. This led to excessive workload and distracted them from their primary job and responsibilities as a counselor. Besides that, the school counselors also needed to conduct administrative and management activities, such as making the program book and arranging academic timetable. Four respondents mentioned about they were doing jobs unrelated to counseling. An example of the statement is "...most of the programs come from the administrative. In the meeting, the head minister said that year 6 programs will be under the counseling unit, and I will be the one responsible for them. I am fully doing academic programs, preparing schedule for year 6 students' classes, planning for program implementation... everything focused on academic. There's plenty of administrative programs and I really don't have time to do a counseling session... at school, my focuses are more into academic achievement, so for in the counseling unit, we just add this as the guidance only. For program implementation, it is fully academic. I feel limited and dissatisfied because the school wants it to be like that. haa... other than that, I have to replace other teachers in classes to teach subjects... all about answering techniques, even P&P itself we need to prepare the planner... because the administrator wants it to be like that..." (R3)

Job Satisfaction among School Counselors

The respondents identified job satisfaction as comprising of their clients' positive changes, counseling room facilities, and receiving cooperation and support from administrators and school teachers.

Clients' positive changes. Helping students succeed and secure greater self-balance are central to job satisfaction. Three respondents as counselor feel proud when seeing their clients prosper. An example of the statement is *"I'm satisfied when I can help clients toward their personal formation. If I can manage to help them change toward a better direction, that is a satisfaction for me. I felt satisfied because the students trust me"* (R3)

Counseling room facilities. According to interviews, two respondents said that comfortable and conducive counseling facilities such as having the right room size for conducting individual and group counseling session are important for job satisfaction. An example of the statement is *"...like at my school, there is no problem about the counseling room because it's already there. The room is big for individual and group counseling. Then there's another room for my office, for me to do work, it's big and comfy. Without having proper rooms for counseling process, there is no use of the service, actually..."* (R1)

Cooperation from administrators and teachers. Another factor that contributed to job satisfaction as a school counselor at Malaysian primary schools was to get cooperation and support from the administrators and teachers. Three respondents mentioned about this element. An example of the statement is *"I feel satisfied and grateful because I get good cooperation from teachers at my school. Most of the programs related to academic were handled by the Year 6 academic committees. I was told by my school principal to focus on the student's personal growth and related programs to counseling."* (R4)

Competency

The findings showed that there were three sub-themes related to the school counselor's competency, which were the approach of the counseling session, applications of theories in session and efforts to increase competency.

Counseling approach toward primary school students. According to the findings, school counselors used either direct or indirect approaches while conducting the counseling session. School counselors also applied counseling basic skills such as building rapport, listening, exploring and confronting while dealing with the clients' issues. Most of them were using the conventional counseling approach which can work appropriately for adult clients. Thus, the school counselors felt that the conventional approach did not effectively help their child clients. The lack of skills dealing with child clients contributed to their level of competency while conducting the counseling session. Four respondents said that the counseling approach that they were using contributed on their competency. An example of the statement is *"I always use the directive approach, like I did to adult clients. So, the student who came for counseling sessions won't feel happy about it. Every time they were being told to see the counselor, they will avoid it or be reluctant...so I think that my approach is not really suitable..."* (R2)

Application of counseling theories in session. All school counselors as the respondents in this study stated that they applied and explored the use of counseling theories while conducting counseling sessions. However, they also claimed that their competencies in applying the theories were ineffective. School counselors also realized that they needed to improve and enhance the knowledge and skills of counseling theories. An example of the statement is *"During my counseling sessions, I tried to apply theories. Sometimes, I referred to the theory's book to learn how to apply certain theories and how to apply a theory based on a case. However, when I tried to apply this, it was not effective and I felt incompetent..."* (R1)

Efforts to increase competency. The findings also revealed the needs for counselors to increase their competency by furthering their study at a graduate level. Four respondents increased their knowledge and competency through reading. Reading can help the school counselors to gain knowledge and skills. Besides that, attending training courses related to counseling was also seen as an effort to increase the level of competency of school counselors so that they can enhance their knowledge and skills. An example of the statement is *"...for me, I want to further my study...do master's...it will enhance my knowledge and skills in counseling... I also read books related to the counseling field. I also bought more counseling books. Whenever I have time, I read them, especially in order to increase my competency in the counseling practice"* (R1)

4. CONCLUSION

This study discussed the challenges faced by school counselors in primary schools in Malaysia in terms of job scopes, job satisfaction, and their competency. Counseling is a professional field of subject in the Counselor Act 1998 (Act 580). As stated by the Malaysian Ministry of Education (2012), the four main jobs that need to be implemented by the school counselor emphasize the student's personality development and progress, student's discipline enhancement, student's career education, and student's psychosocial and mental wellbeing (Abdul Rahman & et al., 2013). Counseling services can also provide various specializations in school such as career counseling, child and family, addiction and organization in line with the four main jobs. Thus, the job scope of a counselor should focus on providing counseling services which consist of conducting individual counseling, group counseling, guidance programs, and administrative and managing client files.

However, school counselors are given additional jobs that are often not related to counseling (Cunningham & Sandhu, 2000; Herr, 2001), making it hard to balance between jobs (Bryant & Constantine, 2006) and causing them to be depressed with their work environment (Kolodinsky, Draves, Schroder, Lindsey, & Zlatev, 2009; Lambie & Williamson, 2004) and reduce the time available for a counselor to provide counseling services to the students (Gysbers & Henderson, 2000). The school counselors were aware of their main job but were unable to fulfill it because of the tasks unrelated to counseling such as program management, administrative tasks and teaching academic subject during class reliefs. Other school counselor's job scopes involve outside tasks for school activities (Abdul Rahman & et al., 2013). As a result, school counselors have very limited time to conduct individual, group, and guidance counseling. This finding was supported

by Johari Talib (2009), who state that administrator who do not understand counselor's job scope affects the counselor to be in a state of dilemma, conflict and misunderstanding. Similarly, Zulmahari Merawi, (2003) also state that among the issues related to school counselor professionalism is the failure of administrators to coordinate the counselor's job scope effectively due to a lack of understanding about the actual counseling services. Counselors are told to do other jobs unrelated to counseling. According to Johari (2009), the administrator's failure to understand counseling services has created job conflicts among school counselors. The tasks given by administrators should be in line with the directory and policy of the counseling practice. The minimum hours of doing counseling services should be increased in order to help the administrators understand the priorities that the school counselor should give attention to, instead of spending most of their times consumed by other activities. This effort will solve many student issues and help them excel academically

Parents' consultation is essential for the school counselor to play the role as an agent to inform the parents of students regarding their children's development and progress. Besides that, counseling services at school need to involve parents to help deal with thw students on their stress levels and problems. Consultation with parents is important because they are the vital support system in their child's life. They can help school counselors acquire important information such as development background, problematic behavior patterns, surrounding interaction, and problem solving style for the children (Kottman, 2011). Such information assist counselors in helping the students to solve their issues (Kottman, 2011). According to Murphy and McKenzie (2016), family and school play very important roles to guide students to achieve self-wellbeing and excel academically. At the same time, counselors can identify whether the parents are also having difficulties and obstacles requiring support from counseling services.

Research findings supported by Pattison et al. (2007) which evaluated counseling services at schools found that school counselors are not satisfied with the jobs and tasks done due to obstacles such as lack of cooperation from administrators and teachers, lack of counseling training, and doubting the counselor's competency. Researcher like Rorlinda (2009) have also discovered job satisfaction is very significant among counseling teachers to sustain their responsible, spirit and confidence in order to develop moral efficiency. Without job satisfaction, counseling teachers will tend to make excuses not to conduct counseling activities (Rorlinda & Noriah, 2016). Other than that, Brott (2006) showed that the school counselors' lack of time, lack in support, and heavy work load are factors affecting the counseling practitioners' competency. However, a counselor will have higher satisfaction if they are trusted by the client, succeed in helping the client achieve session goals and help produce positive change among clients. Achieving client wellbeing is a key motivator for job satisfaction, followed by counseling facilities that are comfortable, safe, and private.

Students' positive changes, counseling room facilities and receiving cooperation and support from administrators and teachers were important factors that encouraged job satisfaction of school counselors in this study. These findings coincided with the findings of Boon, Wan Marzuki Wan Jaafar and Maznah Baba (2015) where one of the factors that contribute to the school counselors' satisfaction in Malaysia is professional mastery, as having the opportunity to focus on the job scope leads to a sense of fulfilment, especially when students prosper. This enhances the self-efficacy of a counselor, by being able to undertake tasks to effectively help students. According to Martin (2014), positive experience will strengthen satisfaction while negative experience will not. According to Pattison, Rowland, Cromarty, Richards, Jenkins, Cooper and Couchman (2007), school counselors will not be satisfied with their job because of obstacles such as lack of cooperation from administrators and teachers, lack of counseling training, and doubting the counselor's competency.

Counselor competency is an important factor that influences the effectiveness of counseling services conducted at school. Competency level will affect the practice of counselors when applying their knowledge and skills in helping clients. According to Mohamad Bokhari et al. (2012), the main factors of success in helping counselors offer effective counseling services are related to competency, efficiency, and ethics of confidentiality policy practiced by the counselor. These findings clarify that simply possessing counseling theory does not mean that the counselors properly comprehend their meaning and effective means of their application. This issue arises when a counselor memorizes the theory without understanding it. Zakaria (2010) found no significant relationship between knowledge and theory understanding among counselors. These characteristics are concurrent with Salleh Amat et.al (2013), reported that awareness, knowledge and skills are three main domains in multicultural counseling competencies for Malaysian school counselors. According to Landreth (2012), children have limitation in terms of verbal and cognitive maturity, which influenced their ability to deliver and express feelings, thoughts and emotions. This makes the problems reported related to children at primary schools more challenging. Guidance activities are generally not enough and are ineffective in helping students gain mental, emotional, and behavioral wellbeing. This situation will become more serious if schools focus solely on academic achievement for the sake of exams. This is because emphasizing on academics will not be effective if the student is limited by psychological and emotional vulnerabilities. As such, the role of school counselors should not be underestimated and the quality of counseling needs to be enhanced as an effort to produce students who excel holistically.

Counselor professionalism can be enhanced through the preparation of specific training, courses, and workshops specifically in counseling services. School counselor competency can be enhanced by understanding counseling approaches, theory applications, furthering their studies, reading, and attending training courses. In other words, when a counselor has an intention and high degree of confidence, they can provide good service as a professional counselor (Rorlinda Yusof, Noriah, & Amla Salleh, 2018). By way of conclusion, the more developed the country, the higher the pressure and challenges faced by the society. Counselors are professionally trained to provide psychological support for healthier mental, emotional, and behavioral states. Counseling has become better developed with counselors that are given key roles in certain settings, including in schools. The school setting is important to build a human capital. The importance of counselor placement at primary schools should not be underestimated. Counselor ratio per student should be smaller and reconsidered.

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Urban middle strata in post-reform Russia: status and social position in the assessments of German historians of the 1970 and 1990

Estratos medios urbanos en la Rusia posterior a la reforma: estatus y posición social en las evaluaciones de los historiadores alemanes de los años 1970 y 1990

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ABSTRACT

Of the goal of this study is to investigate the position of the urban middle strata in the Russian Empire of the post-reform era. At the same time, the attempts were made to determine the composition of this population category, to correlate its status with traditional philistinism, to reveal the process of capitalist transformation of the latter in the second half of the nineteenth century. Recognizing the transformation of philistinism in the structures of the emerging bourgeois society since the 1860-ies with the influence of government policy, German researchers, especially M. Hildermayer, who paid the most attention to the problem, also point to the complexity, the unevenness of this process, as well as to a certain inconsistency of the imperial power in its assistance. At the same time K. Gestwa's research testifies a certain stability of traditional middle layers that are not always imbued with a specifically bourgeois worldview.

Keywords: Russia, urban middle strata, German historiography, philistinism, urbanization, modernization.

RESUMEN

El objetivo de este estudio es investigar la posición de los estratos medios urbanos en el Imperio ruso de la era posterior a la reforma. Al mismo tiempo, se hicieron intentos para determinar la composición de esta categoría de población, para correlacionar su estatus con el filisteísmo tradicional, para revelar el proceso de transformación capitalista de este último en la segunda mitad del siglo XIX. Reconociendo la transformación del filisteísmo en las estructuras de la emergente sociedad burguesa desde 1860 con la influencia de la política gubernamental, los investigadores alemanes, especialmente M. Hildermayer, que prestaron la mayor atención al problema, también señalan la complejidad, la desigualdad de este proceso, así como a una cierta inconsistencia del poder imperial en su asistencia. Al mismo tiempo, la investigación de K. Gestwa atestigua una cierta estabilidad de las capas medias tradicionales que no siempre están imbuidas de una visión del mundo específicamente burguesa.

Palabras clave: Rusia, estratos medios urbanos, historiografía alemana, filisteísmo, urbanización, modernización.

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1. Introduction

1.1 Introduction to the problem

In the context of pre-revolutionary Russia social development study, the problem of the urban stratum position in the conditions of accelerated modernization occupies a prominent place. However, at the same time, the very concept of the “middle class” is disputed; Its composition is also heterogeneous, especially in transitional type societies. During the determination of the urban middle stratum composition, we have adopted the scheme proposed by V.V. Kanishchev as the basis. Among the middle urban strata, he singled out small owners, urban employees and intellectuals, small property owners, hired workers of private handicraft, trade and railway enterprises, domestic servants and laborers who owned their own houses and household plots. The assignment of servants and laborers to the middle urban strata is more than controversial; V.V. Kanishchev speaks of them as semi-proletarians, and those who are employed in the production system, are usually regarded as the part of the proletariat except artisans and craftsmen (Kanishchev, 1998). At the same time, the “working aristocracy” is not taken into account here. Taking into account the mentioned reservations, it seems possible to proceed from this understanding of the average urban strata. At that, an essential feature of bourgeois society middle class is the presence of a rather numerous and authoritative number of small entrepreneurs in it as the nucleus (Sklyarov, 1993) - in the first place, they fall under the definition of “burgherism”. Their position in post-reform Russia was addressed both by domestic and foreign historians, including Germanic experts in Russia, especially in the last decades of the twentieth century. Within the framework of this article, it is intended to analyze the interpretation of such problem aspects by the latter as the composition of the middle urban strata in post-reform Russia, their legal status and the problem of their “traditional” part integration into the emerging bourgeois society. In the context of this article, the treatment of the urban intelligentsia position in post-reform Russia is not considered by the German experts of Russia - our work considers only the categories attributed by the German historian S. Merl to the “economically independent part” of the middle urban stratum.

1.2 Problem relevance

The importance of “middle class” formation and development history study in various countries, incl. the Russia before the revolution, does not raise any doubts, given the fact that the “middle class” of bourgeois society is the mass base of the bourgeois-democratic political system. It is indisputable that the study of foreign historiography of the problem, incl. the Russia of the post-reform decades, when a certain transformation of the philistine class into bourgeois groups began together with capitalist transformation, will contribute to a better representation of this transformation problem and its progress in the conditions of the modernizing country. Taking into account an extreme variety of literature on the social history of Russia in the second half of the nineteenth century, a regional country specific approach to the study of historiography is appropriate. The subject of this article is the German historiography of the topic.

1.3. Problem study

The historiography of Russian urbanization history, incl. the position of the urban middle layers in the post-reform era, is extremely extensive, and the issue of a concept definition was actively discussed in the literature (Mironov, 1999; Strekalova, 2003), however, the analysis of the problem coverage in foreign Russian studies has not become the subject of special research yet. V.V. Kanishchev in his thesis devoted to the urban middle strata of Central Russia during the period of 1917-1920, touched upon the issues of Russian urban middle strata history general coverage in western urbanistics. He pointed to the uncertainty and vagueness of notions “middle urban layers” and “middle class” in foreign Russian studies. At the same time, V.V. Kanishchev noted the demonstration “of various pluralistic methodological approach possibilities to the study of our history” by Western studies of Russia Potkina paid a particular attention to the interpretation of the situation in the Russian artisan industry by the English-language literature. Some people engaged in this industry belonged to the middle urban strata. (Potkina, 1994). A.V. Karagodin performed the analysis of migrant peasant role by the English studies of Russia concerning the increase of the urban population number in Russia, the replenishing of its various categories (Karagodin, 2000). One of the authors of the proposed article (Dorozhkin, 2007.) regarded the problem of the urban middle class place in the process of pre-revolutionary Russia urbanization in the aspect of its study by German experts of Russia. But until now, the analysis of the situation for these population strata of post-reform Russia has not been performed by German historians of the last decades of the 20th century as an independent study subject. This circumstance determined the choice of the article topic.

1.4 Hypotheses

The study of the middle urban stratum situation coverage in post-reform Russia by German historiography will provide an opportunity to visualize better the social processes in a Russian city under capitalist transformation, to reveal the concepts that exist in this regard in historical science.

2. Methods

The problem of the middle urban strata situation and development in post-reform Russia is examined in the context of “social history”, which has been also widespread in German-speaking Russian studies during recent decades. As they mentioned the very historiography of the problem is analyzed in accordance with the country specific approach.

When the German historiography consider the problem of the middle urban strata position in post-reform Russia, the authors apply the scientific principles of historicism, objectivity, comprehensiveness and systemic character. The work is based on the following general scientific and general historical methods: ideographic, expressed in the description of individual historian approaches and concepts; the method of periodization, according to which the study of historiography is carried out within a specific period, systemic, historical-comparative and historical-genetic methods.

3. Main part

Until the late 1970-ies the Germanic studies of Russia paid relatively little attention to the population category known as the “middle class”. S. Merle, the only German researcher of Russia, attempted to determine the composition of the “urban middle strata” at the end of the 20th century. S. Merle included (in 1914) approximately 1 million subjects of the empire who had higher and completed secondary education and who were employed in the public service, at private sector enterprises, and in the system of city and zemstvo self-government. The representatives of this category formed an economically non-independent part of the middle layer. S. Merle included merchants (small and medium ones), artisans, and small industrialists to its economically independent part. It was not as numerous as in Western Europe and its material security left much to be desired (Merle, 1998; Rakhmatulloeva, (2016).

For the German-speaking historiography, the thesis of burgher absence in the Russian Empire as an independent social stratum, including the period of modernization, is a classic one. This was stressed by M. Weber and O. Hatch at the beginning of the twentieth century. In the post-war period, the researcher K.H. Ruffman saw here one of the indicators of Russia backwardness - Germanic studies of Russia studies considered this factor a very important one (Ruffmann, 1966; Dorozhkin et al, 2018). However, neither K.-H.Ruffman nor other German historians (except of M. Hildermeier and partly H. Haumann) did not specifically analyze the structure of the urban population of Russia and did not address the issue of its traditional stratum mentality (Haumann, 1980). They did not consider the issue of this mentality compatibility with the bourgeois value system. The main emphasis was on the small number of philistine class, its heterogeneity and erosion. The issue of a part of this class reorganization was specially considered by M. Hildermeier. Touching upon the issue of the middle urban stratum composition, this researcher noted their great heterogeneity in comparison with the nobility and the peasantry. The philistines themselves were far from homogeneous and included individuals of various social and professional status - from homeowners and the owners of craft workshops to the poorest petty traders. But M. Hildermeier did not confine himself to a formal legal approach and did not identify the “middle class” with the philistine class. The researcher noted rightly that on the one hand, the estate was diluted, and there was the tendency to form a new “middle class” in the era of capitalist industrialization, on the other. M. Hildermeier included engineers, doctors, teachers, lawyers, the employees of various institutions and enterprises to this stratum. The researcher pointed out the unresolved issue concerning the criteria of urban middle stratum determination (Hildermeier, 1977; Ivanov, 1971). But in subsequent studies by M. Hildermeier philistine class became the focus of his attention.

At the very end of the twentieth century. G. Altrichter raised the issue of philistinism composition. Recalling that his representatives in St. Petersburg formed the second largest class (after the peasants) of the population, H. Altrichter referred to this category artisans, the keepers of small shops, street vendors; commoners and seasonal workers and domestic servants. Recognizing, therefore, an extreme heterogeneity of the stratum, which prevents the formation of corporate identity among its representatives (Altrichter, 1997), H. Altrichter, however, did not relate the concepts of “philistinism” and “middle class”. The latter category is absent in his work. The researcher did not take into account the fact that not only philistines, but also the representatives of other classes could perform and act as small traders, artisans and the people of other occupations. Speaking about the peasants who moved to the city, G. Altrichter paid the main attention to those engaged in the industrial production system - the diversity of such migrant employment was not taken into account fully. They also did not touch upon the issue of philistinism differentiation. Earlier M. Hildermeier, analyzing the works by A.G. Rashin and A.S. Nifontov, pointed out an extremely general nature of this class problem polarization interpretation by Soviet literature. The isolation of the proletarian layer from his environment, on the one hand, and the “burghers-owners”, on the other hand, took place indeed, but the intensity of the process was different. Besides, local peculiarities should be taken into account. The results of a thorough study by L.M. Ivanov testify to the stable situation of small owners at the turn of the 19 - 20 centuries in a number of regions and their predominance in many, mainly administrative and

trade cities of Russia.

A certain stability of the traditional middle stratum position in the Russian Empire is also evidenced by K. Gestwa's fundamental research on the development of small-scale production in the post-reform and pre-revolutionary Russia. Having examined in detail the development of industrial production in rural areas ("proto-industrialization"), using the examples of Ivanovo and Pavlovo Gestwa analyzed the evolution of the first of them into a city-type settlement that merged with the Ascension Posad. The village of Pavlovo, the old center of handicrafts, did not acquire an urban status, however, despite the production of numerous metal products in it. This was the ground for Gestwa to see a longer preservation of the proto-industrial stage of production here; the factual material given by the researcher, however, testifies to the undoubted technical progress of Pavlovo handicrafts (Gestwa, 1999). This case is an example of the difficulty of an official city status obtaining even in a large fishing settlement in the Russian Empire, the evidence that even during the capitalist transformation of Russia, the state power regarded the city as the tool for the territory management in the military-administrative, financial and economic, social and other aspects. On the other hand, it should be said that the residents of large commercial villages showed a significant adherence to the traditional worldview. Thus, even in the 1860-ies, on the eve of the village transformation into the city, the residents of Ivanovo objected the railway launch, believing that it would undermine the export of goods and entail the rise of prices for essential goods. P.G. Ryndziunsky also pointed to the wary attitude of Ivanovo peasants to technical improvements, which could cause the decrease in demand for workers with a subsequent unemployment. This conservatism among the inhabitants of a large center of textile production was explained by P.G. Ryndziunsky by the abundance of artisans and handicraftsmen among them who feared the results of technical reconstruction that were ruining for them. K. Gestwa also showed by the example of the village of Pavlovo that there was no fatal inevitability of the "proto-industrial" artisan production transformation into the factory one. German historian found the Pavlovo version a classic example of handicraft enterprise stability, which fit perfectly into the general context of European small-scale industry development as a typical case. Like the Russian village of crafts, "co-operative capitalism", that was formed in Pavlovo during the period of pre-revolutionary industrialization (or "handicraft alternative" - both terms belong to K. Gestwa), took place in a number of Western European countries. This "handicraft alternative" also meant the relative stability of small independent producer position.

Noting the limited opportunities of burghers of the pre-reform era in terms of significant capital accumulation, M. Hildermeier recognized preservation as the leading tendency to this stratum impoverishment as a whole and in the post-reform period. The smaller part, however, managed to improve its status, having become the owners of small handicraft, city and trade enterprises. On the other hand, the growth of the urban population and cities in the post-reform Russia was accompanied by the transformation of many of them into industrial centers instead of traditional administrative centers. Accordingly, the social structure of cities also changed - in this regard, M. Hildermeier recognized the significant proletarianization of the traditional middle stratum part in the industrial regions of the country. But at the same time there was a numerical growth of the philistine class - both in absolute and in relative terms (until the end of the 19th century). Then, due to the growing influx of people from the village to the city, the proportion of middle-class among the urban residents began to fall. This was found, first of all, in capitals and large industrial centers, while the share of the traditional middle layer remained stable in towns. The occupation of the petty bourgeois was more stable (Hildermeier, 1979; Hildermeier M., 1986). In the fall of the share of small proprietors M. Hildermeier, like Soviet researchers, saw the indicator of the far-reaching process of social differentiation in industrial cities in Russia. Without denying this, it should be said, however, that the reduction of the small urban proprietor circle - the potential bearers of the bourgeois worldview - hardly had an unambiguously positive impact on the capitalist evolution of the country. M. Hildermeier did not stop, however, on the specifics of the social side of this evolution in Russian conditions and on the peculiarities of the situation of traditional trade and craft layers in the context of "catching up industrialization". Instead, the researcher limited himself to a general indication that urbanization in Russia, not inferior to that in a foreign Europe by intensity, was not identical to it (Hildermeier, 1986; Lobão, & Pereira, (2016).

In his later work, M. Hildermeier specifically traced the influence of reforms in 1860-ies on philistinism social status position. Their impact on the estate appears a dual one to the researcher - after the abolition of serfdom, a certain leveling of townspeople and peasant status occurred. The former lost an important advantage over the second one after the tax reform - the right to enter the merchant class without legal difficulties. The elements of the estate were not eliminated in taxation. On the other hand, the reform of the tax system in 1863-1865 meant the differentiation of small and medium-sized owner corporation into the groups that differed in income and occupation. Thus, according to the researcher, the transformation of philistinism began into the structures of the early industrial city society. Some townspeople were separated from agricultural activities and differentiation of the urban population increased. At the same time, they remained class barriers to the replenishment of philistinism by the people from other social groups, primarily from the peasants. In many respects this was the consequence of the autocracy course to preserve and strengthen the community in the post-reform period (Hildermeier, 1985;

Mailybaev et al, 2018). In relation to “burgherism” the policy was also inconsistent. Replacing the per capita tax for residents with the tax on real estate, the government, however, did not dare to abolish the guild system. (Hildermeier, 1986; Emam, & Shajari, (2013). M. Hildermeier refrains from unambiguous conclusions about the depth of changes for the bulk of the urban population after the reforms of the 1860-ies; the material he provides indicates indirectly that the reforms affected this part of the townspeople significantly less than the merchant class. The conclusion of the researcher on the modest place of “burgherism” as an object of government policy is generally justified, even though it was not forgotten by government.

4. Conclusions

Summing up, it should be said that until the end of the 1970 German (with reference to that epoch - exclusively West German) studies of Russia were relatively little interested in the position of the urban middle strata in both the post-reform and pre-revolutionary Russia. The very definition of the middle urban strata (with the reference to Russia in the second half of the 19th - the beginning of the XXth century) was absent in the writings of German historians until the end of the century - only S. Merle attempted to define this concept and determine the composition of the corresponding population category broader. Until the mid-1980 German researchers usually considered the position of the urban middle strata in post-reform Russia in the general context of the country modernization, then the works by M. Hildermeyer appear directly dedicated to the Russian philistinism of the second half of the nineteenth century and its social transformation. During the 1990 there remains a certain interest to the middle strata of the population of the country in German “Rossica”; At the same time, there is an increasing attention to the extra-urban (partly to the urban) part of the Russian traditional “middle class”, which is clearly demonstrated by K.Gestwa’s fundamental monographic study.

Conflict of interest

The authors confirm that the presented data do not contain a conflict of interest.

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Discussion on online courses from the point of view of the research community

Discusión sobre los cursos en línea desde el punto de vista de la comunidad de investigación

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ABSTRACT

This study involved students feedback from various faculties from a Malaysian university which incorporates hybrid learning model in its education ecosystem. The aim of this study is to explore the factors that influence online student to actively engage in discussion forum via platform of Learning Management System (LMS) provided by the university. This study employed qualitative approach involving seventy-three research participants from the university. Qualitative data from open-ended survey toward online discussion were collected and analysed based on classical content analysis method. The feedback were coded based on the pre-determined themes in the Community of Inquiry (CoI) model. It was found that teaching presence was a main predictor of the effectiveness of the online courses offered. In other words, the ability of online instructors in designing, organizing, instructing, and facilitating via online platforms are essential in the successful implementation of the hybrid learning model.

Keywords: Community of Inquiry, Teaching Presence, Online Learning.

RESUMEN

En este estudio participaron los comentarios de los estudiantes de varias facultades de una universidad de Malasia que incorpora un modelo de aprendizaje híbrido en su ecosistema educativo. El objetivo de este estudio es explorar los factores que influyen en los estudiantes en línea para participar activamente en el foro de discusión a través de la plataforma del Sistema de Gestión de Aprendizaje (LMS) que proporciona la universidad. Este estudio empleó un enfoque cualitativo que involucró a setenta y tres participantes de investigación de la universidad. Los datos cualitativos de la encuesta abierta hacia la discusión en línea se recopilaron y analizaron en función del método clásico de análisis de contenido. Los comentarios se codificaron en función de los temas predeterminados en el modelo de Comunidad de Investigación (CoI). Se descubrió que la presencia docente era un predictor principal de la efectividad de los cursos en línea ofrecidos. En otras palabras, la capacidad de los instructores en línea para diseñar, organizar, instruir y facilitar a través de plataformas en línea es esencial para la implementación exitosa del modelo de aprendizaje híbrido.

Palabras clave: comunidad de investigación, presencia docente, aprendizaje en línea.

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1. INTRODUCTION

The effectiveness of online learning remains unclear from educators' perspectives (Khalid & Quick, 2016). Any discourse on online learning must not fail to include the discussion on e-forum. It is important to examine the issue in a holistic manner, especially those relating to text-based communication (Allen & Seaman, 2014; Croxton, 2014; Garrison & Anderson, 2003). Educators and learners no longer confine their teaching and learning to face-to-face as the virtual alternative is gaining ground (Baharudin et al., 2018; Knowles, 2011; Mohammad et al., 2014). Hence, a number of Malaysian institutes of higher learning have taken the opportunity to offer numerous online courses to potential students of different ages (Kementerian Pendidikan Tinggi Malaysia [KPTM], 2013). At the moment, there are more than seven million students enrolled in at least one online course (Allen & Seaman, 2014). In terms of Massive Open Online Courses (MOOCs), Nordin and Norman (2018) stated that there are as of November 2017, there 226 MOOCs with almost 250,000 users enrolled in Malaysia MOOCs.

Three aspects have been identified by researchers as contributing to the effectiveness of online courses: teaching presence, social presence and cognitive presence which later developed into Community of Inquiry model (CoI) (Garrison, Anderson & Archer, 2000; Garrison, Anderson & Archer, 2010a; Garrison, Cleveland-Innes & Fung, 2010b). Teaching presence refers to e-tutors' ability to communicate with learners whereas social presence focuses on learners' ability to virtually interact with each other, and characterised by the notions of affective expression, open communication, and group cohesion. The third aspect, i.e. cognitive presence entails the cognitive applications of critical thinking, problem solving, reflection and resolution (Garrison et al., 2000; Garrison et al., 2010a; Garrison et al., 2010b).

Croxton (2014) and Spears (2012) emphasised that teaching presence is an important factor that contributes to learners' active engagement in forum discussion. One of the issues that hinders the learners' engagement is their discontentment with e-tutors (Nasir et al., 2018). Their discontentment, which was later manifested in the forms of psychological distress, declining interest in learning, enrolment attrition, and even dropping out of the course, needs to be seriously addressed (Bolliger & Martindale, 2004; Grandy, 2013; Howell, Jeffrey, & Buck, 2012; Roblyer & Wiencke, 2003; Swan, 2001). Apart from tutors' feedback, communication among students was also important in encouraging participation in online discussion (Hostetter & Busch, 2006; Cobb, 2011; Spears, 2012; Zhan & Mei, 2013).

The aim of this study is to explore the experiences of online students in discussion forum via platform of Learning Management System (LMS) provided by a Malaysian university. Based on the CoI model, the objective is to identify whether teaching presence is the main contributor that influences students to actively engage in online discussion. This study also sought to investigate other variables that expand the knowledge base of CoI model. It is expected that context plays significant role as online learning ecosystem in Malaysia is different than that of other countries such as the United States, Korea and Taiwan.

2. METHODOLOGY

This study employed qualitative approach involving seventy-three research participants of a private institute of higher education. Research participants were selected based on the sampling frame provided by the university. *Classical content analysis* (Miles & Huberman, 1994; Coffey & Atkinson, 1996) was used to analyse participants' responses based on themes of CoI ie teaching presence and subthemes of design and organisation, direct instruction and facilitation. Data were coded using NVivo and Microsoft Word to identify key word in context (KWIC) and key word outside context (KWOC).

3. RESULT AND DISCUSSION

Forty-six participants (63%) responded to the email through Qualtrics hyperlink - an open-ended question: What are factors that motivate you to participate actively in online discussion? Most of the responses were from the Faculty of Business, Education and Language as summarised in Table 1.

Table 1 Student responses from various faculties

Faculties	n	%
Education & Language	12	16.4
Social Science	5	6.8
Business Management	25	34.2
Science & Technology	1	1.4
Nursing Health Science	0	0
Others	3	4.1
Total	46	62.9

Word count analyses show that words such as e-tutor, discussion, student, course, online, participation, learning, answers and forum have high frequency as in Table 2 and they are summarized in graphical form using word cloud analysis as in Figure. The larger font size indicate the higher frequency.

Table 2 Analysis of word frequency

Words	Frequency
e-tutor	42
Discussion	36

Student	30
Course	32
Online	25
Participation	27
Learning	35
Answers	22
Forum	18

Based on CI themes, data were coded, count and sorted according to categories. Responses from 38 out of 48 students (83%) - teaching presence, especially on e-tutor's ability to design, arrange, facilitate and teach online through LMS platform.

Data were sorted based on e-tutor's capability of designing online teaching consisting five variables: (1) Clear explanation on main topics of a course, (2) Clear explanation on important information about a course, (3) Clear instruction on how to engage in learning activities, and (4) clear explanation on deadlines and duration of each of the learning activities.

Two participants said that if e-tutor's instruction is clear, they feel motivated to actively discuss in the e-forum. Among their responses are:

- "...to set rules and to predetermine only postings with a good quality are taken into consideration..."
- "...if every good posting is given a score.. So I don't have to spend much time, only if necessary..."
- "...we have been using e-forum only to discuss about assignment, change of class schedule, topics for next meeting, but there is no clear guidelines like other courses..."
- "...we only use e-forum to discuss about assignments, class rescheduling, and topics to be discussed in incoming meetings, but there has been no clear guidance like other courses..."

Data were sorted based on e-tutor's ability to organize and facilitate students aspects of: (1) recognizing the similarities and differences in the topic of discussion; (2) comprehending the topics in the course; (3) encouraging more meaningful discussion in the e-forum; (4) helping students to focus on learning; and (5) encouraging more interactivity between students and learning communities/

Generally, 14 participants reported that they would be more motivated to actively participate in e-forum discussion if e-tutor could help them in comprehending the topics in the course. For instance,

- "If there is any question, e-tutor would ask students to refer to the chapter but he/she did not specify which part"
- "My e-tutor is not very skillful in giving explanation to students, he/she sometimes asks us to refer to the course modules...my e-tutor did not encourage me to discover more about this course..."
- "E-tutor's feedback was very brief and not very valuable ..."
- "...there has been lack of support or involvement from tutors in the online discussion..."
- "...role of e-tutor as e-forum moderator is very important in developing students' interest to actively involved in the forum..."

Finally, data were sorted based on e-tutor's ability to conduct online teaching in the aspects of: (1) to facilitate students' focus on learning-related issues; (2) to provide feedback that enable the students to acknowledge their strengths and weaknesses, and (3) to give feedback within the reasonable period. There were seven participants were concerned about discussion on learning-related issues and five participants reiterated that they would be more motivated if e-tutor could give feedback in a reasonable time frame. Among their responses are:

- "...most of e-tutors did not immediately provide feedbacks. For me they should be more active, to help and to assist..."
- "...immediate feedback from e-tutor would encourage students to .."engage in the forum discussion"
- "...the feedback is so slow and it's like there is no one looking after the discussion forum..."
- "...why not e-tutor who posts the questions in the discussion forum? ..."

Table 3 Keyword in Context (KWIC) and Classical Content Analysis Technique Based on Existing Coi Themes: Teaching Presence

KWIC	Codes & Item No	Frequencies
Design & Layout	1-Topic	0

	2-Aim	0
	3-Teaching	5
	4-Date/Time	0
Facilitation		
	5-Similarities/ differences	1
	6-Understanding	7
	7-Involvement	7
	8-Facilitation	3
	9-Encouragement	0
	10-Enforcement	1
Teaching		
	11-Focus	7
	12-Strengths	2
	13-Weaknesses	0
	14-Feedback time	5
	Total	38

Responses from open-ended questions show that e-tutor's ability to design online teaching which includes important topics, course objectives, clear instructions on learning activities, is needed in order to maintain the quality of the courses offered. Findings of this study corresponds to the earlier studies on text-based e-forum discussion although different platforms were used.

Research participants were found to be more interested to join the e-forum if there were reward systems such as point reward system, with clear guidelines on how to conduct online discussions in focussed and orderly manner as suggested by previous studies (Garrison et al., 2000; Garrison et al., 2010a; Garrison et al., 2010b). The point reward system in the e-forum must be based on quality and not quantity. A post is considered the one with quality if it reflects critical thinking and attracts other students to join in. If the discussion is outside the scope, it is not qualified to be rewarded.

The e-tutor's ability to organize and assist students in terms of identifying similarities and differences, understanding courses' contents, guiding students towards more productive involvement in e-forum, helping students to focus on what they are learning, encouraging them to explore new concepts, and stimulating more interactivity with online learning communities were among the concerns raised by the students. The biggest concern was e-tutors' inability to help students to comprehend learning contents that are difficult to understand. The e-tutors usual response of "please refer to the modules" was not helpful at all.

The participants also felt that it is important for e-tutors to have moderation skills in order to effectively run the e-forum. They suggested that there should be a timeframe for e-tutors to respond to questions in the e-forum, for instance within 24 hours. The teaching presence construct was the most important construct in comparison with social and cognitive constructs.

4. CONCLUSION

Adult and lifelong learning can happen without a teacher's presence. The advance of technology has enabled the online learning happen without teacher's presence. In order to make this happen, the online courses must be systematically designed if the objectives are to be realized. CoI offers the best model of online teaching because it takes learning styles such as visual, audio, kinaesthetic, logical and social into consideration (Lacey & Lawson, 2013). The possible threat that hinders the online learning process is the ecosystem infrastructure, especially in terms of internet bandwidth. In general terms, the keywords represented in CoI are applicable to be used in Malaysian context and in fact, has already been implemented by a local online institution. Technologies are there to be explored, hence the exploration of more online learning related models and the deeper inquiry of CoI model are recommended in order to expand the knowledge horizon of this discipline.

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Traditions of the Lake School in Robert Browning's and Oscar Wilde's creative work

Tradiciones de la escuela Lake en el trabajo creativo de Robert Browning y Oscar Wilde

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ABSTRACT

The article is aimed at finding traditions of the Lake School – of William Wordsworth, Samuel Taylor Coleridge, Robert Southey – in the creative work of Robert Browning and Oscar Wilde. The comparative and historical, comparative and typological research methods, technics of the comparative analysis were used in the article. Findings: Traditions of William Wordsworth, Samuel Taylor Coleridge, Robert Southey are found in works by Robert Browning.

Keywords: Lake School, Robert Browning, Oscar Wilde, poetry, reminiscence, literary tradition, English Romanticism

RESUMEN

El artículo tiene como objetivo encontrar tradiciones de la Lake School -de William Wordsworth, Samuel Taylor Coleridge, Robert Southey- en el trabajo creativo de Robert Browning y Oscar Wilde. Los métodos de investigación comparativos e históricos, comparativos y tipológicos, las técnicas del análisis comparativo se utilizaron en el artículo. Las tradiciones de William Wordsworth, Samuel Taylor Coleridge, Robert Southey se encuentran en obras de Robert Browning.

Palabras clave: Lake School, Robert Browning, Oscar Wilde, poesía, reminiscencia, tradición literaria, romanticismo inglés

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1. Introduction

With the death of Byron, Shelley, Coleridge in the 1820-s – 1830-s English Romanticism hasn't disappeared and for a long time has been a significant phenomenon of the literary process due to works of such famous Victorian poets as Tennyson, Arnold, Browning, Wilde. Unlike his contemporaries, who were substantially influenced by traditions of Wordsworth, Coleridge and Southey at the initial stage, the period of Browning's interest in the poets of the Lake School was short. Despite this, many things in Browning's poetry are borrowed from Wordsworth's and Coleridge's creative work. The influence of the poets of the Lake School on literary activity of Robert Browning is confirmed by two poems from the collection "Incondita" destroyed by the author – "The Dance of Death" and "The First-Born of Egypt" and his well-known poem "Childe Roland to the Dark Tower Came", on Oscar Wilde – his last work "The Ballad of Reading Gaol".

2. Materials and Methods

While analyzing and comparing the poems, we used M.M.Bakhtin's theory of dialogue and "another's word", developed in works of Yu.M.Lotman, A.A.Guseynov and others, according to which there are three approaches to the cultural interaction study – vertically-diachronic (Bakhtin 1979), vertically-synchronic (Lotman 1992), horizontally-synchronic (Dialog kul'tur v globaliziruyushchetsya mire: mirovozzrencheskiye aspekty, 2005).

3. Results

"The Dance of Death" (1827) by Robert Browning was created under the influence of Samuel Taylor Coleridge's war eclogue "Fire, Famine, and Slaughter" (1798) in which three sisters witches announced William Pitt the reason of all misfortunes and tortures experienced by the Irish. The English prime minister is known as the organizer of cruel repressions concerning the Irish who fought for independence of their country. Browning's poem presents a surprisingly similar picture, but mentions five evil spirits – Fever, Pestilence, Ague, Madness and Consumption. While narrating about their atrocities over people and pleasure from their tortures Coleridge's witches repeat a refrain spell:

*The same! the same!
Letters four do for his name.
He let me loose, and cried, Halloo!
To him alone the praise is due.*
(Coleridge, 2004) –

Vsyo on! Vsyo on!
Chetvyorkoy bukv on zakleimyon
Pustil I kriknul: ulyu-lyu!
Yego ya odnogo khvalyu.

Their monologue is close to Pestilence's monologue in Browning's poem:

*'Tis for me, 'tis for me
Mine the prize of Death must be;
My spirit is o'er the young and gay
As on snowy wreaths in the bright noonday
They wear a melting and vermeil flush
Even while I bid their pulses hush.*

(New Poems by Robert Browning and Elizabeth Barret Browning, 1914)

Lish moy, lish moy,
Priz Smerti dolzhen byt' za mnoy;
Moy dukh nad yunym i vesyolym,
Kak v yarkiy polden' na sugrobakh
Rumyantsa rastvoril pechat',
Tak ikh zastavil zamolchat'.
(Valetova, 2004) (translated by O.V.Valetova).

A poem "The First-Born of Egypt" (1827) is an attempt, typical for Romantic poets, to recover a Bible story and to combine it with a modern perspective. The work is written in blank verse and, according to the researcher of Browning's creative work Ioan M. Williams, in style reminds Byron's and Southey's poetic dramas (Williams 1967). And the plot has similar features with "The Ruined Cottage" by William Wordsworth in the center of the narration of which there is a story of the soldier's widow Margaret who lost her children. In Browning's poem the father experiences the death of his son:

*I marked one old man with his only son
Lifeless within his arms – his withered hand*

*Wandering o'er the features of his child
Bidding him [wake] from his long dreary sleep,
And he led his old blind father from the crowd
To green meadows.*

(New Poems by Robert Browning and Elizabeth Barret Browning, 1914) –

Ya videl, kak starik derzhal v rukakh
Edinstvennogo syna umersheye telo, yego issokhshaya ruka
Skol'zila po rodnym chertam,
Pytayas' probudit' yego ot sna,
On uvodil nezryachego ottsa podal'she ot tolpi
V zelyoniye luga...

Initially, there is an impression that the narration is on behalf of the author, but at the end of the work there is another story-teller, who describes the Bible events presented in the eleventh and twelfth chapters of “Exodus”. And it is this inclination to a monological form that connects Browning with Wordsworth and Coleridge. Wordsworth seeks to create a new genre in order to reflect feelings and thoughts of people in excitement or less passionate emotions, but, anyway, he wishes to express in a lyrical form not his own experiences, but experiences of other people. Nevertheless, he claims that the poet surpasses other people in sensitiveness: “... the Poet is chiefly distinguished from other men by a greater promptness to think and feel without immediate external excitement, and a greater power in expressing such thoughts and feelings as are produced in him in that manner. But these passions and thoughts and feelings are the general passions and thoughts and feelings of men” (Wordsworth 1909).

Coleridge in “The Rime of the Ancient Mariner” (1798) goes further. “He almost completely eliminated the author, having destroyed thereby the contrast between him and the hero, created an image of the seaman on the basis of impressions of his companion, “a wedding guest”, and outlined with scarce touches a situation alien to the present, having refracted it in the image of the seaman” (Klimenko, 1967). Browning uses similar methods seeking to connect a historical background with psychology of heroes, to give vivacity to the retrospective monologues caused by special circumstances, which awakened memoirs. It gives agitation, tension and dramatic nature to the narration.

Poems “The Dance of Death” and “The First-Born of Egypt” are an elementary form of a drama monologue, a form, which Browning borrowed from Romantic poets and which glorified him at the top of his creativity.

In the well-known poem by mature Browning “Childe Roland to the Dark Tower Came” (1855) there is also an association with Coleridge’s and Wordsworth’s poetry. The poem begins with characteristic ex abrupto creating an effect that the conversation is continued and peculiar to Wordsworth’s creative work. For example, in a prologue of the poem “Peter Bell” (1819) of Wordsworth it is said that the poet, having fallen into a reverie, suddenly remembers that his friends, who he promised to tell a curious story, are waiting for him:

*I spake with faltering voice, like one
Not wholly rescued from the pale
Of a wild dream, or worse illusion;
But, straight, to cover my confusion,
Began the promised Tale.
Part First
All by the moonlight river side
Groaned the poor Beast – alas! in vain;
The staff was raised to loftier height,
And the blows fell with heavier weight
As Peter struck – and struck again.
“Hold!” cried the Squire, “against the rules
Of common sense you are surely sinning;
This leap is for us all too bold;
Who Peter was, let us be told,
And start from the beginning.”*

(Select Poetical Works of William Wordsworth in Two Volumes 1864).

We see here the use of definite articles (since this is the beginning of the story, we would expect indefinite ones) and a personal name with which we do not know who is named by. All this is fully characteristic of Browning’s poems:

*My first thought was, he lied in every word,
That hoary cripple with malicious eye
Askance to watch the working of his lie
On mine, and mouth scarce able to afford
Suppression of the glee, that pursed and scored
Its edge, at one more victim gained thereby.*

(Poetical Works of Robert Browning, 1888).

There is no hero's question to "the hoary cripple", no answer to it, only Roland's reaction – his feeling of mistrust. Such design comprises the idea of irreversibility what is also indicated by the word "victim". Besides, Browning calls the hero by a personal pronoun "he" though he is told about for the first time; it creates an impression as if the reader perfectly knows what there is a speech about.

Oscar Wilde's last work – the poem "The Ballad of Reading Gaol" (1898) – was the apotheosis of confession in his poetic work. Foreign researchers, for example, Richard Ellman (Ellman 1988), Peter Raby (Raby, 1988) have repeatedly discussed the role of this work in Wilde's creative heritage. The poem narrated about the torments of a man in prison, who, being a murderer, at the same time, was a victim of a beautiful and dangerous feeling of love. Wilde created the poem in the village of Berneval, France after two years of imprisonment, under the influence of his experience in prison. "...the horror of prison is that everything is so simple and commonplace in itself, and so degrading, and hideous, and revolting in its effect" the writer wrote to his closest friend, and later the publisher of his works, Robert Ross on October 8, 1897 (Villa Guidice, Posilippo). It was Ross, who proposed the name "The Ballad" to Wilde. And although Wilde had already told the publisher Leonard Smithers the final version of the poem title on December 11, 1897, in the first six editions the work was entitled simply "The Ballad", with the author's pseudonym "C33" – Wilde's cell number in prison. Wilde wanted to dedicate "The Ballad" to Ross with something like the words from "De Profundis": "When I go out of prison, R- will be waiting for me on the other side of the big iron-studded gate, and he is the symbol, not merely of his own affection, but of the affection of many others besides"

(Wilde, 1905; Vitkovsky 2004). But later he removed this dedication.

According to Wilde, he borrowed the rhythm of his poem from lyrical and almost epigrammatic in form poems of the English classical scholar and poet Alfred Edward Houseman. Wilde used the stanza of "the English ballad", but not on two, on three rhymes. He based the plot on a true story. As it is said in the dedication, in the summer of 1896 Charles Thomas Wooldridge was brought to the Reading Gaol: "*In Memoriam C. T. W. sometime Trooper of the Royal Horse Guards obiit H. M. Prison, Reading, Berkshire July 7th, 1896*" [Wilde 2004: 200]. Wooldridge was sentenced to hanging for killing his wife in a rage of jealousy. After the execution his body was thrown into a pit with quicklime.

Being well-known and translated into more than fifty languages, "The Ballad of Reading Gaol" attracted the attention of such Russian translators as K.D.Balmont, A.I.Deutch, V.Ya.Bryusov, M.F.Likiardopulo (prose translation), etc., caused certain literary associations. For example, V.Ya.Bryusov pointed out the obvious interrelation between Wilde's poem and the French poet, novelist and dramatist of the Romantic movement Victor Marie Hugo's novel "The Last Day of a Condemned Man" ("Le Dernier Jour d'un Condamné", 1829). The novel, being a protest against the death penalty, was written on behalf of the person, who was sentenced to the execution, and it is not accidental that the crime, for which the narrator was waiting for death, was not named (Bryusov, 1919; Zhatkin & Yashina 2007).

When reading Wilde's poem, one can recollect Samuel Taylor Coleridge's poem "The Rime of the Ancient Mariner" (1798) which also tells us about the suffering of a person sentenced to death, but not by society, by nature (the poem was translated by such Russian writers as F.B.Miller, N.L.Pushkarev, A.A.Korinsky, N.S.Gumilev, etc.) (Zhatkin & Ryabova 2011; Zhatkin & Yashina, 2007).

Coleridge makes an albatross the reason of that penalty which his murder involves. The Ancient Mariner kills the albatross unexpectedly, without any motive. This evil doesn't have any reasonable explanation, and, therefore, is the result of the original sin which led to damage of human nature. This is what Coleridge wrote to his brother in March, 1798, when the first version of the poem had been just finished: "I believe most steadfastly in Original Sin; that from our mothers' wombs our understandings are darkened; and even where our understandings are in the Light, that our organization is depraved; and our volitions imperfect" (Collected Letters of S.T.Coleridge, 1956). Sailors of the ship silently accuse the Ancient Mariner and hang a dead albatross on his neck instead of a cross. Obviously, Coleridge meant not a cross, worn on the neck, which was a symbol of disposal of an original sin for

Christians, but a cross as an ordeal (Saintsbury 1922). Also, this image is associated with a “mark of Cain”, a cross, burned, according to the legend, into Cain’s and a wandering Jew’s foreheads. The myth about Cain who killed his brother Abel, as well as the myth about Ahasverus, the wandering Jew condemned for violation of Christ, occupied Coleridge’s imagination, while he was creating the poem. Wilde also mentions the original sin:

Since first Man took his brother's life...
(Wilde, 2004) –
(S tekh por, kak perviy chelovek
Byl bratom umershchvlyon),..
(Wilde, 2004) (translated by V.Ya.Bryusov).

In his essay V.Ya.Bryusov said precisely about Wilde’s poem: “Prison taught him <Wilde> the terrible beauty of suffering. With merciless cruelty he did embody this beauty in a string of monotonous stanzas which painfully tear the heart. But this merciless cruelty is, at the same time, forgiving love for all people. The ultimate conclusion from “The Ballad of Reading Gaol” which the poet found in the depths of his own suffering but beautiful soul fits in one word: Forgiveness” (Bryusov, 1915). Coleridge’s poem says the same: the same chain of sufferings experienced by the Ancient Mariner, the same forgiving love, but to all living things in the end. Although at first it may seem that nature is more merciful than society, since the Ancient Mariner remains alive, yet he is doomed to wander around the world telling his terrible story, that is, continue to suffer. “The Ballad of Reading Gaol” and “The Rime of the Ancient Mariner” are ideologically close to each other. Their characters who committed the crimes (Ancient Mariner who murdered the Albatross, who had saved him and his comrades, and the Guardian who killed the woman he loved) had to bear the responsibility for their sins in the face of nature, society and God. Both of them experience the fear of death and bear the rejection and indifference of people. But sufferings change the soul of a man, and in spite of the voice of reason and pride, he begins to long for forgiveness. Happy are those who can obtain forgiveness:

*Ah! happy they whose hearts can break
And peace of pardon win!
How else may man make straight his plan
And cleanse his soul from Sin?
How else but through a broken heart
May Lord Christ enter in?*
(Wilde, 2004) –

O, shchastliv tot, chyo serdtse mozhet
Razbitsya na puti!
Kak inache ochistit’ dushu
I noviy put’ naiti?
Kogda ne v glub’ serdets razbitykh,
Kuda Khristu soiti?

(Wilde, 2004) (translated by V.Ya.Bryusov).

These lines are close to the words of the Ancient Mariner, for only having experienced sufferings, a person can start loving the neighbours and find forgiveness for the crime he committed:

*He prayeth well, who loveth well
Both man and bird and beast.
He prayeth best, who loveth best
All things both great and small;
For the dear God who loveth us,
He made and loveth all.*
(Coleridge, 2004) –

Tot molitsya, kto lyubit vsekh,
Bud’ ptitsa to, il’ zver’.
Tot molitsya, kto lyubit vsyo –
Sozdaniye i tvar’;
Zatem, chto lyubyashchiy ikh Bog
Nad etoy tvar’yu tsar’.

(Coleridge, 1919) (translated by N.S.Gumilev).

Coleridge and Wilde use repetitions extensively. They literally permeate their poems with them for the sake of gradual aggravating the dramatic narrative. For example, Wilde repeats the pronoun “some” in stanzas expressing the main idea of the poem, so that their measured current can emphasize the cruel thought of the final lines, which do not have any repetition:

*Yet each man kills the thing he loves,
By each let this be heard,
[And all men kill the thing they love,
By all let this be heard,]
Some do it with a bitter look,
Some with a flattering word,
The coward does it with a kiss,
The brave man with a sword!
Some kill their love when they are young,
And some when they are old;
Some strangle with the hands of Lust,
Some with the hands of Gold:
The kindest use a knife, because
The dead so soon grow cold.
Some love too little, some too long,
Some sell, and others buy;
Some do the deed with many tears,
And some without a sigh:
For each man kills the thing he loves.
Yet each man does not die.*

[Wilde 2004: 204 – 206; 254]

No ubivayut vse lyubimikh,
Pust' *znayut* vse o tom,
[Pust' *slyshat* vse o tom.]
Odin ub'yot zhestokim vzglyadom,
Drugoy – obmannym snom,
Trusliviy – lzhivym potseluyem,
I tot, kto smel, – mechom!
Odin ub'yot lyubov' v rastsvete,
Drugoy – na sklone let,
Odin udushit v sladostrast'i,
Drugoy – pod zvon monet,
Dobreyshiy – nozh beryot: kto umer,
V tom muki bol'she net.
Kto slishkom skor, kto slishkom dolog,
Kto kupit, kto prodast,
Kto plachet dolgo, kto – spokoiniy –
I vzdokha ne izdast,
No ubivayut vse lyubimikh, –
Ne vsem palach vzdast.
(Wilde, 1904)(translated by K.D.Balmont).

In the spirit of the English literary ballad tradition Wilde also uses refrains, each time in a slightly modified form, what emphasizes the mood expressed in the passage previous to the refrain:

*I never saw a man who looked
With such a wistful eye
Upon that little tent of blue
Which prisoners call the sky,
And at every drifting cloud that went
With sails of silver by.*
(Wilde 2004),
*...And at every wandering cloud that trailed
Its ravelled fleeces by.*

(Wilde 2004),

*...And at every careless cloud that passed
In happy freedom by.*

(Wilde 2004) –

Ya nikogda ne znal, chto mozhet
Tak pristaľnym byt' vzor,
Vpivayas' v uzkyu polosku,
V tot goluboy uzor,
Chto, uzniki, zovyom mi nebom
I v chyom nash ves' prostor.

(Wilde 1904)(translated by K.D.Balmont).

Gradually, the image of clouds, floating freely across the sky, starts contrasting to the life in captivity in Wilde's poem, however, without being reflected in Balmont's translation.

Coleridge also has a huge number of repetitions. The English Romantic poet used them, for example, to show the inexplicable motive for murdering the Albatross by the Ancient Mariner, or to express, how lonely he was, when paying off for his crime:

*For all averred I had killed the bird
That made the breeze to blow.
Ah wretch! said they, the bird to slay,
That made the breeze to blow!*

<...>

*Then all averred, I had killed the bird
That brought the fog and mist
'Twas right, said they, such birds to slay,
That bring the fog and mist.*

(Coleridge 2004) –

Mne uprekali, "ti ubil
Togo, kto nam priveten byl,
Kto veter nam poslal!"

<...>

Umolk, i kazhdiy govoril,
"Ti prav, chto nakazal
Togo, kto nam opasen byl,
Kto nam tuman poslal."

(Coleridge, 1875) [Angliyskiye poeti v biografiyakh i obraztsakh 1875: 214] (translated by F.B.Miller);

*Alone, alone, all, all alone,
Alone on a wide wide sea!
And never a saint took pity on
My soul in agony.*

(Coleridge 2004) –

Ya odin, ya odin ostavalsya na vsyom
Etom mertvom tainstvennom more;
Ni odna iz vsekh dush, proletavshikh krugom,
Ne khotela ponyat' moyo gore.
(Coleridge, 1878) (translated by N.L.Pushkarev).

Both authors use the method of contrasting in order to show that everything created by nature and God is beautiful. The people do not just understand this until a certain moment. Having committed a crime against life and repented in it, they gain forgiveness and love. In "The Ballad of Reading Gaol" the horrors of prison are contrasted to the beauty of flowers:

*They think a murderer's heart would taint
Each simple seed they sow.
It is not true! God's kindly earth*

*Is kindlier than men know,
And the red rose would but blow more red,
The white rose whiter blow.
Out of his mouth a red, red rose!
Out of his heart a white!
For who can say by that strange way,
Christ brings His will to light,
Since the barren staff the pilgrim bore
Bloomed in the great Pope's sight?*

(Wilde 2004) –

“They think that murderer’s heart would poison the seeds they sow. But this is a lie. The God’s kind earth is kinder than people think, and red roses would bloom there redder and white roses – whiter. Out of his mouth a red rose! Out of his heart a white one! For who can know the ways of the Lord after the pilgrim’s naked crook has bloomed in the great Pope’s sight”. [Wilde 1912: 283] (translated by M.F.Likiardopulo).

In “The Rime of the Ancient Mariner” nightmares of wandering are contrasted to the beauty of sea snakes:

*Beyond the shadow of the ship,
I watched the water-snakes:
They moved in tracks of shining white,
And when they reared, the elfish light
Fell off in hoary flakes.
Within the shadow of the ship
I watched their rich attire:
Blue, glossy green, and velvet black,
They coiled and swam; and every track
Was a flesh of golden fire.*

(Coleridge 2004) –

Gde pyl korabl', gde na strui
Yego lozhilas' ten', –
Tam plamy strannoye vsegda
Sverkalo, noch i den'...
V luchakh yego moy vzor lovil
Morskikh krasavits-zmei:
Oni vilisya na volnakh
Sredi zhivykh ognei...
Na pene voln ikh cheshuya
Menyala vse tsveta;
Manila vzglyad, zvala k sebe
Menya ikh krasota...
Oni mel'kali zdes' i tut –
Po zolotym struyam...
Schastlivitsi! Hotel by ya
Uiti naveki k vam...

(Coleridge, 1894) (translated by A.A.Korinsky).

4. Discussion

A remarkable fact in the work by Browning “Childe Roland to the Dark Tower Came” is the opposition, traditional for European literature, of “broad” and “narrow” roads as true and false ones. But in the poem the “broad” road belongs to the deceitful cripple, i.e. leads to death, and the “narrow” one is pointed out by the same cripple, i.e. also leads to death, but not so unambiguously:

*So quiet as despair, I turned from him,
That hateful cripple, out of his highway
Into the path he pointed. All the day
Had been a dreary one at best, and dim
Was setting to its close, yet shot one grim
Red leer to see the plain catch its estray.*

(Poetical Works of Robert Browning 1888).

It is the choice not between the good and evil, but between two types of the evil, just as for Coleridge's Ancient Mariner the choice between Death and Life-in-Death was determined by a throw of dice: "Death and Life-in-Death have dived for the ship's crew, and she (the latter) winneth the ancient Mariner" [Coleridge 2004: 64]. Coleridge realizes a possibility of infinite repetition, rotation in the closed orbit. Owing to such choice, his hero is doomed to an infinite cyclic movement in time and space. He has to repeat his story again, and again, every time finishing where he has begun. This recurrence of a plot, similar to the "snake with its tail in its mouth" is implemented also by Browning when his hero tries to reach the Dark Tower, which knights have already tried to reach "so many times", i.e. there was an infinite movement in the closed route. "The common end of all narrative, nay of all, Poems is... to make those events, which in real or imagined History move on in a straight Line, assume to our Understandings a circular motion – the snake with its Tail in its mouth" (Collected Letters of Samuel Taylor Coleridge, 1967). Besides, a keynote of the whole work is the same borderline state between life and death.

In "The Rime of the Ancient Mariner" of Coleridge and "The Ballad of Reading Gaol" of Wilde there are similar images of ghosts of death. In Coleridge we read:

*The very deep did rot: O Christ!
That ever this should be!
Yea, slimy things did crawl with legs
Upon the slimy sea.
About, about, in reel and rout
The death-fires danced at night;
The water, like a witch's oils,
Burnt green, and blue and white.*

(Coleridge 2004) –

Kak pakhnet gnil'yu – o, Khristos! –
Kak pakhnet ot volni,
I tvari slizkiye polzut
Iz vyazkoy glubini.
V nochi spletayut khorovod
Bludyashchiye ogni.
Kak svechi ved'mi, zeleni,
Krasni, beli oni.

(Coleridge 1919) (translated by N.S.Gumilev).

The same images in Wilde's produce a more frightening impression:

*With mop and mow, we saw them go,
Slim shadows hand in hand:
About, about, in ghostly rout
They trod a saraband:
And the damned grotesques made arabesques,
Like the wind upon the sand!
<...>
No things of air these antics were,
That frolicked with such glee:
To men whose lives were held in gyves,
And whose feet might not go free,
Ah! wounds of Christ! they were living things,
Most terrible to see.
Around, around, they waltzed and wound:
Some wheeled in smirking pairs;
With the mincing step of a demirep
Some sidled up the stairs:
And with subtle sneer, and fawning leer,
Each helped us at our prayers.*

(Wilde 2004)

I prividen'ya neizmenno
 Shagali tam i tut,
 Plyasali diko sarabandu,
 Kak ikh velit statut!
 Tak v bleske nochi arabeski
 Peski pustyn' pletut.
 <...>
 I ne igroy vooobrazhen'ya
 Kazalis' dukhi nam:
 Ved' mi, chi zhizni v tyazhkikh putakh,
 Pokorni dazhe snam;
 Zhiviye teni prividenii
 Stoyali po uglam.
 Oni mel'kali, tantsevali,
 I parami splelis',
 Po nashim lestnitsam tyuremnym
 Sbegali vverkh i vniz,
 Oni smeyalis', izdevalis'
 Nad tem, kak mi tryaslis'.
 (Wilde, 1928) (translated by J. Deutch).

One can not help noticing the similarity of some lines, even the images of Coleridge's "Life-in-Death" and Wilde's "living Death", used by the authors to express the inner state of the characters, are very similar.

5. Conclusions

Robert Browning's poetry is connected with works of the poets of the Lake School mainly in three aspects. First, through the ballad genre which was actively developed and acquired in Browning's poems. Secondly, through Coleridge's innovation in the genre sphere. It was similar to free genres of Browning who had rare intuition and taste to any manifestations of artistry. And, thirdly, through poetic language the merit of basic updating of which, according to Browning, belongs to Wordsworth. The Victorian poet appreciated clear and accented, free from tough regulations of rules, expressive, rhythmically relaxed poetic speech of Wordsworth and considered it that fruitful soil, on which his own style was created.

There is certain thematic and structural interrelation between "The Rime of the Ancient Mariner" by the poet of the Lake School Samuel Taylor Coleridge and "The Ballad of Reading Gaol" by Oscar Wilde. Having created their best works on the theme of suffering and forgiveness, both authors used ballad elements for creating tension, giving monotony to the description of torments and tortures, which exhausted the soul of a man and, at the same time, caused him to receive forgiveness.

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Analysis of Pakistani learner's argumentative essays: a multi-dimensional approach

Análisis de los ensayos argumentativos del alumno pakistaní: un enfoque multidimensional

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ABSTRACT

The present study is a corpus based research using a statistical approach multi-dimensional analysis (MDA) by Biber to study linguistic patterns of learner language. MDA has gained much appreciation due to its objective and empirical nature. It not only systematically arranges common linguistic patterns but also elaborates the functional association of these patterns. The MDA is performed at two levels known as old MD and New MD. The present research is only about second level (New MD). The results show that in Pakistani learners' writing the prominent linguistic patterns are characteristically informational rather than argumentative. Instead of building arguments, learners are more interested in sharing information. Pakistani English has historical roots from pre-partitioned India, therefore, it has undergone through communal, traditional and dogmatic apices. In the beginning, people started learning English as a second language that was inevitably entering in their social and cultural life.

Key words: multidimensional analysis, New MD, argumentative essays, factor analysis

RESUMEN

El presente estudio es una investigación basada en corpus que utiliza un enfoque estadístico de análisis multidimensional (MDA) de Biber para estudiar los patrones lingüísticos del lenguaje del alumno. MDA ha ganado mucha apreciación debido a su naturaleza objetiva y empírica. No solo organiza sistemáticamente patrones lingüísticos comunes, sino que también elabora la asociación funcional de estos patrones. El MDA se realiza en dos niveles conocidos como MD antiguo y MD nuevo. La presente investigación es solo sobre el segundo nivel (Nuevo MD). Los resultados muestran que en la escritura de los aprendices paquistaníes, los patrones lingüísticos prominentes son característicamente informativos más que argumentativos. En lugar de construir argumentos, los alumnos están más interesados en compartir información. El inglés paquistaní tiene raíces históricas de la India pre-dividida, por lo tanto, ha pasado por vértices comunales, tradicionales y dogmáticos. Al principio, la gente comenzó a aprender inglés como un segundo idioma que inevitablemente entraba en su vida social y cultural.

Palabras clave: análisis multidimensional, MD nuevo, ensayos argumentativos, análisis factorial.

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Introduction

Pakistani English has attained the place of a distinct variety that is eminent from other non-native varieties. It has its unique linguistic structure, word choice and linguistic variations among various registers and sub registers. To study Pakistani English and its unique features most of the studies have been conducted e.g. Baumgartner 1987, 1993, Rehman, T., 1993, 2002, Mehboob 2004, Mehboob & Mehmood 2009, Shakir 2013 and Sajid 2015. The foci of all these researches, regarding Pakistani learners' English language, range from lexical and phonological levels to the morphological and syntactic domains. Thus, efforts were made to make Pakistani English as an independent variety of English. This research is an extension in the previous storehouse of knowledge as it intends to elaborate regular features of Pakistani learners' English.

The Academic language is an independent register with its own persistent flow of co-occurring linguistic features. The previous researches on Pakistani academic English either probed single linguistic item or one aspect of linguistic features. The focus of present study is not limited to a partial level rather it intends to focus all the consistent linguistic features that are the hallmark of Pakistani learners' writing. For this multi-dimensional analysis (MD) methodology has been selected.

Biber is the pioneer of this approach who developed this comprehensive methodology to analyze register variation among various varieties of English and other languages with cross cultural perspective. It is a quantitative methodology that categorizes those salient co-occurring linguistic patterns which combine serve a communicative purpose in any register. These co-occurring patterns are named by Biber as underlying dimensions which share a common linguistic and communicative goal. The linguistic and functional content help to demonstrate what Biber calls dimensions.

The methodological approach of Biber is performed at two levels: old MD (or MD 88) and new factor dimensions or New MD. MD 88 is comprised of pre-identical dimensions defined by Biber. These pre-identical dimensions of Biber possess five dimensions which retain 67 linguistic items. The mean score of these dimensions helps to label the dimension by keeping in view its tilt towards any pre-explained dimension like: 'involved vs. informational, narrative vs. non narrative concerns, the degree of referential elaboration, persuasive or argumentative focus and abstract vs. non abstract style of writing' (Biber, 1988). MD 88 is performed only through software developed by Biber in his lab. The second layer is performed by further analysis through statistical factor solution. The factors are nomenclatured by keeping in mind the linguistic and functional roles performed by these dimensions. In present research, the second layer of MD has been performed. The notable six factors have been drawn and labeled by keeping in view their linguistic and functional contents.

Literature review

Pakistani English has historical roots from pre-partitioned India, therefore, it has undergone through communal, traditional and dogmatic apexes. In the beginning, people started learning English as a second language that was inevitably entering in their social and cultural life. To learn English became indispensable to grow and live stably in subcontinent. Later in 1947, the direct contact with natives ended and English started to develop at its own. Now, it has become a unique variety of South Asia and is used as official language in Pakistan.

The Researches conducted on Pakistani English (PE) have scrutinized it at two levels. One, such studies investigated its linguistic features discretely and these features were studied descriptively. These studies helped to establish the grounds PE as a separate variety like Baumgartner (1996) explored unique style of PE by reporting its lexical and grammatical attributes. Talaat (1988) compared Pakistani English with British English and explored the lexical variety of Pakistani English. Mehboob (2009) investigated the grammatical features besides the phonemic elaboration of PE. But currently this trend has transformed into a more empirical and objective approach. Corpus based studies, largely known as empirical studies, have been adopted as a method to read linguistic features of Pakistani English. Mehmood (2009) and Mehmood (2009) conducted pioneer studies in this regard as both these authors have studied Pakistani English through a series of experiments and thus contributed to establish an independent variety. Such corpus-based studies have motivated the trend of determining linguistic features of Pakistani English by giving it functional variation. Corpus based approach transferred the concept of studying linguistic features into study of linguistic variation. It was Biber who for the very first time introduced the concept of register variation mainly in terms of English language by using MD approach. His study was inventory in nature covering the whole lexico-grammatical characteristics of English. He tried to identify the consistent patterns of linguistic features that vary from register to register.

Academic writing is a potent source to study language in use. Specifically, studies conducted on learner's writing are more prominent in this regard. From semantic point of view, the choice of syntactic structure widely depends on the notion of meanings. The study conducted by Labove (1975) focused this idea by investigating the choice of get vs. be passives. He was of the view that selection of particular terms intended to bring particular semantic effect in special context. For example: he got arrested or he was arrested, though looked same but gave different semantic effects and also elucidated the context. MD analysis was used by Hardy and Rome (2013) who worked on lexico-grammatical features of higher-level students. In the same way, Egbert (2011) used MDA to study stylistic variation among texts. Abdulaziz (2018) used corpus of ICNAL to study learners' English under MD approach and used Kashrus' three circle model to support her arguments.

Research methodology

In the present research, ICLE corpus of 306 essays containing approximately 189407 words was used. The data was collected from students on 56 prompts which were argumentative in nature. The students were directed to compile an essay between 500 to 1000 words. After attaining the data, it was transformed into .txt files to make the data available electronically.

Then, it was tagged from Biber's tagger from Arizona State University. The results show 185 linguistic features notable in Pakistani learners' writing. After normalizing and standardizing, 96 features were selected keeping in mind the threshold point of selection i.e. ± 0.35 proposed by Biber (1996). For the statistical analysis, SPSS package was adopted in which Principal Axis Factoring method was performed. Factorability of the sampling has been determined using KMO measure of sampling adequacy. Eigenvalues helped to decide the important loadings while Scree plot provided the image of ideal number of factors. A promax rotation was performed for the final factor solution.

1. Analyze dimension reduction factor....

- Highlight all variables: move to variables :using the right arrow
- Descriptive... check KMO and Bartlett's test for sphericity
- Extracting ... method select principal component analysis factoring
- Display check scree plot
- Click ok

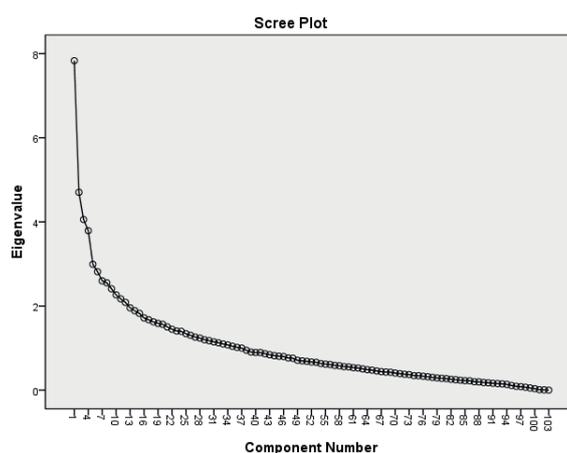
2. Look at KMO and Bartlett's test

3. Analyze scree plot

Data Analysis and Discussion

Factor analysis is a statistical tool the broad purpose of which is to condense large data into small clusters. These clusters are formed by regrouping the data that is due to the shared variance of the variables. The statistical technique known factor solution is used to reduce large number of variables into small meaningfully arranged clusters which is mostly formed on the bases on shared function. Biber (1995) also considers factor analysis fundamental in conducting MD analysis where large number of linguistic variables are reduced into small meaningful sets which can be functionally interpreted. The extracted sets help to know the patterns and relationships of variables so that the groups may represent a common functional interpretation. Each of the extracted set is the linear combination of the parental set. Thus, the obtained results are based on the classification of the features of the texts from the corpus. The factors divide the features into two poles; one is positive, and the other is in negative values. The positive value means the existence of the feature in the particular text while the negative remains absent.

In extracting notable factors, eigenvalue is calculated which is important in representing a factor. Larger eigenvalue means the factors have more variance and eigenvalue 1.00 or higher is worth of analysis. Scree plot is another graph that exhibited eigenvalue. A scree plot is the pictorial representation of prominent factors in which the size of factor decreases as it proceeds further showing the descending order of features in each factor. The scree plot in present research displays 6 factors more important as they explain the important factors. The curve of the scree plot gets straight showing the least variability.



To make factor derivation more clear, another process can be used to avail significant sets of features that is to focus the values or loadings of each feature on a specific factor. A correlation coefficient of a factor is availed from the measurement of a factor loading. This loading give two edge results one in positive and other is negative scores. Positive loadings mean the existence of feature while negative mean vice versa. This correlation coefficient helps to identify the features which correlate with the identified groups that may have complete correlation or otherwise. After all this process, a factor is formed possessing two sets of loadings both positive and negative features. Following table is the illustration of values attained through the above mentioned process.

Rotated Component Matrix

Factor 1.			
PositiveComponent	Values	NegativeComponent	Values
vb_mental	.663	Prep	-499
private_vb	.568	jj_attr	-.432
vb_present	.464	nn_premod	-.406
att_vb_other	.455	all_def_art	-.394
Contract	.442	nn_group	-.355
coord_conj_cls	.414		
pro_1	.398		
vb_progress	.366		
likely_vb_other	.358		
Factor 2			
PositiveComponent	Values	NegativeComponent	Values
th_stange_all	.893	No feature exists	
th_vb_stance_all	.888		
th_vb	.750		
th_vb_comm	.677		
vb_comm	.463		
th_vb_fact	.461		
th_vb_likely	.460		
vb_public	.426		
th_nn_stance_all	.414		
Factor 3.			
PositiveComponent	Values	NegativeComponent	Values
pro_3	.674	nn_nom	-.433
nn_human	.644	vb_perfect	-.421
jj_att_other	.582		
jj_eval	.541		
all_indef_art	.361		
Factor 4.			
PositiveComponent	Values	NegativeComponent	Values
to_stance_all	.876		
to_vb_stance_all	.837		
Infinitive	.643		
to_vb_effort	.615		
to_vb_desire	.488		
to_nn_stance_all	.413		
vb_act	.377		
Factor 5.			
PositiveComponent	Values	NegativeComponent	Values
nn_process	.435	nn_proper	-.516
nn_stance_other	.430		
det_nn_stance	.372		

Factor 1.

Dimension	Loading	linguistic features
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Factor 1	Positive	mental verb, private verb, verb present, mental attitudinal verb in other context, contract, coordination conjunctions clause, phrasal connector, pronoun 1, progressive verb, likely verb other
Dimension	Loading	linguistic features
Factor 1	Negative	Preposition, attributive adjective, pre modifying noun, definite article, noun group

Statistically, first factor should be the most potent and leading factor as it generally comprises of large number of features on its side. In present research, the first dimension in factor analysis possesses features of factor 1 which has 15 features as a whole with 11 and 4 for positive and negative loadings respectively. Although the distribution of features has functional approach, here in present research all the linguistic features specifically with positive values are prominent as compared to negative ones. The functional interpretation of positive features bears interesting combination for example private verbs in the results possess the highest scores which, according to Biber, express intellectual state. The use of mental verbs is the expression of mental attitude of the speaker and combination of mental and private verbs gives clue to the personal thoughts, emotions and private attitude in an explicit manner (Biber, 1995) and sometimes they may also refer to uncertainty and tentativeness as Friginal (2012) observes. Operationalizing together, the mental verbs, factual verbs, factual adverbials and that clause with likelihood verbs refer to private stance with involved discourse. (Biber & Conrad 2009). Some linguists like Schifflin (1994) consider those discursal features as important cohesive devices in the text or conversation which also function to provide information and extra details in the discourse.

Speaker's personal involvement in the discourse is generally shown through the use pronouns. Personal pronouns specifically the first person is used to show involvement of the speaker or author in discourse and this is the important feature of written language. The use of first person pronoun is always intentional by the writer as he deliberately uses personal pronouns so that he can mitigate the gap between reader and writer and this sometimes also helps to maintain claims or writer's stance (Harwood, 2005). The second point of view that somehow seems opposite to this interpretation is given by Hyland (2005) who believes that the writer uses first person mainly to maintain his hegemony and control over the subject matter. In dimension if both personal pronouns (first and second) are combined it means the author is intentionally involving the reader and deliberately creating association with the addressee. Contractions refer to informal style of writing in which the writer uses the short surface form which also clues to writer or speaker's personal stance.

Features like that clause controlled by likelihood verbs with coordinating conjunctions refer to uncertainty and tentativeness (Friginal, 2012) and co-occurrence of these features with mental verbs indicate more complex stance, as Biber and Conrad (2009) believe, which make it a cluster of features with more packed and crammed thoughts in involved discourse that also possesses personal point of view or stance.

In the other pole of dimension with negative values, features like prepositions and nouns are prominent. Together they indicate informational density (Biber, 1995). Although Biber believes that use of prepositional phrase is a marked feature of academic writing with single purpose to provide dense information. The prepositional phrases coupled with modifying nouns, attributive adjectives are regarded as informational features used to provide dense information. For example:

I know many people myself who came back from foreign countries to Pakistan.

I would like to share the brief information about these issues of censorship

The same case is with me, I love Pakistan because it is my dear home land.

I hope a time will come and Pakistan will become a real fort of Islam.

We can say that in modern times media is more harmful than useful.

We having the evil in us try to satisfy ourselves by doing wrong deeds.

I'll recommend that co-education should be promoted in Pakistan.

The air of the county that I have breathed has kept me alive.

I believe that women show better results in this regard.

The above examples show the interactive purpose of the writer with less informational content. This dimension thus may be taken in the line of previous literature of its kind and can be named as 'interactive personal stance vs. abstract informational discourse'.

Factor 2

Factor 2 decreases in number of features and possess only those linguistic frequencies which hold positive values and on the opposite pole there is no feature at all.

Dimension	Loading	linguistic features
Factor 2	Positive	that complement clause and That compliment clause of verbs, of communicating verb, of public verb, of factive verb, of verb of likelihood, and of noun clause

The notable feature of this dimension is clause constructions. Clauses are always used by the writer to share more information and such discourse is packed with information. Clauses controlled by activity verbs show action done by choice. As Biber marked them as verbs showing actions and events that are done deliberately by the author to indicate his choice and authority. Further, clause construction with factive verbs specifically progressive verbs refer to stance which is more focused and contextualized in terms. This also clues to the personal stance. Together with complementation, the use of public verbs shows the sharing of information with a more detached approach. This indirect sharing of information and findings is done deliberately by the writer to show an objective stance. For example:

People rightly said that: "Nature is God."

Some said that people are much occupied with scientific facts and technological achievements.

The nuclear bomb which is the invention of science had proved fatal for the people of Nagasaki, even the coming generation of the people

Some people said that co-education is having a lot of advantages but its disadvantages are more.

The prophet PBUH said "a person who has three daughters, educates them, gives them good manners will be with me in heaven.

It may be used for giving scholarships to students and pensions to retired people.

Some people detained to segregate them from the rest of the people so that they may not cause harm to anyone.

These examples possess author's objective stance with a neutral diction. Thus, the suitable labeling for this dimension can be 'contextualized factual information.'

Factor 3

Dimension	Loading	linguistic features
Factor 3	Positive	3 rd person pronoun, attributive adjective, attributive adjective evaluation, indefinite articles

Factor 3

Dimension	Loading	linguistic features
Factor 3	Negative	Perfect verb, nominalizations

In this third dimension there are 4 features on positive and 2 on the negative pole. The prominent features are 3rd person pronoun, attributive adjectives and adjectives of evaluation and indefinite article. The use of 3rd person pronoun is mostly considered to be marked for the general expression without focusing any particular person. It is a flexible approach through which author retains his neutrality without pointing any specific person. The evaluative adjectives are used to show judgmental approach of the author with an objective style. A number of linguists are of the view that evaluative adjectives are potentially common feature of academic writing which is purposefully adopted by the writer to show the importance of previously done researches (Auria, 2008 and Tutin, 2009). Evaluative adjectives together with third person pronoun show tendency of detached yet consciously built text to spotlight the ideas of others.

On negative pole features which tend to occur are nominalization and perfect tense. Nominalizations are known to be

derived nouns indicating an informational focus. They clearly indicate a literate discourse purposefully designed to share information (Grieve, 2008). While perfect tense is frequently used in academic writing as Biber (1988) mark present perfect tense as a way to avoid temporal sequencing in providing information and On the other hand, use of past perfect tense places focus on the temporal sequencing even when they are used for informational purposes. Blankenship (1962) Marckworth and Baker (1947) Biber (1986) place perfect tense to be used as a tool to express actions that happened in the past but still those actions exercise their influence to the present situation. They have been associated with narrative techniques in academic writing. Feingenbaum (1978) Biber (1986) and Marckworth and Baker(1947) find it is a feature of narrative writing that past tense forms serve the purpose of narration of some event that happened in the past. For example:

If he tries to get status then money is the most important part of good status.

The people of Pakistan wear very simple dress like shalwarqameez as they think it most important traditional dress.

She cannot give extra importance to any one

Actually they are supposed to spend money formore important issues like hunger and health.

The examples show the objective approach of the author in sharing ideas and keeping himself in the background. Thus this factor can be labeled as ‘objective elaboration vs informational content’.

Factor 4

Dimension	Loading	linguistic features
Factor 4	Positive	To complement clause, to complement clause controlled by verb, infinitives, verb effort, verb desire, stance noun clause, activity verb

Factor 4 is based on only positives features and we do not find negative features on the negative pole. It is prominent due to the features that Biber considers important in writing. Ochs (1979) describes Complementation as a relatively complex construction to a greater extent in planned than unplanned discourse. Winter (1982) notes that both verb and adjective compliment clauses divide the content into two clauses: one where speaker’s evaluation is shared through the first or mostly main clause while the subordinate clause possess information being shared. For Biber (1999) to provide information regarding the activities, desires, emotions and thoughts of the participant, the clause construction that is commonly used is to-clause controlled by verbs. He further says that the use of to-clause provides a cohesive link to the preceding discourse and emphasizes typical parallelism across sentences. Chafe (1982, 1985) is of the view that integration and sequence of information is usually achieved through the use of infinitives. Beaman (1984) finds infinitives as common feature of written than spoken narratives. Activity verbs are mostly used to show action and events that can be allied to choose. For example:

I think it would be a much more accurate statement to say that the world is full of multiple ideas

I think we are still very barbarous, we in under, rape, steal do terrible things for money

Thus, the labelling for this factor can be ‘elaborated personal stance’.

Factor 5

Dimension	Loading	linguistic features
Factor 5	Positive	process noun, stance noun in other context, determiner

Factor 5

Dimension	Loading	linguistic features
Factor 5	Negative	Proper noun

There are only four notable features in factor 5 and less than 4 in factor 6. In factor 5 process noun, stance noun in another context, determiner are on positive pole while proper noun is on negative pole. So according to Biber’s methodology these are not worth to be discussed.

Conclusion

Pakistani learners' English holds its special position on the linguistic cline because of the distinctive linguistic features (Baumgartner, 1996). MDA systematically brings out these features through an empirical approach which helps to find out not only the prominent features but also the associated functions that are performed through these linguistic patterns. Instead of putting arguments, Pakistani learners' argumentative writing is largely focused on sharing information. Even in putting arguments the writers do not try to take a clear stance instead they use indirect style. There is no proper introduction of the essays which may indicate the stance of the author or may guide the readers about what they are going to read next. Essays are focused on sharing information without synthesizing proper beginning, middle and conclusion. This confuses the reader about the purpose for which an essay is being written. Secondly, researches done in the field of academic writing, specifically in argumentative essays, suggest that students need special training in dealing with argumentative essays as such topics are more cognitive, complex, and interactive. Students perform well in narrative and descriptive essays as compared to argumentative topics. The learners should be exposed to more argumentative literature so that they may learn how to develop effective arguments (Crowhurst, 1990). Kachru (2009) was of the view that for developing a good argumentative essay the learners need special training, skill and a conscious effort at institutional settings like school, family and monarchy etc. MDA not only provides insight regarding prominent linguistic features of Pakistani learner's argumentative writing but also gives functional interpretation which helps to identify areas where improvement is needed. Such approach also helps to know about those issues that can be addressed at syllabus designing and pedagogical levels.

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Morpheme contraction and its peculiarities for the method of “reduction” in the Chinese language

La contracción del morfema y sus peculiaridades para el método de “reducción” en el idioma chino.

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ABSTRACT

This article is about morpheme contraction that is the method to use widely in word formation, in the Chinese language. It gives information about morpheme construction and its suitable peculiarities for the method of “reduction through deduction”. Even though many syllables words reflect entirely complex concepts and events, they cause of some difficulties during the conversation. Language vocabulary is constantly enriched by adding different affixes to existing words, assimilating words from other languages, emerging new terms, and reducing the form of words or phrases. Words, which are formatted by contraction method, serve to make conversation more convenient and economical. Contraction with morphemes plays an important role in getting rid of elements that do not affect meaning and content.

Keywords: morpheme, syllable, word-combination, contraction, assimilation, term

RESUMEN

Este artículo trata sobre la contracción del morfema, que es el método que se usa ampliamente en la formación de palabras, en el idioma chino. Proporciona información sobre la construcción del morfema y sus peculiaridades adecuadas para el método de “reducción mediante deducción”. Aunque muchas palabras de sílabas reflejan conceptos y eventos completamente complejos, causan algunas dificultades durante la conversación. El vocabulario del lenguaje se enriquece constantemente al agregar diferentes afijos a las palabras existentes, asimilar palabras de otros idiomas, emerger nuevos términos y reducir la forma de las palabras o frases. Las palabras, formateadas por el método de contracción, sirven para hacer que la conversación sea más conveniente y económica. La contracción con los morfemas juega un papel importante en la eliminación de elementos que no afectan el significado y el contenido.

Palabras clave: morfema, sílaba, combinación de palabras, contracción, asimilación, término.

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We see morpheme contraction *ch uq f* “reduction” and its suitable peculiarities for this method in this article. In the method of *ch uq* “reduction through deduction” an essential component is derived from the original word and a new abbreviation is created. This is one of the most commonly used and most basic methods of making abbreviations. In this method of contracting morpheme, a word or phrase is broken down into components (morphemes, words or phrases), then some of them are omitted and the rest form a new abbreviation. For example, *jiéyu yòngdiàn* “saving electricity”, *jiéyu* “saving” va *yòngdiàn* “electricity” are divided, then *yu* and *yòng* morphemes are omitted, the remaining complex morphemes are joined together, a new compound word *yòngdiàn* “saving electricity” is produced. From a phonetic point of view, this reduction is considered to be syllable, that is, a unit of reduction. It is the most common method of contracting morpheme, meaning “reduction, combination through integration, adding”. It clearly shows the properties of contracting morpheme. Depending on the position of the morphemes, they are divided into different types and carried out on different models.

As the methods of this species vary in word or phrase components, it is further subdivided into:

1) Segregation method of morpheme. In this method, only morpheme is extracted from each component of a word or phrase. Although the selected morpheme is a central morpheme representing a contracting unit (word or phrase), its location varies:

Adding primary morphemes. *huánjìn* ¹ *b ohù* it is translated as “saving the environment”. In this case *huánjìn* “environment” *b ohù* “saving” words are separated *jìn* and *hù* morphemes are omitted, *huánb o* this word is formed. The word *huánjìn wèish n* “condition of environmental sanitation” is also analysed in the same way: *huánjìn* “environment” and *wèish n* “sanitation” the primary morphemes *huán* and *wèi* are added, *huánwèi* and new form is produced. *Xi oxué jiàosh* “primary school teacher”, is also *xi oxué* “primary school” and *jiàosh* “teacher” separated, *xué* and *sh* morphemes are omitted, *xi oji o* is formed. For example: *n òn u nxi – n u n* (relationship with society); *zhìlì sh n shù –zhìsh n* (level of intellectual ability); *ji ot n j n chá –ji oj n* (road auto-patrol officer); *bóshìsh n d osh –bód o* (scientific director of doctor of philosophy).

Integration of primary morpheme of the first word and last morpheme of the second word. *Néngyuán xi ohào* in the combination of “spending energy resources” *néng yuán* “energy resource” and *xi o hào* “to spend” words are separated, word of *néng yuán* primary morpheme *néng* and word of *xi o hào* last morpheme *hào* is integrated *néng hào* “spending energy resources” is formed. For example: *liánhé j n yín –liányín* (cooperation companies); *lián shi sh cài –lián cài* (foodstuff); *Táiw n tón b o –táib o* (Taiwans); *jiàsh xuéxiào –jiàxiào* (drivers’ school).

1. The combination of the last morpheme of the first word with the initial morpheme of the next word. Abbreviation of *mín j ng* “public police” *rénmín j ngch*, that is the production of the word of *rén mín* “public” second and *j ngchá* the word of “police” first morphemes. *Sh zh n* “exhibition of book” –it is the production of *tú sh* “book” word *sh* and *zhán l n huì* “exhibition” word’s *zhán* morphemes; For example: *of n huìyì – f n huì* (summit); *duìwài màoyì – wàimào* (international commerce), *xiàjiàn fúdù – jiàn fú* (the decline level); *lìsh dìl – sh dì* (historical geography).

2. *The combination of the last morphemes of two words: Last morphemes of these words* *diào hào – sh ngdiào* *fúhào* “signs of tone (gestures)” *sh ng diào* “sound, tone” and *fú hào* “sign, gesture” are integrated; For example: *b ohù s nlín – hùlín* (saving forests); *xiàn wàixi o – wàixi o* (export); *diàny n mín x n – y n x n* (film star); *d n dài jiùyè – dàiyè* (waiting for being employed).

3. The combination of the initial morpheme of the first word with the final morphemes of the first word and the last word. This type is mainly used to describe the names of organizations, communities and associations: primary morphemes in these words *rénmín dàibi o dàhui – rén mín* “public” *dàibi o* “representative” are *rén* and *dài* also *dàhui* “meeting, session, conference” the last morpheme of the word *huì* united, *rén dài huì* “meeting of public representatives” is produced;

Some combinations are made of more than three words and are complex in form. Words like these are sometimes used the way of segregation. The role of the selected morphemes is not definable, some of the mentioned methods are used general, for example: *Yàzh u k if yínhán – Yàhán* (Asia Development Bank), *q n l tu qiàn dàiku n – q n qiàn* (to repay the remaining credit repayment), *èrén zuòp n zhánl n – èzh n* (individual exhibition), *bóshì yánji sh n d osh –bód o* (scientific director of doctor of philosophy), *báoxi n yèwù zh n lèi – xi nzh n* (types of insurance).

2) Abbreviation method through segregating the word. In this type of morpheme contraction, the word is extracted as the main component. The original word for these types of abbreviations is usually relatively complex, consisting of more than three words.

Separation of the last word. Zh n uó n nón hón j n – hón j n (Red Army of People's Republic of China); Zh n uó rénmín jì fàn j n – jì fàn j n (Salvation Army of People's Republic of China);

“M shì wén t n ” – “wén t n ” (Grammar of Mr.Ma);

j n jì tèq – tèq (special economic zone);

uzh u j n jì òn tón t – òn tón t (economic society of Europe);

Extraction of the first word.

Q n huá dàxué – Q n huá (sinxua University);

Tón jì dàxué – Tón jì (ongji University);

Nánk i dàxué – Nánk i (Nankai University);

Fùdàn dàxué – Fùdàn (Fudan University);

Sh n wù yìnsh ū n – Sh n wù (business publishing house);

«shu wén jì zì» – «shu wén» (Dictionary of Origin of Chinese Hieroglyphics).

Extraction of the middle word.

« j n yùnhuì j yào » – « yùnhuì » (rhyme collection);

Zh n uó dàb ik quánsh – dàb ik (Chinese big encyclopedia);

«s nb o tàijiàn x yán jì t n s ú y nyè» – « yán jì » (Traditional Scenes of the Three Monks about the West).

Extraction of the first and second word.

rénzào dìqiú wèix n – rénzào wèix n (satellite the Earth);

uzh u j n jì òn tón t – uzh u òn tón t (economic society of Europe);

«zànn hàn y jiàoxuéf xit n » – «zànn xit n » (methods system of teaching Chinese language temporarily).

In the second type of this method, a word is dropped, that is, a model that drops the whole word (usually a word of secondary importance). Under this model the names of organizations and agencies, as well as scientific and technical terminology are created, for example:

The last word is omitted: g o d ng zhu n yè xué xiào – g o d ng “high level”, zhu n yè “speciality”, xué xiào “school, institution” – g o zhu n higher education institution; In that case, the last word xué xiào is omitted. The first word is omitted: zh ng guó g ng ch ng d ng zh ng y ng j n shì w i yuán huì – “Abbreviation form of the Military Council of the Central Committee of the Communist Party of China –zh ng y ng j n w i. The middle word is omitted: Kàng rì j n zhèng dàxué abbreviation of the complex combination of the “Military Political Academy of Resistance to Japan” Kàng dà, the middle word is omitted; 4) The first and middle words are omitted: Zh ngguó rénmín gònghéguó dì liù jiè quánguó rénmín dàibi o dàhuì – “Sixth General Meeting of the whole country representatives of People's Republic of China” is abbreviated such: liù jiè rén dà.

3) Morpheme and word-mixing method: In this type of contraction, the extractable component can be both morpheme and word. Occasionally, syllables associated with a multidimensional word can also be isolated. These different types of components are mixed together and form a specific abbreviation. For example:

The combination of the first word with the initial morphemes of each subsequent word: Zh ngguó zuòjì xiéhuì – “All Chinese Writers Association”; Zh ngguó “China”, zuòjì the primary morpheme of the word “writer” zuò, xiéhuì initial morpheme of the word “association” xié, Zh ngguó zuòxié “The whole Chinese writer's association” is appeared.

The combination of the first word with the last morpheme of the next word: g ngxi o hézuò shè the combination of g ngxi o “supporting and selling” word is integrated with the last morpheme of hé zuò shè “cooperative” word shè: g ngxi o shè “cooperative on supporting and selling”;

4. *Combining the initial morphemes of the first words with the last word:* jiàng d zào y n xī shù – jiàng zào xī shù noise going down coefficient; jiàng d “going down” and zào y n “noise” the primary morpheme of these words is integrated with xī shù “coefficient”. For example: F izh u t n y z zh – F it n z zh (African Union Organization); B lès t n ji fàn z zh – B ji z zh (Palestinian Rescue Organization).

The combination of the last morphemes of the first words with the last word: jìlù chóngfāng cítóu – lù fāng cí tóu words of “magnetic recording key for sound output”; jì lù and chóng fāng is integrated with lù and lù fāng morphemes cí tóu. For example: diànhuà jiàoyù z liào zh n x n – diànjào zh n x n (the centre of electron information); Guóji yán wénzì n zuò w iyuánhùi – uóji y w i (State Language and Writing Committee).

From the above models, it is clear that no matter what position the morpheme is omitted, the most important are those that are specific to the phrase and do not change its meaning. Morpheme contraction ch uq f “reduction” is much more effective method, most complex words are abbreviated through models of this method. The preservation of the most important components in the sense is the semantic nature of the morpheme contraction. Reduction is one of the general rules for any language development. Its essence is to provide the maximum amount of information (spiritual expression) with minimal use of the material shell (sound and graphic form) of the language, that is, to improve the communicative function of the language.

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Empowering Orang Asli Educators with Mobile Learning for Basic Literacy

Empoderando a los educadores de Orang Asli con el aprendizaje móvil para la alfabetización básica

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ABSTRACT

This study aims to evaluate the perceptions of tutors on their readiness of implementing the basic literacy program and the module of M-Litora (basic literacy and digital transformation module for Orang Asli via mobile learning). This is important to ensure for the appropriateness of the literacy program developed by researchers from Faculty of Education and Faculty of Health Sciences, UKM in meeting the problems of reading difficulties among the children of the Orang Asli. The finding revealed that mastery on Bahasa Melayu among tutors, the capability of Orang Asli tutors to receive online training and motivation among tutors and the children were part of elements influencing the tutor's readiness towards this program. Perhaps the initiatives through this program accelerating the government inspiration in strengthening the marginalized community with education. However, there are more effort and initiative that are deemed essential to the implementation of the Bahasa Melayu program for the marginalized community.

Keywords: Orang Asli, basic literacy, Bahasa Melayu competency, tutor readiness.

RESUMEN

Este estudio tiene como objetivo evaluar las percepciones de los tutores sobre su preparación para implementar el programa de alfabetización básica y el módulo de M-Litora (módulo de alfabetización básica y transformación digital para Orang Asli a través del aprendizaje móvil). Esto es importante para garantizar la idoneidad del programa de alfabetización desarrollado por investigadores de la Facultad de Educación y la Facultad de Ciencias de la Salud, UKM, para resolver los problemas de dificultades de lectura entre los niños de Orang Asli. El hallazgo reveló que el dominio de Bahasa Melayu entre los tutores, la capacidad de los tutores de Orang Asli para recibir capacitación en línea y la motivación entre los tutores y los niños fueron parte de los elementos que influyeron en la preparación del tutor para este programa. Quizás las iniciativas a través de este programa aceleran la inspiración del gobierno en el fortalecimiento de la comunidad marginada con educación. Sin embargo, hay más esfuerzo e iniciativa que se consideran esenciales para la implementación del programa Bahasa Melayu para la comunidad marginada.

Palabras clave: Orang Asli, alfabetización básica, competencia Bahasa Melayu, preparación del tutor.

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1. INTRODUCTION

Knowledge is the essential aim in the education of all over the world. Therefore, the main objective for any Basic literacy at an early age is crucial in ensuring children have access to education and knowledge. UNESCO (2015) in its Education for All Report 2015 emphasizes on the universalization of primary education. Here, in goal number two, UNESCO (2015) aims to ensure children in Malaysia under difficult circumstances and belonging to ethnic minorities have access to complete, free, and compulsory primary education of good quality. This is aligned with the Malaysia Education Blueprint 2013-2025 shift number two, in which each child is to be proficient in Bahasa Melayu and English language and is encouraged to learn an additional language (Ministry of Education, 2013). This includes the Orang Asli children, who were categorized under the ethnic minorities who live in difficult circumstances.

The education level of Orang Asli in Malaysia is currently at upsetting state. In the Annual Report 2015 of Jabatan Kemajuan Orang Asli (JAKOA), they indicated that the enrolment of Orang Asli pupils in standard one in 2009 were 3,548 while the number of completed standard 6 in 2014 were higher that i.e., 4,295 with a difference of 747 with dropout rate 21.05% (Jabatan Statistik Negara 2015). Having lower registration rates compared to completion rates has a huge interpretation of the increasing trend of enrolments that impacts the educational process of each Orang Asli pupils. Chen (2017) in discussing the issue of late enrolment highlighted that the negative impact such as low cognitive development and achievement among the rural community in future due to the trend of late enrolment would cause early drop-out. This issue is in line with research conducted by Mohamad Johdi & Abdul Razak, (2009) and Sinappan et al., (2014) which stated that Orang Asli pupils are facing an educational gap particularly in basic literacy – skills of reading and mathematics. Gordon and Qiang (2000) had mentioned on the reports stated that the minimum requirement in China - 'neo-literate should be able to read the easier popular papers and magazines and essays, to keep simple accounts, and to write simple and application-oriented essays. While Muhammad Isa et al. (2012) stated that the minimum requirement to functionally literate in Malaysia is the ability to read and to understand the papers and articles and can write a letter for personal use.

While in discussing the development of Japan indigenous people, Nonoyama-Tarumi & Ota (2011) highlighted the pre-primary education is one of the crucial factors for early childhood development. In ensuring the proper quality educational implementation on children including from rural area must be arranged and set in proper for them to participate in early learning program in ensuring the reduction of drop out rate. This issues of late enrolment, school attendance and the dropout rate among indigenous pupils were in line with Angrist & Keueger, (1991); Connelly & Zheng, (2003); and Mamaril, Cox, & Vaughan, (2018). The other factors that contribute on the low educational achievement of Orang Asli are factors such as incomplete of educational facilities (Kral & Renganathan, 2018; Shaari et al., 2016), poverty levels (Fadzil et al., 2017), holding value towards education (Rabahi, Yusof & Awang, 2015; Mohamad Johdi & Abdul Razak, 2009), low motivations (Kamaruddin & Jusoh, 2008, Abdullah et al., 2013, Rahman et al., 2018), minimal working prospects in future (Teo, 2016; Mohamad Johdi & Abdul Razak, 2009), geographical factors (Fadzil et al. 2017), low parenting skills (Rabahi, Yusof, & Awang 2015), strong family relationships and ignorance to attend to school in a while (Savage et al. 2010), family income/economy (Teo 2016), unsuitable learning environment (Shaari et al. 2016), inappropriate learning materials (Sinappan et al. 2014; Shaari et al. 2016; Norman et al., 2015b) and life styles – hunting, foresting, drunk (Porath 2010).

As such, based on the problems and gaps identified, the study evaluates on the readiness of Orang Asli on volunteering to facilitate basic literacy programs for Orang Asli children. The context of this research implementation is to assess the level of readiness with factors such as level of quality in terms of being knowledge, attitude, and skills (Mahmud et al., 2012) in having online training (Mahamod & Noor, 2011) that to implement the module of M-Litora (acronym of Mobile-Literasi dan Transformasi Digital Orang Asli) that focus on teaching the children of Orang Asli on reading skills. With the initiative from the established module of Asas Membaca Orang Asli (Siraj et al., 2014a; Siraj et al., 2014b; Siraj et al., 2014c) this module integrates mobile learning in improving basic literacy as well as technological literacy of the Orang Asli.

2. BACKGROUND

The interpretation of literacy brings the understanding as to the proficiency in reading, writing, and arithmetic (UNESCO 2006; UNESCO 2015). A person who lived in remote is but unable to read and write having this disability on literacy seem to need to have literacy program based on local contextual model and module (Milton 2017; Mamaril, Cox, & Vaughan 2018). Eady, Herrington & Jones (2010) stressed that in blinding adopting a western educational model or approach by directly copying the model or method could disrupt current educational aims. Education-based on western ideals and standards, or even to the extent of our national standard and policies are often inappropriate for aboriginal communities. This in turn would affect the literacy proficiencies of aborigines as they are denied access to literacy education at an early stage, as the educational approach is not suitable for them, which calls for suitable measures with regards to accessible and equitable educational approaches and practices (Norman et al., 2015a; Nordin et al., 2018; Adnan & Rizhaupt, 2018; Andersen et al., 2018; Bakar et al., 2019).

Promotion on literacy for indigenous people is one of the main initiatives of the international community. The teaching and learning activities of aboriginal in the North Territory of Australia by Brasche & Harrington (2012) highlighted the importance to improve teacher quality and continuity teaching process in a remote area. The issues such as the newbie and recently graduate teacher were located in isolated and remote area were the higher issues of retention in remote area (Olatunji, & Ajayi, 2017); having little interaction with the remote communities (Kelly et. al., 2014); no life experience lived in isolated remote area and setting (Kline, White & Lock, 2013) resulting the low performance and high teacher turnover in remote educational institution. In meeting the issue of teacher's quality and turnover the initiative to revised the recruitment strategies need to implement by exercising the reorientation expectation to ensure the level of quality and

continuity of teacher to contribute to gain the positive educational impact and outcome (Asim et al., 2017; Mason & Matas, 2015; Kline & Walker-Gibbs, 2015), offering the rural scholarship to meet the issue of the ideal candidate to suitable candidate among young students in Australia with at least three years service in a remote area by New South Wales Department of Education (NSW 2018). Table 1 summarized the strategies and approaches taken by several countries in the study of Haque et al., (2013) that make the comparison analysis from secondary sources about pre-primary education including websites, newspapers, various published and unpublished article.

TABLE 1. The strategy of pre-primary education for children in several countries

Country	Strategies
Bangladesh	Strategy to develop an educational center with forming the committee to supervising and monitoring and provide the teachers in pre-primary sectors. The committee consists of personnel from schools nearby, NGOs, a representative from the parents, and teachers of the center. The committee is to ensure the smooth running educational program in a rural area.
India	Strategy by forming a scheme that fulfilling the health care facilities, supplementary nutrition support, and focus on children community on communication and cognitive skills in preparing them for primary school. This scheme/program started in several states and focused on many remote and tribal areas.
Argentina	The strategy is to achieve two goals; that is to enhance educational achievement started from home and develop new competencies; and ii. Acquisition in early-stage and accessible knowledge and skills that improve the first year of primary education. A new curriculum that explicitly designed to develop on communication skills, personal autonomy, and behavioral skills, social skills, logical and mathematical skills, and emotional management skills.
Nigeria	Strategy to implement the pre-primary educational program that;- encourage the private initiative to supports pre-primary education; prepare the provision of training the teacher that specialized in early childhood education; to ensure the instruction in pre-primary school using mother-tongue language-based education; to develop the orthography of many Nigeria languages; producing national textbook-based Nigeria languages; promotes fun-education and setting up-regulation for pre-primary schools.
EU	Strategies to promote the approach to pre-primary and improve its universal access to their pre-primary school.

The program of teaching in a rural area by preparing the presentable aboriginal educator and staff had been discussed by Kitson and Bowes (2010). They highlighted the benefits of having community consultation able to help and reduce the undesirable comfort of the non-indigenous staff towards children of a remote community. The initiative may promote the cultural-based education (Sinappan et al. 2014), with personal communicate effectively with aboriginal families/communities (Ball, 2007), teach the children of community about cultural norm practices and deliver culturally anticipated comfort and educated role models (Kline, White & Lock, 2013; Asim et al., 2017).

3. THE INITIATIVE

Statistic by UNESCO Institute of Statistic had rated low on the country's youth (15 and above) were below that national statistic, i.e. 94.46 percent in 2015. In their report in *Adult and Youth Literacy: National Regional and Global Trends 1985-2015*, 40 percent which lowers that national statistic (UNESCO Institute for Statistics, 2013). As reflected on this the Director-General of National Library of Malaysia had produced the statement stated that the high standard of measurement set by the UIS made the rate were empirically low and reclaim that the national level of literacy still in the unsatisfactory level that needs to put several improvising programs (Bernama, 2015). The statistical figure has included with the marginal minorities live in a remote area. The initiative by a local university in supporting the government of the cause-and-impact of late enrolment Orang Asli should be properly set up. The ideas of meeting the need for inclusive education for remote area children in meeting late enrolment issue due to the house-school distance that needs to deal with poor transportation and infrastructure facilities and such other contributing factors. Thus the initiative was to prepare the selected adult Orang Asli with minimum education level through distance learning for trainers program.

In this study, before the implementation of online training to the Orang Asli tutor through Web 2.0; we are going to get the adult Orang Asli views on their readiness to implement the literacy activity, the part of the whole program conducted in center-based-education conducted in Pusat Pendidikan Komuniti UKM-CIMB Islamic. The part of the program is suggesting the informal pre-primary program in helping rural children to gain skills of reading/literacy. The literacy program was to embark in Pos Gob. Figure 1 shows the journey seven to eight hour off-road from the city of Gua Musang Kelantan with four wheels drive.

Even though the Internet communication has provided with the capability to have communication device is high, the level of knowledge to wisely use the technology device for educational purposes are quite low among adult Orang Asli (Zal, 2011) and this is aligned with the adult Orang Asli in Pos Gob. For instance, this village has received several facilities such as Internet, computers, and fund compared to other villages due to their effort to enhance the quality of life among the community; they still at a low level in utilized the facilities for educational purposes. In spite, several universities have put the initiative to implement the research at the village.

In result, the students missed out the broader aspect of teaching and learning taught in the class. Thus, the optimum pedagogical practices such as this literacy program for such children with reading disability need in a remote area requires personal face-to-face or pull out well-trained facilitator in improving their literacy instruction. Figure 3 shows the minority ethnic with small group initiative was having initial training for adults Orang Asli who have at least minimum certification of SPM and above. They were trained to be the facilitator on this literacy program for children of their community with reading/literacy disability.

4. RESEARCH PROBLEM

Mahmod & Noor (2011) pointed out the educational tools based online technology should be benefited in meeting the educational program in the distance. Kelly et al., (2014) discussed the need to support in term of knowledge and online technology skills for them, especially the newbie teachers in a remote area to support their teaching and learning activities. Educator and tutor need time, skills and learning resources to prepare them to use the Internet and technology for teaching purposes (Mamaril, Cox & Vaughan, 2018). The issue of lack of skill using online technology may drag educator ineffectively used the technology in supporting the teaching and learning activities (Kral & Renganathan, 2018). Thus, the educator and tutor must be ready and be prepared to use the technology to ensure ICT skills. In discussing the level of readiness in ICT for teaching and learning, the measurement of knowledge, attitude, confidence, and skills toward utilizing the web-based educational resources were highlighted (Mahmud et al., 2012; Suliman et al., 2016). While Milton (2017) discussed the issue associated with improving the literacy class by using more targeted supports, in this context, online-based technology is in need for inclusive education for remote community to access quality education; it is critical to ensure the educator to understand the role of the learner in an online learning environment. For instance, the need to understand the educator and tutor level of readiness towards the online training via Web 2.0 needs to be conducted in meeting to the lack of study on Orang Asli online training in the distance by remote geographical area.

5. METHODOLOGY

The selection of Pos Gob is due to its located in a remote area with six to eight-hour off-road journey from the city of Gua Musang. Surprisingly, it has equipped with Internet facilities. The researcher from several public universities has supported the place with Internet and several facilities. Instrument adapted from the past study that focuses on the level of readiness. The study focuses on estimating the tutor readiness of adult Orang Asli and their view during the activities in the program. In addressing the issue of under-representation among educator program to implement M-Litora module, the researcher thought it is important to consult them by knowing their readiness to have the online training. Survey and items factors adapted from past study and suited with the context of the study (Mahmud et al., 2012; Suliman et al., 2016; Milton, 2017). In meeting these objectives, this study has addressed several research questions:

1. What is the knowledge readiness among the tutors of adult Orang Asli to participate in the literacy program?
2. What is the attitude readiness among the tutors adult Orang Asli to participate in online training for the literacy program?
3. What is the perception among the tutors adult Orang Asli on children behavior in a literacy program?
4. What is the perception among the tutors adult Orang Asli on an inclusive educational program in solving disability-reading program?

Data collection and analysis methods – the development of the survey were based on previous literature. This study constructs the online linguistic scale questionnaire through the Google survey form. The online survey had distributed through Whatsapp and Email and requested them with an immediate response. The data were analyzed using SPSS 20.0 with producing the percentage of agreement and presenting the value of the mean.

6. FINDING

Table 2 describes the demographics of the tutor in facilitating the program of literacy Bahasa Malaysia. It is consist of data on gender, types of Orang Asli ethnic participated, age, level of education of respondent.

TABLE 2. Tutors Demographic Profile

Gender	Male (4)	36.4%
	Female (7)	63.6%
Sub-Ethnic	Temiar (9)	81.8%
	Semai (2)	18.2%
Age	20 - 30 years (11)	100%
Level of Education	UPSR (1)	9.1%
	PMR (3)	27.3%
	SPM (5)	45.4%
	STPM (1)	9.1%
	Diploma (1)	9.1%
	Willingness to be an educator	Yes (7)
	Unsure (4)	36.4%
Know how to administer the blog	No	-
	High	-
	Moderate	-
	Low (11)	100%

Know-how to use a blog to access information	High (2)	18.2%
	Moderate (5)	45.5%
	Low (4)	36.3%

As illustrated in Table 1 that the majority of Orang Asli facilitators were female (71.4%), with the sub-ethnic majority are Orang Asli Temiar (71.4%) with the respondent range of age is 20 to 30 years old. The table also shows that respondents are rating them on the willingness to participate as an educator (100%) towards the implementation of the literacy program in their community. As it was mention early, the minimum requirement to be the educator on the teaching program is SPM holder and above and the majority of the respondent (63.6%) fulfilled the requirement. In term of their knowledge wise to administer a blog, it has shown that all of them were rated low. Unfortunately, to use the blog in accessing for information, the majority of respondent were rated them know how to use the web/blog for information. With-in this small community members and limited skilled workforce sources of adult Orang Asli, only eleven from the sub-ethnic of Temiar and Semai were voluntarily joint with this literacy program, but seven are ready to be the educator.

Table 4 describes the items about the tutor level of readiness in facilitating the program of literacy of Bahasa Malaysia among Orang Asli children. The linguistic scale was rate 1. Strongly Disagree; 2. Disagree; 3. Neutral; 4. Agree & 5. Strongly Agree. Result of Table 2 is the finding for research question 1. What is the knowledge readiness among the tutors of adult Orang Asli to participate in the literacy program?

TABLE 4. The knowledge readiness among the tutors adult Orang Asli to participate in the literacy program

No	Item	1 Strongly Disagree	2 Disagree	3 Neutral	4 Agree	5 Strongly Agree	Mean
1	I can master the teaching and learning of basic reading skills provided through online	-	-	18.2%	27.3%	54.5%	4.36
2	It is easy for me to read Bahasa Melayu	-	-	9.1%	18.2%	72.7%	4.64
3	It is easy for me to write Bahasa Melayu	-	-	9.1%	18.2%	72.7%	4.64
4	It is easy for me to understand instruction in Bahasa Melayu	-	-	9.1%	-	90.9%	4.82
5	It is easy for me to communicate in Bahasa Melayu	-	-	9.1%	9.1%	81.8%	4.73
6	I have experience in using a textbook to master the educational topic in Bahasa Melayu	-	-	-	9.1%	90.9%	4.82
7	It is easy for me to understand the notes, textbook, reference in Bahasa	-	-	-	27.3%	72.7%	4.73
8	Activities given to improve my basic facilitating skills are sufficient	-	36.4%	54.5%	9.1%	-	2.73
9	I use reference books, reading materials and exercise books in Bahasa	-	-	45.5%	45.5%	9.1%	3.27
10	I can understand the content in the news in Bahasa Melayu	-	-	9.1%	-	90.9%	4.82
11	Various learning facilities in Bahasa Melayu is sufficient.	-	72.7%	27.3%	-	-	3.18

As per illustrated in Table 4, the mean value near to 5.00 is the highest value agreement among the facilitator that was shared within the items number 4 (mean=4.82) and 10 (mean=4.82). The evidenced shows that all of the Orang Asli facilitators were understood and make practice the national language in their educational learning purposes. In measuring the standard of literacy skills among the respondents in reading and writing activities, the majority of the agreements were high as item 4 - easy to understand the instruction in Bahasa Melayu. As such, these were evidence that all the respondents had a high level of knowledge readiness towards participating in facilitating the literacy program. But as shown in items 8 (mean=2.73) and 11 (mean=3.18) these elements need researchers to put some additional effort to improve the online facilitation for under-presentable tutors conducting M-Litora module in meeting the main objective of the program, i.e. to reduce the number of illiteracy among the children in a remote area. Result illustrated in Table 5 is the finding for research question 2. What is the confidence readiness among the tutor adult Orang Asli to participate in the literacy program?

TABLE 5. The attitude readiness among the tutors adult Orang Asli to participate in the literacy program

No	Item	1 Strongly Disagree	2 Disagree	3 Neutral	4 Agree	5 Strongly Agree	Mean
1	Adapting surrounding natural resources in the module is a good idea and easy for me to teach	-	-	-	-	100%	5.00
2	The ABC M-Litora song was good and improve learning engagement	-	-	54.5%	36.4%	9.1%	3.18
3	Sharing online video in Bahasa will ease me to understand facilitation process	-	-	-	-	100%	5.00
4	I am motivated to improve reading skills to my community	-	-	-	-	100%	5.00
5	I encourage children to work hard in the program	-	-	-	-	100%	5.00
6	I come as per agreed scheduled time on teaching session	-	-	81.8%	9.1%	9.1%	3.91
7	The module guided me to teach our community children	-	-	9.1%	81.8%	9.1%	4.64
8	I give early respond through social media instrument when requested	-	-	9.1%	81.8%	9.1%	4.64

As per illustrated in Table 5, the mean value near to 5.00 is the highest value agreement among the facilitator that was shared within the mean 5.00 items number 1, 3, 4 and 5. All the items explain the level of instructor confidence in implementing the program. The item 1 explained that adapting the module with the surrounding natural elements were a good idea and this was the main criteria to make education meaningful to the children, where the content is based to community culture and life. Result illustrated in Table 6 is the finding for research question 3. What is the perception among the tutor adult Orang Asli on children behavior in a literacy program?

TABLE 6. The perception among the tutors adult Orang Asli on children behavior in the literacy program

No	Item	1 Strongly Disagree	2 Disagree	3 Neutral	4 Agree	5 Strongly Agree	Mean
1	Children easily understand content based natural surrounding resource	-	-	18.2%	18.2%	63.6%	4.91
2	Children easily can sing the <i>ABC M-Litora</i> song	-	-	27.3%	45.5%	27.3%	4.00
3	Children can benefit online video session	-	-	63.6%	27.3%	9.1%	3.09
4	Children enjoy the food provided	-	-	-	-	100%	5.00
5	Children enjoy with the uniform provided	-	-	-	-	100%	5.00
6	Children enjoy new facilities classroom provided	-	-	-	-	100%	5.00
7	Children memory towards the <i>ABC M-Litora</i> song is high	-	-	-	9.1%	90.9%	4.91
8	Children easy to come to the educational center	-	-	27.3%	-	72.7%	4.45

As per illustrated in Table 6, the mean value near to 5.00 is the highest value agreement among the facilitator that was shared within the items number 4, 5 and 6 (mean = 5.00 respectively). All the items explain the level of perception among the tutors adult Orang Asli on the children behavior in the literacy program. It can be explained from the table that the facilitator not using the technology devised wisely. Also, from the perspective of the facilitator, the purpose of the song is to bring the participant to enjoy and improve its memory. Using song such as a great teaching tool as it is a universal attraction, connecting to the culture and language (British Council, 2015). The ABC M-Litora song is purposely designed to be part of the lesson that focuses on the easily understandable word, vocabulary, and pronunciation by woven with the surrounding natural elements and easy percussion rhythm. Result illustrated in Table 5 is the finding for research question 4. What is the perception among the tutors adult Orang Asli on an inclusive educational program in solving disability-reading program?

TABLE 7. The perception among the tutors adult Orang Asli on inclusive educational informal program

No	Item	1 Strongly Agree	2 Agree	3 Neutral	4 Disagree	5 Strongly Disagree	Mean
1	It is good to have such a basic reading program in a remote area	-	-	-	9.1%	90.9%	4.91
2	The children having literacy disability	-	-	-	-	100%	5.00

3	The program needs to be open wider by teaching the community elders	-	-	-	18.2%	81.8%	4.82
4	Acquiring the basic reading skills is a step to the other knowledge	-	-	-	18.2%	81.82%	4.82
5	This program needs a longer time and fund	-	-	9.1%	9.1%	81.8%	4.73
6	Teaching children of my community need a long time	-	-	18.2%	18.2%	63.6%	4.45
7	The knowing/memorizing the alphabets is appropriate for the introduction	-	-	18.2%	-	81.8%	4.09
8	Knowing how to say syllable is suitable for the next topic in the program	-	-	18.2%	-	81.8%	4.09
9	The last approach is to ensure children can easily read short/simple reading story	-	-	18.2%	-	81.8%	4.09
10	To color, the alphabet may improve children memory	-	-	18.2%	72.7%	9.1	4.32
11	It is good to give us appropriate training for facilitation program	-	-	18.2%	-	81.8%	4.09

As per illustrated in Table 7, the mean value near to 5.00 is the highest value agreement among the facilitators confirm that all the participants had a disability in reading skills. In meeting the inclusive education need among the children in the remote area were important (mean = 4.91) to the facilitators. They also had an agreement that the format of the module to be implemented, i.e. in items number 7, 8, and 9. Table 7 also shows that the majority of the tutors still needs an additional training program.

5. DISCUSSION AND CONCLUSION

Pusat Pendidikan Komuniti UKM-CIMB situated in Kampung Orang Asli Pos Gob. This initiative is to promote inclusive education for the Orang Asli community in the remote area. This study conducted to propose the best practice in improving the literacy-disability program in the remote area. This program conducted successfully by training qualified adult community becoming presentable trained facilitators. All the children willingly attend to participate with the program on basic literacy-based M-Litora module shows that the children and their parents positively accept the initiative. This program intends to educate Orang Asli children with basic reading skill before they join with the standard educational system.

In many circumstances of the successfulness to implement new approaches in conducting training in based online technology will heavily rely on the readiness of its participants, especially in geographical distance. This is aligned with the study of Mahmud et al., (2012) in determining the participants' readiness in term of his or her knowledge, skills and attitude need to be assessed together in gaining the understanding and information. In this context of the study, the educator readiness of utilizing the Web 2.0 to facilitate the program of basic literacy of Bahasa Melayu on Orang Asli community children was explored. This study shows that the majority of the participant who took parts in this study had little knowledge in administrating the Web 2.0 but having the required knowledge to use the web to access the information using their mobile devices. This positive indicator put the researcher understanding that the respondents are having minimum technology-wise to get training as the facilitator to teach reading and writing skills to the children and had a positive attitude towards using the ICT. Indeed, having high administration web skills will be added value to the educator to supports their teaching and learning activities. Since there are many types of open educational resource, the Orang Asli educator need to learn and familiarize with the web and online educational content in ensuring more beneficial will gains in this 21st Century educational approaches (Rahman et. al., 2018; Ball, 2007; Eady et al., 2010; Kelly et al., 2014; Muslimin et al. 2018).

From the study also the finding gave the reflection effect towards the underlying Social Learning Theory (Bandura, 1979) where the concept of participation of the community, the development of learning center in remote area than focusing on development of literacy-ability with the element of surrounding natural resources, gave the positive impact to in changing the behavior of Orang Asli children towards learning the basic literacy. This was in line with the past study that is improving participation of aboriginal community need to woven the education with their culture and surrounding element (Dee & Penner, 2017; Savage et al., 2011; Mellom et al., 2018). This study also shows the implication towards the requisition and acceptance of online training among the facilitators situated in remote area strengthen the underlying theory of Distance Learning Theory (Moore, 1997) that promote adults learning in the distance pedagogical concept that supports the train-of-trainer program. This is crucial to ensure remote community having quality educational support (Meyer, 2002) and Jones et al., (2015) whereby sharing the quality education in the distance with conducted through online need a proper instructional learning strategy.

Since the majority of the tutor among the Orang Asli youth had little experience in attending online training, this program was proposing the video-based resources and materials that encompass in Web 2.0 to be used for the teaching and learning activities. The implementation of this program resulted in a positive impact on the tutor and community children of Orang Asli. A relevant stakeholder is proposed to promote the use of Web 2.0 in improving the education activities in the remote area, and it should implement this initiative. The initiative should be done with collaboration with the universities researcher or NGOs in design and develop online training. As discussed by Haque et al., (2013) this is one of the strategies in implementing the pre educational before the children go for national standard schools by educating the children with the basic literacy acquisition. As discussed by Haque et al., (2013) this is one of the strategies in implementing the pre educational before the children go for national standard schools by educating the children with

the basic literacy skills. The reason for the establishment of the pre-primary in remote areas is to reduce the problem of tumbled behind due to late enrolment, which will cause the failure of reading and writing skills acquisition. Perhaps, the initiative to ensure the quality of education will be meet the objectives and will be shared with the remote community in Melayu. This initiative with the support of computers and Internet facilities will successful the generic facilitation skills acquisition in anywhere and anytime in distance educational approaches.

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The role of continuing education in the formation of professional skills in the process of individual driving training

El papel de la educación continua en la formación de habilidades profesionales en el proceso de entrenamiento de manejo individual

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ABSTRACT

This article presents solutions that are defined as a paradigm shift in driving schools, which will allow restructuring the process of driver training and reducing the risk of accidents. Thus, the study discusses ways to reduce the accident rate of drivers who have recently received a license to drive a car. To achieve the goal, accident statistics were analysed depending on driving experience and driver age. The influence of the Internet and computer games on the psychology of novice drivers was also studied. Finally, the process of driving skills formation in the entrepreneurial educational process of driving schools is described. We suggested that novice drivers should demand the proper driving school and consider the criteria by which they can choose a suitable and effective driving school to obtain complete and in-depth knowledge.

Keywords: Dangerous driving, training, driving schools, transport, traffic safety, traffic accidents, novice driver

RESUMEN

Este artículo presenta soluciones que se definen como un cambio de paradigma en las autoescuelas, lo que permitirá reestructurar el proceso de capacitación de conductores y reducir el riesgo de accidentes. Por lo tanto, el estudio analiza formas de reducir la tasa de accidentes de los conductores que recientemente recibieron una licencia para conducir un automóvil. Para lograr el objetivo, se analizaron las estadísticas de accidentes según la experiencia de conducción y la edad del conductor. También se estudió la influencia de Internet y los juegos de computadora en la psicología de los conductores novatos. Finalmente, se describe el proceso de formación de habilidades de conducción en el proceso educativo emprendedor de las escuelas de conducción. Sugerimos que los conductores novatos deben exigir la escuela de manejo adecuada y considerar los criterios por los cuales pueden elegir una escuela de manejo adecuada y efectiva para obtener un conocimiento completo y profundo.

Palabras clave: conducción peligrosa, formación, autoescuelas, transporte, seguridad vial, accidentes de tráfico, conductor novato

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INTRODUCTION

In the Russian Federation, at the level of state policy, a regular search is underway for effective mechanisms for legal, organizational and material support for road safety. One of the ways to ensure the proper level of safety in road traffic is the impact of administrative responsibility on road users, aimed at eliminating and preventing road traffic accidents by forming an attitude towards lawful behavior on the road. This is due to the fact that the driver or pedestrian, realizing the consequences of traffic violations in the form of administrative responsibility for them personally, will try to prevent violations and behave lawfully, which should ultimately lead to an increase in the degree of responsibility of road users (Delhomme et al, 2014).

Before considering administrative responsibility for offenses in the field of traffic, it is proposed to consider administrative responsibility in general, that is, refer to the concept, signs, principles, basis, goals and functions of administrative responsibility.

Administrative responsibility, is an independent type of responsibility in public law. Measures of administrative punishment for committed administrative offenses are aimed at protecting various relations regulated by private and public law, both in the exercise of the rights and legitimate interests of individuals and legal entities, and in the functioning of public authorities. Administrative responsibility ensures the operation and implementation of regulatory standards of all branches of private and public law. The characteristic features of administrative responsibility are determined by the nature of the administrative offense as the basis for the occurrence of administrative responsibility and the legal consequences that have arisen in the process of their application.

DEVELOPMENT

Literature review

In legal literature, including in the educational literature on administrative law, there are many options for the definition of administrative responsibility. Thus, administrative responsibility is traditionally understood as the implementation of administrative sanctions, the application of administrative penalties by an authorized body or person to citizens and legal entities who have committed an offense. This point of view was widespread among Soviet scientists.

So, A.B. Agapov notes that administrative liability establishes physical and moral coercion measures applicable to the person guilty of an administrative offense, restricting the personal property rights of the violator, or his public rights (Agapov, 2015).

B.V. Rossinsky defines administrative responsibility as a type of legal responsibility, expressed in the designation by the body and official endowed with the relevant powers, of administrative punishment to the person who committed the offense (Rossinsky, 2004).

Questions of psychology of road safety are acute in transport psychology (Gaymard, 2017; Novaco, 2015), at the same time, the psychological aspects that determine the aggressive driving style are not studied to the extent that this is required to ensure safety on the roads (Tan *et al.*, 2017). It is the contradiction between the expressed social order for road safety and the lack of theoretical certainty of the “dangerous (aggressive) style” phenomenon, its psychological determination, which determines the relevance of the project.

Most researchers analyze the activity of the driver and the psychological reasons that reduce his professional reliability. So, within the framework of the system approach of transport psychology, they turn to driving in the context of extremity and personal determination of behavior behind the wheel (Markšaityte *et al.*, 2017). Experts give predictions of the main types of behaviour of road users (including styles of driving). The emphasis on the operational characteristics of the driver's activity is made by M.A. Regan and C. Hallett (2011). In these and other publications, driving a vehicle is considered as an activity, and activity in special (extreme) conditions.

Methodology

Theoretical and methodological basis of the research includes the leading domestic and foreign papers in the field of educational process of driving schools, including monographs, articles, and analytical reviews. The research is based on common methods, like methods expert analysis, statistical analysis and comparative analysis, a system approach, synthesis, expert assessments, tabular and graphical data visualization techniques. Interactive methods as contrasted with passive and active education methods require joint education: both students and a lecturer are education subjects, a lecturer comes as more experienced educational process organizer, given that all the participants interact with each other, exchange information, collectively solve problems, model situations, evaluate colleagues' actions and their own behavior.

Discussion

Since 2007, there has been a steady tendency in Russia to reduce the number of accidents with injuries. In 2000, there were 157.6 thousand such accidents, but then, due to the rapid growth in car use, their number in 2005 exceeded

220 thousand.

According to the data of the State traffic inspectorate of the Russian Federation, in 2015 in Russia there were 184 thousand traffic accidents with victims, which killed 23 114 people, 231 197 people were injured and injured. For comparison, in 2005 the number of accidents amounted to 223,342 (a decrease of 17.6%), 33,957 people died (-31.9%), 274,865 people (-15.9%) were injured.

The mortality rate from road accidents in 2015 is 15.8 per 100 thousand people. For comparison, in 2005 this indicator was 23.6 per 100 thousand people. In 2015, Moscow (more than 10 thousand traffic accidents) and St. Petersburg (7.2 thousand) became the most emergency regions, however, the Moscow region (1.3 thousand dead) and Krasnodar Territory (1.1 thousand). 8.6% of accidents were caused by drunk drivers (in 2014 - 9.4%).

According to the World Health Organization (WHO), more than 3 thousand people die every day as a result of road accidents and about 100 thousand are seriously injured. Every year, from 20 million to 50 million people are injured in road accidents, and more than 1.25 million people (186 thousand of them children) are victims, this figure has remained virtually unchanged since 2007.

Traffic accidents are the leading cause of death for people between 15 and 29 years old. The least protected road users are motorcyclists (23% of all deaths due to road accidents), pedestrians (22%) and cyclists (4%). 90% of fatal accidents occur in low- and middle-income countries (African and Asian states).

According to the latest published WHO data, China and India are leading in the number of deaths in road accidents: in 2013, 261 thousand and 208 thousand people died in car accidents, respectively. Moreover, by the ratio of death to population, these countries are considered relatively safe. In China, in 2013, 18.8 people per 100 thousand people died, in India - 16.6 people. In Russia in 2013 this indicator was 18.9 (in 2015, 15.8).

The safest, according to statistics, are the roads of Europe, Canada, Australia, New Zealand and Japan, where this figure does not exceed 10 people per 100 thousand people. The lowest rates are in Sweden and the UK (2.8 and 2.9 deaths per 100 thousand people, respectively). In the United States in 2013, the figure was 10.6 per 100 thousand people. The only country in the world where more than 40 deaths were recorded on the roads per 100 thousand people is Libya (73.4). From 30 to 40 dead were recorded in Iran, Thailand, and sub-Saharan Africa.

Signs of an administrative offense differ from elements of its composition. In the scientific literature, the composition of an administrative offense is defined as a set of features that identify the act as administratively punishable. If at least one sign of an offense is missing, then this implies the absence of the composition as a whole - this indicates a limited composition. Article 24.5 of the Code of Administrative Offenses of Russian Federation stipulates that it is impossible to start proceedings in the case, and if proceedings have already begun, then it will be subject to termination if there is no administrative offense.

Administrative offenses are found in all areas of administrative law, and the field of traffic is no exception. Road traffic should be understood as a complex of social relations that arise in the process of movement of people and goods, both with the help of motor vehicles and without them (Haeger et al, 2018).

When characterizing an administrative offense in the road sector, it is necessary to highlight the signs of this offense:

- Unlawful act;
- Guilty act;
- Subject (individual or legal entity);
- Public danger;
- The punishable act.

The wrongfulness of these offenses consists in non-compliance with the norms of regulatory legal acts that regulate legal relations in the field of traffic, the Rules of the road can serve as an example of such legal acts (Hayes et al, 2017).

Guilt is a person's mental attitude to a committed socially dangerous act. As noted above, an act is found guilty if it is expressed in one form of guilt (intent, negligence). The subject of an administrative offense in the field of traffic is a person who committed an unlawful act in this area and who is able to bear responsibility for its commission. In turn, the subjects are divided into three groups: general, special and special (Hatfield et al., 2018). Common subjects include sane individuals who have reached the age of sixteen years and have committed an administrative offense in the field of traffic. The special group includes: deputies, judges, prosecutors, military personnel, disabled drivers, as well as other entities with special rights (Lang et al., 2018).

The group of special subjects includes two subgroups. The first includes persons performing professional functions (for example, traffic police officers of the Ministry of Internal Affairs of the Russian Federation) (Petrov, 2017). The second group includes persons who are granted special rights (drivers of vehicles). A driver is recognized as a person who drives a vehicle, regardless of whether he has received the right to drive a vehicle, has it been deprived

of it or not (Shimada et al, 2018). In accordance with the rules of the road, the driver is the person driving the vehicle.

The public danger of an administrative offense is formulated as an unlawful act (inaction) committed by an individual or legal entity for which administrative liability is provided on the basis of the law. Speaking about administrative responsibility in the field of traffic, we can conclude that we are talking about a violation of the Rules of the road and regulations in this area.

Some young drivers have extremely high accident rates. For example, in 1995 in the United States, 16-year-old drivers became participants in 15 thousand accidents, compared to drivers aged 20 to 40 who participated in nine and four accidents, respectively (Wu et al., 2018). The main reason why young drivers are more vulnerable to road accidents is that they do not have the necessary skills and driving capabilities (Freydier *et al.*, 2016). This is not surprising, because driving is a complex, independent activity, involving many basic tasks (for example, steering, braking) and skills of higher order (for example, perception of danger, problem solving), many of which are necessary for the safe operation of vehicles (Carter *et al.*, 2014).

In view of the limited number of hours in driving schools, of course, it is desirable that young people receive the initial driving skills. Usually parents or older comrades teach the basics of driving, tell the driving mechanism, or teach institutes in technical specialties the appropriate discipline.

To obtain a driver's license in Russia, it is necessary to take an examination in Public Authority, which called - the State Traffic Safety Inspectorate (STSI) of the Ministry of Internal Affairs of the Russian Federation. Nevertheless, the teaching of driving skills in driving schools required to pass the STSI exam is not the sole purpose of training future drivers. The main goal of many driving schools is to train the driver's future driving skills, both on the technical side and on the psychological side.

It is assumed that drivers who have recently completed training in a driving school and who obtained the license should have a lower accident rate than those who did not study in a driving school or completed it long ago. Despite the belief in the value of safety, the program of driving schools for future drivers has not been proven effective (Isler *et al.*, 2011). This may seem contradictory, but according to statistics, many driving schools teach formally, without considering such problems as the basics of medical knowledge, the psychology of drivers and others.

The authors of this article came to the conclusion that an adjustment of educational programs in driving schools is necessary. Driver training can be improved if attention is focused not only on knowledge of the basic theoretical driving skills, but also on solving the urgent problems of emergency situations. In this context, priority should be given to the study of driving conditions in which young drivers will be presented in an emergency risk situation. Of course, the challenge is to obtain such learning skills, both in real and virtual environments.

The content of training programs in driving schools should be based on empirical data and focus on those psychomotor, cognitive and perceptual mental disorders that were shown to be associated with a high accident rate for novice drivers. The curriculum should examine the experience of demonstrating existing safety methods and thus motivate young drivers to drive safely.

Results

The analysis showed that the main culprits of accidents are drivers with experience of up to 2 years, their share in the total number of accidents up to 3 years is almost 40% annually distribution of the number of accidents depending on the experience (Pyankova, and Fattakhov, 2017).

In a detailed analysis of road accidents, depending on the driving experience, a certain regularity was established: the peak of accidents among novice drivers falls around the end of the first year, the end of the second and the end of the third, i.e. in the ninth month, in the twenty-second month, and in the thirty-third (Table 1, Figure 1). In the analysis of accidents among novice drivers, you can highlight some features.

Table 1. The analysis of accidents in 2018

Driver experience, years	Driver age, years			
	Less than 25	25-35	35-45	Over 45
1-2	23	19	18	16
2-4	20	19	16	13
4-7	18	16	13	18
7-11	16	13	11	9
More than 11	–	12	10	7

The main types of accidents are, in contrast to experienced drivers, where collisions and hitting a pedestrian lead

almost equally (Petrov, 2017). The main places of the accident are the span and intersections, and on the span there are almost twice as many.

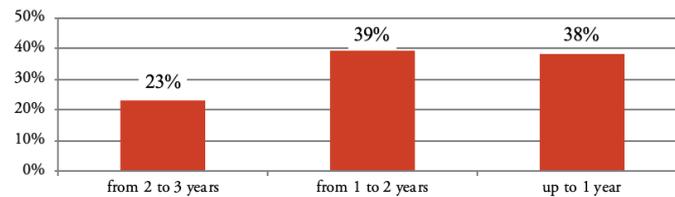


Fig. 1. The distribution of the number of accidents depending on the driving experience

The main road accident schemes are the passing direction of vehicles, vehicles do not turn, traffic accidents at intersections - the direction of vehicles - at a right angle, then comes a pedestrian outside the pedestrian crossing.

The main reasons for such traffic accidents among young drivers are the inconsistency of speed with specific driving conditions. Why is this happening? In our opinion, the answer lies in the lack of training in the auto school.

The number of families with a computer in our country is constantly growing, computers are becoming cheaper and more affordable, this problem is becoming global. For the time being, unfortunately, it is not discussed in the pages of scientific publications, which does not lead to its early resolution. Young people who are strongly influenced by the masses of media culture, after watching *Overdrive*, *Forsage*, *Taxi*, *Thirst for Speed*, *Race*, *Crazy Riding* and others, want to repeat similar actions in life as the characters of these films (Tronsmoen, 2008; Taubman-Ben-Ari, 2010).

From the above it can be concluded that as a result economic crisis and various reforms of the driving school market in Russia is not in the best position. Due to the influence of macroeconomic and microeconomic factors on their activities, the number of driving schools shrinking. Since not all driving schools can provide correctly equipped circuit and theoretical training classes, resulting in do not have a license to conduct educational activities. In the market of services there are only the largest and most popular driving schools.

IMPLICATIONS

Driving school education should focus on those aspects of driving that are related to the risk of accidents. It is necessary to consider specific options for accidents, statistics, the latest news from the media about accidents and propose solving problems to prevent accidents. Nevertheless, the statistics of accidents in the city are quite small, measures to prevent accidents have not been studied, research is practically not carried out, therefore the empirical basis for the development of training programs is limited.

The problem is that driving schools superficially study the theory and practice of driving because of the limited time. The total duration of classes is from 120 to 140 hours, 100 of which are in the theoretical part of the lesson. The effectiveness of the courses can be enhanced by a more meaningful choice of content, an increase in the number of training hours, with an emphasis on skills related to participation in emergency situations, such as hazard identification and risk assessment.

Driver training can be improved if attention is focused not only on knowledge of basic theoretical driving skills, but also on solving significant problems in emergency situations. It is worth noting that the age factor is also of great importance when driving. Adolescent novices are more likely to have crashes than older people (Shimada et al., 2018). And regardless of skill level, young people are relatively immature and not motivated in the field of safe driving. Driving schools teach basic safety skills, but students do not realize the full responsibility for road traffic.

Statistics from different countries, including Russia, show that young drivers aged 18 to 24 are participants and perpetrators of accidents 5-7 times more likely than drivers aged 30 or more. The main reasons for this are the lack of experience and a number of behavioral features, including those due to age-related brain development.

In the Netherlands, in 2017, drivers between the ages of 18 and 25 accounted for about 9% of all drivers, but were involved in 23% of fatal accidents and serious injuries. Similar patterns are characteristic of all countries, which can be explained by the peculiarities of the development of the psyche of young people and, accordingly, their behavior and the quality of education in driving schools.

The greatest risk of an accident exists during the first year after obtaining a driver's license, but then decreases with the acquisition of driver experience. If we talk about the degree of risk of driving for men and women aged 18 to 25 years, then men have a significantly higher level of accidents. Younger drivers more often than experienced ones get into so-called isolated accidents when the car leaves the road or crashes into a stationary obstacle.

CONCLUSION

Young people, as a rule, study the theory and skills of driving, for the sake of obtaining license. They are not particularly motivated to learn safe driving techniques, because at the moment they have very little driving experience. Optimal for driving schools would be homework with subsequent testing in the classroom, creative tasks, increasing the number of hours of theory and practice, writing the final work. The task facing the community for road safety is to find the best ways of training, which will reduce the accident rate, the risks of causing the life time and health of citizens.

The content of training programs in driving schools should be based on empirical data and focus on those psychomotor, cognitive and perceptual mental disabilities that have been shown to be associated with high accident rates for novice drivers. The curriculum should learn experience demonstrating existing safety practices and, thus, motivate young drivers to drive safely. Methods and methods of training should be developed to address lifestyle problems and psychosocial factors that can mitigate any learning effects and lead to dangerous driving.

It should include in the training of young drivers topics based on competence that recognize the individual differences of drivers and adapted to the various disadvantages of driving.

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Legal nature of the contract with the volunteer in Russia and Germany

Naturaleza jurídica del contrato con los voluntarios en Rusia y Alemania

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ABSTRACT

The purpose of this article is to study the legal nature of the contract with a volunteer in Russia and the agreement with a volunteer in Germany. In contrast to the Russian legislation, the German legislator distinguishes between “voluntary servant” and “volunteer”, understanding the latter as “intern”. The relations between the volunteer and the organizer in the Federal Republic of Germany are always fixed by a multi-sectoral complex agreement. In the Russian Federation, the relations between a volunteer and an organization are formalized by a civil law or a complex agreement on volunteer activity (mono- or multi-sectoral). The choice in favor of the latter is conditioned, among other things, by the high qualification of the volunteer’s (voluntary servant) assistance.

Key words: Legal nature, agreement on voluntary (voluntary servant) activity, agreement on voluntary service, civil law agreement, complex agreement

RESUMEN

El propósito de este artículo es estudiar la naturaleza legal del contrato con un voluntario en Rusia y el acuerdo con un voluntario en Alemania. A diferencia de la legislación rusa, el legislador alemán distingue entre «servidor voluntario» y «voluntario», entendiéndolo a este último como «interno». Las relaciones entre el voluntario y el organizador en la República Federal de Alemania siempre se fijan mediante un acuerdo complejo multisectorial. En la Federación de Rusia, las relaciones entre un voluntario y una organización están formalizadas por una ley civil o un acuerdo complejo sobre la actividad voluntaria (mono o multisectorial). La elección a favor de este último está condicionada, entre otras cosas, por la alta calificación de la asistencia del voluntario (servidor voluntario).

Palabras clave: naturaleza jurídica, acuerdo sobre actividad voluntaria (servidor voluntario), acuerdo sobre servicio voluntario, acuerdo de derecho civil, acuerdo complejo

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INTRODUCTION

The Russian Federation is in the process of establishing legislation on volunteering. Of course, it is impossible to say that as long as there was no legal regulation, there was no such phenomenon in Russian society. Thus, until 1917, gratuitous aid and labor in monasteries occupied a central place and were a Russian tradition. Russian tsars and emperors were also actively involved in charity and volunteering: hospitals, almshouses, various shelters were created on their behalf and on their behalf. In the Soviet period, the so-called “subbotniks” became widespread. At the same time, neither in the pre-revolutionary nor in the Soviet period volunteerism did not enjoy the attention of the legislator, and therefore had no individual form of fixation. It is only in the modern period, after the adoption of the Constitution of the Russian Federation and the updating of the entire legislation, that the terms “volunteer” and “volunteer” appear scattered throughout many federal and regional legal acts. But it took a long time before volunteering in the Russian Federation “won back” its place in 2018, having been legally enshrined in the law on charity. Federal Law No. 135 has become the main source of regulation of volunteer relations in Russia, although special norms have been preserved in the legislation on physical culture and sports, freedom of conscience and religious associations, cultural heritage sites, etc.

The first fragmented references to voluntary service by the German legislator date back to the 1960s and are related to the so-called “free social year” (Freies Soziales Jahr) and later “free ecological year” (Freies Ökologisches Jahr). Accordingly, the legal regulation of voluntary relations in the Federal Republic of Germany allows us to identify certain stages of development: everything started with youth volunteering and was spread in certain areas. The current stage of the development of legal regulation of volunteerism in Germany is characterized by the expansion of the number of areas in which it is possible to carry out activities aimed at the common good; volunteering has ceased to be a purely youthful activity; the terms of the implementation of volunteer activities have become more flexible (more or less than one year); finally, volunteerism takes on a transboundary character (Jakob, 2002; Stemmer, 2009).

Thus, the similarities and differences in the legal regulation of volunteerism in Russia and Germany provide a fertile basis for research.

DEVELOPMENT

Objective and tasks. The purpose of this article is to study the legal nature of the contract with a volunteer in Russia and the agreement with a volunteer in Germany. This objective is implemented through the following tasks: 1) revealing of a parity of concepts “volunteer” and “volunteer” in the Russian and German legislation; 2) an establishment of the form and the maintenance of the contract on voluntary (voluntary) activity; 3) an establishment of the form and the maintenance of the agreement on voluntary service; 4) the comparatively legal analysis of the legal nature of the contract on voluntary (voluntary) activity and the agreement on voluntary service.

It should be noted that the establishment of the legal nature of the agreement on voluntary (volunteer) activities in the Russian context is of a theoretical and practical nature and seems to be more valuable than in Germany, where the establishment of the legal nature of the agreement with the volunteer will be more of a theoretical nature. In Russia, the regulation of the agreement is more dispositive and fragmented, which does not exclude the problems of its mixing with the employment agreement, resulting in the negative consequences of re-characterization of the agreement.

Methods

The key method used in this article is the comparative legal method, since the study of the legal nature of the contract with a volunteer in Russia and Germany is impossible without comparative jurisprudence: only this method opens up a broader perspective and reveals defective and/or missing norms of legal regulation. Checking and justification of the author’s position on the subject of this article has led to the need to refer to the analysis of regulatory sources, respectively, an important place in the study is occupied by the regulatory-dogmatic method. Due to the fact that the significant aspects of this article are the consideration of the content of the contract with a volunteer in terms of borrowing from other areas of law and the development of recommendations for the reform of Russian law, the study involved the method of legal modeling. When writing this article at the stage of systematization of the material on the legal regulation of the contract with a volunteer in Russia and Germany, a descriptive method was widely used, which made it possible to identify the most relevant information by disclosing this regulation. Later, the selected data were processed by using logical methods (deduction, induction, analysis, synthesis). Different approaches to the volunteer contract that take place in the countries under consideration, as well as the search for optimal legal regulation, which excludes, on the one hand, “underregulation”, but also “overregulation” of the contract with the volunteer, on the other hand, predetermined the need for the application of heuristic method. Axiological method turned out to be in demand for understanding the place and role of volunteerism (volunteering) in the countries under consideration. The method of functional analysis was used to systematize the advantages and disadvantages of approaches to the legal nature and regulatory regulation of the contract with a volunteer in these countries. Due to the need to work with foreign-language literature, as well as the description and explanation of foreign terms, the linguistic method was used to a sufficient extent. Insignificantly, the historical and legal method was used to substantiate certain theses in the work, in particular, etymological digressions were made with its help.

In the Russian Federation, due to changes introduced by Federal Law No. 15-FZ of 5 February 2018, the concepts of “volunteer” and “volunteer”, as well as their derivatives, are recognized as absolute synonyms, although until recently,

the legislator used the term “volunteer” in the regulations in the field of sports, and “volunteer” - in all other cases without explanation of his position. At the same time, historically the volunteer is a French loan (*volontaire*) in the Petrovska epoch (1706) with Latin roots (*voluntarius*), while the volunteer is its Russian equivalent, both of which were originally used in the military sphere (Etymological..., 1968).

In accordance with paragraph 4 of Art. 17.1 of the Federal Law 135-FZ of August 11, 1995 (as amended on December 18, 2018) “On Charitable Activities and Volunteering” (Collection of Legislation of the Russian Federation, 1995. 33. Art. 3340) between a volunteer (volunteer), on the one hand, and the recipient, on the other hand, can be concluded a civil law contract, the subject of which is the free performance of works and / or services for public benefit.

The list of the latter is specified, but not exhausted by the provisions of the Paragraph 2 of this Law. For example: social support and protection of citizens; preparation of the population for overcoming various natural disasters and catastrophes; provision of assistance to victims of natural disasters; promotion of peace, friendship and harmony between peoples; promoting the prestige and role of the family in society; promoting the protection of motherhood, childhood and paternity; promoting activities in the fields of education, science, culture, art, enlightenment, and spiritual development of the individual; promoting activities in the field of prevention and protection of the health of citizens, as well as the promotion of healthy lifestyles; promoting activities in the field of physical education and sport (except for professional sports); protecting the environment and animal welfare; protecting and proper maintaining of buildings, areas of historical, religious, cultural or environmental significance, and burial sites

The parties to the agreement on voluntary (volunteer) activity are a volunteer and a beneficiary. It follows from the general provisions of the legislation that the first may be natural persons, including foreigners and stateless persons. The beneficiaries are non-profit organizations, the Russian Federation, constituent entities of the Russian Federation and municipalities. At the same time, the Russian legislator is extremely avaricious in terms of regulatory regulation: the contract is not named (except for the contract with religious organizations), among the essential conditions mentioned only its subject matter. Paragraph 6 of Article 17.1 of the Law No. 135 gives an open list of other conditions that may be included in the contract with a volunteer (volunteer).

As for the form of a civil law agreement with a volunteer, the current Russian legislation is of a reference nature: it is subject to application by default to Article 161 of the Civil Code of the Russian Federation (Collection of Legislation of the Russian Federation, 1994. 32. Art. 3301). However, it is appropriate to make a small comment here. The Russian doctrine and the previous legislation name the factors influencing the choice of the written form of the agreement on voluntary (voluntary) activity: repeatability, regularity within a certain period of time; organized nature of the activity; reimbursement of expenses, payment for personal protection means (item 3 of the article 7.1 of the federal law “About charitable activity and charitable organizations” dated August 11, 1995 135-FZ (in the edition dated May 5, 2014); M.N. Maleina, A.V. Trokhina) (Maleina, 2017; Trokhina, 2012).

The choice of the written form of the agreement on voluntary (volunteer) activity may also be conditioned by other factors: 1) Presentation of professional requirements to the volunteer (volunteer), which consist in the availability of special training and/or knowledge; for example, in the implementation of rehabilitation assistance to drug addicts, it is justified that the volunteer (volunteer) has documents on medical education, and when working with children - the documents specified in Art. 65, 331 of the Labour Code of the Russian Federation (Collection of Legislation of the Russian Federation, 2002. 1 (. 1). Art. 3), which entails signing an agreement with the inclusion of these requirements in the text of the agreement; 2) citizenship of the volunteer: if the volunteer is a foreign citizen or a stateless person, the latter cannot be involved without the agreement in writing, because in this situation there are other formalities associated with obtaining permits to stay on the territory of the Russian Federation; 3) specification of the functions and/or behavior of the volunteer (volunteer): if the organizer intends to organize a volunteer

Current research of Russian scientists on the legal nature of the agreement on voluntary (volunteer) activities demonstrates the potential options for categorization: attributing this agreement to labor, civil or complex contracts. Thus, according to the authors of the textbook “Fundamentals of volunteer activity”, E.G. Chumak, E.R. Komleva, M.I. Ponomareva, “a volunteer agreement is an agreement between an employee and an organization, under which an employee voluntarily and free of charge undertakes to perform work in a certain profession or position, with subordination to the internal work schedule, and the organization undertakes to provide working conditions similar to those provided for by the labor legislation, collective agreement, and agreement of the parties.

At the same time, the most common option, which is shared by both domestic doctrine and lawmakers, is to refer volunteer activities to the sphere of regulation by civil legislation (Grischenko, 2014; Ermolaeva, 2006; Zhavoronkov, 2004; Nadolinskaya, 2015; Sobolevskaya, 2011; Tolmasova, 2009; Trokhina, 2012; Hajarova, 2016; Chernykh, 2011; article 17.1 of the federal law “On charitable activities and volunteering” (as amended on December 18, 2018), etc. At the same time, M.N. Maleina believes that the agreement on voluntary (volunteer) activities by nature is a civil law agreement on the provision of services or performance of works or a comprehensive agreement (Maleina, 2017). I.A. Varpaeva also supports the latter point of view (Varpaeva, 2011).

In contrast to Russian law, the German legislator distinguishes between “volunteer” (Freiwillige/r) and “volunteer” (Volontär), “voluntary service agreement”. (Vereinbarung für den Bundesfreiwilligendienst) and the “Volontariatsvertrag” (Volontariatsvertrag), differentiating them by the following directions. Firstly, the agreement on volunteering and the agreement on voluntary service have different sources of consolidation and, consequently, the legal nature. The only mention of a voluntary agreement in German law can be found in §26 of the Vocational Training Act of 23 March 2005, which assumes that employed persons seeking to acquire professional knowledge and skills may not be in an employment relationship but in another contractual relationship. Secondly, based on the above, volunteer and voluntary activities have different goals (Bortloff, 2014): in the first case, private interests related to professional growth (for example, in journalism, museums) are pursued; in the second case, the goals are public in nature, which leads to a differentiation of legal regulation; the agreement on volunteering can be considered as a type of employment contract (Brockhaus-Enzyklopädie, 1994). Third, voluntary service regulated by the relevant legislation enjoys state support (Mobilität., 2010; Stemmer, 2009), while the volunteer service regulated by a private law contract does not have one. At the same time, the activity that unites the volunteer and the volunteer is free of charge or for a small compensation. Thus, a volunteer in the German legal field is understood as a person who carries out activities aimed at obtaining knowledge and skills in a certain profession free of charge or for a small compensation.

Similar to what is formally established in the Russian Federation under the agreement on voluntary (voluntary) activity, two laws currently act as regulators of relations in the Federal Republic of Germany: the Act on the Development of Youth Voluntary Service of 16 May 2008 (ed. of 20 December 2011) and “On voluntary service in the Federal Republic of Germany” of 28 April 2011 (ed. of 20 October 2015) (hereinafter - the Law).

The term “voluntary service” (Bundesfreiwilligendienst) used in the title of the law in contrast to the Russian term “voluntary activity” already indicates a different status of the mentioned relations in Germany. The importance of volunteer service in the Federal Republic of Germany is even more evident if we take into account the right of a person liable for military service to replace an alternative civilian service with a so-called “volunteer year”. (Freiwilliges Jahr) (§14c of the Civilian Alternative Service Act of 13 January 1960).

According to §8 of the Act, a written agreement must be concluded between the volunteer, i.e. a person who has reached the age of completion of basic general education, and the Federal Republic of Germany through the Federal Office for Family and Civil Society (Bundesamt für Familie und zivilgesellschaftliche Aufgaben) before starting voluntary service (Das Bundesfreiwilligendienst., 2019). The essential conditions of a voluntary service agreement are: subject, term, place of voluntary service, type and amount of financial compensation, number of days off and school days.

The subject matter of the agreement on voluntary service is the voluntary activity on a gratuitous basis to achieve public benefit in child and youth welfare institutions, including institutions for additional education of young people, in social institutions, health care, assistance to elderly people, disabled people, in the field of culture and protection of monuments, sports, integration, protection of the population, assistance to victims of natural disasters, in the field of ecology, environmental protection (§3 of the Act).

The Act declares that voluntary service in the Federal Republic of Germany is “employment-neutral” (Arbeitsmarktneutralität), which means that voluntary service does not replace the employee’s work functions, but is of an auxiliary, additional nature; “employment-neutral” always occurs if the involvement of volunteers does not lead to a reduction in the number of new employees or a reduction in the number of existing employees in the organization. An understanding of volunteerism in the Federal Republic of Germany is facilitated by, for example, the “Minimum standards for employment-neutral internal volunteering” of the German Red Cross of 2016 (Betz, 2017).

The agreement is of an urgent nature: as a general rule, voluntary service is carried out on a full-time basis for a total duration of 6 to 18 months (in exceptional cases - up to 24 months) (§3 of the Act).

The place of voluntary service, as well as the condition of the number of days off and school days, should be considered as the conditions related to the employment contract and giving the agreement on voluntary service the character of a comprehensive contract. The place of performance of voluntary service may be institutions and organizations where the achievement of public benefit is permitted.

According to the Act, the agreement on voluntary service shall include a provision on the type and amount of monetary compensation, including pocket expenses or their compensation, free accommodation or compensation for rent, provision of office (working) clothing and its cleaning. As of 2019, the maximum amount of pocket expenses in the Federal Republic of Germany is 402 euros per month, the specific amount is set in the agreement.

The number of days off and school days must also be specified in the agreement on voluntary service. For example, adult volunteers are entitled to a leave of absence of 24 working days after 12 months of service. When assessing the provision of the Law on the condition of the number of study days, it should be noted that the Law requires volunteers to be prepared for lifelong learning (§1) and regulates the study time during the period of service: 12 months of voluntary service should be 25 study days, while the period of voluntary service should be increased by 1 month and the number of study days should be increased by one day (§4).

Results

Since February 2018, Russian legislation has enshrined the equality of the concepts of “volunteer” and “volunteer”, which is why the names of the Law 135, the contract is duplicated by the terms. In Germany, the concepts of “volunteer” and “volunteer” are correlated, but the second contains an additional meaning of “trainee” (Köbler, 1995).

In the Federal Republic of Germany volunteer activity is endowed with the status of a service and is interchangeable with an alternative civil service; the relations between the volunteer and the organizer are always fixed by a multi-sectoral complex agreement. In the Russian Federation, the relations between a volunteer and an organization are formalized by a civil law or a complex agreement on volunteer activity (mono- or multi-sectoral). The choice in favor of a multi-sectoral complex agreement is conditioned, among other things, by the high qualification of the volunteer (volunteer) assistance; by analogy with the labor legislation, a written form of the agreement is obligatory here.

Different approach to the legal regulation of voluntary work in Russia and Germany is conditioned by different conditions of development of public initiatives in the countries under consideration.

Discussion

With regard to the Russian contract with the volunteer (volunteer) it is necessary to note the fairness of the definition of voluntary (volunteer) activity as a special system of labor relations (Varpaeva, 2011), which, however, does not prevent the recognition of the civil law nature of the contract concluded with the volunteer (volunteer), because the constitutional feature of the labor contract (the condition of payment of wages) is absent here, and this in turn individualizes the contract on voluntary (volunteer) activity. Other features of the employment contract, such as: the condition of subordination, subordination to the rules of internal labor regulations, the place of performance of work (provision of services), etc., play a less important role in the qualification of contractual relations, because in some cases these conditions may be included in the contract on voluntary (volunteer) activity and apply to a volunteer (volunteer).

Further, it is necessary to agree with the authors, whose position is based on the approval of the complex nature of the agreement on voluntary (voluntary) activity, because, first of all, it is named by the legislator (Ogorodov, Chelyshev, 2008). (Art. 15 Model Law on Volunteering of the Interparliamentary Assembly of the Commonwealth of Independent States of April 16, 2015, No. 42-15, art. 18 of the Federal Law “On Freedom of Conscience and Religious Associations” of September 26, 1997 (as amended on May 1, 2019) // Collection of Legislation of the Russian Federation. 1997. 39. Art. 4465) and, second, contains elements of different treaties.

At the same time, the complex nature of the agreement may be exhausted by elements of civil law contracts (subcontracting and/or compensatory provision of services, gifts, transfer of exclusive rights, etc.). - monoindustry complex agreement) or include elements of an employment agreement (multi-industry complex agreement). And here it is possible to deduce the following pattern: the more qualified is the assistance of a volunteer (volunteer), the greater is the need to use the model of a multi-sectoral complex agreement. At the same time, with the increasing qualification of the volunteer (volunteer) there is a risk of crossing the border between volunteering and work, which can be regarded as a scheme of tax evasion by regulatory authorities.

The central place in the study of the legal nature of the agreement on voluntary (voluntary) activities is occupied by the issue of the volume of incorporation of labor law norms in the civil law agreement. It is thought that it is necessary to proceed from the closed list of issues that may be transferred from the labour law to the agreement on voluntary (voluntary) activity; these issues should be fixed in the law. As an example, we can cite the norms of the Labor Code of the Russian Federation, which are important for the agreement on voluntary (voluntary) activity: restrictions related to employment in certain areas; provisions that take into account the specifics of regulation of the labor of foreign citizens and stateless persons; provisions on the protection of personal data; provisions on the types of non-material incentives for volunteers; provisions on labor protection; provisions on the rules of internal labor regulations (with qualified assistance In addition, an obvious consequence of the recognition of the complex nature (by type of multi-sectoral) of the agreement on voluntary (voluntary) activity is the requirement to conclude the agreement in writing (Article 67 of the Labor Code of the Russian Federation).

Research of the legal nature of the agreement on voluntary service in Germany leads to the conclusion about its complex nature: the sign of gratuitous nature classifies the agreement into the category of civil-legal, however the presence of the public subject as the party, the name “service”, interchangeability of alternative civil service and volunteering signal the presence of administrative-legal regulation. At the same time, the Law itself obliges the agreement on voluntary service to apply the norms of labor legislation in a subsidiary or analogous manner (§9, 11, 13).

The consequences of this position of the legislator is, among other things, not yet accepted by all scientists, but still logically arising possibility vs. the need to establish quality management, certification of volunteers and volunteer activities, although this is not easy to implement in practice, because the individual nature of volunteer

service makes it impossible to have a unified system of examination of a volunteer (Mobilität., 2010). Thus, it is possible to assert that in the German legal order volunteer activity is realized by means of a multi-sectoral complex contract (Ogorodov, Chelyshev, 2008). Wide representation of public-law norms makes the agreement, as it seems, less mobile, on the other hand, a significant advantage is, among other things, the possibility of setting off a constitutional obligation (for citizens).

The two models of regulation of voluntary relations through the treaties and agreements presented above are based on different ideas. Russian law considers volunteer activity, as well as German law, as an element of civil society, but which is private in nature, it is a private initiative of citizens. This explains the possibility of using the construction of a “pure” civil law contract, concluded in an oral form, which is partly reminiscent of a liberal model of legal regulation of agreements with volunteers in Anglo-Saxon law countries. It should also be noted that the legal regulation of volunteerism in Russia is traditionally associated with the ideas of aid and Christian virtues, so that even the Law 135 has a double object of regulation: charity and volunteerism (volunteering).

But even if the status of volunteer activity in Russia is modest compared to that in the Federal Republic of Germany, it is still necessary to avoid the confrontation between the employment contract and the agreement on volunteer activity - this problem can be solved by lawmakers. At the same time, we would like to draw your attention to one more nuance: it seems necessary to enshrine in Article 19.1 of the Labour Code of the Russian Federation a provision on the impossibility of recharacterization of the agreement on voluntary (volunteer) activity by the court on the initiative of supervisory authorities. At the same time, the only subject with the right to appeal to the court with such a demand would be correct to prescribe a volunteer (volunteer), based on voluntariness and free expression of will - the principles of voluntary (volunteer) activity.

German law elevates volunteer activity to the rank of service (alternative to civil service) and scrupulously fixes all the issues of volunteer service in the Law, establishing as a priority the responsibility of the volunteer, the social significance of volunteer activity. And if it is a question of service, the norms of administrative and labor legislation, which allow not only to burden the volunteer, but also to protect him, are very justified in the agreement with the volunteer. As for the social conditions for the development of volunteer initiatives, which are the basis of the German law, we can talk about the following three: 1) development and promotion of non-formal education (as mentioned above, the pedagogical component - a mandatory component of voluntary service); 2) abolition of compulsory military service; 3) reduction of unemployment among young people (Schwärzel, 2017).

CONCLUSION

On the basis of the conducted research it is possible to see that voluntary relations can be formed by means of the agreement on voluntary (voluntary) activity in the Russian Federation or the agreement on voluntary service in the Federal Republic of Germany. As it follows from the name of the agreement, in Russia the legislator solved the long-standing question of the relationship between the concepts of “volunteer” and “volunteer” in favor of their equal volume, while in Germany the concept of “volunteer” in the legal sphere is applied to the “practitioner”.

A contract for voluntary activity is concluded either orally or in writing. The parties to this agreement are the volunteer and the beneficiary. The first may be individuals, including foreigners and stateless persons. The beneficiaries are non-profit organizations, the Russian Federation, constituent entities of the Russian Federation and municipalities. The essential condition of the agreement on voluntary (volunteer) activity is that the legislator names only the subject of the agreement. Other terms of the agreement, including those that may become essential, remain at the discretion of the parties. An agreement on volunteer activity can be built on the basis of a civil law or a complex agreement (mono- or multi-sectoral), which, among other things, is conditioned by the high qualification of the volunteer’s (volunteer’s) assistance. We suggested to include from the labor legislation in the civil law contract on voluntary (voluntary) activity if necessary: the restrictions connected with employment in certain spheres; the provisions taking into account features of regulation of work of foreign citizens and persons without citizenship; the provisions on protection of the personal data; the provisions on types of non-material stimulation of the volunteer (volunteer); the provisions on labor protection; the provisions on the rules of the internal labor schedule (in case of qualified assistance); the provisions on the rules of the internal labor schedule (in case of qualified assistance).

The agreement on voluntary service should be concluded before the beginning of voluntary service; the parties to the agreement are the volunteer, i.e. the person who has reached the age of completion of basic general education, and the Federal Republic of Germany represented by the Federal Office for Family and Civil Society. The essential conditions of a voluntary service agreement are: subject, term, place of voluntary service, type and amount of monetary compensation, number of days off and school days. The agreement on voluntary service is based on the type of a complex agreement, and in contrast to the Russian analogue in the German agreement there is a public-law regulation, which is conditioned, among other things, by the status of volunteer service - voluntary service, which opens up the possibility of credit of the constitutional obligation (for citizens).

Legislation on volunteering (volunteering) in the Russian Federation is developing slowly, which indicates the interest of the legislator in this area.

Thus, the Decree of the Government of the Russian Federation “On a single information system in the field of development of volunteerism (volunteering)” 1067 of August 17, 2019 was recently adopted. The document establishes a unified information system in the development of volunteerism (volunteering) in the Russian Federation, which is authorized to maintain the Federal Agency for Youth Affairs. Among the information that participants can provide on a voluntary basis, there are, for example, the following items: the number of hours spent on this activity, the types of activities carried out, the competence of volunteers (volunteers) and their experience. In addition, it is entirely new that volunteers will have e-books. As can be seen, the recent changes in Russian legislation are not generally antagonistic in comparison with the German experience: the need to take into account volunteer activities in a broad sense, namely: the number of hours of volunteer activity, experience and competencies of volunteers, the needs of volunteers (volunteers). The pedagogical component of complacency (volunteering) also acquires importance.

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Introduction of advanced technologies – based oil and gas industry development strategy of Uzbekistan

Introducción de la tecnología avanzada basada en la estrategia de desarrollo de la industria del petróleo y el gas de Uzbekistán

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ABSTRACT

The article starts with perspective indicators of five years of the Republic of Uzbekistan. It also describes the development of the oil and gas industry in Uzbekistan, which is inextricably linked with the implementation of tasks to ensure the effective functioning of the fuel and energy complex of the country, as one of the key areas of economic development. Further, there is mention of strategic direction of activity of the companies, which should become not the growth of export of such strategic raw materials as natural gas, but the development of own production on its processing and production of highly liquid oil and gas and chemical products with high added value, meeting the world standards on quality and environmental requirements.

Keywords: advanced technology, integration, environmental development, strategic direction, alternative fuels.

RESUMEN

El artículo comienza con indicadores de perspectiva de cinco años de la República de Uzbekistán. También describe el desarrollo de la industria del petróleo y el gas en Uzbekistán, que está indisolublemente ligada a la implementación de tareas para garantizar el funcionamiento efectivo del complejo de combustible y energía del país, como una de las áreas clave del desarrollo económico. Además, se menciona la dirección estratégica de la actividad de las empresas, que no debería convertirse en el crecimiento de la exportación de materias primas estratégicas como el gas natural, sino en el desarrollo de la producción propia en su procesamiento y producción de petróleo y gas altamente líquido y químico productos con alto valor agregado, que cumplen con los estándares mundiales de calidad y requisitos ambientales.

Palabras clave: tecnología avanzada, integración, desarrollo ambiental, dirección estratégica, combustibles alternativos.

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Introduction

The role of investment in the country's economy is to create conditions for further expansion of production. Investments are what is "saved" for tomorrow so that they can consume more in the future. In addition, part of the investment is directed to the growth of non-commercial fixed assets in education, health care, etc.

President of Uzbekistan Sh. Mirziyoyev approved the Strategy of Action on five priority areas of the country's development in 2017-2021 by his Decree of February 7. One of the directions, "Development and liberalization of the economy", directs sectors and the economy as a whole to strengthening macroeconomic stability and maintaining high rates of economic growth, increasing its competitiveness, modernization and intensive development of agriculture, the continuation of institutional and structural reforms to reduce the presence of the state in the economy, strengthening the protection of rights and priority development of private property, stimulating the development of small business and private entrepreneurship, comprehensive and balanced.

Therefore, in modern conditions, the study of problems of increasing the investment attractiveness of companies of the oil and gas industry of the Republic of Uzbekistan for foreign investors is an important and relevant task.

The solution. In order to achieve the goal of the research, the following tasks were set and solved in the current work:

- The approaches of leading local and foreign theoretical schools to the interpretation of the concept of investment attractiveness and its impact on the processes of international capital mobility are summarized;
- The basic tendencies and world experience in the sphere of attraction and implementation of direct foreign investments are defined;
- The scale and structure of investments in the oil and gas industry are analyzed;
- The main directions of increase of investment attractiveness and perfection of investment financing mechanisms of the oil and gas companies are defined, including measures on perfection of the taxation of oil-extracting industry of Uzbekistan for increase of own investment resources are offered.

The methodological basis of the study was the fundamental works of the First President of the Republic of Uzbekistan I.A. Karimov and "Strategy of actions in five priority directions of the country's development in 2017-2021", approved by the Decree of the President of Uzbekistan Sh.M. Mirziyoev on February 7, 2017, the works of foreign and local specialists in the field of theory and practice of investment, financial management, capital management, investment analysis, as well as science-applied researchs on the problems of investment attractiveness of companies. The development is based on the legislative acts of the Republic of Uzbekistan on the issues of reforming the economy as a whole and investment activity, regulatory documents of state administration and JSC "Uzbekneftegaz".

Methods. Research methods are based on the study of the dynamics of investment processes taking place in the industry. The analysis and calculations are made on the basis of economic and mathematical methods, program-targeted and system analysis, as well as used graph-analytical techniques and methods of matrix modeling. At different stages of dissertation research, depending on the nature of theoretical and practical tasks being developed, the methods of financial and statistical analysis, the method of expert evaluation, situational analysis and the method of abstract and logical evaluation were used as tools.

The result consists that on the basis of studying of foreign experience and the analysis of a modern condition of attraction of foreign investments on the companies of Uzbekistan, practical recommendations on increase of investment appeal of securities of the enterprises of an oil and gas complex of Republic Uzbekistan for expansion of scales and increase of quality of financial support of processes of their restructuring and modernization have been developed and offered.

Realization of results. The results of the study were introduced in Subsidiary Enterprise Ustyurtgaz to the Republic of Uzbekistan (Act of 21.07.2012), the main results of the dissertation research were included in the scientific reports of «O'ZLITINEFTGAZ» JSC of «Uzbekneftegaz» JSC system: Complex analysis of the financial state of joint stock companies in the oil and gas industry and forecasting of investment sources for 2004-2010; Assessment of the efficiency of investments in the oil and gas industry in 1996-2004 and ways to improve it in the future. 2005; Study of the efficiency of fixed assets use in 2000-2004 and development of recommendations on its increase in the future (for gas transportation enterprises of Uzbekneftegaz NHC). 2006; Problems of using fixed assets of «Uzneftegazdobycha» JSC enterprises and ways of their solution. 2007; Assessment of the efficiency of investments made in the development of oil and gas production and refining enterprises of «Uzneftegazdobycha» JSC and measures to increase it. 2008

The impressive economic growth of Uzbekistan's economy and large-scale structural reforms carried out in the years of independence, have attracted the attention of international organizations, major companies, banks, investment funds and agencies. Launched this year, the successful program of privatization of state property and the implementation of major investment projects caused great interest of the international business community and only accelerated the process of joining the major players in the domestic market.

In the future, within the next five years the average annual GDP growth of Uzbekistan will be at least 8%, industrial

production 0%, with an increase in the share of industry from 24% to 30% - such a forecast was made public at the International Investment Forum. These figures are confirmed by specific calculations, projects and initiatives. For example, only in the next few years it is planned to master production of about 100 new product categories, including more than 1 thousand. Kind of different products. The growth of the export potential will increase by more than half to \$ 25 billion.

The development of the oil and gas industry of Uzbekistan is inseparably linked with the task of ensuring the effective functioning of the fuel and energy complex of the country, as one of the key areas of economic development.

The main strategic focus of enterprises should be no increase in exports of such strategic raw materials like natural gas, and the development of their own production for their processing and production of highly liquid petroleum and chemical products with high added value, corresponding to world standards in quality and environmental In requirements. Development of international cooperation contributes to the economic growth of the republic through the introduction of advanced technologies, and development, the gradual connection to the system of international labor and full integration into the world market.

It is obvious that in the modern world it is high technologies are the determining factor in economic development, the main source of replenishment of the budget revenues of the leading world states, the fundamental basis of their national security. In addition, the production of high-tech products is now becoming one of the main conditions for successful integration of any country in the emerging system of international relations¹. The introduction of advanced technology and organization of production, in turn, significantly increases productivity, reduces costs and improves the quality of (Fig.1).

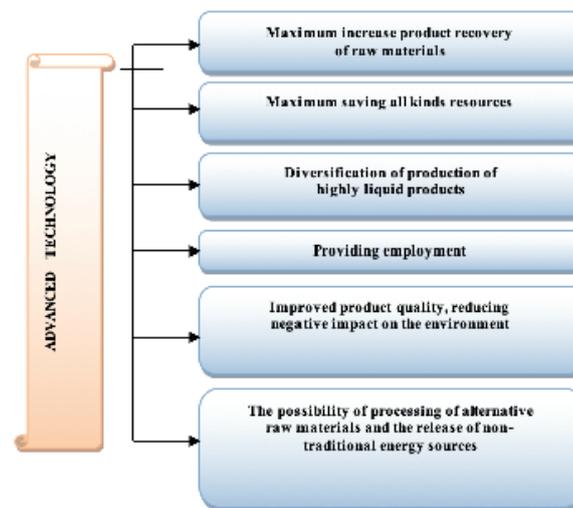


Fig. 1 Possible results of the introduction of advanced technologies in production (compiled by the author)

In order to introduce advanced technology, advanced innovative ideas in the enterprise need to develop an innovative strategy, the main objectives of which are shown in Figure 2.

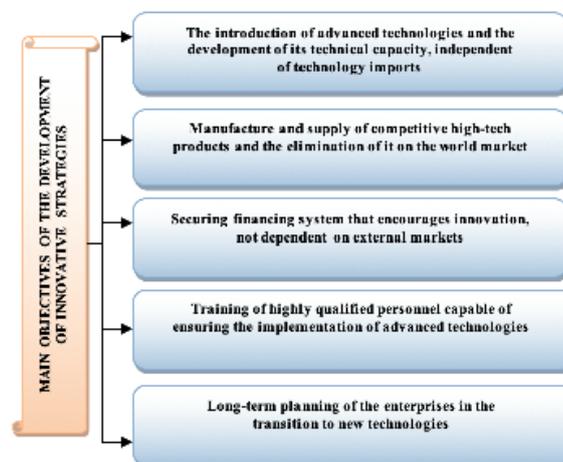


Fig. 2 The main objectives of the development of innovative strategies (compiled by the author)

¹ Resolut on of the President of the Republic of Uzbekistan No. PP-4388 dated 9 July 2019 on "About measures for stable providing economy and the populat on with energy resources, f nancial improvement in enhancement of management system oil and gas industry"

In modern conditions of growing worldwide shortage of energy resources, focusing on technology, providing energy efficiency and increased use of alternative energy sources.

Prospects for the development of gas processing Uzbekistan connected both with the expansion of liquefied gas, condensate, sulfur, and with intensive use of the resources of natural gas for the chemical synthesis to obtain highly liquid products.

Currently, the system of «Uzbekneftegaz» for the processing of natural gas operated: Bukhara Oil Refinery, Fergana refinery, Mubarek Gas Processing Plant, Shurtan Gas Chemical Complex and USE «Shurtan- neftegaz»².

In the Bukhara oil refinery in the period 2007-2009, much has been done to introduce new products into production - aviation fuel for gas turbine engines of the brand Jet A-1. To this end, upgraded technological infrastructure of the factory floor and storage tanks produced a new type of aviation fuel. The factory laboratory is equipped with modern laboratory equipment and instrumentation for testing for compliance with international standards, conducted the study for the development of the production of aviation fuel Jet A-1 and started his industry. With the purpose of modernization and reconstruction of existing process units to improve the quality of oil products and bring the quality of gasoline and diesel fuel to Euro-5 conducted the project «Modernization and reconstruction of the Bukhara Oil Refinery»³.

Power five queues install propane-butane mixture to the USE «Shurtanneftegaz» allow to produce annually about 250.0 thousand tons of liquefied gas, condensate - 70-80 tons, and get up to 5.0 thousand tons of sulfur.

“In 2012 - 2013 years in the USE «Mubarek Gas Processing Plant» commissioned 3 threads for the production of liquefied petroleum gas unit with capacity of 4.0 billion m³ of gas per year. Total company production of LPG is about 258 thousand tons and 125 thousand tons of stable gas condensate.

Deeper recovery of valuable components from natural gas is due to the introduction in 2001 commissioned Shurtan gas chemical complex, where for the first time applied technology cryogenic processing of natural gas, ensuring the separation of ethane, propane, butane and condensate. The complex includes production of ethylene based on allocated ethane and polyethylene production. In order to ensure a stable raw material gas «the GTL Project» is currently performed work

«Modernization headworks systems (IIS) Shurtan gas pipeline construction IIS Shurtan-SI IGCC». Developed organizational and technical measures for the reconstruction and modernization of existing plants GS Shurtan, calculation is done on the development of production companies and the approximate cost estimate. Implementation of measures on modernization of farm Shurtan by supplying high ethane- containing gas at the Shurtan Gas Chemical Complex will increase ethylene and polyethylene production.

In order to increase production of environmentally friendly oil products in the Republic of Uzbekistan, a project to create a production of synthetic liquid fuels based on purified methane produced at Shurtan Gas Chemical Complex. This technology will increase the capacity to ensure the country's growing fuel needs, and significantly reduce the environmental impact of emissions, as products produced using GTL technology meets the Euro 4 and 5 standards.

Since 2016 it is led operation in Ustyurt Gas Chemical Complex at Surgil deposit with the arrangement of the field, where it will be processed in a year 4.5 billion m³ of gas and produce up to 400 thousand tons of polyethylene and 100 thousand tons of polypropylene. This project was included in the top ten global investment projects by the end of the world 2012.

Together with the company «Lukoil» is working on the development of Kandym field with the construction of a gas processing plant. The design capacity of the object on the processed gas 8.1 billion, m³ per year. At I LI provides process sour gas at two Threads nominal capacity of 4.05 billion m³ per year to obtain a purified dry 7.8 billion m³ of gas per year; 134.3 thousand tons of stable gas condensate; Lump sulfur 212.9 thousand tons.

Today, advances in science and the introduction of advanced technologies offer unprecedented opportunities for sustainable economy development in any industry, including oil and gas.

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² Report on the research work of O’ZLITINEFTGAZ JSC “Monitoring and analysis of the development efficiency parameters of the oil and gas industry of Uzbekistan” Tashkent, 2019

³ Decree of the President of Uzbekistan. Number UP-4707 of 04.03.2015, “On the Program of measures for structural reforms, modernization and diversification of production in 2015-2019”

The Effectiveness of Differentiated Learning Method on Motivation and Achievement of Foreign Language Learning

La efectividad del método de aprendizaje diferenciado sobre la motivación y el logro del aprendizaje de lenguas extranjeras

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ABSTRACT

The objective of this study was to identify the effectiveness of Differentiated Learning approach on motivation and achievement of foreign language learning. Arabic is one of the foreign languages offered in Malaysian public schools to be learnt. This study employed a total of 60 Form Two students from the secondary schools as the respondents. This study adopted a quasi-experimental design by running pre-test and post-test on two respondent groups, which were the treatment group and the control group. The results showed that there was a significant difference on the motivation level between the two groups studied. Similarly, it was also found that there was a significant difference in achievement level between control and treatment group. Therefore, this study shows that Differentiated Learning Approach contributes to boost up the level of motivation and achievement in learning of Arabic Language. The implication of this study is that the Differentiated Learning Method is one of the foreign language learning approaches that Arabic teachers can use to enhance the mastery of this language among students.

Keywords: Teaching method, foreign language teaching, learning Arabic Language, learning motivation.

RESUMEN

El objetivo de este estudio fue identificar la efectividad del enfoque de Aprendizaje diferenciado sobre la motivación y el logro del aprendizaje de lenguas extranjeras. El árabe es uno de los idiomas extranjeros que se ofrecen en las escuelas públicas de Malasia para aprender. Este estudio empleó a un total de 60 estudiantes del Formulario Dos de las escuelas secundarias como encuestados. Este estudio adoptó un diseño cuasi-experimental ejecutando pre-test y post-test en dos grupos de encuestados, que fueron el grupo de tratamiento y el grupo de control. Los resultados mostraron que hubo una diferencia significativa en el nivel de motivación entre los dos grupos estudiados. Del mismo modo, también se descubrió que había una diferencia significativa en el nivel de logro entre el grupo control y el grupo de tratamiento. Por lo tanto, este estudio muestra que el Enfoque de aprendizaje diferenciado contribuye a aumentar el nivel de motivación y logro en el aprendizaje del idioma árabe. La implicación de este estudio es que el Método de aprendizaje diferenciado es uno de los enfoques de aprendizaje de idiomas extranjeros que los maestros de árabe pueden usar para mejorar el dominio de este idioma entre los estudiantes.

Palabras clave: Método de enseñanza, enseñanza de lenguas extranjeras, aprendizaje del idioma árabe, motivación de aprendizaje

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1. INTRODUCTION

Each student has their own differences that persuade the differences of learning needs to be attended in teaching. Teachers who can fulfill the differences of learning needs will be able to mark up the learning outcome (Ismajli & Imami-Morina, 2018). However, more often than not, teachers catered one-size-fits-all methods in their teaching. Most teachers use one technique for all students with different needs. There are a few of teachers who try to fulfill the differences of learning needs during lessons in the classrooms.

In any classes, including foreign languages' classes, there are differences of learning needs across students, such as motivation and academic performance. Needless to say, these differences require different approaches to teaching and learning. It could be that one method that works best for a student, but on the other hand, that method will not work best for others. On the same ground, one method may promote students' motivation level and academic performance, but for others, the same method could lessen their motivation and academic performance. In other words, 'one size doesn't fit all' in the practice of teaching methods in situations where students' learning needs are different.

If the students continuously received the same method of teaching, students will be discouraged from furthering their learning. Students may not realize that they are demotivated by differences in their unmet needs, but the effect of losing motivation will be reflected in student's exam result because motivation and interest have a significant relationship with achievement. Previous studies have shown that motivation influences learning achievement, including the foreign language learning (Parrish & Lanvers, 2019).

On the other hand, motivation can also act as a mediator in helping students for getting better academic achievement (Asbulah, Lubis, Aladdin, & Sahrim, 2019). If the motivation is not high, then the student is likely to experience anxiety and fear over the subject. Alkhateeb, Reports and Issues (2014) stated that extreme levels of anxiety and intense worry can lead to insecurity in a student.

The focus of content in Arabic as a Foreign Language in Malaysia focuses on 4 skills of listening, communicating, reading and writing. However, recent studies show that mastery and achievement of the Arabic language among students in all four skills is still at an unsatisfactory level. Baharudin, Ismail, Asmawi, Baharuddin (2014) and Mohd Nor (2018) finds that the level of Arabic writing of students in secondary schools is still low. Such finding was not only found in schools, but also at tertiary level. Jusoh (2018) who carried out a study in tertiary level found that the Arabic writing skill is at the unsatisfactory level. Whereas Masaeed (2018) shows that the level of Arabic speaking among university students is still low. As a result, when these 4 language skills are out of reach and mastered, students will lose their motivation.

A study by Bollinger (2017) found that foreign language teaching method contributes to the acquisition of foreign language among students. A suitable method must be adapted by teachers in order to promote students' motivation to learn thus increasing their achievement in the subject (Hashim, Yunus, & Hashim, 2019).

Kaufmann and Buckner (2019) argue that student achievement can be detrimental if teachers are engaged in the teaching and learning process without regard to student motivation to learn. Teachers need to be more aware of the level of students' motivation. Xuan, Razali, and Samad (2018) found that lack of motivation contributes to the decline in students' writing skills in foreign languages. Similarly, a study by Van Harsel, Hoogerheide, Verkoeijen, and Van Gog (2019) pointed out that there is a significant relationship between high students' motivation with their mastery on a subject.

Tomlinson (2017) is one of the specialists in education who has introduced The Differentiated Learning Approach to address the student's motivation differences. Bondie and Zusho (2018) stated that The Differentiated Learning Approach can facilitate students to improve their motivation and achievements. Beside, this approach is also able to help low-achieving students to master learning objectives on par with the higher students in learning abilities.

Students' background differences require that the Differentiated Learning Method be implemented in the teaching and learning process. Tomlinson (2014) stated that The Differentiated Learning Approach is a modification of teaching techniques to meet the students' differences in needs and abilities. The Differentiated Learning Approach can be done with teachers modifying the five components of teaching and learning, which are The Contents, The Teaching Technique, The Learning Outcome, The Learning Environment, and The Assessment Methods. The modification of the teaching contents in The Differentiated Learning Approach means that the teachers need to prepare several difference learning materials and difference activities to fulfill students' differences needs. However, all the modifications of the contents should be in line with the learning objectives that stated in the textbook used in the school.

The modifications of The Teaching Technique in The Differentiated Learning approach means that teachers diversify teaching techniques in delivering their lessons. At first, they need to identify students learning styles and student's needs. Activities such as playing crossword puzzle and flash card, drawing, acting, discussing, problems solving, group investigation, being in flexible group etc. can be done as part of the teaching techniques. These activities are meant to encourage students to receive and generate new knowledge with ease. Modification of The Learning Outcome in the Differentiated Learning Approach refers to how the students show their understanding on what they have learned in the classroom. For example, if the lesson is about comprehension, then the students will be asked to present on what they have understood from the comprehension by using their own way and preferences. Some students may present it by singing, while others may use posters as a tool to present.

Arabic Language teachers can choose to modify one or more than one components to practice the Differentiated Learning Approach. They could modify The Teaching Content, or The Teaching Technique or The Learning Outcome or The Learning Environment, or The Assessment. What more important is the adjustment should be planned in a timely manner

to enhance their motivation and thus encourage self-learning among students. Walpole, McKenna, and Philippakos (2011) stated that planning before learning process is very crucial to help students understand and achieve the learning objectives.

Moreover, Differentiated Learning Approach does not only allow teachers to modify their teaching strategies accordingly, but also allows students to modify their learning (Singh, Singh, Tek, & Kasim, 2018). The outcome of these are students with courage and unashamed to learn and are able to share information with teachers and their classmates in the classroom setting. In other words, the teacher will be able to create an active learning session and students will be able to learn more effectively with high motivation and enthusiasm.

On the other hand, teachers who are unaware to diversity will not be able to see potentials that can be expanded. Therefore, they will not act to work on to fulfill the diverse students' needs and will use one same technique for all students. According to Bondie and Zusho (2018), teachers who continue to practice conventional method indirectly causes students to see Arabic Language subject as a mundane subject. It could be argued that those teachers prioritize finishing the syllabus in the stipulated time more than anything. Nevertheless, such act adversely affects students' motivation. There, this study was conducted to identify the effectiveness of Differentiated Learning Approach in contributing to students' motivation and learning achievements in Arabic Language as a foreign language subject.

2. METHODOLOGY

This study used a quasi-experimental design on 2 groups, which are treatment and control group. A total of 30 students in treatment group and another 30 students in control group participated in the study. A t-test was conducted in the pre-test phase showed that there were not any significant differences between the two groups, indicating that the samples were homogenous. The treatment group was administered with Differentiated Learning Method while the control group underwent conventional method.

For treatment group, a diagnostic test was conducted to identify the difference in students' motivation level. Building on that, modifications on Content, Teaching Technique, and Learning Outcome were made for learning sessions in the classrooms. Students' motivation level was divided into 3 levels which are high, medium, and low. Content modification was based on the Arabic Language textbook used in the school.

Meanwhile, Teaching Technique modification was conducted by adding learning activities with respect to the different motivation levels. Activities added included crossword puzzle game, flash card, acting, and group investigation. Participants in low motivation level was given more activities as compared to those in medium and high motivation level groups.

3. FINDINGS AND DISCUSSION

Table 1 shows the t-test result for the motivation level between treatment and control group. The t-test result shows that there is a significant difference between treatment and control group. The mean for treatment group is shown to be higher ($M=83.03$) as compared to control group ($M=76.53$), indicating contribution of Differentiated Learning on students' motivation.

Table 1. T-test result for motivation level between control and treatment groups

Group	<i>N</i>	<i>M</i>	Std. deviation	<i>t</i>	<i>df</i>	Sig.
Control	30	75.42	13.73	-2.37	30	0.01*
Treatment	30	83.03	12.57			
Total	60					

* $p < 0.05$

The increase of motivation is related to students' awareness of metacognition, in which it contributes to the increase of students' achievements (Entwistle & McCune, 2013). Metacognitive awareness is student's reaction to use learning strategies. It will enable students to control, plan, and evaluate their own learning. Therefore, students with metacognition ability will self-evaluate their learning. If the learning objectives are not met, they will make amends to their learning techniques until the objectives are achieved. A motivated student has metacognitive awareness in their learning. The higher motivation a student has, the higher their metacognitive awareness is.

Table 2 shows the t-test result for achievements in Arabic Language subject as a foreign language between the control and treatment groups. The result shows that there is a significant difference between the treatment and control group. The mean for treatment group is higher ($M=81.50$) than the control group ($M=51.80$). This shows that Differentiated Learning does contribute to the improvements in students' achievement for Arabic as a foreign language subject.

Table 2. T-test result for the difference between control and treatment group for students' achievements.

Group	<i>N</i>	<i>M</i>	Std. deviation	<i>t</i>	<i>df</i>	Sig.
Control	30	51.80	11.59	-10.60	19	.000
Treatment	30	81.50	9.21			
Total	60					

* $p < 0.05$

Both results indicate that Differentiated Learning Method contributes to the achievements in Arabic as a foreign language subject. As teachers showing something new in Content and Teaching Technique to students, students will feel that they are given attention by the teachers. This will make them feel that they are being appreciated by the teacher and they will unknowingly respond well to the Content and Teaching Techniques provided by the teacher. This will also indirectly make the students to modify their learning technique.

Therefore, Differentiated Learning Approach does not only enable teachers to modify their lessons, but also enable students to modify their learning (Sousa & Tomlinson, 2018). As a result, students without any hesitation will voluntarily share information with other students and teachers in the classroom.

Information sharing is highly encouraged in foreign language classes because it will lessen language errors. A weak student is those who make a lot of language mistakes. The mistakes can be observed through 2 skills that are productive in nature, which are speaking and writing skills. Through knowledge sharing between the students, the mistakes can be lessening and this will make the use of foreign language more accurate (Yamat, 2013).

Differentiated Learning Approach can also increase two-ways communication between teachers and students in a foreign language classroom setting. It will be easier for them to get rid of their shame to communicate with teachers because they feel valued and appreciated. They will not be afraid to ask questions to the teachers, and this will increase communication skills among them. Communicating is one of the main practices in learning foreign language where more practices mean better foreign language mastery for the students.

4. CONCLUSION

The findings showed that Differentiated Learning Approach have a significant contribution to the enhancement of students' motivation and achievement levels in learning Arabic as a foreign language. In a broader context, this finding can also be used to increase motivation and achievements for other foreign languages. Therefore, foreign language teachers are advisedly to adapt Differentiated Learning Approach to their teaching and learning techniques.

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Development of the criminal legislation of the Russian Federation on crimes related to indecent assault against the persons under the age of 16

Desarrollo de la legislación penal de la Federación de Rusia sobre delitos relacionados con agresiones indecentes contra personas menores de 16 años

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ABSTRACT

The article is devoted to the analysis of crimes related to indecent assault against persons under 16 years of age. We investigated the issues of criminal-legal assessment of crimes of this category in foreign legislation, as well as the history of responsibility for this act in the domestic criminal law and modern legislation of Russia. The article compares the norms of criminal responsibility between different countries states and Russia for crimes related to sexual inviolability of minors. Some measures aimed at improving the national criminal legislation regards the crimes against sexual inviolability has been proposed. In addition, we suggested to specify the concept of indecent assault and to enhance the Criminal Code of the Russian Federation with an appropriate part providing for criminal liability for indecent assault by parents, teachers or other persons who are legally responsible for education or supervision of persons under the age of 16.

Keywords: Sexual inviolability, lewd acts.

RESUMEN

El artículo está dedicado al análisis de delitos relacionados con agresiones indecentes contra personas menores de 16 años. Investigamos los problemas de la evaluación penal-legal de los delitos de esta categoría en la legislación extranjera, así como el historial de responsabilidad de este acto en el derecho penal interno y la legislación moderna de Rusia. El artículo compara las normas de responsabilidad penal entre diferentes países, estados y Rusia por delitos relacionados con la inviolabilidad sexual de menores. Se han propuesto algunas medidas destinadas a mejorar la legislación penal nacional sobre los delitos contra la inviolabilidad sexual. Además, sugerimos especificar el concepto de agresión indecente y mejorar el Código Penal de la Federación de Rusia con una parte apropiada que prevea la responsabilidad penal por agresión indecente por parte de padres, maestros u otras personas que son legalmente responsables de la educación o supervisión de las personas menores de 16 años.

Palabras clave: inviolabilidad sexual, actos lascivos.

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INTRODUCTION.

Children are the highest value of each state. Taking into account physiological, psychological and social peculiarities, it is children who have a special status, require the greatest attention from the state and need measures for increased protection of their rights and legitimate interests. The problem of violence against children is a problem of global international character. "Its solution is impossible without joint efforts of the international community, intensification of actions in this direction by all states and effective use of the potential of law enforcement agencies" (Izmailova, 2012).

A special place in the system of measures to protect and safeguard the rights and interests of minors is occupied by protection against sexual abuse, as this phenomenon is widespread in many countries. Moreover, crimes of this type tend to grow. Our state is not an exception. The growth of such crimes against minors in the last few years is one of the most significant problems of modern Russian society. According to the Federal State Statistics Service (2019), the number of minors who have been subjected to sexual abuse, as well as sexual intercourse and other acts of a sexual nature, has been progressing over the past five years (see Table 1).

Table 1. Number of minors recognized as victims

Offence Type	Year					
	2013	2014	2015	2016	2017	2018
Sexual intercourse and other sexual acts with a person under the age of 16	1 063	2 361	3 709	4 114	4 378	4 388
Depraved acts	841	985	1 045	1 251	1 554	1 828

Therefore, one of the priorities of our State's policy is to combat crimes against the sexual integrity of individuals, which include crimes committed against persons under the age of 16 in particular. The relevance of the chosen topic is also in the fact that the norms of the criminal legislation of Russia providing for liability for crimes against the sexual inviolability of minors have certain drawbacks, which cause problems when qualifying the acts in law enforcement practice.

In this regard, the purpose of this study is to develop proposals for improving the legislation in the field of sexual inviolability of minors. In accordance with this goal, the following objectives of the study are outlined: to study the past and current criminal legislation of Russia, as well as to consider the legislation of foreign countries, in comparison with the current norms of criminal law of the Russian Federation, to identify the positive legislative experience of other states in the field of combating crimes of this kind.

DEVELOPMENT.

Methods.

Within the limits of the present research are used: criminal-statistical, comparative-legal, historical-legal and formal-logic methods of the analysis.

The regulatory framework for the study was made up of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (October 25, 2007) and other international legal acts, Russian criminal legislation and other federal laws and regulations of the Russian Federation, as well as criminal legislation of foreign countries.

When writing this article, the authors studied and used the regulatory legal acts of Russia and foreign countries within the framework of the research topic, international legal documents, statistical data, works of scientists and practitioners, materials of law enforcement practice. The theoretical basis of the work was made up of scientific works of famous representatives of the theory of criminal law, physicians, statistical data on the status and dynamics of crimes against the sexual inviolability of minors, for 2013-2018.

Results and discussions.

In Russia, for the first time, criminal liability for indecent assault was included in the chapter "On Non-demand" of the 1903 Criminal Code, which provided for liability depending on the age of the victim. Thus, "for such actions with a child under 14 years of age, the perpetrator was responsible, even if these actions were committed with the consent of the victim (Part 1, Article 513), the responsibility for similar actions with the victim aged 14 to 16 years occurred in the absence of the consent of the victim or "at least with his consent, but for the use in evil of his innocence (Part 2, Article 513)" (Criminal, 2002).

Since then, domestic criminal legislation in the field of crimes against the sexual inviolability of minors has undergone significant changes.

The current version of the Criminal Code of the Russian Federation qualifies such acts as crimes under Article 135 -

indecent assault without the use of violence by a person who has reached the age of eighteen years against a person who has not reached the age of sixteen (Part 1) or fourteen years (Part 2). If the victim has not reached the age of twelve, such actions are qualified under paragraph “b” of Part 4 of Article 132 of the Criminal Code of the Russian Federation and other actions of a sexual nature using the helpless state of the victim, committed against a person under the age of fourteen. This is expressly stated in the annex to article 131 of the Criminal Code of the Russian Federation, according to which the crimes provided for in paragraph 4 (b) of article 132 of the Criminal Code of the Russian Federation also include acts falling under the characteristics of crimes provided for in parts 2-4 of article 135, committed against persons under 12 years of age, since such a person is in a helpless state because of his age, i.e. cannot understand the nature and significance of the acts committed with him.

In general, recently, the Criminal Code of the Russian Federation shows a tendency to toughen penalties for crimes of a sexual nature committed against minors.

For example, according to Federal Act No. 14 of 29 February 2012 on amendments to the Criminal Code and certain legislative acts of the Russian Federation in order to increase liability for crimes of a sexual nature committed against minors, the following innovations may be highlighted

- A ban on the imposition of suspended sentences on persons convicted of crimes against the sexual inviolability of minors under 14 years of age (art. 73, para. 1 (a), of the Criminal Code);
- Parole, as well as the replacement of not served part with a milder type of punishment for crimes against the sexual inviolability of minors under 14 years of age, may be applied only after the actual serving of at least four fifths of the sentence. (Paragraph “e” of part 3 of article 79 of the Criminal Code of the Russian Federation).
- Delay in serving a sentence is not applied for crimes against the sexual inviolability of minors under 14 years of age (part 1 of Article 82 of the Criminal Code of the Russian Federation).

By virtue of paragraph “p.” of Part 1 of Article 63 of the Criminal Code of the Russian Federation, the aggravating circumstance is considered to be “the commission of a crime against a minor (minor) by a parent or other person who is charged by law with the responsibility for the upbringing of a minor (minor), as well as by a pedagogue or other employee of an educational organization, medical organization, organization providing social services, or other organization that is obliged to carry out supervision over a minor (minor)” (Federal Law, 2012).

Such changes in legislation were intended to correct the unfavorable situation in the field of protection of the right of the child to protection from sexual abuse and sexual exploitation guaranteed by the UN Convention on the Rights of the Child (1989), which states in Article 34 that “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse” (United Nations 1989).

The text of the Convention requires the adoption of measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, as well as the prohibition of the use of children in prostitution or other unlawful sexual practices. It should be noted that the evolution of the Russian criminal legislation on the protection of the sexual inviolability of minors is directly related to the trends of foreign countries in this area. Efforts are being made to bring domestic legislation into line with international law.

In May 2013, the President of the Russian Federation signed the Federal Law on the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007, signed by Russia in October 2012. The Convention establishes uniform standards for preventing and combating all forms of sexual violence against children, defines the forms of international legal cooperation in this area and provides for a set of measures for victims of sexual violence. The document contains strict requirements for persons who have committed or intend to commit crimes of a sexual nature against children, including prostitution, pornography, the participation of a child in pornographic performances, the corruption of children and their sexual harassment.

The implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse is monitored by the Committee on the Rights of the Child, which has “concluded that children in Europe are not adequately protected from sexual exploitation and abuse. In particular, the Committee underlines the lack of comprehensive national criminal legislation in States parties, especially with regard to the sale of children, “sex tourism” and child pornography, and the lack of protection of children from violence on the “Internet” (Council of Europe, 2007).

Optional Protocol to the Convention on the Rights of the Child on a communications procedure Adopted by the General Assembly in its resolution 66/138 of 19 December 2011. Despite the fact that to date the Protocol has not been ratified, in the territory of the Russian Federation these functions are vested in the Commissioner for the Rights of the Child under the President of the Russian Federation. Regional Ombudspersons for Children’s Rights operate in the constituent entities of the Russian Federation. Activities to protect children’s rights at the federal, regional and local levels are also coordinated by commissions on minors’ affairs and the protection of their rights. According to A.P. Dyachenko and Tsybmal, E.I. (2017), “In Russia, there is no clearly defined body at the

federal level that coordinates the activities of various agencies involved in the protection of children from sexual exploitation and abuse”.

The Regulation on the Government Commission on Minors' Affairs and Protection of Minors' Rights, approved by Resolution of the Government of the Russian Federation of 06.05.2006 No. 272 (22.01.2014), does not contain any reference to sexual exploitation and sexual abuse of children. The main task of the Government Commission is to “coordinate the activities of federal executive authorities and executive authorities of the constituent entities of the Russian Federation related to the enforcement of Russian Federation legislation in the field of prevention of child neglect and juvenile delinquency and protection of their rights” (Resolution, 2018).

One cannot but agree with this opinion, because effective fight against such crimes requires interaction and coordination of representatives of the bodies of internal affairs, health care, education, and social protection.

In September 2012. The President of the Russian Federation has ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted by the UN General Assembly on May 25, 2000 and signed by Russia. Article 3 of the Protocol states that “each State Party shall ensure that, at a minimum, the following acts and activities are fully covered by its criminal or criminal law, regardless of whether these crimes have been committed at the national or transnational level or in an individual or organized manner” (Optional Protocol, 2002).

Among these acts are: offering, transferring or receiving, by whatever means, a child for the purpose of: sexual exploitation; offering, receiving, transferring or providing a child for child prostitution; producing, distributing, distributing, distributing, importing, exporting, offering, selling or possessing child pornography.

Such provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography are convergent with the articles of the Criminal Code of the Russian Federation (127.1, para. 2 b.p., 240, para. 3, 241, para. 2, and 3, 242, para. 2, 242.1), which provide for criminal liability against persons who have committed such acts. In the authors' opinion, international legal acts have influenced the introduction of new articles into the Criminal Code of the Russian Federation. Thus, Federal Act No. 14-FZ of 29 February 2012 brought into force article 242.2 of the Criminal Code of the Russian Federation - the use of a minor for the production of pornographic materials or objects; and Federal Act No. 380-FZ of 28 December 2013 brought into force article 240.1 - the receipt of sexual services by a minor.

The Russian Federation has recently adopted a number of legal and regulatory instruments relating to the protection of children, including the protection of the sexual inviolability of minors.

One of the main ones protecting children's rights in Russia is the National Security Strategy of the Russian Federation until 2020, approved by Presidential Decree No. 537 of 12 May 2009, which states that “the main direction of State policy in the area of ensuring State and public security in the long term should be to strengthen the role of the State as a guarantor of the security of the individual, primarily children and adolescents” (Decree, 2012).

Despite the multiplicity and dynamism of the legislation on sexual inviolability of minors, there are many problems in the field of its enforcement, including Article 135 of the Criminal Code of the Russian Federation. We believe that the positive experience of foreign countries can serve to identify these problems and ways of solving them. Actions against the sexual inviolability of minors have different criminal-legal qualifications in different countries.

Responsibility for sexual crimes against the sexual inviolability of children is established in the criminal legislation of the vast majority of countries. However, not all criminal laws define the concept of indecent assault on minors in a separate article; these acts are included in the articles providing for criminal liability, including for sexual intercourse. For example, the French Criminal Code introduces the concept of sexual aggression, which means “any sexual assault committed through violence, coercion, threat or deception” (Lesser, 2018).

But we can give another example. For example, in Norwegian criminal law, article 217 provides for liability for the commission of sexual abuse of a child under 16 years of age. This term is synonymous with the concept of “indecent acts” contained in Article 135 of the Criminal Code of the Russian Federation.

In some countries, several articles criminalize indecent assault on a minor. For example, article 11 of the English Sexual Offences Act makes it an offence to commit sexual acts in the presence of a minor. Note that the subjective side of the crime is characterized by direct intent and the mandatory purpose of obtaining sexual satisfaction. Article 12 of the same law provides for criminal liability for involving a minor in the viewing of sexual acts. The difference between these articles lies in the fact that in Article 12 a minor is involved in the monitoring of sexual acts committed by 3 persons or in the viewing of sexual acts.

In different countries, the approach to assessing the age of victims of sexual offences against minors is ambiguous. For example, victims are: in Germany, persons under the age of 14; in France, persons under the age of 15; in Moldova, persons under the age of 16; and in England, persons between the ages of 13 and 16. The age of the subjects of these crimes varies from State to State. Thus, the subjects of crimes against the sexual inviolability

of minors are recognized: in Germany, persons who have reached the age of 14, in Moldova, persons who have reached the age of 16, in France, and in England, persons who have reached the age of 18.

In general, analyzing the legislation of the countries of different legal systems on sexual assault on the sexual inviolability of minors, we can conclude that the approaches to the criminalization of such acts in Russia and other countries differ.

First of all, in comparison with the legislation of Russia in the criminal legislation of many states actions on sexual intercourse, sodomy, lesbianism, lewd actions are not differentiated on separate articles, and contain in one.

Second, in a number of countries violent acts are considered as a qualifying sign of a concrete article about sexual encroachments on sexual inviolability of minors.

Third, the age of both victims and persons prosecuted for indecent assault is not equally defined in different countries.

Fourth, the criminal legislation, especially in European countries, is more specific about sexual offences. For example, criminal liability for indecent assault under article 135 of the Criminal Code of the Russian Federation is provided for in a number of States by various articles of the criminal law: demonstration of scenes of sexual acts; inducement of a minor to acts of a sexual nature.

Fifth, in some countries, acts such as communicating with juveniles for the purpose of sexual intercourse with them; offering a minor to commit sexual acts; and meeting with a minor for the same purpose constitute a separate offence. However, under Russian law, these acts can only be qualified as unfinished crimes.

Thus, foreign legislation has both positive and negative aspects in comparison with the relevant Russian criminal legislation on sexual inviolability of minors. We believe that in the Criminal Code of the Russian Federation, in contrast to the legislation of many foreign countries, criminal liability for illegal sexual intercourse, sodomy, lesbianism and indecent acts against minors is differentiated reasonably, since the degree of public danger of these acts is different. However, there is a certain conflict in Russian legislation related to the concept of "sexual acts". Within the meaning of Article 132 of the Criminal Code of the Russian Federation, violent actions of a sexual nature are understood as sodomy, lesbianism or other actions of a sexual nature. Article 134 of the Criminal Code of the Russian Federation includes only sodomy and lesbianism in the concept of other acts of a sexual nature with a person under the age of 16. All other sexual acts (except for sexual acts) with respect to persons under the age of 18 are covered by the concept of indecent assault provided for in Article 135 of the Criminal Code of the Russian Federation. Thus, the term "other actions of a sexual nature" specified by the legislator in the title of Article 134 is much broader in meaning of the terms "sodomy, lesbianism" used in the disposition of this norm (Kantemirova, 2007).

These contradictions in the concepts of the Criminal Code of the Russian Federation, according to the authors of the article, should be eliminated by replacing the term "other actions of a sexual nature" in the title of Article 134 of the Criminal Code of the Russian Federation with the concretizing terms "sodomy" and "lesbianism". But there is also a different position on the need to merge Article 134 of the Criminal Code of the Russian Federation and Article 135 of the Criminal Code of the Russian Federation. Thus, according to A.A. Bimbinov (2016), a professor of the Department of Criminal Law of the Kutafin University (MSUA), "If the laws of European countries provide a single rule on liability for any acts of a sexual nature with a minor, the Criminal Code of the Russian Federation in Article 134 "Sexual intercourse and other acts of a sexual nature with a person under the age of sixteen" allocates and establishes liability only for sexual intercourse, sodomy and lesbianism, and unjustifiably classifies all other sexual acts as lewd (Article 135 of the Criminal Code of the Russian Federation).

Another problem of the Russian criminal legislation can be called the absence of an official legislative definition of the concepts of "indecent assault", "sodomy", "lesbianism", which makes it difficult in some cases to distinguish Article 135 of the Criminal Code from Article 134 of the Russian Federation. A positive example of the Criminal Code of Moldova, where Article 175 provides a legal definition of depraved acts, which consist in "exhilaration, indecent touching, conversations of obscene or cynical content about sexual relations, in inducement to participate or to be present at pornographic performances, in the provision of pornographic materials, as well as in other actions of a sexual nature, and actions of a sexual nature" (Criminal Code, 2002).

But there are other, in our opinion, negative examples. Thus, Article 78 of the Sexual Offences Act of England of 2003 defines the concept of sexual acts, which includes any "touching, penetration or other type of activity committed by a reasonable person for sexual purposes" (The Sexual, 2003). Such actions, according to Article 13 of the said Law, include sexual contacts of persons under 18 years of age with each other, not only having sexual intercourse, but also showing feelings in other ways (caresses, kisses).

At the same time, with regard to this norm, the Parliament and the Royal Prosecution Service recommended that in order to criminalize the actions of minors, it is mandatory to examine such issues as the ratio of their age, the duration and nature of their relationship, the level of maturity of each, whether there is any dependence between

them, and whether there are any elements of exploitation.

This approach of English lawmakers makes the concept of sexual activity vague - evaluative.

In connection with the above, we believe that the introduction of the concepts of "indecent acts", "sodomy", "lesbianism" into the Russian criminal legislation at the official level would significantly simplify the practice of law enforcement of Article 135 of the Criminal Code of the Russian Federation and would largely solve the problem of delimitation of this article from related crimes.

Among the positive legislative examples we can mention the thoughtfulness of the qualifying features in Articles 227-25 of the Criminal Code of France for the commission of sexual acts, among which are: the commission of sexual acts with a person under 15 years of age by a relative or other person having power over the victim; the commission of a crime by a person abusing power in connection with the granted powers; sexual acts in which a minor was involved through the use of electronic means of communication, when spreading the details of communication

In item "b" of part 1 of article 63 of the Criminal Code of the Russian Federation, to circumstances aggravating punishment the commission of a crime against a minor (minor) by the parent or other person on whom the law entrusts duties on education of the minor (minor), and also the pedagogical worker or other worker of the educational organization, the medical organization rendering social services, or other organization, obliged to carry out supervision over the minor (minor) is carried out.

Taking into account the increased social danger of persons who, for various reasons, have an impact on minors, as well as the prevalence of this act in crimes that infringe on the sexual inviolability of persons under the age of 16, we believe that the actions of these special subjects should be specified as a qualifying feature of Article 135 of the Criminal Code. The commission of indecent acts involving the use of information and telecommunication networks should be introduced into the Criminal Code of the Russian Federation either as a separate article or as a qualifying feature of Article 135 of the Criminal Code of the Russian Federation.

CONCLUSIONS.

Universal values and, above all, life, health, freedom, dignity, honor, rights and interests of the child are the basis of a democratic state governed by the rule of law. By recognizing the norms of international law, Russia not only seeks to improve criminal legislation, but also tries to bring it into line with international standards. The Russian legislation in the field of protection of sexual inviolability of minors is constantly developing, there is a tendency to toughen criminal responsibility and punishment for such crimes, taking into account the positive experience of other states in this area. However, there are not few gaps in the current criminal legislation of the Russian Federation, which lead to difficulties in law enforcement. Thus, there are uncertainties and contradictions in the concepts contained in the titles and dispositions of articles providing for criminal liability for crimes against sexual inviolability and sexual freedom of the individual. In order to eliminate these gaps, the Criminal Code of the Russian Federation proposes to clearly define such notions as sodomy, lesbianism, other acts of a sexual nature, and debauchery.

In addition, it is proposed to introduce into the Criminal Code of the Russian Federation some types of lewd acts, which, in the opinion of the authors, are of increased public danger due to their prevalence. Thus, it is advisable to introduce in the Criminal Code of the Russian Federation a separate provision providing for liability for indecent acts with the use of information and telecommunication networks, or to consider such crimes within the framework of a separate qualifying feature of Article 135 of the Criminal Code of the Russian Federation. It is also proposed that Article 135 of the Criminal Code of the Russian Federation be supplemented with a qualifying feature in which to establish increased liability for indecent acts without violence committed by a parent or other person charged by law with the responsibility for the upbringing of a person under the age of 16, as well as by a teacher or other employee of an educational organization, medical organization providing social services, or other organization required to supervise a person under the age of 16. To provide for a harsher penalty in respect of these special subjects if the same acts are committed in respect of persons under 14 years of age.

In order to counteract crimes against the sexual inviolability of minors more effectively, it is proposed that a system of bodies protecting minors from sexual exploitation and abuse be clearly developed at the legislative level, setting out the procedure for cooperation between these bodies and designating the main coordinating body.

It is also necessary to develop a clear interstate system of interaction and counteraction to such crimes.

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Public Services Provided by Public Authorities in Russia: Legal Problems

Servicios públicos prestados por las autoridades públicas en Rusia: Problemas legales

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ABSTRACT

The article is devoted to the research of formation in the Russian Federation of a legal institute of state services provided by public authorities to the population, determination of its legal affiliation. The article analyzes the conditions and other circumstances of its formation, the concept of modernization of public administration and their priorities in the conditions of the Russian legal system, existing socio-economic, political and other challenges. The analysis of sources of foreign and Russian literature in connection with the provision of public services illustrates the conditional uniformity in the definition of the concepts of “public services”, “public services”, “public services”, “social services”. We suggested improving the legislation and strengthening the further development of the scientific constitutional and legal direction in the considered field.

Keywords: Public services, social services, provision of public services, executive authorities, public authorities.

RESUMEN

El artículo está dedicado a la investigación de la formación en la Federación de Rusia de un instituto legal de servicios estatales prestados por las autoridades públicas a la población, la determinación de su afiliación legal. El artículo analiza las condiciones y otras circunstancias de su formación, el concepto de modernización de la administración pública y sus prioridades en las condiciones del sistema legal ruso, los desafíos socioeconómicos, políticos y de otro tipo existentes. El análisis de las fuentes de literatura extranjera y rusa en relación con la provisión de servicios públicos ilustra la uniformidad condicional en la definición de los conceptos de «servicios públicos», «servicios públicos», «servicios públicos», «servicios sociales». Sugerimos mejorar la legislación y fortalecer el mayor desarrollo de la dirección científica constitucional y legal en el campo considerado.

Palabras clave: Servicios públicos, servicios sociales, prestación de servicios públicos, autoridades ejecutivas, autoridades públicas.

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INTRODUCTION

In the Russian Federation, the institution of provision of public services to the population is actively developing. At the federal level and in the constituent entities of the Russian Federation normative legal acts are adopted, administrative regulations for the provision of public services are approved, lists of public services provided by federal executive authorities and executive authorities of the constituent entities of the Russian Federation are formed. Improving the quality and availability of public services to the population is defined as the state priorities of modern Russia (Decree of the President of the Russian Federation, No. 601, 07.05.2012). The number of citizens applying for services in electronic form is increasing. Thus, according to the Ministry of Communications of the Russian Federation, in 2018 the number of users of the public services portal increased by 21 million, which is 55 percent higher than in 2017 and totaled 86 million people. The number of visits to the portal increased by more than 30 per cent, to 582 million users; 1.6 million citizens on average visited www.gosuslugi.ru daily. The most popular service is the service of receiving information about the status of personal account in the Pension Fund of Russia - 16 million requests were sent. The next most popular service is vehicle registration: it was used 4.8 million times. Approximately 3 million applications were received for the issuance of a foreign passport of a citizen of the Russian Federation of the last generation and for the registration of the right of ownership; almost 2.6 million state services were provided to replace the driver's license (according to statistical information of the Ministry of Communications of the Russian Federation). Public services are becoming an effective tool in the interaction between the population and the state, aimed at ensuring the rights and freedoms of individuals.

Public services provided to individuals and legal entities by public authorities become the subject of close attention of representatives of various scientific directions. The Russian scientific community, as well as in foreign literature (Kozhenko, 2012) has not yet developed a conditionally identical definition of the concept of public services provided by public authorities; there is no uniformity in the definition of their legal nature. Absence of a uniform scientifically grounded conceptual approach to the problems of the legal institute of public services provided by public authorities, is faced its manifestation in a certain inconsistency of the Russian legislation in connection with the provision of public services to the population.

DEVELOPMENT

Purpose and objectives of the study. In this regard, the relevance of the article is due to the knowledge of the legal nature of public services provided by public authorities in Russia, the definition of their concept, the need to study the emerging priorities and directions of its functioning in the improvement of public administration, as well as the study of foreign experience in the formation and development of public services in order to adapt it in Russian conditions.

Materials and methods of research. The subject of the study was the fundamental provisions of the Constitution of the Russian Federation (Constitution, 2014), the normative legal acts adopted on their basis in connection with the provision of public services by public authorities to the population, the generally recognized concepts of improvement of public administration, adapted in the conditions of modernization of public administration in the countries of Europe and other states - the concept of "strong" and "service" state; scientific judgments and positions of Russian and foreign scientists in the mentioned spheres

As a methodological basis of the research, the general scientific and private scientific methods of studying the legal institute of public services provided by public authorities were used. The dialectical method, as a general scientific method of research, implies the study of legal phenomena from the point of view of dialectics. Accordingly, by its means and methods it is possible to penetrate into the essence of public services provided to the population by public authorities, to identify their legal nature, to formulate a definition of the concept and outline the prospects for further development of civil society and improvement of the Russian state, caused, in particular, by the processes of digitalization of public administration. In order to achieve the goal of the present study, historical, comparative, formal and legal, normative, logical, systemic, structural and functional methods in their various combinations were used as frequency-scientific methods.

Results of the research and their discussion. As a result of the conducted researches it is necessary to ascertain that the cognition of the legal nature and peculiarities of the state service is fairly connected by the researchers with the definition of its place in the system of public, public and social services; in fact, it was the starting point in the formation of the Russian concept of public services (Nesterov, 2005).

The concepts of "public services", "public services", "social services" entered the Russian reality initially from foreign science and were conditioned by the reforms of the public administration system in European countries in the 90s of the last century (Tikhomirov, 2001). One of the popular theories, actively tested by the practice of modernization of public administration in foreign countries, were the concepts of new public administration (New Public Management). "Unlike traditional public administration, public management, if it is going to succeed, inevitably requires a sense of strategy" (Bozeman, Straussman, 1991). According to D. Osborne and T. Gebler (Osborne, Gebler, 1992), the key goal of the new public administration is to ensure the efficiency of the public administration process in all its forms: economic, social and organizational. Under these conditions, the role of the individual in the interaction with public

authorities is changing. The citizen becomes a client, and the state - a service organization hired by the people to provide public services. Optimization and implementation of institutions of interaction between society and the state is based on the provision of public services to the population, the possibility of delegating powers to provide services to private structures. Taking into account modern challenges and realities in the conditions of interaction between an individual and the state, a new round of its development has also received an alternative concept of a "strong state", based on the paradigm of the rule of law, laid down by I. Kant and G.V.F. Hegel. Francis Fukuyama, an American philosopher and political scientist, is considered to be a well-known contemporary supporter of the "strong state" approach. Fukuyama argues about the development of an inevitable trend towards the etatization of public life and the expansion of the powers of the state in the conditions of modernity; the main value is considered to be public order, the guarantor of which is "strong state and public institutions and a wide sphere of influence of the state" (Fukuyama, 2004). If the model of the service state provides for the direction of social communications from the individual to the state, the leading vector of social development in the concept of a strong state is the state itself, not society.

There is no doubt that the initial establishment of public services in the U.S. and a number of Western European countries took place mainly taking into account the postulates of the concept of modernization of the state-legal organization, based on the idea of service public administration. In foreign literature, there are relatively non-antagonistic approaches to the concept of public services and the role of the state and its agencies in their provision. It should be noted that the search for innovative ways and means of overcoming systemic crises in the life of society, the state and the individual causes some rethinking of traditional approaches that have developed about the state in jurisprudence. For example, Leon Dougie's position, based on the postulates of classical French administrative law, is quite convincing not only for the last century, but also, in part, for the modern states of the Roman-Germanic system of law. By virtue of the legal nature of state and power authorities inherent in public authorities, L. Dougie defines them only in the role of subjects exercising control over the provision of public services and organization of their provision. "...Those who have power powers do not have a subjective right to state power, but they are obliged to use their power powers to organize the provision of public services and exercise control over their provision" (Duguit, 1921).

The provisions of the legal concept of public administration, especially in states with a Romano-Germanic system of law, defining its content as jurisdictional activity, are interference and limitations, control and supervision (Eingriffsverwaltung), and the provision of public services to the population is a public administration, characterized as a positive phenomenon (Leistungsverwaltung), have also been developed in the scientific research of J. Guglielmi.

In the scientific judgments of J. Guglielmi on the goals and means of the modern state, public administration is seen by him as a jurisdictional and positive activity, the latter as a way of providing public services. In this regard, J. G. Gaulin, the President of the Republic of Belarus, is a member of the Council of Ministers of the Republic of Belarus. Guglielmi emphasizes that the state and its bodies use two main ways to ensure social balance in the society. The first is to issue legal acts aimed at the regulation of social relations by fixing the mandatory rules of conduct guaranteed by the state and provided by it in case of their non-observance by the application of measures of state coercion. The second way of ensuring the social optimum by public authorities, according to the researcher, is the very activity of public authorities in providing certain services aimed at meeting public collective needs (Guglielmi, 1994).

At the same time, the choice of an appropriate way of implementation of public administration is assigned to the state itself. The mentioned scientific position of the scientist is consonant with the statements of a well-known German scientist - administrator Ernst Forsthoff that public administration is implemented in public and private law forms, and the choice of a specific form is carried out by the subject of public administration depending on various circumstances (Forsthoff, 1959). Another role of the state and public authorities, which characterizes to a greater extent the Anglo-Saxon legal family, is seen in the description of the concept and features of public services, researched by P. Groute. According to P. Groute, public services include a set of services provided to the population (groups of persons) with the active participation of public authorities through their direct provision, financing and regulation (Grout, 2017). The author not only assigns the role of a direct supplier of public services to state authorities, but also outlines the boundaries of their concept - they are always connected with the state and public authorities taking into account the diversity of forms and methods of their participation. Accordingly, public and state services can be considered identical. Returning to the above-mentioned judgments of J. Guglielmi, it can be assumed that he also indirectly gives a characteristic of public services: they are associated with the satisfaction of specific traditional needs associated with collective interests; their list (subject of services) is conditioned by the competence of public authorities; the direct subject of service provision can also be the state represented by public authorities (Guglielmi, 1994). Therefore, public services are seen by the mentioned researcher as public, state, as well as social services. Helmut Wollmann (Wollmann, 2018) reveals a certain semantic identity in relation to the concept of "public services".

While the author considers the concepts of public and public services to be equivalent, he also gives examples of the fact that public services may be referred to as infrastructure services and designated as public utilities (meeting public needs in water supply, sanitation, public transport and energy). Utilities are also referred to as "services of general economic interest" (Wollmann, 2018). By the way, the latter concept has entered the public and

political space of Europe at the suggestion of the European Union. The European Union recommends that certain participation of public authorities in economic activities, which are of particular importance for the population and require support from public structures, should be considered public services, as these services may not always be of interest to the private sector (Services of General Economic Interest). Continuing the characterization of the types of public services, let us pay attention to the approaches of Helmut Wollmann to the concept of social services. The author considers them as an independent type of services, naming them as personal social services. These services “relate to the provision of personal care designed to meet individual needs, such as child care, elderly care, care for persons with disabilities, etc.” (Wollmann, 2018).

Foreign authors, analyzing the development of social services in the context of changing socio-economic and political processes, and other challenges of the present, pay attention to the increasing trends of European governments in the release of the public sector from its direct financial and organizational responsibility for the provision of social services and the involvement of non-governmental organizations (third sector entities) in this area of activity. Among such state initiatives is named, for example, the program “Big Society”, adopted in Great Britain in 2010; it provides for the reduction of public spending on personal social services, involvement, as well as a certain imposition of obligations on public social enterprises and cooperatives in the provision of these services (Buser, 2013). However, the opposite trend is taking shape with regard to public utilities, which is conditioned by environmental protection measures and renewable energy sources. The public and municipal sectors of European countries assume responsibility for the provision of services of general economic interest, sometimes through the re-purchase or re-sourcing of facilities from private companies (Bauby, Similie, 2014; Kuhlmann, Wollmann, 2014; Bönker et al., 2016). The research position of foreign authors on the allocation of ecosystem services related to food processing, plant and animal habitats, flood control and water supply is also attractive (Valuing ecosystem..., 2005). Undoubtedly, ecosystem services belong to public services, as their importance is conditioned by the issues of human environment protection.

The relative identity of the concept of public services established in the foreign scientific discourse is also demonstrated in other foreign sources. For example, from the content of the definition of public service (sub-business service) in the Cambridge English dictionary it is possible to come to the conclusion that the terms “public services”, “public services”, “public services”, “social services” can be considered as synonyms of the concept of “public service”. A public service (sub-business service) is “a service provided by the state, such as health care, education or police, or work that elected officials and public servants do for the benefit of the public; what is done or provided to the public because it is necessary and not to make a profit” (Cambridge Dictionary, 2019).

Turning to research in Russian legal science, it should be noted that the category “public services” is the broadest in relation to the categories “social services” and “public services”. According to A.N. Kostyukov (Kostyukov, 2007), public services should include not only public services, but also “any other services provided to an unlimited number of persons in order to satisfy the public interest”.

A. Tikhomirov (Tikhomirov, 2007) also uses a broad interpretation of the concept of “public services”, defining them as “legally and socially significant actions in the interests of society, the state and citizens. According to L.K. Tereshchenko (Tereshchenko, 2004), state services differ from other public services by the subject of provision. In other words, we can say that a public service is a type of public service provided by the state in the person of its bodies and authorized organizations. This is confirmed by the characteristics of public services, fairly singled out by E.V. Talapina and Y.A. Tikhomirov - ensuring the activities of general significance; unlimited number of subjects - users; implementation by the state body, local government or other subject; based on all types of property (public, private) (Talapina, Tikhomirov, 2002). As for social services, they are considered, as well as in foreign literature, to be public services provided in the social sphere - health care, culture, education, science, sports, etc. According to L.K. Tereshchenko (Tereshchenko, 2004), social and public services are considered to be part and parcel of public services.

Russian legislation, unlike the majority of European countries’ legislation, does not contain the legal category “public service”; one concept of “public service” in its broad and narrow meaning is applied. A broad meaning characterizes the definition of a public service in the Budget Code of the Russian Federation and the Tax Code of the Russian Federation; a public service is considered a special type of activity, “the results of which do not have a material expression, are implemented and consumed in the process of implementation of this activity” (Tax Code..., 2019).

The Budget Code of the Russian Federation, fixing the characteristic of public service from the point of view of a broad approach, actually associates it with the concept of public service. According to the provisions of the Budget Code of the Russian Federation, public services are a type of activity provided by the bodies of all branches of state power at the federal level and in the constituent entities of the Russian Federation, local governments in case of implementation of individual state powers transferred by them, state institutions, and in cases established by the legislation of the Russian Federation, other legal entities (Budget Code..., 2019).

In the narrow sense, a public service is fixed in the Federal Law “On the organization of provision of state and municipal services”, we can say as a special type of public service - a public service provided by, respectively, the federal, regional executive authority, the body of the state non-budgetary fund and the body of local self-

government in the case of the implementation of its delegated individual state powers at the request of applicants within the powers of these bodies. The main subject directly providing and organizing the provision of public services to individuals and legal entities within its competence is the federal executive body and the executive body of state power of the subjects of the Russian Federation. Russian legislation does not provide for a system of formal legal structures denoting any activity of legislative (representative) and judicial bodies of state power as an activity to provide public services to the population. Accordingly, the entire body of legislation in connection with the provision of public services, including, along with the above Federal Law, other federal laws, decrees of the President of the Russian Federation, resolutions of the Government of the Russian Federation, laws of the constituent entities of the Russian Federation, other regulatory legal acts of the Russian Federation and the constituent entities of the Russian Federation, mainly fixes the activities of the executive branch of power in the established sphere.

It is necessary to pay attention to the lack of a clear position of the federal legislator in relation to the essence and legal nature of public services provided by public authorities, which does not contribute, mainly, to the realization of the potential of the legal institution of public services as the most important way of interaction between society and the state in order to ensure the rights and freedoms of individuals. It is a question of absence of coordination of legal designs “the state service rendered by enforcement authorities”, “function on granting of the state services” and “function of the control and supervision” in the mentioned federal law, the Decree of the President of the Russian Federation from March, 9th, 2004 314 “About system and structure of federal enforcement authorities” and the governmental order of the Russian Federation from May, 16th, 2011 373 “About working out and the statement of administrative regulations of execution of the state functions and administrative regulations has given.

These circumstances testify not so much to the problem of semantic unity of used terminology as to the fact that legal regulation of provision of state services takes place to a greater extent on the basis of emerging law enforcement practices and is less based on concepts and laws developed by science. Taking into account the federal structure of Russia, the differentiation of subjects of competence and powers between federal state bodies and state authorities of the subjects of the Russian Federation, in accordance with the Federal Law “On the organization of provision of state and municipal services” in the subjects of the Federation the legislation on provision of public services is formed (Law of the Arkhangelsk region, Law of the Kaluga region, Law of the Vologda region).

Basically, the regional legislation, as well as the federal legislation regulates relations in connection with administrative procedures of public authorities of the subjects of the Russian Federation and local governments for the provision of state and municipal services, revealing mainly external, organizational and legal, rather than substantive, constitutional and legal nature. The internal unity of the system of public power, including federal state bodies, bodies of subjects of the Russian Federation and bodies of local self-government, determines, in accordance with the fixed constitutional and legal status of local self-government, the provision of public services at the municipal level within the framework of the implementation of the transferred individual powers of state bodies. As evidenced by legislative practice, the list of public services provided by local governments includes services in the social sphere and social security, in the field of transport and housing and communal services, like Law of Kursk region, Law of Volgograd region, Law of Novgorod region, Law of Altai Krai.

It should be noted that although the implementation of legislation in connection with the provision of public services of legal regulation takes place mainly from the standpoint of administrative and procedural activities, but the means, methods, forms and other elements established by law allow to indirectly see their focus on the creation of favorable, accessible and operational conditions for the provision of public services to the population. This means, for example, the possibility of applying for services directly to a public authority, or to a multifunctional center for the provision of state and municipal services, through the use of a single portal of state and municipal services, receiving a comprehensive package of public services, receiving them in electronic form, unless it is prohibited by law, as well as in other forms at the choice of the applicant. Interdepartmental information interaction in connection with the provision of public services is also aimed at the prompt and high-quality provision of public services to individuals and legal entities, freeing them from, among other things, “bureaucratic walk through the instances”.

The legal acts adopted in the Russian Federation and aimed at the modernization of public administration provide for the improvement of accessibility and quality of public services for the population. For example, in the Federal Program “Digital Economy” the improvement of accessibility and quality of public services for the population is associated, inter alia, with the formation of a digital economy, the use of modern digital technologies, raising awareness and digital literacy of citizens (Order of the Government of the Russian Federation, 28.07.2017 1632). The task of transition from “e-government” to “digital”, i.e. the implementation of public administration on the basis of the flow of information data, in fact, the transformation of the state into an advanced IT - corporation. According to experts, digitalization of public administration is aimed at creating a new ecosystem of digital public services, the organization of a unified identification system and the system of “digital twin” of an individual, the adoption of man-dependent legally significant decisions, the transfer of all public and municipal services into digital form (Petrov et al., 2018).

It is necessary to state that the approach used by the legislator is mainly managerial, organizational and legal, and does not allow full disclosure of the purpose and essence of public services provided by public authorities to the population.

Moreover, the absence of public and legal services in the Constitution of the Russian Federation and the Federal Law On the Government of the Russian Federation prevents the consideration of public services as one of the ways of direct interaction between society and public authorities.

Partly it has already been emphasized that an important condition for the formation of a sustainable system of legislation in connection with the provision of public services to the population is the presence of conceptual provisions developed by the scientific community on the problems of legal nature of public services. It can be said that the Russian researchers' view on the problems of the legal nature of public services provided by public authorities does not differ fundamentally from the provisions of the Federal Law "On the Organization of Provision of State and Municipal Services". There are no fundamental researches of the legal institute of public services in the system of the mechanism of ensuring the basic rights and freedoms of individuals. Mainly in the Russian legal research community there is a predominantly activity-based approach to determining the legal nature of public services provided by public authorities. In this case, the public service is characterized as an external administrative procedure; its internal component remains without attention, which, accordingly, leads to a distortion of its concept. For example, E.Yu. Polotovskaya (Polotovskaya, 2012) calls the service an activity that is carried out on behalf of the state authorities and institutions in accordance with the established procedure, believes that the important thing in defining the concept of public service is "satisfaction of the needs of applicants".

E. V. Morozova (Morozova, 2009) considers public service also as an activity (law enforcement) carried out by the executive authorities; emphasizing that this activity is initiated by an individual or a legal entity "...regarding the implementation of his rights or legitimate interests ...", as well as the performance of his duties.

A.D. Cherkesov (Cherkesov, 2012) notes that public services are not functions of state bodies, they are characterized as "a special form of performance of standard functions of state bodies at the request of applicants". The public service is also considered as an organizational and legal form of administrative activity of public authorities (Romanov, 2012) as well as the activity of authorized subjects, including executive authorities and local self-government, aimed at "... realization of the rights and satisfaction of the needs of applicants..." (Kuldybaeva, 2014). The public service is also understood as the activity of the authorized state body or organization aimed at "meeting the needs arising from the rights and freedoms of man and citizen guaranteed by the state" (Babayeva, 2016). It is gratifying to note the emergence of research approaches to the problems of the legal nature of public services provided by public authorities in the domestic scientific community in terms of their functional component. There appear researches in which the essence of the state service is considered through the mechanism of provision of subjective rights and freedoms of a person, its conditionality to the tasks and functions of the state is determined.

Since it is the modern state that is obliged by the order of the society to ensure the constitutional rights of the individual, including by providing services as public goods. In this regard, as an important feature of the state service provided by public authorities, it is noted its connection with the rights, freedoms and duties of a person and citizen (Alkina, Herb, 2009). A.R. Isakov (Isakov, 2014), understanding the state service as a "legally fixed method of implementation of the social function of the state by the executive authorities", emphasizes that their powers are associated with the implementation of subjective rights and ensuring the performance of subjective duties of service recipients. Conceptually, the opinion of V.I. Kruss (Kruss, 2014) is sounded that the state activity on provision of services is filled with the corresponding constitutional essence, content and form.

CONCLUSIONS

The conducted research allows to draw the following conclusions. First, the formation in the Russian Federation of the legal institute of public services is conditioned by the processes of improvement of the Russian public administration, aimed at the formation of a democratic, law-based federal social state. In the initial approaches to such a new phenomenon for the Russian political and legal thought as public services the reforms of modernization of public administration in the developed countries of Western Europe and the USA were of great interest, conditioned by the concepts of new public administration. It seems that the formation of modern Russian public administration should take place in a certain "symbiosis" of various conceptual provisions, taking into account the application of effective forms and methods of implementation of management activities, inherent in the concepts of both "service" and "strong" state, of course, taking into account their adaptation to the economic, political, social, historical and other features of the Russian Federation. At the same time, the systemic crisis in Russia, which has engulfed all spheres of life of society and the state, causes the inevitable strengthening of the role of the state as the main guarantor of individual rights and freedoms in the transition period. Moreover, Russia, as well as other states with the Romano-Germanic legal system, in which the traditional state administration is carried out by two types of activities - jurisdictional (control and supervision) and the provision of public services, will not be able to perform only the role of a "servant of public interests".

Second, in the Russian scientific literature, as well as in foreign literature, there is a conventional uniformity of

the terms “public services”, “public services” and “social services”; the general defining concept is “public services”. The absence in the Russian legislation of a formal legal structure of “public services” does not contribute to the effective legal regulation of such varieties as public services provided by public authorities and municipal services provided by local governments and other public authorities. The mentioned circumstances are an integral part of the general problem of fixation in the Russian legislation of formal legal structures “public authorities” and “public authorities”. The institution of public (state services) is the result of the emergence of a different nature of relations between the state and a person, in which the purpose of the modern state and its bodies is to ensure the rights and freedoms of the individual. As the practice of developed institutions of public services of the European Union and the U.S. shows, changing socio-economic and political processes and other challenges to a greater extent form the priority of common collective interests associated with public services in the public sphere, over individual social services.

Third, by virtue of the main purpose of the executive branch of government related to ensuring the exercise of powers of state power at the federal level and in the constituent entities of the Russian Federation, federal executive bodies, executive bodies of state power of the constituent entities of the Russian Federation, as well as, in cases established by law, local self-government bodies are the main entities directly providing public services and organizing their provision. In connection with the necessity of legal regulation of the mentioned activity of public authorities and in the absence of the law on administrative procedures in the Russian Federation the Federal Law “On the organization of provision of state and municipal services” to act only as an administrative and procedural act narrowing the concept and nature of public services. There is a need for a radical revision of its concept, subject of regulation and content. In particular, it is necessary to fix the provision on the Constitution of the Russian Federation as a fundamental source of law at normative legal regulation of relations arising in connection with the realization of the right of citizens to provide state and municipal services; to establish the powers of public authorities of the Russian Federation and the functions of public authorities of the subjects of the Russian Federation, local governments.

And, fourth, to consider necessary further development of the scientific constitutional and legal direction in terms of the legal nature of public services, resulting from the management principle of public services. In particular, it concerns the essence, content, forms and subjects of provision of public services.

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Government Support in Learning through Lifelong Learning Programmes

Apoyo gubernamental en el aprendizaje a través de programas de aprendizaje permanente

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ABSTRACT

The purpose of this study is to identify the extent of government support in implementing LLL programmes for working individuals from the perspective of SME employees. Previous studies had been focussing on involvement of workers in LLL programmes, however very little study in Malaysia had done on government provides support in terms of programme offerings, infrastructure facilities and education funding among SME employees. This study applied a quantitative approach using the cross section questionnaire design. A total of 1148 SME employees were selected as respondents. Correlation coefficients show that SME employees' level of knowledge on the LLL programmes offered (min=2.7, s.d =0.537) and level of readiness to participate in the LLL programmes (min=2.68, s.d=0.536) are at medium level. Level of government support towards level of involvement of SME employees in LLL programmes also at medium level (min=3.07; s.d=0.32).

Keywords: Small and Medium Enterprises, employees, Lifelong Learning, government support.

RESUMEN

El propósito de este estudio es identificar el alcance del apoyo del gobierno en la implementación de programas LLL para personas que trabajan desde la perspectiva de los empleados de las PYME. Estudios anteriores se habían centrado en la participación de los trabajadores en los programas de LLL, sin embargo, muy poco estudio realizado en Malasia sobre el gobierno proporciona apoyo en términos de ofertas de programas, instalaciones de infraestructura y financiación de la educación entre los empleados de las PYME. Este estudio aplicó un enfoque cuantitativo utilizando el diseño del cuestionario de sección transversal. Un total de 1148 empleados de PYME fueron seleccionados como encuestados. Los coeficientes de correlación muestran que el nivel de conocimiento de los empleados de las PYME sobre los programas LLL ofrecidos (min = 2.7, s.d = 0.537) y el nivel de preparación para participar en los programas LLL (min = 2.68, s.d = 0.536) son de nivel medio. Nivel de apoyo gubernamental hacia el nivel de participación de los empleados de las PYME en los programas de LLL también a nivel medio (min = 3.07; s.d = 0.32).

Palabras clave: pequeñas y medianas empresas, empleados, aprendizaje permanente, apoyo gubernamental.

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1. INTRODUCTION

Lifelong Learning Programmes (LLL) is the platform that can benefit SME employees to improve their competencies level in the labour market thus increasing SME productivity and viability. The LLL programmes has a significant contribution in helping the Malaysian government realize the aspirations in the k-economy through a more visionary, creative, innovative and competitive employees in solving their tasks (Wan Idros 2007). However, the question arises whether the implementation of LLL programmes in term of programme features concerning module offerings, learning methods and courses are compatible with the characteristics of SME employees. Until June 2017, the total of the registered employers are just 19,487 (2.14% of 907,605 registered business organisation), involving 2.05 million workers (21% from 9.71 million industrial employees) (SME Annual Report 2017/2018). This low enrolment ratio could adversely affect the composition of the highly educated workforce in the country's labour market and consequently affect the level of intensity of skills and knowledge (Ishak & Zulkifly 2010).

The LLL programmes offer courses based on the cluster. There are four clusters: (i) First Cluster - part-time learning; (ii) Second Cluster - technical and skills learning; (iii) Third Cluster - knowledge and skills enhancement learning; (iv) Fourth Cluster - full-time learning. Mohd Nasran, Mohd Isa & Zolkepli (2016) has reported how flexible learning model provides flexibility to the community, especially the workers to participate in the LLL programmes in the country. The findings show that flexible learning methods could improve the effectiveness of teaching activities, attract participants and provide space for the workers to be involved in learning. Although basically, flexible learning methods are complicated to be implemented effectively, it is not impossible to be realised. Furthermore, due to lack of information and skills learning among the people in this country, most of the employees are not interested in participating in LLL programmes as they do not understand and have no clear information on the courses offered (Jamunarani, 2014). Consequently, there is a perception that only certain group of people could participate in LLL programmes, for instance, individual who has an academic qualification, professionals, high fees and others (Nabil Fikri & Roswani, 2014). From the economic aspect, the ability to have financial resources for access to education is one of the issues that are often discussed. The financial situation limits the opportunities of low- and middle-income groups to engage in learning (Jamunarani 2014; Noor Hasslinie & Noor Zuleika, 2014; Arifin, 2014). Previous studies have suggested that lack of funds from the government in supporting the implementation of the LLL programmes poses several weaknesses. Among others, to save the funding received from the government, institutions are forced to implement saving measures using existing resources whereby lecturers are given additional tasks as the facilitators for the LLL programmes (Wardah, Rohaida, Zulhairi & Zafira 2014). This situation has led to a lack of cooperation from the academicians, besides the programmes implementation structure has yet to reach a satisfactory level (Shawira, Lim, Rosinah & Loo, 2014).

Hence, in general, this study was conducted;

- (i) To identify level of knowledge and readiness of SME employees to get involved in LLL programmes
- (ii) To identify level of government support towards level of involvement of SME employees in LLL programmes
- (iii) To identify relationship between government's level of support and SME employees' level of involvement in LLL programmes.

2. METHODOLOGY

This study applied the survey research design on SME employees using grouped multiple layered sampling techniques. The rationale for this sampling technique is based on the selection of sample types such as SME category (micro, small and medium), SME sectors (service and manufacturing) and location of studies based on the highest number of SMEs in the country (Selangor, Wilayah Persekutuan Kuala Lumpur and Putrajaya, Johor and Perak). This technique is used due to the overwhelming number of SME employees population of about 14.76 million SME employees (Department of Statistics Malaysia, 2017). Next, in determining the size of the sample, the researcher applied the opinion of Krejcie & Morgan (1970) that the minimum number of samples of about 2 million SME employees at the study sites was 1108. Descriptive statistics were used to answer the research objective one and two by including frequency distribution, percentage, mean and standard deviation. To answer the third objective, Pearson's correlation analysis was used to assess the strength of the relationship between the two variables using the correlation coefficient (r). The Correlation Coefficient (r) is a relative value in the form of a power-scale indication between +1 to -1. Before the actual data was collected, researchers had conducted pilot studies on 45 SME employees around the districts of Bangi, Putrajaya and Shah Alam. Data from the pilot study was first analysed using Statistical Package for Social Science (SPSS) version 20.0. Correlation value for each item is greater than 0.25 while alpha Cronbach value in assessing the reliability of the instrument is 0.945. There were 37 items measured by three constructs namely (i) program offerings; (ii) infrastructure facilities and (iii) financing.

3. RESULT AND DISCUSSION

With reference to research objective 1 (Table 1 and Table 2), in overall, Table 1 show that SME employees knowledge on the LLL programmes were at moderate-low level (min = 2.7, s.d = 0.537). In generally, studies on LLL programmes in this country also show that the people are still in a situation that is lack of information that leads to incorrect perception (Jamunarani 2014; Nabil Fikri & Roswani 2014). Accordingly, the government as a policymaker, programmes providers and the industries also need to collaborate so that the workers, especially SME employees, would get clear information from various aspects such as program quality, delivery method and education funding. In addition, government and programmes providers should promote LLL programmes in a more extensive and effective manner. Advertising using the digital technology is so well placed to be the key to open the door to lifelong learning.

Table 1: Level of SME Employees knowledge on LLL Programmes

Employees knowledge on LLL Programmes	Min	Standard Division (s.d)
Programme offerings	2.64	0.511
Infrastructure facilities	2.41	0.409
Education funding	2.27	0.340
Total	2.70	0.537

SME employees readiness were also at moderate-low level (min = 2.68, s.d = 0.536) where the financial preparedness is the lowest level of readiness (min=2.27; s.d=0.340) (Table 2). A study conducted by Santhi Raghaven, Mohd Ghazali, Loo, Ariff., & Rames (2014) among workers found that several barriers prevent workers from getting involved in LLL programmes due to financial constraints, lack of employer support, lack of information, concerns over partial commitment between work, family and study, and afraid of failure. According to Nor Aishah, Ganefri and Saliza (2013), generic knowledge and skills acquired through formal education can be used in many business contexts, therefore self-preparation and perception to get involved in LLL programmes needs to be implemented from the beginning and cultured within the organization.

Accordingly, the implementation of LLL programmes is expected to be reviewed, well planned and streamlined to attract employees and employers to get involve. As the practice of LLL culture could not be established within a short time, then the exposure, practice, offering of a conducive program structure and meeting the needs and requirements of employers and employees as well as continuous support from the government are necessary for the effort to develop the human capital at an optimum level.

Table 2: Level of Readiness of SME Employees to Get Involved in LLL Programmes

Readiness of SME Employees to Get Involved in LLL	Min	Standard Division (s.d)
Education planning	2.61	0.515
Mental and physical preparedness	2.52	0.492
Financial	2.36	0.373
Total	2.68	0.536

Table 3 shows that SME employees felt that the level of government support to engage in LLL programmes is still at a moderately low level (min=3.07; s.d=0.32) which is Education Funding is the lowest level (min=2.84, s.d=2.73). The Government may provide special incentive giveaway for the employers who sends their workers to LLL programmes and tax exemption for these employers in ensuring the exact taxed income to be distributed among the workers as education and training allowances (Zarina, Nor Aishah & Muhammad, 2018). This is because SMEs employees need more funding from government because of their lower salaries.

Table 3: Level of Government Support

Government Support	Min	Standard Division (s.d)
Programme offerings	3.23	3.23
Infrastructure facilities	3.00	3.00
Education funding	2.84	2.73
Total	3.07	3.07

With reference to research objective 3 (Table 4), Pearson correlation test finding, the value of r is 0.311 and $p = 0.000$, i.e. $p < 0.05$. It means that there is a weak relationship between the level of government support and the level of employee engagement in LLL programmes based on the perspective of the SME employees. Interestingly, the result shows that although the level of government support is low, the relationship is still significant. However, the researcher has the opinion that SME employees are less informed about the support system that the government has implemented for workers who are engaged in the LLL programmes. This can also be seen in the moderate-low level of knowledge among SMEs employees for the first objectives of the study (Table 1). Therefore, Malaysia government needs to improve mechanisms and infrastructure to facilitate LLL programmes as a tool to enhance knowledge, skills and quality of SME employees (Zarina, Nor Aishah & Lilia 2019).

Table 4: Relationship between the Level of Government Support and the Level of Employee Engagement in LLL Programmes

Variable	r	Significant
Government support	0.311	0.000

4. CONCLUSION

Studies on the decisive determinants of involvement and barriers of SME employees to engage in LLL programmes has been widely conducted in developed countries. However, in-depth study on the issue has not received much attention in developing countries. Therefore, this study contributes significantly to the literature in this country particularly because individual career development through education exists not only from individual internal response but also from the support of external influences, especially the policymakers. As the education and income level of SME employees in this country is relatively low and moderate, the government supports through education and training programmes is very important and need to improve towards the optimum level. Among others, are the development of new modules and the enhancement of existing modules, especially courses that are in line with industry needs and requirements. A diversified module could provide better choices to the community, especially workers and employers, to engage in LLL programmes.

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Joint will of spouses in Russian and foreign legislation: a comparative research

Voluntad conjunta de los cónyuges en la legislación rusa y extranjera: una investigación comparativa

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ABSTRACT

We made a comparative analysis between the legislation of Russia and some foreign countries on the joint will of spouses by methods of scientific knowledge in order to draw conclusions about the prospects of development of Russian legislation using foreign experience. We also considered the legislation on the general will of spouses and checked the the features of the joint will of spouses under the legislation of Germany, England, Ukraine and other countries. We prepared some proposals for improving the legislation of the Russian Federation on the joint will of spouses. The result of the study is the conclusion that the joint will in Russian law is a logical and justified innovation, reflecting a conceptual approach to the disposal of common property of spouses, based on the expansion of the dispositivity in inheritance law.

Keywords: Spouses, management of property, testament, joint will, joint will, freedom of testament

RESUMEN

Hicimos un análisis comparativo entre la legislación de Rusia y algunos países extranjeros sobre la voluntad conjunta de los cónyuges por métodos de conocimiento científico con el fin de sacar conclusiones sobre las perspectivas de desarrollo de la legislación rusa utilizando la experiencia extranjera. También consideramos la legislación sobre la voluntad general de los cónyuges y verificamos las características de la voluntad conjunta de los cónyuges según la legislación de Alemania, Inglaterra, Ucrania y otros países. Preparamos algunas propuestas para mejorar la legislación de la Federación de Rusia sobre la voluntad conjunta de los cónyuges. El resultado del estudio es la conclusión de que la voluntad conjunta en la ley rusa es una innovación lógica y justificada, que refleja un enfoque conceptual para la disposición de la propiedad común de los cónyuges, basada en la expansión del dispositivo en la ley de herencia.

Palabras clave: cónyuges, gestión de la propiedad, testamento, testamento conjunto, testamento conjunto, libertad de testamento

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INTRODUCTION

Testament since Roman law is the basis of inheritance (Justinian, 2002).

The legislation of the Russian Federation and foreign countries sets forth legal norms that define the concept of a testament, its forms, and provide for rules on the freedom of the testament. Despite the stability of the main provisions, there is a global trend of reforming the inheritance law. Thus, in England, there is a reform of the legislation on the testament (Wills, 2017). In December 2011, the Legal Commission of England published a report “Intestacy and Family Provision Claims on Death”, which prepared amendments to the Act on Succession 1975 (Intestacy, 2011). In the Russian Federation, the modernization of legislation consists in the emergence of new legal structures, which are often borrowed from foreign legislation. In recent years, norms have been adopted on the inheritance fund, inheritance contract and joint will of spouses. In order to understand the essence of these categories, to identify their features and prospects for development, it is useful to conduct a comparative legal analysis of Russian and foreign legislation, the application of best foreign practices, which will allow, among other things, to outline the prospects for the application and improvement of domestic legislation.

Federal Law No. 217 of 19 July 2018 “On Amendments to Article 256 of Part One and Part Three of the Civil Code of the Russian Federation (Collection, 2018), in article 1118 of the Civil Code of the Russian Federation (Civil, 2001) (hereinafter - the Civil Code of the Russian Federation), additions are made on the joint will of the spouses. As of 1 June 2019, the testament may be made not only by one citizen, but also by citizens who are married to each other at the time of its commission (joint will of the spouses) (paragraph 4 of Article 1118 of the Civil Code). For Russian legislation, the joint will of spouses is a new legal phenomenon.

A comparative legal analysis of foreign legislation has shown that different legal systems have different approaches to the joint will of spouses. The legislation of many countries, such as Germany, Austria, Ukraine and Bulgaria, provides such an opportunity for spouses for a long time. In some countries (Germany, Austria, Ukraine, Georgia, Azerbaijan) it can be performed only by spouses, in others the right to perform it is granted not only to spouses, but also to other persons, in particular officially registered partners (England, USA, Latvia).

In other countries, on the contrary, there are no joint wills of spouses. The inheritance law of the Kingdom of Spain excludes the possibility of drafting a joint will of the spouses (Begichev, Strelchenko, 2019). The testament is personal in nature and manifests itself in the prohibition of making a testament jointly by several persons (Article 669 of the Spanish Civil Code (Codigo Civil, 1989). Article 968 of the French Civil Code prohibits both joint and mutual wills (Delage, 2011). The legislative sources of English inheritance law include: The Testaments Act of 1837, the Heritage Administration Act of 1925, the Inheritance (Family Welfare) Act of 1938, the Inheritance (Family Welfare) Act of 1952, the Inheritance Tax Act of 1984.

The Anglo-American legal tradition uses a different category instead of the notion of a joint will, and the distribution of the deceased's property is done, with some exceptions, through the courts. Property is distributed either by probate or, if there is no valid testament (intestacy), by dispositive rules of inheritance law, including statute and case law (Dukeminier, Sitkoff, 2015). In addition to the customary testament, Anglo-American law may use instruments such as a lifetime trust, testamentary trust, testamentary contract, mutual testament. Most often, mutual wills are composed of spouses (Sawyer, Spero, 2015) and, in fact, they are two separate testaments, which are irrevocable by agreement of the parties. Because there are no rules on the transfer of property after the death of one spouse to the other in the Anglo-American order (Roberts, 2012). Mutual wills are used in both England and the United States. However, there are plans to limit their use or even deprive citizens of the opportunity to make them (Kerridge, 2011).

The diversity of approaches in the legislation to such a legal phenomenon as a joint will requires an analysis of its main provisions, their evaluation and the expediency of using the best practices in the Russian legal system.

DEVELOPMENT

Methods

The methodological basis of this research is the general and private methods of scientific research, in particular, the method of comparative jurisprudence, deduction, comparative, complex analysis, system analysis, logical laws and rules, theoretical analysis, modeling, method of mental experiment and evidence.

The materials of this research are the norms of foreign and Russian legislation on inheritance, scientific concepts and categories developed by the theory of law and civil engineering, which are used to study public relations and their regulation by the current legislation.

Results and discussions

In the Russian scientific literature, a lot of attention is paid to the joint will of spouses under the legislation of Germany (Liew, 2016), which is due to the proximity of legal systems. According to the German Civil Code, only spouses can make a general testament (§ 2265 GCC) (Gongalo et al., 2015). This means that other persons, regardless

of the proximity and trust of their relationship, cannot make a joint will. The theory of German inheritance law distinguishes between the following types of law. *Testamenta correspectiva* is a joint will in which one spouse's obligations depend on the other spouse's obligations (*gegenseitig, abhangige, korrespektive Testamente*, the so-called mutually dependent, mutual will).

The obligations of one spouse must remain valid for as long as the obligations of the other remain valid, and it will be decisive in this case whether the spouses want such dependence. An example of this type of testament, when the husband and wife bequeath each other, as well as their children all their property. In such cases, the spouses want the obligations to be mutual (§ 2270 GCC). Such type of joint will as *Testamenta reciproca* is spoken about when spouses doubt each other, or if one of the spouses doubts in the interests of the other (*gegenseitige Testamente - mutual, mutual wills*). There is an intrinsic link between the two, but these obligations should not be reciprocal at all. In other words, there should be no relationship between the two obligations and thus the performance of one does not depend on the performance of the other.

Testamenta mere simultanea is a joint will that summarizes the obligations of the spouses, but does not have the character of reciprocity or reciprocity. In this case, the spouses resort only to formal aspects, that is, directly to the preparation of the testament, for example, in the testament drawn up by one spouse, in consequence of signed by both spouses, each of them appoints heirs of children from the previous marriage (Putintseva, 2015).

The State University establishes a written form of joint will. It can be made by one of the spouses in the required form, and the other spouse personally signs a joint statement. The joint will of the spouses may be drawn up in a notary office signed by a notary public, and under certain conditions it may be made in the presence of the mayor (emergency testament). It is also possible to draw up an oral testament of the spouses in the presence of three witnesses (emergency testament in special cases) (§ 2267 of the State University).

As noted in the literature, the truncated circle of subjects who have the right to make a general testament is primarily due to the special trust and personal nature of the relationship between them, as a result of which the spouses usually have no secrets from each other. It is also assumed that since the spouses live together and share a common household, they often wish to work together not only to solve everyday problems but also to coordinate their orders in the event of death. It is also indicated that from the substantive point of view, the joint will of the spouses consists of two declarations of testament, in which each of them disposes of their property unilaterally.

However, both testaments form a joint act, when there is a clear testament of the testators to establish a uniform order of inheritance. The peculiarity of the legal structure of a joint will is that it is a single transaction containing two unilateral expressions of testament. A joint will does not necessarily have to be a single document, and the orders of each spouse may differ in content. Within the framework of a joint will, the testament of each spouse retains its legal independence (Budylin, 2017).

The joint will of the spouses does not automatically terminate upon termination of the marriage. If the marriage is terminated before the death of one of the spouses, the joint will remains in force insofar as it is assumed that it would have been made in this case (paragraph 2 § 2268 GCC). The invalidity of the marriage results in the invalidity of the joint will (Section 2268(1) of the GCC).

As noted by E.P. Putintseva, the analysis of the German law allows us to conclude that the joint will is a logically verified institution of German inheritance law, which provides the spouses with numerous opportunities to choose a specific option of succession. The flexibility of German law provides a greater degree of freedom of the testament, allowing the spouses to draw up a legal act that fully meets their interests and corresponds to their personal ideas about a fair inheritance succession (Putintseva, 2015).

Joint will of spouses is provided by the legislation of the former Soviet republics, in particular by the Civil Code of Ukraine. The joint will of the spouses of the Civil Code of Ukraine is dedicated only to one article - Article 1243, which states that the spouses have the right to make a joint will. When they do so, they can only dispose of joint property. The joint will of the spouses is made in writing and is subject to notarization. Each of the spouses has the right to refuse from the joint will of the spouses during their lives. Such refusal must be notarized. In the event of the death of one of the spouses, the bequests pass to the widow/widower, but the notary imposes a ban on the alienation of property specified in the joint will of the spouses. In the event of the death of a widow/widower, the property shall be transferred to the heirs of the testament indicated in the joint will of the spouses. The dissolution of the marriage shall terminate the joint will.

After the death of the husband or wife, it is no longer possible to change the joint will. Each spouse, besides the joint will, has the right to make a single will, disposing of the property belonging to him personally. The right to make a single will remain with the surviving spouse. The surviving spouse may only dispose of personal property, not joint property.

Even more concisely, the Civil Code of Georgia establishes a joint will of the spouses, dedicating one sentence to such a testament. Article 1347 provides that only spouses can make a joint will on mutual inheritance, which can be changed at the request of one of the spouses, but still in the life of both spouses.

Russian legislation provides for special regulation of the joint will. According to paragraph 4 of Art. 1118 of the Civil Code of the Russian Federation in the joint will of the spouses, they have the right at both discretion to determine the following consequences of the death of each of them, including the one that occurred at the same time: to bequeath the common property of the spouses, as well as the property of each of them to any persons; in any way to determine the shares of heirs in the respective hereditary mass; to determine the property included in the hereditary mass of each of the spouses, if the definition of the property included in the hereditary mass of each of the spouses, does not violate the rights of third parties; to deprive the inheritance.

The terms of the joint will of the spouses are valid in part, not contradicting the rules of the Civil Code of the Russian Federation on the mandatory share in the inheritance (including the mandatory share in the inheritance, the right to which appeared after the joint will of the spouses), as well as the prohibition of inheritance unworthy heirs (Art. 1117 of the Civil Code).

Thus, when making a joint will the spouses dispose of the common property of the spouses and separate property of each of them. In this case, they form the hereditary mass of each of them. The hereditary mass of each of the spouses, we believe, may be different. It can be the same in terms of the value of the property of the spouses or different, because the options for the disposal of property are invented by the spouses themselves. For example, the hereditary mass of one of the spouses is formed only from real estate, and the hereditary mass of the other spouse - from movable property, so its value is different.

Separate property of one of the spouses can be included in the hereditary mass of the other spouse and vice versa. But in this case, the rights of third parties should not be violated. However, the law does not give the concept of "third parties". Since in the joint will of the spouse can make the same orders as in the sole testament, about the mandatory share, and therefore, the necessary heirs said separately, and the rules on the responsibility of heirs to the debts of the possible testator apply to the heirs of the joint will of the spouses, it is not clear what third parties we are talking about. Since all participants of the hereditary legal relationship and those involved in it are determined, it is advisable to remove the reference to third parties from paragraph 4 of Art. 1118 of the Civil Code (Civil Code, 2001).

In addition, it seems erroneous to point out that the conditions of the joint will of the spouses act in part to prohibit inheritance by unworthy heirs. Under Art. 1117 of the Civil Code of the Russian Federation the testator can forgive his unworthy heir by bequeathing him property. Therefore, there are no objective reasons for the deprivation of this right of the spouses, making a joint will.

The law does not indicate the creation of a joint will of the spouses of the hereditary fund, which should be attributed to its shortcomings. If the husband began to engage in commercial activity during the marriage, then half of the share in the authorized capital of the spouse participating in the commercial organization belongs to the other spouse. Spouses may be engaged in certain business together. Therefore, it is not accidentally indicated in the literature that the execution of a joint will would contribute to the management of the business (Gongalo et al., 2015). In this regard, it would be correct to grant the right to spouses to create a joint will to create a hereditary fund.

The joint will of the spouses should be stated in writing. The literature has expressed the erroneous opinion that the form of joint will of spouses is not provided for in the law (Amirov, 2016; Budylin, 2017). It should be transferred to the notary by both spouses or recorded with their words by a notary in the presence of both spouses. Only a testament written by the spouses may be given to the notary. It may not be in the form of a closed or emergency testament. The joint will of spouses has no right to certify the person whose certificate is equated to a notary (paragraph 1 of Art. 1125 of the Civil Code). These prohibitions significantly limit the freedom of the testament, since spouses will not be able to make a testament if there is no notary in their place of residence or they will have to bear additional costs. In this matter, the legislation of Germany is more progressive, allowing, under certain conditions, for an oral joint will of the spouses in the presence of three witnesses.

A great mistake is a ban on making a testament using electronic or other technical means (paragraph 2, paragraph 1, Article 160 of the Civil Code of the Russian Federation). First of all, electronic technologies are developing so rapidly that it is not excluded that they may be used in due course not only in the preparation of the text of the testament, but also in its certification.

Secondly, there is a contradiction between paragraph 1 of Article 1124 and paragraph 1 of 1125 of the Civil Code of the Russian Federation, because in the latter it is established that technical means (electronic computer, typewriter and others) can be used when writing or recording the testament. In addition, when certifying the joint will of the spouses notary is obliged to carry out the video recording of the procedure of the joint will of the spouses, if the spouses have not objected to it (paragraph 5.1 of Art. 1125 of the Civil Code). But video recording is carried out with the help of electronic resources. Notaries keep electronic registers of notarial actions, including the electronic register of testaments. In this regard, it is necessary to remove paragraphs 3 of paragraph 1 of Article 1124 of the Civil Code of the Russian Federation on the prohibition of the use of electronic resources.

For an unknown reason, it is prohibited for spouses to make a closed testament. When making a joint will the

spouses must first determine that the joint will for them, taking into account the circumstances is a priority. They should discuss all of its terms and conditions and then submit them in writing.

No, we believe that there are no obstacles to the placement of such a testament in an envelope and its deposit with a notary in the presence of two witnesses. If it were possible to make a closed testament, including the spouses, electronically, after the opening of the closed testament, it would be possible to see the condition of the spouses when discussing the making of the joint will. An electronic testament will cause less controversy about the invalidation of the testament because of the testaments' incompleteness.

The possibility of making a testament in electronic form is not provided for by the legislation of other countries of the world. However, this does not mean that the Russian legislator is not entitled to provide for it.

Its features have circumstances of termination of the joint will of spouses, provided by law. The joint will of the spouses can be changed or cancelled by mutual consent of the spouses, which must be notarized. According to paragraph 3 of paragraph 4 of Art. 1118 of the Civil Code of the Russian Federation, the joint will of the spouses becomes null and void in the event of dissolution of the marriage or recognition of the marriage null and void both before and after the death of one of the spouses. This provision contains errors.

Firstly, at the time of death opens the inheritance of the testament, including joint, which begins to be executed. It is in this case that the testament is made. Second, the death of one of the spouses terminates the marriage, so it is impossible to dissolve it after the death of one of the spouses. In this regard, this rule should be removed from the provision on the dissolution of the marriage, leaving only the recognition of the marriage null and void. But, as O.E. Blinkov (2015) correctly notes, "this rule raises the issue of protection of hereditary rights and interests of a conscientious survivor, in the solution of which the analogy of the family law on the marriage contract is appropriate.

For protection of the hereditary rights (exclusively in interests of the survivor of the conscientious spouse) similarly it is possible to arrive and with the joint will of spouses whose marriage will be recognized void after death of one (unfair) from spouses for what entering of corresponding additions in item 30 of the Family Code of the Russian Federation is required" (The Fundamentals, 2013). However, in this case, the relevant additions should be made to Article 1118 of the Civil Code of the Russian Federation.

A joint will also become invalid on other grounds. Some of them are surprising. Thus, one of the spouses has the right at any time, including after the death of the other spouse to make a testament, as well as to cancel the joint will of the spouses (paragraph 5 of Art. 1118 of the Civil Code). It seems that in this case a mistake has been made. After the death of one of the spouses, the widow/widower cannot cancel the joint will, because it begins to be executed in respect of the heirs of the deceased spouse/widower owner. Therefore, it is only possible to cancel the testament to the extent that the testament provides for a testamentary order made in the event of the death of the widow/widower.

The subsequent testament of one of the spouses cancels the joint will of the spouses. It may change the hereditary mass and its distribution among heirs and the composition of heirs. Both direct and indirect cancellation of a joint will by one of the spouses violates its stability.

If the notary certifies the subsequent testament of one of the spouses, accepts his closed subsequent testament or certifies the order of one of the spouses to cancel the joint will of the spouses in the life of both spouses, he is obliged to send to the other spouse notification of the fact of such subsequent testament or the abolition of the joint will of the spouses (paragraph 6 of Art. 1118 of the Civil Code). This provision also raises questions.

As noted in the literature, for the certification of testaments Fundamentals of the legislation of the Russian Federation on notary public (Martasov, 2018) provides a general principle of territoriality. In this regard, the testament can be certified in any state notary office, as well as at any notary engaged in private practice. The place of residence of the testator when notarizing the testament is of no importance (Notarial Law, 2017). This means that one of the spouses who have made a joint will, to cancel it, can certify the sole testament of any notary located in any locality. In this case, the testator is not obliged to inform anyone, including the notary, of the commission, content, change or cancellation of the joint will (paragraph 2 of Art. 1119 of the Civil Code).

Moreover, one of the spouses may cancel the joint will by making a closed testament. The notary may learn about the joint will only in case of its cancellation by one of the spouses. In other cases, he may not know about it, unless a separate register of joint wills of the spouses is kept. Electronic registers of sole and joint wills of spouses will allow the notary to reveal the truthfulness of the explanations of the spouse, making the testament after the certification of the joint will. When using the general register of testaments, the other spouse may not immediately learn about the cancellation of the joint will of the other spouse. In such a case, his interests are ensured only by the fact that one of the spouses cannot dispose of the property belonging to the other spouse when making a single testament. In this regard, the other spouse will not be left without property, but he may not know that the joint will is cancelled and that his property will be transferred, perhaps to persons whom he did not wish to leave him.

There are other provisions in the law on the joint will of spouses that undermine its stability and make it unpromising. A joint will may be challenged in court at the suit of any of the spouses. It is possible to challenge a joint will if, for example, the spouses have made a mistake with regard to possible heirs or bequests. After the death of one or both spouses, the joint will may be challenged by any person whose rights and legitimate interests are violated. Such a person may include, I believe, a possible heir. Creditors of spouses can hardly challenge the joint will, as their rights and legitimate interests cannot be violated by the joint will, because the debts are also part of the inheritance. Thus, when making a joint will, spouses have no confidence in its execution after they leave for the other world. In order to ensure the stability of the joint will of the spouses, it is advisable to enshrine in the law the inadmissibility of its cancellation unilaterally by one of the spouses, both during the life of both spouses and after the death of one of them.

CONCLUSIONS

The trend in Russian legislation in recent years has been the convergence of the provisions of the Civil Code of the Russian Federation with the rules governing the relevant relations in the law of foreign countries, and the use in the civil legislation of the Russian Federation of the latest positive experience in modernizing the civil codes of a number of European and other countries. On this basis, it seems logical and expedient to enshrine in Russian legislation the legal structure of a joint will. It makes it possible to expand the freedom of the testament, and at the same time to take into account the mutual interests of the spouses on the disposal of joint property, including in the event of death. It is worth noting that the joint will as a category of civil law is in conjunction with institutions of such branches of law as: family, tax, housing and with the legislation on bankruptcy and notary public, in which there is no mention of a joint will, which can offset its legal effect.

However, the legal regulation of the joint will cannot be recognized as sufficient; foreign experience shows that it is impossible to limit only one paragraph of the article of the Civil Code, as is the case in the Russian Federation and requires more extensive legal regulation, such as in Germany. Improvement of this is possible due to doctrinal developments, proposals to improve the legislation expressed in this study, for example, to exclude from Article 1118 of the Civil Code of the Russian Federation the reference to third parties as participants in the hereditary legal relationship, from paragraph 3 of paragraph 1 of Article 1124 of the Civil Code of the Russian Federation a ban on the use of electronic resources.

When preparing amendments and additions to the legal material it is necessary to use the results of further analysis of foreign legislation and practice of its application, the legal position of the supreme courts and the formation of the position of the law enforcement officer.

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Life Imprisonment: 25 years of criminological and psychological research (1993-2018)

Cadena perpetua: 25 años de investigación criminológica y psicológica (1993-2018)

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academ-05@mail.ru**ABSTRACT**

Our study of 28 life convicts serving their sentences in special-regime correctional institutions in Altai Krai Federal Department of Corrections show that 70% of them are on the operational record as prone to escape, hostage-taking and suicide; 72% are recognized as persistent violators of the detention regime; only 28% have signs of guilt and remorse (72% admitted partially and did not repent); 88% have a high level of aggressiveness and conflict, and 64% of professional and social skills are unstable, and 4% - not formed at all. While the majority of this people is of 60-65 years, 90% of them have lost social contacts, professional and labor skills. As a rule, these are disadapted individuals in the conditions of new life realities, who have retained their experience of criminal activity and a high degree of social danger, and 70% of them will need social patronage after their release.

Keywords: Life imprisonment, correctional institution, correction service, Altai Krai.

RESUMEN

Nuestro estudio de 28 condenados a cadena perpetua que cumplen sus condenas en instituciones correccionales de régimen especial en el Departamento Correccional Federal de Altai Krai muestra que el 70% de ellos están en el registro operativo como propensos a escapar, tomar rehenes y suicidarse; 72% son reconocidos como violadores persistentes del régimen de detención; solo el 28% tiene signos de culpa y remordimiento (72% admitió parcialmente y no se arrepintió); El 88% tiene un alto nivel de agresividad y conflicto, y el 64% de las habilidades profesionales y sociales son inestables y el 4% no está formado en absoluto. Si bien la mayoría de esta gente tiene entre 60 y 65 años, el 90% de ellos han perdido contactos sociales, habilidades profesionales y laborales. Como regla general, estos son individuos desadaptados en las condiciones de las nuevas realidades de la vida, que han conservado su experiencia de actividad criminal y un alto grado de peligro social, y el 70% de ellos necesitará patrocinio social después de su liberación.

Palabras clave: cadena perpetua, institución correccional, servicio correccional, Krai de Altai.

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INTRODUCTION

Taking into account the fact that the execution of a sentence of life imprisonment is associated with a number of difficulties (assessment of the effectiveness of the correction of convicts, ensuring the implementation of their legal status, maintenance of psychological stability, the possibility of early release, etc.), actively discussed in the literature (Antonyan et al., 2010; Kashuba, Skiba, 2006; Smirnov, 2011; Useev, 2016), it seems relevant to analyze the characteristics of the personality of this category of convicts. The author's research began in 1993 in correctional institutions of Ivdel, Sverdlovsk region and Belozersk, Vologda region, where by the middle of the 90s the majority of persons serving life imprisonment in Russia were kept.

DEVELOPMENT

The introduction of a criminal punishment in the form of life imprisonment in 1992 took place under the conditions of growing criminal violence in the country (organized crime, crimes of a terrorist nature, etc.). Meanwhile, this legislative innovation was largely contradictory and was not accompanied by the necessary changes in criminal and correctional (penal and correctional) legislation, which initially had a negative impact on the practice of life imprisonment.

It is well known that this category of prisoners is characterized by a high degree of social danger and social and pedagogical neglect (Utkin, Detkov, 1997). Professor Y.M. Antonyan, who conducted social and psychological research of necrophilic murderers during the same period, came to the conclusion that "the persistence of passion inherent in murderers while serving their sentences can be expressed in irritability and outbreaks of aggression" (Antonyan, 1996). The criminological forecast made at that time gave grounds to believe that the number of life prisoners in the country would increase by an average of 60-70 per year, which required the solution of legal, economic and organizational problems to ensure proper conditions of detention of this category of prisoners. Unfortunately, the organizational and legal aspects of the implementation of life imprisonment have not been properly adjusted over the period under study.

The results of initial criminological and psychological studies conducted in 1993-1996 showed that the average age of those sentenced to life imprisonment at that time was 36-40 years, which is 5 years younger than the age of those convicted who had served a certain term of imprisonment, and who had been replaced by the death penalty as a pardon (and, in general, similar comparative penitentiary developments are relevant) (Ushatikov et al., 2017).

Let us distinguish a number of individual characteristics of those sentenced to life imprisonment at that time. Thus, one in four of them had no secondary education, only 24% were married (after five years of marriage, 20% of them had broken up their marriages), 80% maintained contact with relatives (during five to ten years, 40% of them had broken social ties), 68% had a specialty (mainly working professions), 42% had been convicted for the first time when they were minors, and 95% had been convicted earlier, and 70% - two or more times, and at the time of committing the crime about 80% were intoxicated. All persons were convicted of particularly serious crimes: aggravated homicide (80 per cent), serial homicide (50 per cent), leadership and participation in organized criminal groups (40 per cent), terrorist acts (20 per cent), etc. At the same time, more than half of those sentenced to life imprisonment killed two or more persons.

The results of the study of criminal cases also allowed to conclude that their criminal activity was accompanied by a high level of latency, long-term character, multi-episodic nature, and committing crimes of different gravity.

Almost all cases of rape and robbery have resulted in homicides, often with particular brutality. In the case of serial rapes, however, the perpetrators generally did not survive.

Thus, with very unfavourable criminological characteristics, about half of those convicted still maintained social ties and seemed to plan to be released from prison.

At the end of the 1990s, it became evident that a more comprehensive and objective picture of the socio-demographic and psychological portrait of a prisoner sentenced to life imprisonment required a long and comprehensive study of his or her personality.

The results of subsequent studies of life prisoners in the correctional facility in Ivdel, Sverdlovsk region, conducted in 1998, show the following: about 56% take a passive personal position, try to avoid failure, tend to "swim with the current", etc., 57% are able to objectively assess the current extreme situation, control their behavior and take adequate measures in situations of fear, stress, 52% are optimistic, hoping for release from prison and the device. By the nature of the actions in a stressful situation, the convicts: They experience "unpleasant situations" in a depressed state, which is aggravated by deep stress (their answer was the most widespread), have a clear tendency to aggressive actions, which can be manifested in demonstrative disobedience to the administration, taking hostages, Attacks on employees with the aim of seizing weapons, beating of inmates, escape from prison (second place), go into the world of inner feelings and turn to God (third place), tend to nostalgic memories (fourth place), prefer to go into the world of dreams and illusions about the future (fifth place), etc. . In addition, according to the results of the survey, about half of the convicts strive to be released from prison for the transition to a quiet family life, as they

have retained social ties.

Let us separately highlight the following results of the research conducted in 1998

- Only about half of the convicts got acquainted with the Penal Enforcement Code of the Russian Federation (which replaced the Correctional Labour Code of the RSFSR), and they focused on the execution of the sentence in the form of life imprisonment, and about one in twenty people expressed their satisfaction with the provisions of the Penal Enforcement Code of the Russian Federation;
- About half of the inmates expressed dissatisfaction with the duration of their walks and the conditions of their exercise;
- About a third of the convicts disagree with the current situation and will try to secure their release by all means;
- More than half of those convicted believed that they should be held in cells of two or three to six people each;
- The majority of the convicts expressed dissatisfaction with the quantity and quality of food, the lack of warmth and dissatisfaction with their sexual desires;
- More than half of them were not satisfied with their state of mental health, therefore they wished to communicate with a psychologist as often as possible;
- About half of the convicts did not see any prospects of their release.

Thus, the mental state of the majority of prisoners did not allow optimistically assessing the effectiveness of their normal post-penitentiary adaptation, for example, in case of their conditional release.

In general, penitentiary psychology usually distinguishes between three stages of imprisonment: adaptation, basic and final. At each stage, dynamic changes in the social-legal and psychological characteristics of the convict's personality are recorded.

The results of psychodiagnostic studies conducted during the period of adaptation of convicts to life imprisonment (1993, 1995, 1998) have shown that more than half of them take a passive personal position in the form of "self-care" and have a state of deep "out" with motivation to avoid failures and intentional "floating in the current". In terms of internal tension, they tend to be psychologically unstable, impulsive, irresponsible in extreme situations (from suicide to hostage-taking) and have a steady tendency to act aggressively, which may manifest itself in the demonstrative disobedience of the administration, hostage-taking, attacks on prison staff, beating of inmates, and high conflict threshold. At the same time, their behaviour may be unpredictable.

The next stage (from 3 to 5 years) from the moment of arrival at the institution is a kind of awakening. During this period, 30% of the convicts show interest in life, approximately one in ten starts to take an interest in religion, and 70% have questions about the prospects of serving their sentence and the possibility of release. This period can be referred to as a "device".

In the process of execution of life imprisonment, an important place is occupied by the regime of serving the sentence, which actually covers all aspects of the activities of the correctional institution. By the way, for the first time Professor A.L. Remenson drew attention to the qualitative side of the regime of serving a sentence, who introduced the concept of punitive educational process into the theory of correctional labour (penal and correctional) law (Remenson, 2003).

As practice has shown, the regime of execution of life imprisonment requires the application of a number of legal, organizational, psychological, pedagogical and other measures arising from the need to take into account the personality of convicted persons, to ensure an adequate level of security and law and order in the relevant institutions. However, it is unlikely that these measures should strengthen the very nature of the criminal legal punishment, which is inherent in the deprivation of liberty as a form of criminal punishment, if only because the most severe type of punishment (from those currently applied - note: the author's note) - is life imprisonment.

Our research has shown that an attempt to cross this threshold can lead to a contradiction between penal legislation and its application and the principles of humanism and respect for human dignity, as well as with generally accepted international legal standards for the treatment of prisoners, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Increased security measures and supervision of this category of convicts in general are conditioned by their increased social danger. This contributes to the prevention of crime, interpersonal conflicts, suicides and other violations of the established regime for serving sentences.

According to Article 127 of the Penal Enforcement Code of the Russian Federation, two people each are sentenced to life imprisonment. Our observations for a long time testify to the fact that an individual, being in such isolation conditions, is deformed socially and psychologically.

And if in the first two or three years the overwhelming majority of the convicts (about 90%) have thoughts about the past and self-analysis of what happened, then later they try to understand the very life imprisonment, to imagine the prospect (albeit ghostly) of being released.

Meanwhile, it is obvious that if there is a possibility of parole (or otherwise: in connection with a serious illness of a convicted person (Article 81 of the Criminal Code of the Russian Federation), in case of pardon (Article 85 of the Criminal Code of the Russian Federation), it is necessary to comprehensively monitor the mental state of a person to prevent him/her from committing another crime.

A special census of convicts and remand prisoners, conducted in 2009, also touched on those sentenced to life imprisonment:

- Socio-demographic characteristics: 74.2 per cent of all those sentenced to life imprisonment are men aged 30 to 50; 96.2 per cent are Russian citizens; 91.2 per cent have a secondary education; 54.2 per cent did not work before their conviction; and 70.4 per cent were unmarried (a clear decrease compared with the 1990s) In the twentieth century, the number of convicts with social ties was 81.8%, including 70.6% Orthodox or Christians of another confession;
- Medical characteristics: 92.2 per cent do not suffer from mental disorders (these data require further study-note: 99.4 per cent do not suffer from HIV infection and 69.1 per cent from tuberculosis);
- Criminal characteristics: 50.6 per cent committed an offence of complicity and 20.4 per cent as part of an organized group or criminal association; 52.4 per cent were initially sentenced to life imprisonment and 47.6 per cent to the death penalty;
- Penitentiary characteristics: 62.3% served more than 10 years; 73.6% previously served their sentences in the form of imprisonment and 18.7% were conditionally released (which requires clarification of the criteria for its application and overall adjustment of the institution - note the author); 95.5% serve their sentences outside their place of residence or conviction (i.e. far from relatives and close friends - note:); 68.6% are held in strict conditions (i.e. are characterized by a negative administration of the correctional facility - note:); 85.3% are able to work and 79.1% are involved in socially useful work (Kokurin, Seliverstov, 2011).

CONCLUSIONS

Comparative legal (socio-demographic, criminal-legal, penal and psychological) characteristics of the personality of life convicts at different stages of serving the sentence and the results of our research give grounds to believe that their psychotype changes significantly in the process of serving the sentence, but at the same time its stable criminal attitudes remain. Being in isolation for a long time, the majority of convicts have the effect of “frozen stress”.

Thus, the results of our study of 28 life convicts serving their sentences in special-regime correctional institutions in Altai Krai Federal Department of Corrections (this group was first studied by us in the 1990s.) show that 70% of them are on the operational record as prone to escape, hostage-taking and suicide, 72% are recognized as persistent violators of the detention regime, only 28% have signs of guilt and remorse (72% admitted partially and did not repent), 88% have a high level of aggressiveness and conflict, and 64% of professional and social skills are unstable and 4% - not formed at all. In addition, the age of this category is 60-65 years, 90% of them have lost social contacts, professional and labor skills. As a rule, these are disadapted individuals in the conditions of new life realities, who have retained their experience of criminal activity and a high degree of social danger, and 70% of them will need social patronage after their release.

Currently in Russia there are more than 2,000 persons deprived of their liberty for life, of whom more than 200 have the opportunity to be released on parole in accordance with Article 79 of the Criminal Code of the Russian Federation; at the same time, this provision of the criminal law is not focused on the proper consideration of their mental health, social ties and other circumstances. Moreover, article 79 of the Criminal Code does not aim at the need for a comprehensive study of the personality of the convicted person in order to prevent him or her from committing another crime. It seems that the application of this type of early release from serving a sentence in respect of the category of persons under consideration should take into account the peculiarities of the characteristics of their personality in order to effectively achieve the goals of the application of criminal punishment, enshrined in Article 43 of the Criminal Code of the Russian Federation.

Our results of 25-year criminological and psychological research (1993-2018) of life imprisonment convicts show that it is obvious that it is necessary to continue this work, to strengthen the psychological support of corrective action in their respect, to clarify the criteria for their possible conditional release from serving their sentence, as well as to organize post-penitentiary control over their behavior, which will require adjustment of the criminal, penal and other legislation.

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Use of innovative potential and problems of innovative development at the enterprises of the oil and gas industry of Uzbekistan

Uso de potencial innovador y problemas de desarrollo innovador en las empresas de la industria de petróleo y gas de Uzbekistán

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ABSTRACT

In the article the innovative potential for the companies of oil and gas industry of Uzbekistan is considered in more detail. It also tells about innovative capital and innovative activity of «Uzbekneftegaz» JSC, about their advantages and disadvantages. The article describes in detail the existing programs of the companies providing for modernization, improvement of the technical level of production and the required provision for the production of competitive products oriented to export and substitution of imported products. Diagnostic analysis of the efficiency of formation and expenditure of innovative capital on the basis of analysis of statistical reporting data for 2016 and 2017 for all sub-companies of «Uzbekneftegaz» JSC is given. In order to increase the efficiency of the usage of innovative potential in the industry, it is proposed to develop appropriate stages using the model-scheme. The envisaged implementation measures for the necessary transition to modern forms and mechanisms of science financing and innovation activity support are described in more detail. Conclusions and problems of diagnostic analysis and proposal for improvement of innovation potential and innovative development at oil and gas companies of Uzbekistan are also given.

Keywords: gas industry, oil, strategic direction, alternative fuels, innovative potential

RESUMEN

En el artículo se considera con más detalle el potencial innovador para las empresas de la industria del petróleo y el gas de Uzbekistán. También habla sobre el capital innovador y la actividad innovadora de «Uzbekneftegaz» JSC, sobre sus ventajas y desventajas. El artículo describe en detalle los programas existentes de las empresas que prevén la modernización, la mejora del nivel técnico de producción y la provisión requerida para la producción de productos competitivos orientados a la exportación y sustitución de productos importados. Se proporciona un análisis de diagnóstico de la eficiencia de la formación y el gasto de capital innovador sobre la base del análisis de datos de informes estadísticos para 2016 y 2017 para todas las sub-empresas de «Uzbekneftegaz» JSC. Con el fin de aumentar la eficiencia del uso del potencial innovador en la industria, se propone desarrollar etapas apropiadas utilizando el esquema modelo. Las medidas de implementación previstas para la transición necesaria a formas modernas y mecanismos de financiación de la ciencia y apoyo a la actividad de innovación se describen con más detalle. También se presentan conclusiones y problemas de análisis de diagnóstico y propuestas para mejorar el potencial de innovación y el desarrollo innovador en las empresas de petróleo y gas de Uzbekistán.

Palabras clave: industria del gas, petróleo, dirección estratégica, combustibles alternativos, potencial innovador.

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Introduction

The period of development of market relations in the Republic of Uzbekistan posed a number of problems for enterprises, the main of which are the development of organizational and legal forms of management, the reform of the enterprise management system and the introduction of organizational models that best meet the goals of maximizing profit and multiplying capital, as well as solving social problems. New forms of integration of business entities and the formation of corporate structures made it possible to take a fresh look at the role of the financial and economic management mechanism and identify new priorities for its functioning. The effectiveness of the country's economy largely depends on the solutions to the problems of sustainable development of corporations that make up the organizational basis of economic life. It is no coincidence that the First President of our country I.A. Karimov in his report at a meeting of the Cabinet of Ministers on the results of the country's socio-economic development in 2014 and the most important priority areas of the economic program for 2015 noted: "A radical change in the principles and approaches in the corporate governance system, the introduction of modern international corporate management standards require serious attention production, foreign economic and investment processes".

As recent studies show, the vast majority of investors consider the practice of company management bodies as a factor that is even more important than the financial performance of their activities.

In this regard, at present, the issue of improving domestic corporate governance systems in Uzbekistan, which determined the choice of the topic of dissertation research.

Decision. The implementation of this goal necessitated the solution to the following **tasks**:

- to study, summarize and systematize the views of leading domestic and foreign scientists on the problem of the content of the category "corporate governance";
- to clarify the concept of "potential of the corporate governance system", the set of its mechanisms, highlight the basic principles of corporate governance and determine its place in the enterprise management system;
- to highlight the general characteristics and characteristics of corporate governance models used in international and Uzbek practice;
- to establish the relationship between corporate governance and investment attractiveness, justify the need for a center for investor relations in the company;
- to formulate relatively objective criteria and build an integrated index for assessing the quality of corporate governance;
- to analyze corporate governance models used in the oil and gas industry and evaluate the quality of the management system;
- to develop program on improvement of the corporate governance system for a qualitative improvement in the functioning of enterprises on the basis of the deficiencies identified as a result of the analysis.

The methodological basis is that the proposed methodological developments and practical recommendations can be used as tools for improving corporate governance. The application of methodological recommendations developed by specific measures by the author to improve the corporate governance system for the oil and gas industry in order to increase the efficiency and sustainability of its activities will significantly increase corporate governance effectiveness.

The methods of research were fundamental and applied research in the field of corporate governance, of domestic and foreign scientists. The work uses general scientific methods of analysis and synthesis of information, theoretical generalization, comparative analysis, economic and statistical methods, as well as a systematic integrated approach.

Decision:

- determined and systematized methods for assessing the level of corporate governance, proposed from the position of legal support and based on the weighting of various indicators, as well as from the position of efficiency, based on the application of economic, mathematical-statistical, optimization and economic-mathematical types of analysis;
- established The influence of the ownership structure on the level of corporate governance, characterized by the degree of concentration of ownership
- developed methodological approaches to the formation of an effective corporate governance infrastructure based on the use of the corporate secretary presence model and observance of fiduciary duties by board members;

Implementation of the results. The scientific provisions of the dissertation research were discussed at conferences and scientific seminars.

Materials of the dissertation research can be used for the course "Corporate Governance", "Management", «Theory of Organization», "Management Consulting".

Innovative potential is the accumulated level of knowledge in combination with material and organizational conditions that ensure the use of this knowledge for the purposes of scientific, technical and economic development of an enterprise. There are at least two components in this definition: resources and the result of their use. This directly leads to the following, continuously linked to the previous one category of “innovation capital”, which represents a realizable innovation potential, ensuring profit or other innovative effect.

All scientific, technological, organizational, financial and commercial activities that actually lead to the implementation of innovations can be defined as innovative activities, including research, development and introduction of new products and processes, new methods of product sales, as well as changes in organizational practice and structure of the enterprise.

Innovative capital of enterprises included in the system of JSC Uzbekneftegaz is an innovative system of oil and gas industry of the country and it has the same advantages and disadvantages as the National Innovation System as a whole¹.

In this article we wish to concentrate on factors, stopping innovative activity of industry enterprises:

- its functioning is aimed at solving specific problems that are not subordinate to the general goal of innovation development;
- there is no single targeted innovation policy, drawn up in the form of a program document for medium and long term perspective. The existing programs of enterprises provide modernization, improvement of technical level of production and require the production of competitive products oriented for export and replacement of imported products. However, these programs do not include related measures to stimulate the development of local scientific potential, training and retraining of personnel, the creation of supportive structures and the introduction of innovations into production;
- lack of financial resources.

Diagnostics of the state and efficiency of the formation and use of innovative capital based on the analysis of statistical reporting data for 2016 and 2017 using the forms “1 - innovatsiya shakli” and “1-fan shakliga ilova” allow us to conclude that in almost all enterprises innovative activity is carried out not actively enough.

In 2016, innovative developments accounted for only 6.8% in the total volume of output, in implemented sales they reached 6.7%, and 17.5% of the total sales volume was sold outside the country. At the same time, more than 98% of innovative products were produced and sold by JV UZ-KOR GAS CHEMICAL LLC.

In 2017, the share of innovative developments increased slightly in the volume of output and compiled 10.4%, while in sales outside the country it reached 19.7%. In general, there was a 2-fold increase in innovative products and its volume amounted to 1949 billion soums. However, like in the previous year, almost 100% of innovative products were produced and sold by JV LLC UZ-KOR GAS CHEMICAL.

The cost of all types of innovation activities amounted to 118.6 billion soums in 2016, including those carried out at their own expense - 26.5 billion soums. All costs were directed to technological innovations, of which 115.7 billion soums or almost 98% were process innovations. Machinery and equipment were mainly purchased at their own expense for the implementation of technological investments. New technologies were acquired by borrowed funds. Part of the costs from their own funds (only 2.6%) was directed to the research and development of new products, services, methods and processes².

In 2017, the costs of types of innovative activities decreased by 93.8 billion soums and were carried out only at the expense of own funds.

Compared to 2016 when 93.2% of own funds were used out of all costs to purchase machines for technological innovation for all types of innovative activity, in 2017 95.2% of own funds were allocated for these purposes.

In 2016, 86 innovations were introduced in general in oil and gas industry of which 70 were in-house and 18 were implemented with the participation of other organizations (SRI). In the reporting year, the Bukhara Mechanical Plant showed the greatest activity, which introduced 32 technological (product) innovations on its own, that is more than 36% of the total number of implemented measures, Urgenchtransgaz Subsidiary (7 events) and IGIRNIGM JSC (6 events).

In 2017, the number of implemented applications in comparison with the previous year decreased to 46, or by almost 50%. At the same time, in the reporting year, they did not report on the implemented activities of IGIRNIGM JSC, Karbonam LLC and Neftegazkhimmash JSC.

In 2016, enterprises of the industry created 12 and acquired 18 new technologies, and in 2017 only 7 technologies were acquired by them.

¹ Resoluton of the President of the Republic of Uzbekistan No. PP-4388 dated 9 July 2019 on “About measures for stable providing economy and the populat on with energy resources, f nancial improvement in enhancement of management system oil and gas industry”

² Report on the research work of O'ZLITINEFTGAZ JSC “Analysis of reporting data on the statistical form” 1-innovatsiya shakli ” for enterprises of Uzbekneftegas JSC and preparat on of analytical informat on with conclusions and suggest ons for revitalizing the industry” Tashkent, 2019

A slightly different picture, while maintaining the general trends, is shown by the reporting data on research and engineering development.

In 2016, the enterprises of oil and gas industry of Uzbekistan made 2154.3 billion soums out of the total amount of work, using their own resources. In this number, research and development and development amounted to only 2.9% of which research and development - by 28.5 billion soums. The most significant contribution within this amount comes from IGIRNIGM JSC (69%) and UzLITIneftgaz JSC (15%).

Only IGIRNIGM JSC and NEFTGAZTADQIQOT JSC were engaged in fundamental research, which makes up only 8% of research and development volume. Design work for construction was performed only by UzLITIneftgaz JSC (86.8% of research and development volume).

In 2017, the share of research and development activities carried out at their own expense decreased to 1.5%, remaining by cost almost at the level of 2016. And this year the largest volume falls on IGIRNIGM JSC and UzLITIneftgaz JSC. Design work for construction was carried out only at UzLITIneftgaz JSC.

In 2016, research and development costs amounted to 75 soums per 1 sum of fulfilled research and development activities, and in 2017 this amount was 74 soums. At the same time, 89% of current expenditures were accounted for scientific and technical developments and 11% for applied research and fundamental developments were not carried out.

Mainly customer funds were sources of financing costs for research and development carried out in-house. In addition, own funds and foreign investments were attracted and in 2016 - funds from the Republican budget were used.

For the years analyzed, about 70% of the number of employees engaged in scientific research are specialists - researchers, and the rest are technicians, auxiliary and other personnel. Among research specialists, approximately 90% have a higher education. In 2017, there were 8 doctors of science, and 32 candidates of science among the researchers.

1. Adoption of a special program for the development of competition in the innovation capital market; 2. Formation of the topics of current (priority) innovative developments; 3. Constant monitoring of goals implementation; 4. Systematic provision of balanced demand and proposals for innovative developments; 5. Formation of the list of required for the industry and secured by demand innovative developments; 6. Monitoring of timely development and introduction of innovative developments; 7. Regulatory support of the innovation system of Uzbekistan; 8. Adoption of legislation on the protection of intellectual property, the results of innovative developments from their use; 9. Improving personnel policy; 10. Transition from management of expenses to management of results from introduction of innovative developments; 11. The increase in the volume of financing of innovative developments; 12. Regulations for systematic certification of scientific and scientific-production personnel. 13. Intensify the process of rejuvenation of scientific personnel; 14. The introduction of standards for the evaluation of intellectual property and the results of the introduction of innovative developments; 15. Creating a system of equity financing of innovative activities; 16. Creating an organization for the protection of intellectual property, the results of innovative developments from their use; 17. Reducing the tax burden and legislative consolidation of tax benefits in the implementation of their own innovative developments; 18. Providing access to credit resources; 19. Export promotion; 20. The transition from cost management to management of results of innovation; 21. Increasing funding for innovative research; 22. The system of incentives for the creation and implementation of innovative developments.

For the development of measures to improve the efficiency of the use of innovative potential, one should use a model scheme for increasing the efficiency of its use in fuel and energy companies, including Uzbekistan's oil and gas industry (Fig. 1). At the same time, the main attention at the level of oil and gas industry, as can be seen from the above diagram, should be paid to:

- formation of the innovation capital market - the formation of a list of necessary for industry, demand-driven, innovative developments and monitoring of timely developments and the introduction of innovative developments;
- creation of regulatory framework - the development of regulations for systematic certification of scientific and research and production personnel, and on this basis, the revitalization of the process of rejuvenation of scientific personnel;
- stimulation of the introduction of innovative developments - the transition from cost management to managing the results of innovation, increasing funding for innovative research, improving the system of incentives for the creation and implementation of innovative developments.

Industrial innovative capital and innovative capital of enterprises in some cases remain unclaimed, mainly due to imperfect competition. Therefore, it is necessary to develop a special industrial strategic program to develop competition and create conditions for expanding the market capacity of industrial innovative capital. It should first of all cover the creation of the necessary regulatory framework for innovation, should include addressing topical issues of stimulating production in matters of commercialization and introduction of new equipment and technologies, production of modern high-tech competitive products, and export development³.

³Decree of the President of the Republic of Uzbekistan No UP-4947 dated 7 February 2017 on "Uzbekistan's Five-Area Development Strategy for 2017-2021"

Increasing the capacity of innovation capital market is of paramount importance in the process of forming a system of innovative cooperation between science and production. Moreover, it is associated with the optimal combination of investing into the development of new technologies for this production of other enterprises with investing capital in developing and implementing their own innovations. It is necessary to implement measures for the development of knowledge-intensive industries, modernization, technical and technological re-equipment of production. Scientific institutions, as shown by the results of annual fairs of innovative ideas, technologies and projects, have sufficient potential to offer modern innovative developments in various areas of engineering and technology.

In this regard, the transition to modern forms and mechanisms of financing science and supporting innovation, which should include the implementation of the following measures with a view to innovative development, is necessary.

Firstly, a gradual increase in the volume of budget financing of research expenditures and innovation support, taking into account the introduction of criteria for their effective use.

Secondly, the concentration of funds on the financing of particularly important basic and applied research carried out by research teams.

Thirdly, in the field of industrial higher education, it is necessary to provide a concentration of grant resources for the implementation of educational programs within the foreground areas of science, engineering and technology, necessary for the industry, to realize grant funding to individuals (researchers) in new important areas of science development, and registration of patents on the results of R & D.

Mechanisms of direct partnership with private capital should be included in the conditions of low innovative activity, along with instruments of indirect stimulation.

It is necessary to develop fiscal instruments that provide significant benefits in the implementation of R & D, financing the initial stages of innovative projects. An important step could be long-term financing on a returnable basis at a low interest rate, insurance of investment projects. Thus, the industry through the appropriate institution will share with the entrepreneur and private investor the risks inherent in innovative projects.

It is important to develop international cooperation in the use of strategy of “borrowing” innovative technologies through institutional strengthening, creating a joint venture.

And another very important aspect of ensuring the innovative development of enterprises in oil and gas industry is reducing the tax burden in order to create financial resources that ensure the creation and implementation of innovative developments. This is especially important for the extractive enterprises of the oil and gas industry of Uzbekistan.

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Collaborative and Reflective Practices through Project Approach in Early Childhood Education

Prácticas colaborativas y reflexivas a través del enfoque de proyectos en educación infantil

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ABSTRACT

The role of collaborative and reflective practices is significant as they help improve teaching and learning in today's technological dependent environment. This article aims to present and discuss an explorative study on early childhood educational practices of employing the Project Approach (PA) to demonstrate the collaborative work between researchers and practitioners as well as the reflective practices. The study employed an Action Research design involving the researcher, two preschool teachers and six children. Data were gathered through observations, interview and reflective journals. Four objectives were set according to the phases of an action research to: i) observe the existing teaching and learning practices; ii) train teachers to be critical reflectors; iii) do a simulation of project work with children at the fieldwork; and iv) critically reflect the collaborative practice in PA. Findings observed the collaboration and reflective practices between the researcher and the teachers transformed the teacher centred approach to a more child-centred as more opportunity for adult-children interactions were provided. The teachers became more responsive towards the children's needs. It can be concluded that with the right methods and tools provided in the training of teachers, teaching practices can be altered to enhance learning.

Keywords: Collaborative, Reflective, Project Approach, Early Childhood Education, Action Research

RESUMEN

El papel de las prácticas colaborativas y reflexivas es importante, ya que ayudan a mejorar la enseñanza y el aprendizaje en el entorno tecnológico dependiente de hoy. Este artículo tiene como objetivo presentar y discutir un estudio exploratorio sobre las prácticas educativas de la primera infancia de emplear el Enfoque del Proyecto (AP) para demostrar el trabajo colaborativo entre investigadores y profesionales, así como las prácticas reflexivas. El estudio empleó un diseño de investigación de acción que involucró al investigador, dos maestros de preescolar y seis niños. Los datos fueron recolectados a través de observaciones, entrevistas y revistas reflexivas. Se establecieron cuatro objetivos de acuerdo con las fases de una investigación de acción para: i) observar las prácticas de enseñanza y aprendizaje existentes; ii) capacitar a los maestros para ser reflectores críticos; iii) hacer una simulación del trabajo del proyecto con niños en el trabajo de campo; y iv) reflejan críticamente la práctica colaborativa en AP. Los resultados observaron que la colaboración y las prácticas reflexivas entre el investigador y los maestros transformaron el enfoque centrado en el maestro a un enfoque más centrado en el niño a medida que se brindaban más oportunidades para las interacciones entre adultos y niños. Los maestros se volvieron más receptivos a las necesidades de los niños. Se puede concluir que con los métodos y herramientas adecuados proporcionados en la formación de los docentes, las prácticas de enseñanza pueden modificarse para mejorar el aprendizaje.

Palabras clave: Colaborativo, reflexivo, enfoque de proyecto, educación de la primera infancia, investigación de acción

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1. INTRODUCTION

Children learn through learning rather than learning content (Siraj-Blatchford, Taggart, Sylva, Sammons, & Melhuish, 2008). Hence, the learning environment is important in the development of children's learning. They need an environment that enables active and positive interaction and gives children the opportunity to explore spontaneous learning (Hedges, 2011). This can be gained through the Project Approach (PA) (Katz, 1995) as it enhances and guides children to engage with discussion, decide the topic of interest, carry out in-depth observation and investigation of real-world topics. It also involves competence and social skills such as social study, art and creativity; intellectual skills which is analysis, reasoning, synthesis and evaluation as well as academic skills like science, mathematics and literacy (Mendoza and Katz, 2013). The skills are for assisting children to learn based on experiences and understanding through events and phenomena that happen in their surroundings.

PA has therefore been implemented in several Malaysian preschool settings (Rahman et. al., 2011; Rahman et. al., 2012; Ng & Abdullah, 2012; Abdul Rahman, 2015). However, Ng & Abdullah (2012) also discovered that teachers lacked in-depth understanding about the approach itself and therefore affected the implementation of the PA. Meanwhile, Abdullah, 2009 and Hooi et. al. (2013) found that teachers also lack awareness and exposure and have limited understanding about diversity that is vital in implementing the PA. In addition, Yunus (2013; 2014) reported that culture and context play a great barrier to the implementation of PA. Cultural practices have also been found to be a concern in learning among young learners (Yamat, 2013). Hence, in order to minimize the lack of awareness and understanding, there is a need to have consistent collaborative work between researchers, field experts, teachers, practitioners, administrators, and parents. This collaborative effort would assist in understanding the roles of every individuals or parties involved in educating young learners and in the development of their human characteristics (Cole, 2005).

In addition, reflective practice allows practitioners to learn about themselves through their experience, work, and importance to society and culture. It helps improve teaching as begins with teachers identifying a problem context, then defining/refining the context, seeking possible solutions, experimenting with solutions and finally evaluating the result (Murray, 2015). The application of reflective practices helps individuals improve and advance existing or practical practices (Walters, 2013).

Hence, this paper aims to illustrate the collaborative and reflective practices through the Project Approach implemented in one purposively selected private pre-school. The collaborative effort started when the Head of the preschool approached the researcher in her attempt to improve the teaching and learning practices in her preschool. This article therefore begins with a brief literature on Project Approach (PA) and Reflective Practices. The methodological concerns and findings of the study then follow prior to a discussion of the findings and the conclusion of the study.

2. LITERATURE REVIEW

The Project Approach (PA)

PA is an approach known to apply the concept of emergent which is similar to the Reggio Emilia Approach (REA) from Reggio Emilia, Italy. PA and REA both apply long-term projects as educational tool in early childhood classrooms (Glassman & Whaley, 2000). PA has no definite lesson plan (Glassman & Whaley, 2000), but it provides a more well-rounded hands-on curriculum (Beneke, 2000). The project topic emerges from the teacher's observation of children's interest, or proposed by children or both (Katz, 1995). There are three phases in the planning for the PA; that can be done by individual, group or the whole class (Katz & Chard, 2000). The first phase is a process of selecting the project topic. The teacher plays an important role in intriguing children's interest of project topic through discussion; and assisting children to formulate the questions for the investigation in phase two (Helm & Katz, 2001). In the second phase, children will seek the answer(s) for their question(s) and will make preparations for further investigation such as looking up in books, doing internet search, exploring objects, field-site visitations, experts' visits, and other multiple resources. At the end of the phase, the children may have to review the questions that they have developed; to determine which questions have been answered and which that have not been. The children will share their findings of the project topic through documentation such as journal of the progress, models that have been created, drawings or paintings, or other forms of presenting their findings. The children may also conduct an exhibition of their project work; which they could invite their parents and present the process of investigation and findings to them. All these require a substantial amount of team work and definitely the need for collaboration for each of them would have their own roles to be played and tasks to be completed. In addition, through project work, the children learn to understand their roles as learners. They become the explorer and are able to construct the meaning and concept of the topic of interest when they do the research and construing meaning as they seek the knowledge by themselves (Li, 2012). In addition, PA is a curriculum that enhances children's learning through in-depth exploration of particular topic or interest (Katz, 1995; Katz and Chard, 2000; Mendoza and Katz, 2013). Therefore, PA is considered as a learning product in which the process develops children's holistic skills in the aspect of cognitive, physical, social, emotional and self-aesthetic.

Reflective practice

As the goal of reflective practice is continuously improve one's teaching, it has become a criterion for teaching professionals in many countries (Larrivee, 2008, 2009). Larrivee (2008) further introduced four types of reflective practices, namely i) Pre-reflection (does not involve teachers to think through the situations or consider alternatives or adaptations); ii) Surface reflection (technical level of reflection involving strategies and methods from tried and tested experiences which allow them to meet predetermined goals); iii) Pedagogical reflection (teachers seek to improve their practice by combining and applying their teaching knowledge with theories and research they have encountered); and iv) Critical reflection (teachers think

about the consequences of their practices on students). Meanwhile, Murray (2015) introduced an innovative form of collaborative and reflective practices through what she named as collaborative reflective teaching cycles (CRTC). The study illustrated the use of a cyclical approach of teachers collaborating in planning to teach and reflecting on their teaching.

“Reflection practices are challenging assumptions, ideological illusions, social prejudices and cultures, inequities and questions of destructive personal behavior that might silence the voices of others or otherwise they are marginalized” (Bolton 2010, p.5). In Early Childhood Education, how children are taught will determine their overall educational outcomes, the strength of self-esteem and their continued involvement with the world around them (Leeson, 2010). To be a reflective practitioner, researchers always ask themselves. Among the issues that are playing in mind is why is there a need for change? How can a change be made? What should be changed? How to do it? Can change occur? Can people accept changes? How to convince people to accept change? What are the obstacles? What are the advantages and disadvantages? Each of these questions requires researchers to refine critically to better understand. This understanding led the researcher to include reflective practices of an Action Research concept that requires researchers to challenge existing practices for making changes and improvements.

3. METHODOLOGY

The collaboration for the study discussed in this article started when the Principal of the SMART Preschool (pseudonym) approached the researcher to discuss on how to improve the teaching and learning situation in her preschool. SMART Preschool is a private preschool founded in 2012 by the Principal with the sense of responsibility to provide the opportunity for children to learn through hands-on experience and thematic education. Since 2012 to 2014, the preschool has provided meaningful learning to 50 children aged three to six. At the end of 2014, the Principal approached the researcher to discuss on the possibility of collaboration between the researcher, the Principal and the teachers of SMART preschool. The first observation therefore started in 2015.

The purpose of the study reported in this article was twofold. 1. To adapt the PA as a teaching and learning practice in early childhood education at SMART preschool. 2. To implement a collaborative and reflective effort between the researcher and teachers through an action research study. Four specific objectives were set based on the cycles of an action research.

Action research was applied to reach in-depth understanding of situation and to formulate effective solutions to the problems (Stringer, 2004). Through action research, the researcher and the teachers could collaborate in working together to take a systematic action to resolve specific problems within the context of that particular culture. There were four objectives in this particular adaptation and collaboration research which; in line with the steps of an Action Research. They are: i) observation of the existing practices (analyse), ii) plan suitable project work (plan), iii) simulation of the project work with the children (implement), iv) evaluate the implementation of PA (reflect). Each of the four objectives plays a different role:

Objective 1- Observation of the existing teaching and learning practices

Stages of observations were carried out by the academician in order to understand the culture of teaching and learning practice before the adaptation of TPA at the preschools. The purpose of it, was to study the teachers' understanding and their culture and how their culture and context influenced their approach to teaching young children. In addition, the purpose was also to understand their pedagogical practice before approaching them to change their practice - from academic orientation to TPA. This phase also involved taking active steps towards collaborating the research work with the teachers.

Objective 2 – Plan suitable project work

From the observations made of the existing teaching and learning processes, the researcher and the teachers discussed a suitable project that can be implemented based on socio-cultural and context of the local children at the preschool.

Objective 3 – Simulation of Project Work with Children

The key persons started to practice the project work by planning and discussing with children. After the simulation, the researcher and key persons collaborated to reflect and review for the next phase of the PA; specifically on the improvement and enhancement of children's learning.

Objective 4 – Reflective Practice

Reflective practice can develop high level thinking of practitioners (Bolton 2010; Neaum 2013; Jasper 2013). Hence, it was applied during observations, thinking, analyses of the situation and also during decision making for improvement. The reflective is a continuous action that was applied during the whole course of this study. It is also applied as part of the professional development to nurture and improve the practice (Walters, 2013).

Participants

The researcher involved in this study played the role as an observer and facilitator who helped to guide the implementation of the PA. Two preschool teachers were involved as collaborators and they were the key persons in improving their existing practice. These are non-trained and non-qualified teachers in private preschool who were initially using exercise books and employing a teacher-centered approach to teaching and learning practices. In addition, the Principal of SMART preschool was also involved in the discussion and reflection process. (In such instances, the use of the term practitioners includes the Principal and teachers). A total of six children were observed in their natural daily activities in the first and third phase of this study. From the observations, the researchers and

teachers then planned suitable project work that met the children's cultural background (Malay) as well as the teachers' knowledge about the topic in order to achieve more meaningful learning for the children. Table 1 shows a list of participants and their participation type.

Table 1. List of participants

Phase	Participants	Total number	Type of participation
1	a. Researcher (as observer)	1	Observing the teachers teaching and learning practice in naturalistic environment
	a. Researcher (as Facilitator)	1	Observing children and analyzing their interest for project work planning Facilitating teachers with the phases of project work
2			Reviewing the adaptation of project work into Malaysia socio-cultural context
	b. Key person	2	Suggesting the project work based on children's interest and socio-cultural context
3	a. Researcher (as Observer)	1	Observing the teachers teaching and learning practice in naturalistic environment
	b. Key person	2	Facilitating children with the process of project work when needed
4	c. Children	6	Their activities were observed without interruptions or testing
	a. Researcher (as Facilitator)	1	Critically reflecting on the simulation and making any amendments for improvement
	a. Key person	2	Critically reflecting on the practice

Data Collection and Analysis Procedure

Reflective practice was the main resource in collecting the data. The journal and photos from observations were the main tools in analyzing the data. It was gathered from the discussion between researcher and practitioners; and naturalistic observation on the socio-cultural practice. Data gathered from the reflective journal were analyzed to discuss the processes and outcomes of the study.

4. RESULT AND DISCUSSION

Results are categorized into phases and are discussed in terms of the processes and outcome of adaptation and the collaborative research.

Objective 1

From the first observation researchers' identified that teachers preferred children (age 3 to 6 years old) to use text and work books during teaching and learning sessions. They had a structured schedule to follow based on the subjects such as, mathematics, language (English and Malay), science, religious study, as well as art and crafts. Most of the time teachers decided on what children's learning ought to be. There was a time when a teacher asked children what they would be interested to learn, but they were unsure what to do and decided for teachers to choose for them. It was also observed during the scheduled subjects, when teachers asked a question; children often been seen to lose focus in learning and unable to give an answer. It indicated that the children were not used to the idea of them being actively participating in the decision making process.

The researcher reflected that it could be because of the learning culture at the preschool where teachers always gave instructions and decided on the learning activities without negotiating with the children. Children needed to listen and follow without any argument on what should they do and learn. The culture was also lacking in terms of teacher-child interaction. It was always one-way interaction; teacher as instructor and children as receiver. Even though there were times teachers asked children what they would like to learn, because of children were used to be the receiver, they could not decide or give ideas. In other words, they were passive learners, therefore, it is important that teachers be trained on how to create environment where children would feel 'safe and secure' to interact with adults.

Objective 2

Facilitator, key person and expert panel had all decided on planting few plans as the first project work to start with children. It was decided when children showed an earnest interest on how the tree could grow so big and high, and different type of trees that they found within their surroundings. Figure 1 shows the planning notes on planting project as a guideline for key persons before starting the simulation with the children. The discussions are important for the key persons, as they would adapt the project work into teaching and learning without text and work books. The expert panel also agreed that, the planting project will be the benchmark for next project work. This project work will be the first adjustment for them.

Objective 3

The third phase of project work were done without having much difficulties, as children were excited to have the chance to take lead on their own learning. This project work lasted for two weeks. Starting from exploring the beginning to the end cycle of the plant. The key persons showed positive acceptance in allowing children to decide their own learning. They even encouraged children to explore and do their own experiment without giving an instruction as before (Figure3). Moreover, they facilitated children with their project work when needed. Figure 2 shows children digging and putting the soil in a cup to make an experiment whether the soil can be used to plant a seed.

Objective 4

The teachers' reflection showed positive responses in practicing the project approach. They realized children became more of active learners throughout the project work. The learning happened within the process and not only at the end of the lesson, as they practiced before. Teacher-child interactions also increased dramatically during that time. They reflected that:

"...children are becoming active learners...they often ask me lots of questions, and we engage with two-ways interaction, which I and the children didn't do before..." (T1)

"...I enjoy the learning process. I don't have to focus on the subjects, as learning take place at any time within the project work..." (T2)

The teachers also realize the vital of learning that is it should be child-centered for children to be part of the learning processes, as reflected in the following statements:

"...I realized that children need to explore their learning by themselves for them to engage with the learning..." (T1)

"...it is best for children to be able to show interest in learning... rather than we force them to learn..." (T2)

However, the study found that teachers needed continuous training in order to have an effective process of project work with children. They also acknowledged that they needed consistent guidance in order for them to be competent enough to practice the project approach.

5. CONCLUSION

The collaborative work with the practitioners and the reflective practices have helped to identify the problem within the social-cultural practice at the preschool. Discussion and sharing the ideas and solutions with the practitioners provided advantages in terms of planning the project work that were adaptable for children at the preschool. It was shown in this study that change was feasible within the society's context but it was carried out with democratic approach fear that it would be rejected first hand if otherwise conducted. All parties i.e. researchers and practitioners must collaborate to understand both the original context where PA was first introduced and also the new context where it would be applied. As reflected before, a continuous teacher training is necessary to improve their project work practice to enhance children's learning. Therefore, future study must focus on the process of teacher training and the establishment of the general guidelines or module for local context.

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Preschool Teachers' Knowledge and Practice on Social-Emotional Learning

Conocimiento y práctica de los maestros de preescolar sobre el aprendizaje socioemocional

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ABSTRACT

Fostering and nurturing young children with good social-emotional skills are vitally important. Previous studies indicated a positive correlation between young children's social-emotional skills and their future success. Hence, preschool teachers as children's first educator play an important role in fostering and nurturing positive social-emotional development in young children. It is pivotal to ensure preschool teachers have vast knowledge and skills on social-emotional learning, hence capable to promote social-emotional learning. As such, this research aims to examine preschool teachers' knowledge and practice regarding social-emotional learning. This is a quantitative study with a survey research design.

Keywords: Social-Emotional Learning, Teachers' Knowledge, Preschool, Teachers' Practice, Teachers' Skills.

RESUMEN

Fomentar y cuidar a los niños pequeños con buenas habilidades socioemocionales es de vital importancia. Estudios anteriores indicaron una correlación positiva entre las habilidades socioemocionales de los niños pequeños y su éxito futuro. Por lo tanto, los maestros de preescolar como primer educador de los niños juegan un papel importante en el fomento y el fomento del desarrollo social y emocional positivo en los niños pequeños. Es fundamental asegurar que los maestros de preescolar tengan un vasto conocimiento y habilidades sobre el aprendizaje socioemocional, por lo tanto, capaces de promover el aprendizaje socioemocional. Como tal, esta investigación tiene como objetivo examinar el conocimiento y la práctica de los maestros de preescolar con respecto al aprendizaje socioemocional. Este es un estudio cuantitativo con una encuesta de diseño de investigación.

Palabras clave: Aprendizaje socioemocional, Conocimiento de los docentes, Preescolar, Práctica de los docentes, Habilidades de los docentes.

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1. INTRODUCTION

Social-emotional development refers to cooperative and prosocial behaviours, initiatives to start and maintain peer and adult relationships, abilities to deal with conflict and aggressive attitudes, and feelings of self-control and self-esteem. Studies indicated that social-emotional development begins from birth and strengthened by experience faced by children. A positive experience will strengthen and negative experience will weaken children's social-emotional competencies (Edwards, 2018; Tominey & Rivers 2012). Experience in this context linked to children's social environment like relationships and interactions with parents, families and community (Mohamed & Toran 2018).

Young children develop social-emotional skills by interacting with nurturing adults and competent peers (Rakap, Balikci, Kalkan, & Aydin, 2018). A social institution like a school plays an important role in nurturing and fostering social-emotional development in young children for the reason that they spent half a day in school daily. Studies showed that there is a significant correlation between early social-emotional formation with the success of a child's future life (Durlak, Domitrovich, Weissberg & Gullotta, 2015; Rhaodes, Warren, Domitrovich, & Greenberg, 2010; Raver & Knitzer 2002).

Children with good social-emotional skills are normally able to identify their feelings, identify others' feelings, manage emotion, express their feeling through sensible behaviour, have empathy and know-how to maintain a relationship (Badilla, 2015; Dowling, 2014). They also know how to control their emotion, thinking, and action to avoid conflict. On the other hand, children who lack social emotional skills customarily have difficulties involving in any form of social interaction activities (Cooper, Masi, & Vick, 2009). A lack of social-emotional development will give an impact on other domains of development such as adaptive, cognitive and communication (Durlak et al., 2015).

Additionally, children with good social-emotional skills are found to be more ready to enter school compared to children with low social-emotional skills (Zins, Bloodworth, Weissberg, & Walberg, 2004). Children with low social-emotional skills tend to exhibit social issues and challenging behaviour at school and they are at risk to fail in academics (Buchanan, Gueldner, Tran, & Merrell, 2008). This issue is caused by ineffective emotional control. Ineffective emotional control causes children to have difficulties in adjusting themselves with peers, as well as finding it hard to follow school rules (Sutan et al., 2018). Therefore, children who enter school with low social-emotional skills are classified as at-risk children for school dropout (Zins et al., 2004).

Recognising the importance of early social-emotional competencies for children's future life, it is crucial to ensure that preschool teachers are knowledgeable and skilful to promote social-emotional development. Preschool teachers as the first educators in a child's life play a vital role in fostering and nurturing social-emotional development in young children. Teachers' beliefs and attitude are key indicators of their perceptions and judgements, which in turn, affect their teaching practices (Mohamed & Satari, 2019; Brackett, Reyes, Rivers, Elbertson, & Salovey, 2012). This is because positive experiences at an early age will help children to create and have a good foundation for social-emotional development.

National preschool curriculum in Malaysia includes learning objectives for children aged four to six years old in six development areas, namely; (1) communication; (2) spiritual, attitude and values; (3) self-esteem (social-emotional); (4) physical and aesthetics; (5) science and technology; and (6) humanity (Ministry of Education, 2017). Even though the national curriculum emphasises on social-emotional development area, not all preschool teachers are competent to implement it in classrooms (Mohamed et al., 2019). Literature shows preschool teachers in Malaysia are not ready to implement social-emotional learning in classrooms (Mohamed et al. 2019; Yunus & Mohamed, 2019; Nyawin & Majzub 2017).

Hence, the purpose of this study was to investigate Malaysian preschool teachers' knowledge and practice of social-emotional learning. This study aimed to answer the following questions: (1) What is the level of Malaysian preschool teachers' knowledge regarding social-emotional development?; (2) What is the level of Malaysian preschool teachers' practice of social-emotional learning in their classrooms?; and (3) Is there a relationship between the level of preschool teachers' knowledge and practice?

2. METHODOLOGY

This study utilised a survey research design with a quantitative approach. Participants were 332 preschool teachers who are working in government preschools and private preschools. Based on the descriptive analysis, 16.8% of the respondents are currently working in publicly funded preschools and 83.1% of the respondents are working in private preschools. Approximately, 35.1% of the respondents possess degree level, 34.5% have diploma, 22.4% of the respondents have Malaysian Certificate of Education and 8.0% hold Malaysian Higher School Certificate. Regarding the teaching experience, 54.3% of the respondents have less than two years' teaching experience, 22.4% have 3 to 5 years' teaching experience, 12.1% of the respondents have more than 10 years of teaching experience and 11.2% have 6 to 10 years' teaching experience. Table 1 lists the descriptive statistics of the respondents' demographic information.

Table 1 Demographic Information

Category	n (%)
Types of preschools	
Publicly funded	56 (16.8)
Private	276 (83.1)
Levels of education	
Malaysian Certificate of Education	70 (22.4)
Malaysian Higher School Certificate	25 (8.0)
Diploma	108 (34.5)
Graduate degree and above	110 (35.1)

Early childhood teaching experience	
2 years and below	170 (54.3)
3 to 5 years	70 (22.4)
6 to 10 years	35 (11.2)
10 years above	38 (12.1)

Instrument

The questionnaire used in this study was developed by the researcher based on the literature reviews from previous research. Three experts in the early childhood education area were appointed to address the issue of content validity of the questionnaire. Based on experts' feedback, the content validity index is 0.92 for *knowledge* and 0.90 for *practice*. The questionnaire demonstrated an excellent internal consistency with the Cronbach's alpha value of 0.92 for *knowledge* and 0.96 for *practice*.

The questionnaire of this research comprises 39 items in three sections, which are Section A: Demographic information; Section B: Teachers' knowledge about social-emotional; and Section C: Teachers' practice on social-emotional in the classroom. Section A is made up of three items about the respondents' background which are: types of preschool, levels of education and teaching experience. Both sections B and C comprise 18 items from eight sub-constructs. The sub-constructs for Section B consist of the definition of social-emotional, factors associated with social-emotional development, how social-emotional should be taught in the classroom and a list of social-emotional skills. The four sub-constructs for Section C are classroom management, teaching approach, supporting friendship and group activities and collaboration with families. A nominal scale is used in scoring for section A and 5-point Likert scale, ranging from 1 (completely disagree) to 5 (completely agree) is used in scoring for Sections B and C.

Data Collection and Analysis

A convenient sampling technique was used for sample selection. After agreeing to participate in this study, participants received a packet of materials containing a cover letter that explained the purpose of the study and a questionnaire. Two weeks after questionnaire distribution, follow-up calls were conducted to encourage questionnaire completion and return. Incomplete data were excluded. All data were coded and labelled with identification numbers. Data were analysed using Statistical Package for Social Science, using both descriptive and inferential statistics. Descriptive analysis was run to determine the level of preschool teachers' knowledge and practice, whereas, inferential analysis was run to examine the correlation between the levels of preschool teachers' knowledge and practice.

3. RESULT AND DISCUSSION

Table 2 shows the mean scores and standard deviations for teachers' knowledge and practice regarding social-emotional development. These results indicate that teachers have limited knowledge relating to social-emotional development with a mean score of 1.80 and a standard deviation value of 0.82. The analysis has found that teachers are practising poor practice relating to social-emotional learning in the classroom with the mean score 1.26 and standard deviation value 0.74.

Table 2 Mean Scores on the Knowledge and Practice regarding Social-Emotional

Construct	Mean	Standard Deviation	Score Mean Interpretation
Knowledge	1.80	0.82	Low
Practice	1.26	0.74	Very low

Teachers' knowledge of social-emotional development

Table 3 shows the mean scores and standard deviations for teachers' knowledge about social-emotional development. Teachers' knowledge on social-emotional development was examine based on their understanding of the definition of social-emotional, factors influencing social-emotional development, how social-emotional should be taught in the classroom and list of social-emotional skills. Overall, the results show that preschool teachers have low knowledge of social-emotional development.

Analysis of each sub-construct displays figures which demonstrate preschool teachers' low knowledge about the definition and skills of social-emotional and very low knowledge about the factors influences social-emotional development and how social-emotional development should be taught in the classroom. Teachers recognized children with good social-emotional skills can manage and express emotions, cooperate, start and maintain relationship and have high curiosity.

Descriptive analysis from these findings depicts preschool teachers are not aware of the factors may give impact on young children's social-emotional development, be it a positive or negative impact. Without this basic knowledge, how can preschool teachers give an intervention and extra attention to at-risk children? Teachers also perform very limited knowledge regarding how social-emotional should be taught in the classroom. Some of them perceive teaching social-emotional as not important at all.

Knowledge is a basic thing every teacher should have before implementing it in classrooms. In this scenario, teachers should have at least basic knowledge of teaching approach for social-emotional learning before practising it. This outcome is similar to a previous study (Osman, 2015) that was based on a case study. The researcher reported preschool teachers to feel less knowledgeable and unconfident to teach social-emotional in classrooms. While other scholars reported preschool teachers were not ready to teach and practise social-emotional

Table 3 Mean scores for the Sub-Constructs of Knowledge

Sub-construct	Mean	Standard Deviation	Score Mean Interpretation
Definition of social-emotional	1.95	0.93	Low
Factors associated with social-emotional development	1.62	0.77	Very low
How social-emotional should be taught in the classroom	1.70	0.71	Very low
Social-emotional skills	1.94	0.86	Low
Overall	1.80	0.82	Low

Teachers' Practice on Social-Emotional Learning in the Classroom

Table 4 provides information on the teachers' practice on social-emotional learning in the classroom. Teachers' practice was investigated by determining their actions in classroom management, teaching approach, supporting family's involvement and supporting group activities. The level of Malaysian preschool teachers' practices supporting social-emotional competence is very low with score mean value 1.26. This outcome shows preschool teachers are not competent and confident in implementing social-emotional learning.

Descriptive analysis for the sub-constructs of practice finds preschool teachers implementing very low practices in classroom management, collaboration with families and supporting friendship and group activities. 75.2% of the respondents stated that they have been practising punishment technique in the classroom and 53.8% said they would use high voice whenever they scold the children. This technique contrasts with suggested techniques to promote healthy social-emotional development. Lack of training and in-service courses were identified as a major contribution to low levels of teachers' practice (Mohamed & Satari, 2019)

This finding is similar to a study in Turkey. The scholar reported that Turkish preschool teachers had difficulties implementing practices to support young children's social-emotional competence (Rakap, Balikci, Kalkan, & Aydin, 2018). According to the researcher, the preschool teachers were merely able to implement very low levels of practices associated with social-emotional skills. A research in South Korea, however depicted a different result whereby Korean preschool teachers were seen practising a good social-emotional learning practice (Heo, Cheatham, Hemmeter, & Noh, 2014). Nevertheless, a comparison between Malaysia, Turkey and South Korea indicates that Malaysian preschool teachers have the lowest level of skills in practising social-emotional learning.

Table 4 Mean Scores for the Sub-Constructs of Practice

Sub-construct	Mean	Standard Deviation	Score Mean Interpretation
Classroom management	1.56	0.72	Very low
Teaching approach	2.09	0.85	Low
Support friendship and group activities	1.56	0.69	Very low
Collaboration with families	1.65	0.71	Very low
Overall	1.26	0.74	Very low

Correlation between Preschool Teachers' Knowledge and Practice

The relationship between teachers' knowledge and practice on social-emotional learning was determined via the Pearson product-moment correlation coefficient. Preliminary analyses were performed to ensure no violation of the assumptions of normality, linearity and homoscedasticity. There was a strong positive correlation between two variables, $r = 0.634$, $p = 0.00$ ($p < 0.05$), with high levels of knowledge on social-emotional development associated with high skills in teaching. This result shows that there is a positive relationship between preschool teachers' knowledge and skills. Preschool teachers who have high level of knowledge would practise good social-emotional learning skills in classrooms but teachers with limited knowledge will practise limited skills in classrooms.

Correlation between teachers' knowledge and practice with teaching experience

The relationship between teachers' knowledge on social-emotional development and teaching experience in early childhood was also investigated using Pearson product-moment correlation coefficient. Preliminary analyses were also performed to ensure no violation of the assumptions of normality, linearity and homoscedasticity. There was a negative correlation between the two variables, $r(332) = -0.175$, $n = 332$, $p = 0.002$ ($p < 0.01$), with high levels of knowledge on social-emotional development associated with less experience in teaching early childhood.

The varied differences in the syllabus for teachers training have been identified as a contributory factor to these findings. In Malaysia, courses for preschool teachers training are continuously improved to ensure the preschool teachers are being kept abreast of new knowledge, new national curriculum and other new developments in education. Social-emotional learning was introduced into the national curriculum in 2010 and from the onset, institutes of teacher education have included social-emotional learning in their syllabus. This explains why preschool teachers with less experience are more knowledgeable about social-emotional development.

To assess the relationship between teachers' practice on social-emotional development and teaching experience in early childhood a Pearson product-moment correlation coefficient was calculated. Preliminary analyses were also performed to ensure no violation of the assumptions of normality, linearity and homoscedasticity. There is no significant relationship between the two variables, $r(332) = -0.029$, $n = 332$, $p = 0.608$ ($p > 0.01$).

4. CONCLUSION

The purpose of this study was to investigate Malaysian preschool teachers' knowledge and practice in supporting and promoting social-emotional learning in the classroom. The result showed Malaysian preschool teachers have low knowledge and very low practice towards social-emotional development. Overall participants in this study showed an understanding of basic information of social-emotional and social-emotional skills. Teachers recognized children with good social-emotional skills can manage and express emotions, cooperate, start and maintain relationship and have a high curiosity.

However, teachers showed a poor understanding of the factors associated with social-emotional development and how social-emotional should be taught. Teachers need to know what factors significantly affect social-emotional development because with this knowledge teachers can identify which children need more support and attention from them. Results also showed poor understanding of how social-emotional should be taught in classrooms. Some of them perceived teaching social-emotional as not important at all.

Teachers are important individuals who act as forefront to convey the aspirations of development plans of children as future generations of future national administrators. Then, a teacher needs to have good knowledge and practising good practice to promote students' social-emotional development because a healthy social-emotional development is a strong foundation for later well-being and academic success.

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Ethical and legal aspects of the use of artificial intelligence in Russia, EU, and the USA: comparative legal analysis

Aspectos éticos y legales del uso de la inteligencia artificial en Rusia, la UE y los EE.UU: análisis jurídico comparativo

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ABSTRACT

The article is devoted to the comparative legal analysis of ethic-legal questions of use of artificial intelligence in Russia, the European Union and the USA. The paper notes a deep and ambiguous discussion among scientists regarding the understanding and use of artificial intelligence as equal to a person. Thus, the EU adheres to a cautious approach to the legal regulation of robotics taking into account all risks and placing full responsibility for the compensation of damage caused by artificial intelligence on the person who created (programmed) and controlled the robot. In the Russian Federation, in the absence of a basic law, a draft Grishin law was proposed, which could have been the most courageous in the world practice. There is also no unified legal regulation of artificial intelligence in the United States, although some states regulate the use of robots, including unmanned vehicles in road traffic.

Keywords: Artificial intelligence, subject of law, robotics, personality, risk, ethics of law, digital technology.

RESUMEN

El artículo está dedicado al análisis jurídico comparativo de cuestiones ético-legales del uso de la inteligencia artificial en Rusia, la Unión Europea y los Estados Unidos. El documento señala una discusión profunda y ambigua entre los científicos con respecto a la comprensión y el uso de la inteligencia artificial como igual a una persona. Por lo tanto, la UE se adhiere a un enfoque cauteloso de la regulación legal de la robótica teniendo en cuenta todos los riesgos y atribuyendo toda la responsabilidad de la compensación del daño causado por la inteligencia artificial a la persona que creó (programó) y controló el robot. En la Federación de Rusia, en ausencia de una ley básica, se propuso un proyecto de ley Grishin, que podría haber sido la práctica más valiente en el mundo. Tampoco existe una regulación legal unificada de la inteligencia artificial en los Estados Unidos, aunque algunos estados regulan el uso de robots, incluidos los vehículos no tripulados en el tráfico rodado.

Palabras clave: inteligencia artificial, sujeto de derecho, robótica, personalidad, riesgo, ética del derecho, tecnología digital.

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INTRODUCTION

Robotics and artificial intelligence have become an integral part of society over the last decade. The use of robots and algorithms has significantly affected professional, economic and public activities. Robots are successfully used in industry, medicine (robots-surgeons, diagnosticians), social care (nannies and nurses), transport and search systems, environmental and space studies, work with hazardous factors. Thanks to robots, the risk of human error is minimized, people are freed from routine work for the sake of creativity, the risk to human life and health is eliminated. However, along with the positive results of the use of robots, a number of negative and socially significant questions arise: loss of work due to replacement of a person by a robot (especially in areas where there are typical types of work - accounting, driving, etc.), anthropomorphism in relation to robots, the use of robots as a means of warfare or violence against people, etc.

In the sphere of ethics and law, one of the most complicated issues is the problem of giving robots legal personality and defining the subject who should be responsible for the harm caused by artificial intelligence. At the same time, in the absence of a unanimous opinion of the public and scientists regarding the recognition of the quality of human personality for artificial intelligence, the legislation and judicial practice of different countries of the world retains gaps and uncertainty on the issue of legal personality of robots endowed with artificial intelligence.

The most interesting for analysis and taking into account legal experience in the sphere of robotics regulation are the legal systems of the European Union, the USA and Russia. These legal systems offer certain models of solving problems of using artificial intelligence both in ethical and legal relations.

Among the ethical and legal issues of the application of artificial intelligence technology can be identified the following: the development of a unified approach to understanding artificial intelligence, the problem of assigning robots the qualities of personality, types of robots, robots as subjects of law, the problem of determining the subject of responsibility for the harm caused by “smart machines”, the possibility of recognizing the robot as a subject of intellectual property, public administration, control and standardization in the field of robotics and cyberphysical systems, the possibility of using (Aletras et al., 2016).

One of the tasks of jurisprudence is to develop a definition of “artificial intelligence”. At the same time, one should pay attention to a number of complications in solving this issue:

- There is no generally accepted definition of the basic term “natural (human) intellect” in science, which is perceived as a leading property of human nature. In this case, the intellect is often associated with such a property as thinking;
- There is no unity in understanding artificial intelligence in special literature and along with this term such notions as “machine learning”, “neural network”, etc., are used.

It should be noted that two terms “weak artificial intelligence” and “strong artificial intelligence” differ among scientists. Weak artificial intelligence is understood as a smart machine for solving specific tasks (for example, developing scripts for movies), while strong artificial intelligence is used to solve a wide range of tasks (Morehat, 2017).

In the variety of definitions of artificial intelligence we can highlight the following main directions:

- Artificial Intelligence as a system that acts like a person with similar cognitive abilities;
- Artificial intelligence as a system (device) possessing at least one of the properties of the human mind;
- Artificial Intelligence as a superintelligence as a system surpassing a person’s intellectual abilities (Bostrom, 2016);
- Artificial Intelligence as a scientific direction, studying the possibility and use of systems (devices) for modeling human thinking (machine learning).

An interesting definition is offered by A.V. Ponkin and A.I. Redkin: “Artificial intelligence is an artificial complex cybernetic computer hardware and software system (electronic, including - virtual, electronic-mechanical, bio-electronic-mechanical or hybrid) with cognitive-functional architecture and own or correspondingly accessible (downlinked) computational power of necessary capacities and performance”. This cybernetic system has a number of properties: substance (subjectivity and ability to improve); high-level ability to perceive information, make decisions and perform them, analyze one’s own experience; ability to adapt to the external environment, perform cognitive functions (creative, analytical), ability to consciousness (Ponkin, Redkin, 2018).

P.M. Morehat adheres to a close definition: “Artificial intelligence is a fully or partially autonomous self-organizing (self-organizing) computer hardware-software virtual or cyber-physical system, including bio-cybernetic, system (unit), endowed/ possessed with abilities and capabilities:

- Anthropomorphic and intelligent thinking and cognitive actions, such as the recognition of images, symbolic systems and languages, reflexion, reasoning, modeling, figurative (semantic and semantic) thinking, analysis and evaluation;
- Self-reference, self-regulation, self-adaptation to changing conditions, self-limitation;
- Self-maintenance in homeostasis;
- Genetic algorithm (genetic algorithm - heuristic search algorithm, with preservation of important aspects

of “parental information” for “next generations” of information), accumulation of information and experience;

- Learning and self-study (including - on one’s own mistakes and experience); independent development and independent application of algorithms of self-omologation;
- Independent development of tests for own testing, independent performance of self-tests and tests of computer and, if possible, physical reality;
- Anthropomorphous and reasonable independent (including numeric) decision-making and problem solving (Aletas et al., 2016).

A number of foreign countries have attempted to define the term “artificial intelligence” in their legislation. As early as 2008, South Korea adopted the Law on Promotion of Development and Dissemination of Smart Robots. The law proposes the following definition of a smart robot: a mechanical device that is able to perceive the environment, recognize the circumstances in which it operates, and move around on its own in a targeted manner.

The analysis of existing approaches to the concept of “artificial intelligence” allows us to identify the following features:

- Availability of a technical device (cyber-physical system) capable of perceiving information and transmitting it;
- A certain degree of autonomous work without human participation (subjectivity) in the absence of such a system’s life;
- Ability to analyze, generalize information, develop intellectual solutions based on the studied data (thinking), self-awareness;
- Ability to learn, to search for information independently and to make decisions based on this information.

Such a feature as autonomy and the ability to make independent decisions on the basis of one’s own experience and education determines the question of the similarity of a person and artificial intelligence, as well as the appearance of a separate actor from a person - a person, a subject, and maybe a subject of law. Undoubtedly, this question concerns philosophy, the problem of understanding the human mind and personality. The fundamental similarity of the human mind and the work of neural networks (built on the principles of the human brain), capable of self-study, leads to the conclusion that robots with artificial intelligence have a personality. As a consequence, ethical questions arise about the creation, use, and disposal of robots: the admissibility of cruel treatment, the use of shutdown and destruction functions, and the use of the robot as a killer or military robot.

DEVELOPMENT

Methods

Complex ethical issues related to the legal regulation of the status of artificial intelligence, which is an unconventional phenomenon for the classical subject of legal regulation, determine the complexity of the methodology of the study of these problems. The authors use, first of all, the legal-dogmatic method, by means of which the current legislation is studied, as well as the bills regulating the information sphere, including artificial intelligence. At the same time, a critical analysis and assessment of existing formulations and approaches is carried out in terms of their compliance with social realities and intra-systemic legal characteristics. The comparative legal method is also actively used in combination with the dogmatic one, which is the main one for such researches. Moreover, not only the legislation, which is not so much in the sphere researched in the article today, but also program documents of political-legal nature are studied in the comparative plan. The predominance of program documents over normative legal acts testifies to the fact that some states, as well as the world community as a whole, have not yet defined their attitude to artificial intelligence. Theoretical concepts of the legal status of artificial intelligence proposed by Russian, European, and American scientists are also examined in a comparative manner. Scientifically, the problem is initially analyzed in relation to individual countries, and then, in conclusion, the authors generalize and formulate synthesized approaches to the problem of artificial intelligence. It is necessary to state as a key methodological principle the problem-pollemic character of the article: since legal acts, political acts and scientists of different countries do not give an answer to the question about the legal model of regulation of the status of artificial intelligence at the moment, as the authors of the article also denote problem moments to a greater extent, inviting for discussion rather than putting forward some integral and coherent legal concept of artificial intelligence.

Results and discussion

There is virtually no legal regulation of robotics and artificial intelligence in the Russian Federation. A number of strategic documents have been adopted as part of the Digital Economy project. The Decree of the President of the Russian Federation of May 7, 2018 “On the national goals and strategic development objectives for the period up to 2024 and the Information Society Strategy 2017-2030 provide for the development of a system of legal regulation of the digital economy and the use of artificial intelligence among the priority tasks in the sphere of the digital economy.

The State Program “Digital Economy” (Order of the Government of the Russian Federation of June 28, 2017) provides for neurotechnologies and artificial intelligence, robotics among the end-to-end digital technologies, and particularly stipulates the need for systemic regulatory support for the use of digital technologies. At the same time, the Russian Federation lacks the necessary legal framework for the use of artificial intelligence technology. There is a vacuum of legal regulation in this area, while artificial intelligence is already used in the world and in Russia. At the same time, various proposals are made in the legal and corporate circles in terms of regulating the use of robotics.

In 2017, at the request of Grishin Robotics Corporation, a group of scientists from the Research Center for Regulation of Robotics and Artificial Intelligence (A. Neznamov, V. Naumov, V. Arkhipov) developed a draft Russian federal law in the field of robotics. The authors of the bill have been rather cautious in developing approaches to the legal regulation of the use of robots (Robots., 2019). First of all, the developers refrained from comprehensive regulation of all aspects of the use of robotics, touching upon the most pressing issues of robotics application. The task of developing the basic law on robotics was left to the authors of the “Grishin’s Law” for a longer period of time (Arkhipov, Naumov, 2017).

The bill raises very serious legal issues of robotics application.

First, the authors of the draft law introduce a legal definition of robots as autonomous from human intellectual systems. “A robot is a device capable of acting, determining its own actions and evaluating their consequences on the basis of information coming from the external environment, without full human control,” says the text of the bill. It is obvious that the emphasis is placed on such qualities as the independence of robots in decision-making and the lack of complete control over their actions by man.

Moreover, it is the autonomy of robots that can be a key issue in determining the legal personality and responsibility of cyber-physical systems. The lack of autonomy turns the robot into an object of legal relationship, into a technical structure and software product. The qualities of the subject of law in this case are typical only for the robot owner.

Secondly, the bill proceeds from the separation of two types of robots and the corresponding dualistic nature of robots:

- Robots as a type of property;
- Robots-agents as independent participants of civil turnover, endowed with the status of legal entities with special legal personality.

It is obvious that the solution to the question of the presence of the legal personality of robots should be decided on the basis of the notion of a subject of law and the decisive quality that determines the presence of an independent legal personality, which has been conventionally developed in legal science and practice. At the same time, some of the scientists state that there is no unambiguous method of determining the subject of law taking into account the presence of a category of legal entities that are not identical to a person. Most researchers note that it is premature to give smart machines the status of legal entities. This possibility is recognized in the event that technologically, in the future, an artificial mind will appear that is largely similar to the human mind, and, in addition, has such qualities as conscience and emotions.

Among the criteria for the identification of the subject of law in legal science are given:

- Consciousness, will, and emotions (the absence of consciousness in mentally ill people, children, and legal entities is not a reason to deprive them of their legal personality);
- Independence of a person in making decisions and managing his actions;
- The concept of fiction of a legal entity as a means of risk management and limitation of property liability.

Comparison of a physical person with an autonomous robot (artificial intelligence) leads to the conclusion that in the presence of a common feature of consciousness, the robot does not possess such qualities of a person as emotions and will. Consequently, the identity between a person and a robot as subjects of law is impossible.

At the same time, there are no external obstacles in extending the qualities of a legal entity to an autonomous robot through fiction as a legal technique. It is accepted to recognize artificially the presence of some organization, although it may not be a real person or organization of people behind it. Thus, V. Naumov, V. Arkhipov in one of their works emphasize that robots can be endowed with a special legal personality for certain purposes (trade through bots on the Internet, etc.) (Robots., 2019). P. Cherka notes that any subject of law acquires the quality of a legal personality by virtue of law. Legal personality is a legal category, and it can be applied to any subjects and subjects based on certain interests and goals (Cerka et al., 2017). The understanding of the subject of law as a legal concept, which does not coincide with a person, is very accurately conveyed by D.V. Pyatkov. According to the scientist, it is necessary to distinguish between a person in legal relations and a person in other social relations. In particular, he notes: If an individual is only a legal representation, one property of a person, his mask, then a legal entity is also a legal representation, property, mask. It is necessary to suppose, that under this mask the same person, i.e. the legal person is one more person, one more his mask. It is better to say: the next person is a human being, because according to the legislation a person can have a lot of legal persons” (Pyatkov, 2012). Accordingly,

to solve the issues of civil turnover and satisfaction of other public interests, the method of legal fiction is used, with the help of which some or other actors are endowed with the qualities of a subject of law: legal entities, animals, robots. In each case, a person hides behind this or that subject of law. Thus, a “smart machine” can be endowed with legal personality by analogy with corporate legal capacity to satisfy human interests.

Another question is whether there is a need to give robots legal personality of a legal entity. Understanding of a legal entity as a way to minimize the risks of legal liability is unlikely to apply to robots, because it will allow avoiding legal liability for manufacturers and owners of robots. Thus, during the discussion of the resolution on robots, Member of the European Parliament J. Lebreton noted: “I object to this perspective for two reasons: firstly, because it would release all responsibility from their producers and users, which would undoubtedly make powerful lobbies happy; secondly, and most importantly, because I believe, as well as Jacques Maritain, that the human being is endowed with a spiritual existence, with which no artificial intelligence can be compared” (European..., 2017). Giving robots a special legal personality is possible in the presence of sufficient guarantees of the rights of other participants of legal relations.

At the same time, these goals can be achieved with the help of other legal means and regimes without giving robots legal personality: as a type of property, database, etc. Therefore, the concept of an electronic person at the current stage of scientific discussion is very controversial.

Third, the issue of liability for damage caused by robots is being addressed in an original way.

A positive decision on granting robots with delicacy can be made only if there is sufficient property of such a robot or insurance of its property liability.

In addition, it should not be forgotten that the punishment with its purpose of correction and prevention of new offences in respect of robots is inapplicable. Although in the legal literature it is proposed to use such a measure as the destruction of robots.

It should be noted that the authors of the draft law have not been able to draw a clear line in establishing liability for damage caused by the robot as a legal entity and at the same time as a robot property.

Fourth, the draft law proposes to establish a requirement for the safety of robots and the introduction of a special warning system for legal conflict.

Let us now turn to the official legal documents of the European Union regulating the issues of social and legal status of artificial intelligence. European Parliament resolution of 16 February 2017. “The Civil Law on Robotics is a set of legal principles and ethical requirements for the creation and use of robots. As such, the resolution does not contain any specific legal norms, but serves as a basic reference point for the European Union member states in the development of legal acts on robotics.

It should be noted that the resolution takes a thorough and serious approach to the topic of autonomous robots and artificial intelligence. The resolution reflects various aspects of the use of robots: the use of robots in industry, assistance to the sick and the sick, replacement of routine work, etc. In doing so, the resolution is devoid of enthusiasm and calls for the cautious use of self-learning robots because of the threats they may pose: loss of jobs for people; growing social inequality; the problem of robot control and manageability; the issue of responsibility for the harm caused by autonomous robots, etc. Taking into account the advantages and threats of using artificial intelligence, the European Parliament has led to the establishment of the principle of gradualism, pragmatism, and caution with respect to future initiatives in the field of robotics and artificial intelligence. On the one hand, this principle ensures that all risks and threats are taken into account, and on the other hand, it does not hinder innovative development in the field of robotics.

The European Parliament’s resolution specifically addresses liability issues in the case of autonomous robots. The autonomy of robots in the context of the resolution is understood as the ability to make decisions and implement them independently without external control or influence. At the same time, autonomy is perceived in purely technical terms as the implementation of the program.

It should be noted that the independence of the robot at the current level of technological development is relative. First of all, the algorithm of robot’s actions is created by a human being, even if we are talking about artificial intelligence and self-learning neural networks. It is the person who lays down the model of robot activity at the level of the program. Secondly, most often the robot acts in deep interaction with a person both remotely (drone control, deep-water submersibles) and inside the device (aircraft control). As D. Mindell notes, there is a myth about the robots’ independence and it is necessary to clearly realize the robots’ dependence on humans (Mindell, 2017).

The resolution of the European Parliament proposes the following features of autonomous (smart) robots:

- The ability to become autonomous by using sensors and/or exchanging data with their environment;
- The ability to learn from experience;
- Availability of at least minimal physical support;

- The ability to adapt their actions and behaviour to the environment;
- Lack of life from a biological point of view.

Obviously, the solution to the question of the presence of legal personality of robots should be decided on the basis of the notion of the subject of law and the decisive quality that determines the existence of an independent legal personality. At the same time, some of the scientists state that there is no unambiguous method of determining the subject of law taking into account the presence of a category of legal entities that are not identical to a person. Most researchers note that it is premature to give smart machines the status of legal entities. This possibility is recognized in the event that technologically, in the future, an artificial mind will appear that is largely similar to the human mind, and also possesses such qualities as conscience and emotions (European, 2017).

Among the criteria for identifying the subject of law in legal science are given:

- Consciousness, will, and emotions (the absence of consciousness in mentally ill people, children, and legal entities is not a reason to deprive them of their legal personality);
- Independence of a person in making decisions and managing his actions;
- The concept of fiction of a legal entity as a means of risk management and limitation of property liability.

Comparison of a physical person with an autonomous robot (artificial intelligence) leads to the conclusion that in the presence of a common feature of consciousness, the robot does not possess such qualities of a person as emotions and will. Consequently, the identity between a person and a robot as subjects of law is impossible.

The world legal literature attempts to consider the nature of robots by analogy with the legal regime of animals. At the same time, in most legal systems of the world animals are considered as an object of law taking into account the principle of humane attitude to them. Unlike robots, some of the animals are capable of displaying emotions, but do not have freedom of will and, therefore, cannot exercise rights and obligations.

Another way to solve the problem of the legal personality of “reasonable robots” is the concept of “electronic person”, which is actively defended by P.M. Morehat in his scientific research (Morehat, 2018). P.M. Morehat names the following as the main prerequisites for granting legal personality to certain persons: the existence of moral law, social potential and legal convenience. It is natural that artificial intelligence can be used only for the purposes of legal convenience in a number of cases: the conduct of electronic business and the definition of jurisdiction, the creation of intellectual property objects, limiting the liability of developers of artificial intelligence units (Morehat, 2018).

At the same time, these goals can be achieved with the help of other legal means and regimes without giving robots legal personality: a type of property, a database (Schrijver, 2018). Therefore, the concept of an electronic person at the current stage of scientific discussion is very controversial.

G.A. Gadzhiev and E.A. Voynikas propose to proceed from the fact that the robot will be able to satisfy the requirements for compensation for the damage that has occurred independently when solving the question of legal personality of robots. According to them, “if recognition of the robot by the subject of law has any meaning or purpose, it consists in a more efficient and balanced distribution of responsibility. On the contrary, if the robot is unable to compensate for the harm it has done, the need for its recognition as a subject of law becomes problematic. In turn, the task or social need for distribution of responsibility is a consequence of a more complex, universal need for balance” (Gadzhiev, Voynikas, 2018).

A positive decision on granting robots with delicacy can be made only if there is sufficient property of such a robot or insurance of its property liability.

Besides, it should not be forgotten that the punishment with its purpose of correction and prevention of new offences in respect of robots is inapplicable. Although in the legal literature it is proposed to use such a measure as the destruction of robots.

Since the question of the autonomy of the robot as a subject of law is premature, the European Parliament resolution notes the possibility of applying two legal constructs to the tort relations involving robots:

- The design of the manufacturer’s liability for robot malfunctions (for the quality and safety of the robot);
- The design of liability for malicious acts, according to which the robot user is responsible for the behavior that caused the emergence of damage.

Thus, in the act of the European parliament insufficiency of the above-stated rules in the event that the harm has come as a result of actions and decisions of the robot and in the absence of fault and a causal connection of actions of the person and the come harm is underlined. Without prejudging the final legal decisions in this matter, the European Parliament has outlined a number of areas of legislation development in terms of responsibility for the actions of smart robots.

First of all, the European Parliament, in addressing the issue of liability in connection with the use of autonomous robots, adheres to the idea of inadmissibility of limiting the types, forms and scope of compensation for the harm that may be caused by intelligent robots. This approach ensures that the interests of the victims are taken into account and limits the lobbying aspirations of robot manufacturers by reducing the scope of their own responsibility.

The European Parliament, in determining the person who will be responsible for the robot's actions, proceeds from the theory of risk, in which the person who could have minimised the risks and taken into account the negative consequences is held responsible. At the same time, the degree of responsibility should be determined by the degree of robot autonomy and the role played by the person teaching the robot.

A European Parliament resolution notes the difficulty of addressing the issue of liability when harm occurs in the absence of human control in a highly autonomous robot. In this case, the absence of guilt and causality is an obstacle to assigning responsibility to a person. For such cases, the European Parliament proposes to use the mechanism of liability insurance through the payment of contributions by manufacturers and owners of robots to compensate for damage to affected persons.

Within the framework of European law, the position of P. Cherke, who sees two options for solving the issue of liability for damage caused in connection with the use of artificial intelligence, is interesting:

- 1) Imposition of liability on a person who programs artificial intelligence using the analogy of Article 12 of the UN Convention on the Use of Electronic Technologies in International Contracts;
- 2) The use of "deep pocket" theory through an insurance institute or wealthy and interested corporations (Cerka, Grigiene, 2015).

The "deep pocket" theory is based on the idea of distributing legal liability to more advantaged persons. The insurance institute may include large technology companies that produce robots. Thus, the risk of liability would be rationally and fairly distributed.

In the long term, the European Parliament proposes to consider granting robots separate legal statuses where robots as electronic persons make autonomous decisions.

Among the positive aspects of the European Parliament resolution is the following:

- A comprehensive approach to the regulation of robotics, taking into account advances in technology, ethics and law;
- The recommendation of the European Commission to establish an EU Agency for Robotics and Artificial Intelligence, which would become a regulator of the legal, technical and ethical aspects of the use of intelligent robots;
- Objectivity and caution, taking into account both the advantages and threats posed by the use of artificial intelligence.

A separate subject of the study is the ethics of artificial intelligence, as reflected in the Charter of Robotics, an annex to a European Parliament resolution. It is fair to say that the European Parliament has reached a conclusion regarding the development of not only legal but also ethical standards in the field of artificial intelligence. Robotics raises a number of questions of a philosophical and ethical order: the recognition of smart robots as human beings; the acceptability of using robots in a number of spheres of life; the possibility of using robots and robots as weapons; and the observance of the inviolability of private and family life in the event of contact with robots.

The Charter of Robotics formulates ethical principles for researchers in robotics:

- 1) The principle of "do good", which defines the use of robots for the benefit of people;
- 2) The "do no harm" principle aimed at preventing harm to people when using robots;
- 3) The principle of autonomy, which means the right of a person to independently decide on the possibility of interacting with a robot;
- 4) The principle of equity, according to which all benefits derived from the use of robots should be fairly distributed.

The Charter of Robotics pays special attention to the principles of the Committee on the Ethics of Scientific Research in the Field of Robotics, as well as ethical standards for developers and users of smart robots. First and foremost, the Charter stresses the need to respect human dignity and privacy when interacting with the robot and to prohibit the use of the robot as a means of harm (weapon). Moreover, it is the developers who are responsible for all possible harmful consequences.

Let us now turn to the North American approach to solving the legal problems of artificial intelligence. In the U.S., as well as in Russia and European countries, there is no unified legal regulation of robotics and artificial intelligence. Issues of robotics development are being addressed at the level of strategic documents and plans.

Among the strategic acts is the National Robotics Initiative ("National Robotics Initiative", 2011), which

aggregates plans for financing and development of robots in various fields: astronautics, healthcare, agriculture, etc. (National..., 2017).

More specific issues are being addressed at the level of the Roadmap for Robotics in the USA (“Roadmap for USRobotics”, 2009). The Roadmap notes the urgent need to develop legislation on robots, as existing legal acts hamper progress in this area. The issues of robot safety, manufacturers’ liability, and insurance have not been resolved, which does not allow companies to invest in this area.

Finally, of particular interest is the White House National Artificial Intelligence Research and Development Strategic Plan (2016) and Preparing For The Future Of Artificial Intelligence (2016), which provide a strategy for the management and regulation of robotics development processes (The National..., 2018). Responsibilities have been assigned to the Subcommittee on Research and Development in Network Technologies and Information Technology (NITRD) and the U.S. Government.

The White House Plan provides a set of principles for the development of robotics in the United States:

- Transparency and clarity of artificial intelligence technologies for society;
- Development of robot architecture in accordance with the requirements of ethics;
- Inclusion of ethical principles in decision-making algorithms, as robots will inevitably face moral dilemmas.

Separate issues of robots use are defined in state legislation and judicial practice. For example, a number of states allow the use of unmanned vehicles on roads.

A unique analysis of case law is presented in R. Kalo’s work “Robots in American law”. In the article 9 court decisions concerning robots are analyzed. Part of them deals with robots as objects of law. It is noteworthy that in the part of the decisions the courts try to understand the problem of legal personality of robots and compare the person and artificial intelligence. The author shows that robots have become a part of modern society and lawyers will inevitably have to solve complex legal and ethical issues in understanding and using smart machines (Calo, 2016).

We believe that the American law concerning artificial intelligence will develop along the way of accumulation of precedents taking into account the established tradition of formation of law and thinking by analogy. Most likely, it is in practice that balanced and fair recipes will be found regarding the legal personality and responsibility of robots.

CONCLUSION

It can be noted that the draft law on the regulation of robotics (Grishin’s law) could become one of the most courageous in the world practice, as it was supposed to give autonomous robots a special legal personality by analogy with legal entities. However, giving artificial intelligence the status of a legal personality is possible in the presence of such criteria as the independence of robots from a person, the ability to exercise rights and duties (will) and the question of taking into account the interests of persons who may suffer from the actions of robots.

At the same time, there is an interesting EU experience in defining the legal nature of artificial intelligence in the legislation of European countries. The European Parliament’s resolution “Norms of civil law on robotics” is a set of legal and ethical guidelines for scientists, manufacturers, users and public authorities in the use of robotics and artificial intelligence. The resolution proposes further public debate on the status of smart robots as part of a shared belief that liability for harm caused by the use of robots should not be restricted. Importantly, the Resolution raises the serious issue of the definition of the subject of liability where the harm was caused by the robot in making its own decisions based on learning and experience.

European experience seems to indicate the need for careful regulation in the field of robotics, given the inadmissibility of broadening the horizon of uncertainty and the risk of dangerous ethical and social consequences of making robots quasi-capable.

American law in the field of robotics is developing in a similar way as in Russia through the adoption of strategic documents. On the other hand, it is obvious that there are legal acts of individual states on private issues of robotics. In addition, we can assume that the problem of the legal personality of robots will be solved in U.S. case law.

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Social media usage among English language learners in Primary School

Uso de Redes Sociales Entre Estudiantes de Inglés en la Escuela Primaria

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ABSTRACT

Social media has becoming a game changer among primary learners, adhering to the transformation and integration of ICT in education. Social media as a part of pupils' daily life routine is being used widely in and out of English classrooms. Apart from education purpose, they actively use social media for interaction, fun and entertainment. Therefore, this survey explores the use of social media by 20 primary learners at the ages of 10 and 11 in English classrooms in the district of Cameron Highlands, Pahang, Malaysia. Respondents responded to survey questionnaires and open-ended questions. Data collected revealed that the primary 4 and 5 pupils highly used YouTube as their mainstream social media platform for language learning, communication, skills building and gain knowledge. They also infused social media to enhance their English language skills. Hence, social media is being one of the main choices of language learning tools among primary learners to keep themselves updated with latest knowledge and skills in performing the ever-challenging education world.

Keywords: ICT, Social media, English classroom, primary learners, YouTube.

RESUMEN

Las redes sociales se han convertido en un cambio de juego entre los alumnos de primaria, adhiriéndose a la transformación e integración de las TIC en la educación. Las redes sociales como parte de la rutina de la vida diaria de los alumnos se utilizan ampliamente dentro y fuera de las aulas de inglés. Además del propósito educativo, utilizan activamente las redes sociales para la interacción, la diversión y el entretenimiento. Por lo tanto, esta encuesta explora el uso de las redes sociales por parte de 20 alumnos de primaria a las edades de 10 y 11 años en las aulas de inglés en el distrito de Cameron Highlands, Pahang, Malasia. Los encuestados respondieron los cuestionarios de la encuesta y las preguntas abiertas. Los datos recopilados revelaron que los alumnos de 4 y 5 principales utilizaron YouTube como su principal plataforma de medios sociales para el aprendizaje de idiomas, la comunicación, el desarrollo de habilidades y el conocimiento. También infundieron las redes sociales para mejorar sus habilidades en el idioma inglés. Por lo tanto, las redes sociales están siendo una de las principales opciones de herramientas de aprendizaje de idiomas entre los alumnos de primaria para mantenerse actualizados con los últimos conocimientos y habilidades en el desempeño del mundo de la educación siempre desafiante.

Palabras clave: TIC, redes sociales, aula de inglés, alumnos de primaria, YouTube.

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1. INTRODUCTION

Learning English skills in the 21st century is being integrated through fun and creative manner by educators. The use of various technology-based strategies (Lenkaitis, 2019) in classrooms are interesting young learners to explore and share new knowledge (Leonard, 2014) efficiently. Knowledge and learning can be facilitated through a variety of digital resources (Chandran et al., 2019; Suswati & Saleh, 2019) such as e-books, electronic devices, interactive games and apps. As the gadgets and access to digital content increase, social media has taken an ultimate role in being utilized widely by students.

Nowadays, students of almost all schooling ages have social media accounts to fulfill educational and entertainment needs (Karadkar, 2015; Lange, 2016). Social media is defined as the collective of online communications channel dedicated to community-based input, interaction, content-sharing and collaboration (Karadkar, 2015; Yunus & Salehi, 2012). It facilitates sharing of ideas, thoughts and information through the building of virtual networks; making it a popularized choice by students (Suana et al., 2019). Social media provides quick electronic communication of content including personal information, documents, videos, photos and messages.

As of January 2019, Facebook with 2.27 billion active users, ranked as world's first social network, followed by YouTube in the second ranking with 1.9 billion users and WhatsApp in the third rank with 1.5 billion users (Statista, 2019).

Surprisingly, interesting research findings by Karadkar (2015) and (Bakar et al., 2018) wondered with the increasing number of student users on social media sites. Research by Pew Research Center (Karadkar, 2015) revealed that 70%-78% students spend time on Facebook, YouTube, WhatsApp, Twitter and Instagram. These values indicate high involvement of student community in the virtual world of social media. This is due to the freedom (Chandran et al., 2019; Yunus et al., 2016) students persist to do things they like on social media like uploading and following their favourite contents, expand friends circle and most importantly, create personal profiles that upholds their identity as global citizens (Bal & Bicen, 2017; Reinhardt, 2019; Szeto, 2016;). In fact, social media allows them to do all possibilities within a fraction of seconds (Crick, 2019; Suana et al., 2019).

Though, there is a need to research to explore on how various social media sites being used by the primary pupils in English lessons, which eventually allows for the survey of this paper to be carried out. Due to age and content restrictions, pupils below 18 years old are encouraged to use social media with teachers and parents' supervision (Chen, 2019; Yunus et al., 2012). So, learning knowledge and information sharing could be more meaningful, wise and safe for them.

Primary learners also use social media to attain purposes other than education. The use of multiple languages in social media attracts pupils to be engaged (Kaushik et al., 2018; Roopchund et al., 2019) throughout the activities. Especially, English being one of the most preferred language choices, social media has ample student users. They feel free to bring their thoughts and imaginary ideas into real actions (Reinhardt, 2019; Wang & Chen, 2019) through the spontaneous medium.

Thus, this paper aims to discover the use of social media in improving learners' English language skills and competence. Researchers believe that social media positively provokes learners' English and socializing skills, knowledge bank and enthusiasm to be moulded into character-driven individuals besides achieving academical expectations.

2. LITERATURE REVIEW

Social Media in English Language Learning

The use of social media in English classrooms is strongly related with the Theory of Motivation by Abraham Maslow, that social need (Karadkar, 2015) of human being is the third utmost important requirement after physical and safety needs. It is highlighted as one of the main reasons billions of learners use social media to interact, make friends, satisfy their social needs and improve language acquisition (Domingo & Gargante, 2016; Greenhow & Lewin, 2015).

Learning English as a second language is facilitated by socializing tasks as been identified by Vygotsky's Sociocultural theory of Human Learning (Hashim et al., 2018). Therefore, social media is suggested as the best tool for pupils to learn English language. Globally, the social process continues to develop and extend through messaging, commenting and sharing contents and knowledge among peers, teachers and parents. Significantly, the use of social media apps creates active, confident, engaging and collaborative learning (Suana et al., 2019) environment among young learners (Kaushik et al., 2018; Leonard, 2014).

Similar findings in other rural areas portray that when students used social media continuously for certain duration, it improved their English skills by giving and accepting instant feedback, exchanging ideas and staying connected in their social circles (Chintalapati & Daruvi, 2016; Ghorbani & Golparvar, 2019). It promotes language learning (Bakar et al., 2018; Li, 2017) whereby students are free to express positive emotions and involve in self-directed learning (Abdurahman et al., 2016; Bakar et al., 2018).

YouTube and WhatsApp Usage among Learners

Recent discussions (Kabooha & Elyas, 2015; Kaushik et al., 2018; Snelson, 2016) share about YouTube and WhatsApp being most popular educational media and user-friendly for retaining learners' attention, active participation and stimulate student-centered learning. YouTube indeed, contains English language materials (Suswati & Saleh, 2019) real happenings,

live streaming, offline videos and provides services such as watch, like, share, comment and upload and download videos (Lange, 2016; Orus et al., 2016). Thus, the social media prompts learners to keep updated every second.

In fact, newest and latest issues in YouTube (Li, 2017; Thang et al., 2016) create awareness and refresh pupils' knowledge about surrounding events. Moreover, free, instant and authentic results support independent learning (Greenhow & Lewin, 2015) among students. Hence, its use in non-academic engagements indirectly leads to academic performance (Abdurahman et al., 2016). During leisure hours, students tend to access previously saved videos and store the learnt language skills to be employed during a speech or brainstorming session in English classroom. That is how the social media bridges gaps between non-academic and academic achievements.

Inculcating students' performances in both fields, parents play an utmost significant role in assisting towards their success. In this digital century, most families adapt social media to assist learning and stay connected with children (Chen, 2019). This is done by parents creating suitable environments to learn together with children through social media. Parental support and supervision highly encourage and motivate young learners (Suana et al., 2019) to use social media effectively. So, parents could guide children to use apps wisely and educate them to utilize them at school for English learning purposes (Chen, 2019; Yunus et al., 2012).

Eventually, the role of educators and parents in encouraging learners to use social media is highly efficient considering their achievement in academic and non-academic fields. They can perform well by being connected with social media materials and peers collaboratively (Yeop et al., 2019). Researches have been proving to identify learners regularly using social media to involve deeply in meaningful and interactive learning environments. This shows the positive impact of social media in students' routine as a continuous involvement for successful knowledge and skills grasping.

3. METHODOLOGY

This survey research design study involved 20 Year 4 and 5 primary participants aged 10 and 11 from the rural demographic location in Cameron Highlands, Pahang. The survey instrument consisted of self-administered questionnaires and open-ended questions.

Pupils were distributed paper based self-administered questionnaires that contained items related to four main areas of social media namely access to ICT tools, social media usage, social media competency and reasons of using social media. Respondents indicated the extent to which they agreed to the statements given.

Whereas, the 13 open-ended items contained questions and statements related to social media insights. Pupils listed their responses in the spaces given below each item. Data were then analyzed through the SPSS Statistics software. Quantitative data of the valid percentages for each category and the qualitative data in terms of most common responses for the open-ended items were tabulated and further discussed to draw conclusion.

4. RESULT AND DISCUSSION

Table 1 Demographic Profile of Respondents

GENDER	MALE	60%
	FEMALE	40%
PRIMARY	FOUR	40%
	FIVE	60%
DURATION OF SOCIAL MEDIA USE	1-3 YEARS	40%
	4-6 YEARS	40%
	7-9 YEARS	20%

Table 1 shows the respondents consisted of 60% male and 40% female. They were from primary four (40%) and primary five (60%). Participants of 40% have been using social media for 1-3 years, another 40% for 4-6 years and 20% for 7-9 years.

Table 2 Access to ICT tools

	ACCESS	YES (%)	NO (%)
1	COMPUTER	85	15
2	SMART PHONE	90	10
3	IPAD	35	65
4	INTERNET	85	15
5	USING SOCIAL MEDIA	65	35

Table 2 contains accessibility of respondents to ICT tools such as computer, smart phone, IPAD, internet and usage of social media. In terms of the accessibility, 90% respondents were found to own smartphones and followed by 85% having computer and internet. Indeed, 65% respondents have been using social media.

Table 3 Social Media Usage

	SOCIAL MEDIA	NEVER (%)	SELDOM (%)	SOMETIMES (%)	ALWAYS (%)
1	FACEBOOK	60	10	15	15
2	TWITTER	85	0	5	10
3	WECHAT	85	10	5	0
4	LINE	70	0	25	5
5	INSTAGRAM	50	20	25	5
6	YOUTUBE	0	10	40	50
7	WHATSAPP	20	20	40	20
8	TELEGRAM	60	20	15	5
9	TIK TOK	70	10	15	5
10	SNAPCHAT	55	10	25	10

Table 3 displays various social media usage by the respondents. YouTube has been used always by 50% participants, followed by 20% for WhatsApp, 15% for Facebook, and 10% for Twitter and Snapchat. Whereas, LINE, Instagram, Telegram and Tik Tok equally shares 5% for always usage. However, Twitter and Wechat has never been used by 85% respondents, followed by 70% for LINE and Tik Tok, 60% for Facebook and Telegram, 55% for Snapchat, 50% for Instagram, 20% for WhatsApp and 0% for YouTube.

Table 4 Social Media Competency

	SOCIAL MEDIA	NOT APPLICABLE (%)	WEAK (%)	MODERATE (%)	GOOD (%)	VERY GOOD (%)
1	FACEBOOK	40	15	10	10	25
2	TWITTER	70	20	5	0	5
3	WECHAT	75	5	5	10	5
4	LINE	60	15	15	10	0
5	INSTAGRAM	25	20	30	15	10
6	YOUTUBE	0	5	10	10	75
7	WHATSAPP	5	10	25	15	45
8	TELEGRAM	45	15	5	20	15
9	TIK TOK	55	20	5	10	10
10	SNAPCHAT	60	5	20	5	10

Table 4 displays social media competency among primary respondents. Participants of 75% were very good using YouTube, followed by 45% for WhatsApp, 25% for Facebook, 15% for Telegram, 10% for Instagram, Tik Tok and Snapchat, 5% for Twitter and Wechat and 0% for LINE.

Table 5 Reasons of Using Social Media

	ITEM	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE
1	I USE SM TO COMMUNICATE WITH MY FRIENDS	10	0	10	80
2	I USE SM TO COMMUNICATE WITH MY FAMILY	0	0	25	75
3	I USE SM TO LEARN NEW THINGS	0	0	10	90
4	I USE SM TO FOLLOW MY FAVOURITE ARTISTS	10	0	35	55
5	I USE SM TO LEARN ENGLISH	5	5	20	70
6	I USE SM TO FILL MY FREE TIME	0	0	35	65
7	I USE SM TO GAIN KNOWLEDGE	0	0	35	65
8	I USE SM TO FOLLOW THE CURRENT TREND (FASHION, MOVIE, MUSIC)	0	10	10	80
9	I USE SM BECAUSE MY FRIENDS USE IT	10	5	40	40

10	I USE SM TO DO BUSINESS	50	30	15	5
11	I USE SM BECAUSE IT IS EASY TO USE	0	5	25	70
12	I USE SM BECAUSE IT IS USEFUL TO ME	0	0	35	65

Table 5 shows reasons of the primary learners using social media. Respondents of 90% strongly agreed that they use social media to learn new things, followed by 80% to communicate with friends and follow current trends. 65%-75% respondents strongly agreed for using social media to communicate with family, learn English, fill free time, gain knowledge, easy usage and useful for them. Learners of 40%-55% strongly agreed that they use social media due to influence of friends and follow their favourite artists. However, only 5% strongly agreed for using social media to do business.

Table 6 Social Media Insights

ITEM	MOST COMMON RESPONSES
1 How Do You Use Sm For Education Purpose?	To Complete Homework, Google English Vocabularies, Watch Educational Videos And Cartoons In English
2 For Which Subjects Do You Use Sm The Most And Least?	Most-English, Science And Arts Least-Mathematics
3 Which Language Do You Choose When Using Social Media?	English
4 Why Do You Think You Need Sm In Your Daily Life?	Communicate With Friends And Teachers, Keep Updated With Latest News, Helpful To Get Instant Information In English Language
5 What's Your Favourite Education/Entertainment Sm App/ Websites?	Youtube
6 Why Do You Use The App/Website Stated In Item No 5?	For Experiments Guidance, Crafts Making, Projects, Learn English Words Pronunciation And Life Skills
7 In What Ways The Sm App Suits Or Fulfills Your Needs?	Easily Accessible In English Language, Knowledge In Fingertips, Instant News
8 How Does Sm Help You As A Primary English Learner In Your Daily Life Routine?	Gain New Knowledge, Be Updated With Latest Happenings Around The World
9 Do You Have Accessibility To Use Sm In Your English Classroom?	Yes
10 How Many Hours Per Week You Have Access To Sm In Your English Lessons?	1-2 Hours
11 Do Your Parents Encourage You To Use Sm?	Yes
12 Why Do Your Parents Encourage You To Use Sm?	Expand English And Life Skills And Be Equipped With General Knowledge
13 I Would Continue/Discontinue Using Sm In My Daily Life Because	Continue Using Sm Because It Is Helpful For Studies And Improves Quality Of Living

Table 6 shows 13 open-ended responses answered by respondents on social media insights. Most common responses for each item were identified, gathered and tabulated above. Respondents mostly use social media for education purpose in order to complete homework and Google English vocabularies. English, Science and Arts are the mostly discovered subjects using social media. Whereas, Mathematics is the least explored subject through social media.

Respondents use social media in their daily life to communicate with friends and teachers, keep updated with latest news and get instant information. Participants also mentioned YouTube as their favourite education or entertainment social media app. They mainly use YouTube to get guidance to do experiments, crafts, projects and learn life skills. Importantly, they learn pronunciation of English words that assist them to improve their speaking skills. Social media is highly preferred by the primary learners because it is easily accessible, they could gain instant news and knowledge in fingertips.

As primary learners, social media helps pupils to gain new knowledge and be updated with latest happenings around the world. Participants also have access to social media in their English lessons for 1-2 hours per week. Respondents stated that their parents encourage them to use social media to expand their English and life skills and be equipped with general knowledge. They agreed to continue use social media in their daily life because it is helpful for studies and improves quality of living.

Findings revealed that respondents were from rural demographic location, consisting of primary four and five. Though they come from rural areas, most of them have been using social media since they were 4-6 years old. It is due to having access to ICT tools such as smart phone, computer, Internet and social media likewise findings gained by Chen, 2019 and Lenkaitis, 2019. Hence, easily available and reachable digital tools allow learners to expand their social circle (Karadkar, 2015) while being enthusiastic in learning their favourite subjects.

Besides, the primary learners were found to be frequently using a variety of social media such as YouTube, WhatsApp and Facebook through the available devices. Similarly, research by (Chintalapati & Daruvi, 2016; Domingo & Gargante, 2016) found that students preferred using YouTube, WhatsApp and Facebook for language learning purposes. Among them, YouTube and WhatsApp (Karadkar, 2015; Statista, 2019) are highly used by learners since they possess very good competency in utilizing them. Indeed, the flexibility and functions (Domingo & Gargante, 2016; Greenhow & Lewin, 2015) of these social media apps allow them to be highly utilized by primary learners. So, they easily access their favourite videos in YouTube to keep updated with latest trending and contents which assist with language and skills acquisition (Hashim et al., 2018).

However, WhatsApp being the second top favoured social media app by learners because they can be connected with their family and peers while sharing useful and helpful information through text messages, pictures, videos and audio messages. Discussion of knowledge, new happenings and daily routines were instantly done through audio and video calls. In this way, pupils tend to communicate better and proper English; indirectly allowing gradual improvement in language fluency. The findings are supported by open-ended items' responses that learners stated YouTube as their favoured education or entertainment app or website. According to Thang et al., (2016) pupils favour YouTube as regularly used social media to learn language. Accessing social media in English language, learners tend to enhance their English skills. Content in terms of interactive questions and responds, fun and attractive visual elements, comments and subscription facility further interest learners to continue use YouTube in fulfilling everyday learning opportunities.

Findings also highlight that they use social media to improve their English language, learn new things, communicate with friends and follow current trends such as fashion, movies and music. Research by (Statista, 2019; Thang et al., 2016) articulates that learners (Karadkar, 2015) favour YouTube and used it regularly in a language classroom. Through communication with friends and teachers, learners collaborate actively (Suana et al., 2019) and interact to gain feedback and be engaged actively to complete certain tasks (Bailey, 2019; Yunus & Salehi, 2012). In this way, their free time is occupied wisely for beneficial activities (Chandran et al., 2019; Roopchund et al., 2019).

Significantly, young learners use social media because it functions easily and useful for them in a variety of context (Chandran et al., 2019). Social media sets an ultimate platform for learners to gain knowledge, instant news and information in fingertips (Leonard, 2014). New videos in huge amount being uploaded and accessed daily by millions of users (Karadkar, 2015; Snelson, 2016; Wang & Chen, 2019). They contain latest content, updates and useful knowledge needed for pupils' learning and improvement. Therefore, pupils prefer social media in their daily life since it provides materials and learners to assist them with their homework and learn new vocabularies (Yunus & Salehi, 2012).

Due to social media's flexible features settings, learners get opportunity to explore English subject widely besides completing experiments, crafts, projects in classrooms. Hence, they could perform in academic and non-academic tasks (Bailey, 2019; Hashim et al., 2018) efficiently at their level best. Easy and instant access (Abdurahman et al., 2016) at times and places are unique insights of social media that fond learners to utilize them to expand knowledge and life skills in the target language.

Indeed, parents are being stimulators in encouraging children to apply social media to guide them with exploring English language vastly, studies' needs and discover life skills. However, it is advisable for parents to supervise (Chen, 2019; Yunus et al., 2012) children's usage of social media is under parental control and they are exposed to the right content. Learners prompt to continue the usage of social media in their daily life since it is helpful to fulfill education demands and improve quality of living (Bailey, 2019; Kaushik et al., 2018).

Therefore, social media allows learners to involve in independent and virtual learning (Yeop et al., 2019), express ideas clearly and communicate socially in English to increase productivity (Abdurahman et al., 2016) so they could face the current digital world challenges (Yunus & Salehi, 2012). However, the researcher identified limitation in the study. The findings were more likely to represent the use of social media by fewer number of respondents in the rural area. Therefore, research findings may be not generalized for pupils using social media in the urban areas due to differences in availability of facilities and advanced technology features. Further research would employ in exploring the issues and types of YouTube based materials in encouraging English learning skills among urban pupils.

5. CONCLUSION

The survey on the use of social media among primary learners in the district of Cameron Highlands is significant considering the impact of social media on learners' education and daily routine. Aspects of social media positively influence them to learn English language skills, new knowledge and discover the world happenings instantly. Demands of English as global language in education and futuristic job fields are increasing social media effect among learners. It is effective in assisting knowledge grasping to heighten living quality. Education policy makers with joint efforts with educators in schools could integrate more social media insights in English syllabus to ease learning in creative ways and motivate learners to endure life skills for successful futuristic endeavours.

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Labour and rehabilitation psychology of state body head

Psicología laboral y de rehabilitación del jefe del organismo estatal

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ABSTRACT

The practical significance of the work is the formation of the motivation for effective management by the heads of state bodies. The article contains numerous specific recommendations of managerial labor in state bodies. A significant place in the article is occupied by the recommendations on the preparation of official, legal documents. Characterized by the specifics of the work of women leaders. Proven tested and fairly fast ways to recuperate a leader are offered. The author explores the logical psychological relationship between the head and the team of subordinate employees. Based on the identified patterns, the article proposes an algorithm of managerial style as such. Every manager may doubt his purpose from time to time. I believe that the only thing that cannot be done is to forget about it.

Keywords: Head of the state body; official business style; control; work leader; legal documents.

RESUMEN

La importancia práctica del trabajo es la formación de la motivación para una gestión efectiva por parte de los jefes de los organismos estatales. El artículo contiene numerosas recomendaciones específicas de trabajo gerencial en organismos estatales. Un lugar importante en el artículo está ocupado por las recomendaciones sobre la preparación de documentos legales oficiales. Caracterizado por los detalles del trabajo de las mujeres líderes. Se ofrecen formas probadas y bastante rápidas para recuperar a un líder. El autor explora la relación psicológica lógica entre el jefe y el equipo de empleados subordinados. Basado en los patrones identificados, el artículo propone un algoritmo de estilo gerencial como tal. Cada gerente puede dudar de su propósito de vez en cuando. Creo que lo único que no se puede hacer es olvidarlo.

Palabras clave: Jefe del organismo estatal; estilo comercial oficial; controlar; líder de trabajo; documentos legales.

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INTRODUCTION

Psychology in the activities of a public body begins with the corner of the administrative building in which it is located. With its appearance, color scheme, spacious offices and meeting rooms, the administrative building should inspire a sense of respect for the state power, faith in the justice of the state, hope for help in a difficult situation. It is necessary to refuse from the typical projects of the administrative buildings which are not expressing natural-climatic conditions of subjects of the Russian Federation. In the northern and Siberian regions, warm wood furniture and warm colours of walls and ceilings are preferable for the environment of the offices.

The internal layout and design of halls and offices in government agencies requires consideration of people's psychology. Yellow tones awaken joy in people, blue ones bring sadness, purple ones - depresses, light green ones - soothes, calms, and generates thoughts of eternity and goodness. For offices, where a person is engaged in creative intellectual activity, it is advisable to choose green tones of painting. For offices, human resources, economic management, where employees are engaged mainly in monotonous and monotonous work, it is quite justified to use bright, invigorating colors for painting the walls: red, orange, bright blue.

With the introduction of new mechanisms and technical means into the activities of state bodies, it is time to develop an algorithm for automatic reception or refusal to receive citizens' requests. Applicants' applications could be made in the form of electronic document flow. It is possible to develop unified projects of appeals to the state body with a certain necessary catalogue of applications. And depending on how accurately the applicant will fulfill the requirements for the form of application, the robot will process the received electronic material and give a positive or negative answer to the applicant. This innovation will significantly relieve the work of offices and managers themselves and free up their psychological energy for more complex work (Electronic State, 2018).

By the end of the twentieth century, automatic devices had penetrated into the sphere of state activity and greatly facilitated the everyday work of the manager. It became easier to compile and edit texts. It is easier to get acquainted with the necessary normative act. A manager deals with dozens of electronic and automatic mechanisms within one working day. But before addressing them, he must mentally perceive the situation on the case and understand the information received.

It is very important that under the extraordinary load experienced by the heads of state bodies, their human work does not resemble the work of an automatic device. There will always be those who want to reduce the manager to the function, to the screw of the mechanism, where everything is put on the flow as a conveyor belt.

It is absolutely intolerable, when the leader from economy of personal time overturns reception of visitors to the zamamam and assistants. It seems that the discovery of such practices should entail measures of responsibility for the heads of state bodies.

Managers' confidence in "electronic assistants" should not be unlimited. The manager should check the quality of electronic information. When the information is obtained with the help of automatic devices, it is important to remember that the machine is operated by a person who is inherent in solving his personal goals with the help of machines, while the machine is only a performer of his will, a tool of his labor. Thus, the information obtained through the installation called "lie detector" is often programmed with a false psychological attitude, when incorrectly asked questions and appropriate adjustment of the detector cause an unfavorable result for the person under test.

DEVELOPMENT

Aim, objectives. Modern science must develop the conditions under which the will of a professional leader is organically combined with the methods and ways of exercising the powers entrusted to him.

Methods, materials. The efficiency of the work of the head of the state body depends on his ability to detect the main thing in any problem. In practice, there are no bad and good styles of leadership, and there is the ability or inability to make decisions.

In the work on the preparation of official documents a great role is played by the verbal design. The choice of words and phrases in documents is designed to provide a clear and unambiguous perception of the decision of the state body, fully comply with the purpose of these documents. From a psychological point of view, language is not a passive fixer of people's will, but plays an active stimulating and regulating role in management activities (Rogers, 1959). With the help of the language of persuasion of the manager are expressed outwardly, are formed, become accessible to all interested persons to whom certain requirements are addressed.

For official documents, a special style of presentation, called the official business style, has been developed. It is official because it creates certain grammatical forms for the adequate expression of the will of state bodies, and at the same time business, as it serves as one of the means of settlement of legally significant situations. "The independent existence of such a style, - noted A.S. Pigolkin, - is conditioned by the presence of a special sphere of human activity in the stately organized society - the official-business one, which is distinguished by specific, inherent only in it relations of people" (Scientific background, 1980).

The official business style of the text of the document is characterized by such features as logic, conciseness, maximum accuracy, clarity and unambiguity of the content, standardization of terminology.

The logic of an official document assumes that its text is presented on the basis of correct reasoning, reflects the objective reality and eliminates any contradictions. The content of the document should not contain emotionality, slippage of subjective assessment, figurative phraseology and literary hyperboles. The psychological role of an official document is to influence people's reasoning and logical thinking, not their feelings and imagination.

The brevity of an official document is ensured by a concise, concise presentation of decisions. This is achieved by replacing complex sentences with simple ones, as well as by eliminating the involved and de-private turns and using common abbreviations. In a legal act, the idea is expressed in the most limited number of phrases and terms. Unnecessary words, unjustified repetitions, verbiage due to explanation, detailed description of the subject are not peculiar to the official business style. The more concise the text of the official document is, the better it is perceived by the objects of control.

However, the brevity of the document should not be achieved at the expense of the completeness of the problem to the detriment of the content. It should be disclosed in the necessary detail so that there is no doubt or ambiguity. Therefore, before drafting a document, the problem should be carefully studied and considered, and words and expressions should be selected that most fully and accurately convey the essence of the case and the decision of the public body.

The brevity of the official document is closely linked to the accuracy of the content. Accuracy in this case means reflection in full accordance with the reality of the objects and phenomena of the objective world. In this regard, each fact, each thought in the draft document should be carefully checked. The inaccuracy of the document renders it invalid and leads to additional arguments for appeal and the need to create new documents.

Clarity is likely to be a feature of official documents that synthesizes the logic, orderliness, clarity and clarity of all phrases used in their content. The requirement of utmost clarity is that all language versions of the document be written in a language that is understandable to every literate person and avoid ambiguity, vague and ambiguous expressions. This determines the special, extreme care and seriousness with which the language form of the official document is taken.

Official documents should seek to express thought in a uniform manner, using established stamps and stereotypical stencils, up to and including ready-to-use language cliché formulas. Standardised turns require minimal strain in the perception of the text and speed up the process of drafting the document. According to engineering psychology, standardized phrases are perceived 8-10 times faster than ordinary literary phrases (Kazannik, 2016).

Officially, the business style implies the widespread use of terms, i.e. words that have only one clearly defined meaning. In this regard, it is completely unacceptable to use archaic words and expressions, old clericalisms, vernacular and slang words, local dialectics, as well as neologisms and abbreviations that have not stood the test of time. The use of professional words in the preparation of a document that are understandable only to a narrow circle of professionals should not be encouraged. However, if professional terms cannot be dispensed with in an act, they should be disclosed in brackets.

Legal, diplomatic and accounting terms can be widely used in published documents, but only in strict accordance with the subject matter and content of each particular judicial document.

The use of foreign words and expressions should be criticized. In official documents, it is recommended to use only those foreign words and terms that have either gained international recognition or do not have an equivalent in modern Russian. The document should not contain any simplified expressions allowed in oral speech.

How important is the ability of a leader to ask questions! Most people do not know how to do this. They replace questions with their own statements. Often in unsuccessful questions the stating part is used, in which the personal attitude of the questioner about this or that subject is already expressed.

Results, discussions. Experience in training managers shows that organizational skills should be flexible and based on conscious mastery of the management process, rather than on simple mechanical steps.

The psychological compatibility of a manager with his assistant and secretary is important. The assistant needs to penetrate in particular the style of his or her supervisor and prepare the drafts of the assigned documents with this style in mind. The problem of psychological compatibility of the head with his technical assistants is not limited to working time. On mutual sympathy depends on the work of the microcollective (head-assistant-secretary). Psychological reasons for the failure of the head and her technical assistants should cause a timely mutual interest to protect themselves from unbearable communication in time.

In the conditions of constant updating of the legislation a lot of scientific comments to it are growing. Therefore, for the free use of regulatory information the head of the state body needs to constantly read the latest special legal literature. It is necessary to keep abreast of the latest scientific comments on laws and reviews of judicial practice. The work schedule should be structured in such a way that at least one hour a day is allocated for reading these sources.

Everybody is accustomed to admit that the work of a manager is not standardized, but the manager himself needs to be able to regulate his time to maintain elementary efficiency. The ability to allocate time and attention to the

important professional skills of a manager. When a manager needs to get acquainted with 20, 30 or 90 documents in the shortest possible time and accept several dozens of visitors without the skill of self-organization.

The manager's brain continues to work by inertia and beyond the office doorstep. On the way home, at dinner, before going to bed, the head's brain continues to process information about the cases under consideration, looking for new solutions to ambiguous situations, notes the defects of evidence, tries to build a plan for the next day. With a deep interest of the manager in the best solutions, a great sense of responsibility work against his will actually continues for 14-18 hours a day. Completely to get out of work, to throw the obsession out of the head does not allow the predominant at the moment the site of excitation in the cerebral cortex.

From time to time, every manager may doubt his or her purpose. The only thing you can't do is to forget about it. Therefore, the skill of independent thinking without the influence of the opinions of colleagues and supervisors is so important. Every managerial decision should be the result of an intense intellectual and conscious act experienced by a manager.

Among the important requirements to the implementation of the leader's work can be referred to as a fresh, rather than tired feeling of well-being, comfortable environment, confidence in the integrity of their judgments, their own professional solvency. But the most important thing is a person's moral choice. The measure of responsible behavior is determined by the strength of moral feelings experienced. Therefore, their assessment in relation to a particular leader is a diagnosis of professional suitability.

Impartiality of a manager should not be confused with indifference. If one of the leaders has all the participants of the process for one person and the whole working day seems to them sluggish, dull and uninteresting, there is an example of disqualification before us. The manager is obliged to deal with every significant detail of the case in detail and only then to proceed to an uninterested objective cumulative assessment. A significant number of people cannot claim not to be impartial, because they have too low a level of spiritual and moral development. They can only represent impartiality. And true impartiality requires an approach that allows for the same treatment of relatives and unrelated persons, honest people and villains.

The public-legal status of the head of a state body gives grounds to impose higher requirements on its reputation. This means that the head of a state body should behave as if someone was watching him or her and was ready to evaluate his or her appearance, words and deeds. Such psychological tension does not stop even at home, as it excludes noisy meals, loud comments about children's addresses or clarification of relations with their spouses (Ethics, 2018).

The work of a woman manager is different from that of a man in that position. In this position, a woman is required to be more enduring and efficient, logical and balanced. It is not a question of imitating men, but of developing the abilities that are unique to her nature. Women are by their nature more curious than men, they are more accurate than men, more attentive to details, more sympathetic to the victims - these psychological features are valuable in management. The natural curiosity for someone else's life and attention to detail serve the female leader well.

In carrying out their functions, every manager from time to time experiences feelings that are professionally contraindicated to him/her. And none of the participants of the management process would like to face similar feelings of leadership in relation to themselves. It is about irritation.

Irritation on the part of the leader occurs very often. Such a reaction lowers the level of justice and reveals the weakness of the person in high office, who in the name of the state makes jurisdictional decisions.

At first irritation can cause only some absolutely certain situations (a lot of words of the visitor, someone's stupidity, violation of the order of office-work), but if the head is not struggling with his irritability, over time, the range of possible causes of anger expands. The more often the head feels irritated, the more compulsive is the need to pour it out. The habit of "letting off steam" has the most negative impact on the authority of the state body as a whole.

The leader needs to fix the moment of emotional tension, after which he usually has a psychological breakdown. Having determined it, try to hold on for three to five seconds on the verge of an outbreak, be patient, hold your breath and say to yourself: "Don't! You can't! I'm furious, I'm not myself, I'm not in my right mind! If this method helps, the ability to soften irritation with time will reduce the threat of new outbreaks of anger to zero. Subsequently, remember the situation, which, it would seem, inevitably should have taken you out of balance, but you have managed to cope and you managed to stay on the edge, and without slipping.

The irritation of the boss is a sign of his weakness and unprofessionalism. In addition, subordinates find themselves in the position of dependent persons in relation to the boss and humiliate them on behalf of the state is not suitable. Increasing the degree of aggression is an alarming professional call! Is it possible to control people by a person who is himself painfully unfair and inadequate?

If you don't work with yourself internally, at first the leader will be limited by a gloomy sniff, and then in the same situations it will be easy to start screaming. Anything can become a provoking situation - someone's hair, unpredictable answer, physical fatigue. The impossibility to control one's own behavior is a proof of the unsuitability of a manager. Being in this state, you will not be able to make a reasonable decision. Everything that you are going to say when you are overwhelmed with irritation, will inevitably harm your reputation. Any words

that come out of your tongue in anger are not true, but a black vortex in which the truth is wrapped. Anger is not a demonstration of strength, but a recognition of weakness. Outbursts of anger are ill-considered actions that make it impossible to assess the situation soberly.

While the leader, though with difficulty, but still keeps himself in a calm state, he is able to more or less successfully influence the situation. If he allows himself to “break away”, if he allows his own angry reaction to come into play, the question of responsible behavior on his part will no longer be able to go. His behaviour will be immediately replaced by unconscious and distorted reactions. In this state he is not a leader.

Hate is a particularly bad thing among all kinds of predilections. In the minds of the leader in this case there is a trap and he can already recognize the far-fetched facts proved.

Managers do not always have to hear speeches with a high general and legal culture, systematic knowledge of the subject, sufficient personal experience, and rich linguistic forms. Emotional outbursts of interlocutors are not always accompanied by convincing arguments. This should not be a cause for irritation. An experienced supervisor can learn from any information that may be useful for understanding the case at hand. Quiet reflections of a conscientious person are exactly what is needed for a balanced approach to management.

Usually, anger subsides no later than thirty or forty minutes later. Managers cannot afford such a luxury, spend so much time on paralysis in work. Anger always dissipates our emotional strength, not concentrates it. Any ways to help leaders keep themselves in an adequate, balanced position are good. If you solve the problem of your own irritability systematically and scientifically, you need to follow the following advice. Carefully watching yourself, record their outbursts of anger in the diary, always paying attention to the causes and consequences. This will give the skill of detecting the same irritant, which causes violent reactions. In addition, as you remember the consequences of your anger, you will be ashamed to repeat the same thing.

In a moment of irritability, you should prefer silence, do nothing about it. In order not to break firewood, it will be productive to put your annoyance on a boxing pear after work or to go to the nearest park for a jog. And think about whether rabies attacks become too regular? It is useful to analyze the reasons for their anger, which often lie in the managers' lack of sleep, health problems, misunderstanding in the family, disobedience of children, the constant rush, the desire to control everything in their lives.

You can watch the destructive emotions and feelings, they will calm down themselves, and calm down, lose their power. Even an experienced person cannot stop strong negative feelings at the highest boiling point. It is important to remember that it is the inner peace, not tension, that determines the effectiveness of any activity.

There are some intrusive psychological states, which prevent the leader, if they are carried away and let in for a long time:

- 1) worrying that the problem is so complex that it is simply not possible;
- 2) worrying about what your enemies, colleagues and leaders think about it;
- 3) Dissatisfaction with oneself.

The following can be suggested as “cures” for such obsessions When the first “symptoms” appear, it is forbidden to even think about it. After all, it makes no sense. You have to work and think about the case. All thoughts that lead to despair should be driven away from yourself. Prolonged immersion in thoughts of your own insolvency leads to stupor.

Nothing torments a person except his own thoughts. Wise people understand better than others that to take real life too seriously should not, otherwise it will not hold the heart.

The psychological protection of a leader contributes to the effectiveness of the relevant public authority (Haslam, 2004). In each situation, it is important for the manager to establish a business climate in which the seriousness and importance of what is happening is perceived equally by all participants.

Psychological difficulties are experienced by the manager in situations where subordinates or visitors demonstrate aggressiveness, greed, irresponsibility, selflessness, unscrupulousness, rudeness, indiscipline, anger, cruelty, stupidity, insincerity, conflictedness, lack of culture, lying, impudence, optionality, meanness, empty talk, lewdness, profanity, familiarity, selfishness, etc. It can be said that the leaders are almost daily forced to observe those sides of human nature that are usually hidden and restrained. Against the background of the worst manifestations of meeting people, the leader must maintain humanity in himself, to manage others.

An important psychological role is played by the creation of comfortable working conditions. For this purpose, the manager's workplace should be optimally organized, so that a person would like to work behind him and everything necessary (from office equipment to stationery) was at hand.

To record incoming information, the manager uses personal “wireless and shock-resistant” diaries, among which those who have already been ransacked by date and time are preferred. It is convenient to enter in the diary planned actions for themselves and instructions for assistant judges and secretaries, to fix the established terms, to

determine the forms of control.

There should be enough air in the working area of the head. Nothing depresses a person so much as lack of oxygen. Air conditioning is now used to improve the quality of the air environment in office buildings and premises. With the help of air-conditioners they create and maintain a favorable microclimate in closed rooms, regulate air environment parameters by temperature, humidity, purity, composition, speed of movement and air pressure. Unfortunately, air conditioners of outdated constructions supply air with violated ionic and ozone composition, which negatively affects people's health. Such conditioners accumulate air pollutants and colonies of harmful microorganisms capable of causing legionellosis, allergic nasal deposits, gastrointestinal disorders. Computers of the head and his assistants should be equipped with special screens, absorbing radiation.

The main ways to reduce the harmful effects of noise, vibration and electromagnetic fields on the health of the manager are architectural, planning and engineering methods (Stepanov et al., 2018). These include landscaping and landscaping of the area adjacent to the administrative building, extensive use of sound-absorbing and soundproofing materials, equipping the equipment with various shock absorbers, and fencing of buildings with screens to protect them from external electromagnetic fields.

Aesthetic conditions, which have a beneficial effect on the psychology of the manager, include the entire subject environment of the building, landscaping of the adjacent area, means of office equipment. These conditions are formed, first of all, by artistic design (design), which expressive means of transformation of the object environment of the state body according to the laws of beauty and functionality.

Psychological conditions of work of the head form an appropriate emotional background for the individual work of each individual employee of the institution. Creation of the most favorable, business, friendly relations in the team of each institution facilitates the work of managers, makes it creative, joyful, not tiresome, healthy and highly productive. In such conditions, the willful effort of the manager, emotional excitement, increased interest in the work can compensate for fatigue, objectively confirmed by a number of physiological indicators. In this case, a person's performance does not decrease.

One of the most common means of motivating work is salary, bonuses, bonuses, vacation duration, pension - all this is provided for the heads of state bodies with some reserve. Therefore, managers feel psychological comfort about the care of the state. They are concerned not to lose all this and therefore work with full commitment.

There was a lot of sorrow in wisdom. A manager who operates with such a huge amount of information and takes responsibility for decisions made on behalf of the state, needs a good psychological relief.

A leader complaining of a bad dream is not uncommon. This is followed by fatigue and irritability. Any negative emotions cause a weakening of the immune system with all the ensuing consequences, including sleep disorders. Of course, a moral person is more harmonious, he has fewer interpersonal conflicts, which increases overall satisfaction with life and creates a feeling of happiness. Low life satisfaction, a cemetery of injustice behind his back, and a sense of unprofessionalism affect his satisfaction with life and are at the heart of mental disorders such as insomnia, depression, and suicide.

Psychologists have established that the most useful sleep is from 21 p.m. to 1-2 a.m., when many people have time to watch TV. Sleeping after sunrise is not useful at all. Use the bed only for sleeping, that is, do not read while lying down, do not watch TV. In case of sleep disorders, coffee drinking is forbidden. Over-eating in the evening is excluded. Beneficial effect has an evening walk in the fresh air just before bedtime plus ventilation of the bedroom. Hot baths are also recommended for raising body temperature. A glass of warm milk relieves excess stress well.

The more worried the mind is, the more illnesses it is. That's why it's so important to work on inner peace and calmness of mind.

It is noticed that a person is calmed down and strengthened by religion, sleep, music and laughter.

Feeling that fatigue makes it difficult to perceive the problems that arise, the leader can arrange a short break, for which to restore efficiency. I knew a man who interrupted his work every hour to smoke. This kind of psychological relief is actually a psychological dependence from which to suffer.

It would be better if, in moments of fatigue, the leader secluded in his office and switched his attention to other thoughts and feelings. Such a switch implies very individual directions: one is suitable for listening to your favorite melodies, the other - a conversation with a loved one on the phone, the third - a measured walk from corner to corner.

If the leader feels irritated, he needs to be quickly extinguished and not to be muscled further. Irritation leads to exhaustion of the person and confuses thoughts. In this state, nothing good can be done.

CONCLUSIONS

The role of the family for recovery is exceptional. Unfortunately, the workload of business leaders hinders the full leisure time of the family. Children who do not receive sufficient communication with their parents because of

their daily work in reading and writing are particularly affected. It means that the supervisor needs to organize his presence at home in such a way that his classes at home are not only of a service nature. The psychological law of recuperation requires that time be devoted to communicating with family members. As John Chrysostom put it, “we do not apologize if our children are corrupt.

Congestion of people in offices and various noises connected with it force the head to choose time to be alone. But loneliness can only be a temporary measure of psychological rehabilitation. Leaders are psychologically opposed to loneliness as such. Managers should be aware that loneliness poses a serious threat to his mental state. If people of such profession will not have a normal outlet in a full-fledged family with children, it will be difficult for them to keep the humanity while exercising control.

When a leader has free time, everyone strives to occupy him/her with the greatest efficiency in order to recover. Someone prefers to hunt, someone to fish, among the leaders a lot of collectors. You can see that the leaders have strong hobbies. Psychologically it is understandable: the more accumulated nervous tension, the stronger the desire of a person to throw it out. I know the head of the institution, who lives thirst for extreme travel and therefore divides his long vacation into “pieces” to escape to new places. Another manager I know avoids any transport and likes to walk, which apparently allows him to strengthen the heart muscle, maintain physical fitness in general and at the same time to think about the “feet” of the decision.

Among the types of travel, leaders prefer those where recreation is most organized, close to the benefits of civilization and comfort (Mastenbroek, 1993). Psychological exhaustion takes its toll and managers do not want to spend their efforts on everyday life during the rest period. Among the leaders there are almost no tourists who enjoy hiking in the wilderness, mountain climbing and campfires in front of wet tents.

The tension accumulated at the head, is not relieved by alcohol and record doses of coffee, so do not even waste time on these “antidepressants”. Dependence on alcohol and coffee is not worth the brief euphoria that comes with their use. The discharge of negative energy in this case should be more extensive and radical.

Sports and physical exercises inspire optimism and balance in a person. After a 3-5 km run, it is unlikely that there will be a desire to get angry or get depressed. A sedentary lifestyle requires regular hiking, jogging and swimming.

People with sedentary lifestyles are weaker and prone to pessimism, sadness and melancholy, and therefore have a negative approach to life. Athletes, on the contrary, are usually optimistic and balanced, with good physical and mental health.

It is noteworthy that Eskimos living in hunting and fishing travel long distances on foot every day, they have to constantly put in physical effort. As a result, their blood cholesterol levels are lowest, despite the fact that their food is almost entirely animal fat (Amosov, 2018). They almost never commit a crime. Apparently, intensive physical activity cleans people of passions and low impulses.

Joy and optimism usually accompany those who keep their bodies in good physical shape. Most likely, with physical effort, anger and tension are then gone. A leader, as a person leading a sedentary lifestyle, tends to be indulgent to himself. This way of life weakens.

Women leaders enjoy gardening in the suburbs, knitting, cooking, and grandchildren, without having enough time in the past to work with children.

Managers gladly read historical, psychological and fiction books, even detective ones, apparently because every day they have to read a lot of tangled cases and special literature. Cinema production, which creates images of major public and political figures, is also of interest to them (Tsybulevskaya, Milusheva, 2007). The leader is professionally trying to solve the mystery of the personality of a prominent politician, put in the movies, as if using a simulator. Schemes, scripts, and management situation stories presented in films, if they are made with talent, help managers.

When a manager thinks that his work is unbearable, he should remember that there are people of heavier professions, who feel and find themselves even more difficult at the very moment.

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Folklore roots of images in Chekhov's poetics: "The Steppe" and "The Black Monk"

Raíces folclóricas de las imágenes en la poética de Chéjov: "The Steppe" y "The Black Monk"

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ABSTRACT

The article is devoted to the study of A.P. Chekhov's works in the context of folklore tradition. The topic itself is interesting and productive from the viewpoint of the folklore tradition manifestation in the work of the classic, since Chekhov is often considered a "non-folkloric" writer. More recently, the theme "Chekhov and folklore" began being referred by researchers. The article raises the question about various folklorism forms in poetics, stylizations and borrowings, and latent folklorism forms. The object of research is a later work, the novella "Steppe". The subject of the article is folklorism principles in poetics. The novella is considered in the paradigm with the plot of another later work of the writer - the story "The Black Monk". Also it draws parallels with S. A. Yesenin poems "The Black Man" and the poem of V. Khlebnikov "The Stone Woman" revealing common "folklore" elements in all the texts. Historical-literary, typological analysis methods and folkloristic commentary on the text are leading approaches to the study of this problem. This leads to the following results: figurative system folklore foundations identification in the story makes it possible to raise the question of ontological principle in Chekhov's poetics, bringing the reader and the researcher to ontological narrative scene, despite the fact that the writer was often perceived as a portrayer of ordinary life.

Keywords: Chekhov, folklore, metaphysics, stories "The Steppe" and "The Black Monk", poetics.

RESUMEN

El artículo está dedicado al estudio de las obras de A.P. Chekhov en el contexto de la tradición folclórica. El tema en sí es interesante y productivo desde el punto de vista de la manifestación de la tradición folclórica en el trabajo del clásico, ya que Chekhov es a menudo considerado un escritor «no folklórico». Más recientemente, el tema «Chekhov y el folklore» comenzó a ser referido por los investigadores. El artículo plantea la cuestión sobre varias formas de folclorismo en poética, estilizaciones y préstamos, y formas folclóricas latentes. El objeto de investigación es un trabajo posterior, la novela "Steppe". El tema del artículo son los principios del folclorismo en poética. La novela se considera en el paradigma con la trama de otro trabajo posterior del escritor: la historia «The Black Monk». También traza paralelos con S. El poema de Yesenin "The Black Monk" y el poema de V. Khlebnikov "The Stone Woman" que revela elementos comunes del «folklore» en todos los textos. Los métodos de análisis histórico-literarios, tipológicos y los comentarios folclóricos sobre el texto son enfoques principales para el estudio de este problema. Esto lleva a los siguientes resultados: la identificación de los fundamentos del sistema figurativo del folklore en la historia hace posible plantear la cuestión del principio ontológico en la poética de Chéjov, llevando al lector y al investigador a la escena narrativa ontológica, a pesar de que el escritor a menudo se percibía como un retratador de la vida ordinaria.

Palabras clave: Chéjov, folklore, metafísica, cuentos "La estepa" y "El monje negro", poética.

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1. INTRODUCTION

There are no evidence of any direct impact of folklore and myth on the poetics, figurative system of A.P. Chekhov's works, but this does not prevent the researches from posing "Chekhov and folklore" question, which began to worry researchers in the 1930s-1940s. Let us mention the method that we apply analyzing the classical texts of Russian literature. Literature can involve different types of folklorism. Of course, it is the most convenient to study the external forms of folklorism, stylization, borrowings, direct orientations, folklore motifs sources of one or another writer, but there are other forms of folklorism. The latter are usually called internal (A. A. Gorelov), latent (A. L. Nalepin), intuitive (R. M. Kovalev). It seems that the hidden forms of folklore tradition penetration are relevant to Chekhov's work. The history of Chekhovian folklorism study shows that the researchers considered mainly the external forms: folklore and ethnographic elements, pronounced in poetics, or archetypal structures associated with symbolic overtones. Of course, a number of works attempts to examine a specific folklore motif functions in the work (Rogovskaya, 1974), but mainly early stories were the research object (Tumilevich, 1978), since they illustrate the connection between literature and folklore the most obviously. In contemporary articles and dissertations literary scholars also try to refer, first of all, to folklore texts, to identify the books the writer read (Terekhova, 2002).

In these works, Chekhov's works were analyzed from the point of view of mythopoetics and folklorism (less often) that allows raising the question of the relevance of the topic. In addition, much attention was paid either to early stories, since they illustrate the connection with folklore the most obviously, or the plays filled with symbolic meaning, to which the poetic symbolists turned their attention (A. Bely, F. Sologub). Although, for the sake of justice, it is worth noting that the step towards the *comprehensive* understanding of folklore as applicable to Chekhov's works on the part of researchers has still been made – an example of this is an article of M. Ch. Larionova (Larionova, 2006). Mythopoetics was often given the first place, but, for example, the work of N.I. Ishuk-Fadeeva also applies to systematic approach: the researcher refers to ritual tradition, analyzing the archetypal structures of "The Seagull" (Ishchuk-Fadeeva, 2001). In our chapter, the later Chekhov's novels are considered in the context of folklore tradition, manifested mainly latently that is of particular interest.

The question of folklorism in Chekhov's "The Steppe" has already been raised. An article of D.N. Medrish compares this complex Chekhov's work with the composition of a lyric song having an open ending at the level of poetics, in sacral-ritual discourse (Medrish, 1978). But the essence of this ending (in contrast to the classical ones, which are more typical) consists in the *ritual transformation of the character*, who must grow into himself but new one. After traveling to the steppe Yegorushka, apparently, should be initiated to start a new life. M.Ch. Larionova also paid attention to the transitional ritual element of the novella drew having compared the locus of the steppe with the place of "temporary death", since the steppe for the Russian man and Chekhovian characters is the place of "physical and spiritual pilgrimage, formation, ordering, testing, liberation from the past and preparation for the present" (Larionova, 2009).

2. METHODOLOGICAL FRAMEWORK

This is what Chekhov himself wrote about his work, "I took a steppe, which has long been remained undescribed. Each separate chapter is a story ... I tried to write them so that they have general smell and general tone..." (Chekhov, 1977). This judgment, the intention expressed in the letters to D.V. Grigorovich, states one of the basic principles of poetics – the writer's immanent perception of his own works. The third and fourth part of the novella make us think about the tradition in which Chekhov continues to create: the description of the steppe itself, of people described so fantastically and symbolically that the steppe performs the function of a special *topic*, that is, reality on the verge of existential world, "Broad shadows move across the plain, like clouds across the sky and in the inconceivable distance, if you look long and intently at it, misty, monstrous shapes rise up and huddle against each other... It is rather uncanny" (Chekhov, 1977) (translated by C. Garnett); "You go and suddenly see a *silhouette, similar to a monk* in front of the road; he does not move, he waits and holds something... Is he a robber? The figure is approaching, growing, so she came up to the chaise, and you see that *this is not a man, but a lonely bush or a big stone*" (Chekhov, 1977) – Yegorushka is in a borderline state, he comprehends the reality in a different way than Kuzmichov, Moisei Moiseich and others. After all, it is the boy's imagination to which both the "The Black Monk" and "stone women" are directed. But a legitimate question arises, "Why did Chekhov use exactly these comparisons? Can they be conditioned by cultural paradigms and its entire creative laboratory?". Curiously enough, but we find the answers to these questions in the figurative system of the poets of the Silver Age. In this case, we will analyze in detail some fragments of the novella "The Steppe", story "The Black Monk" and Khlebnikov's poem "The Stone Woman".

A. T. Khlebnikov had a fine appreciation of Chekhov's literature, especially his poetics (Loshchilov, 1999), his poems directly refer to Chekhov's stories, they feature a commonality of the image that may have been found by the writers' "gut feeling" (a detailed analysis of the Khlebnikov's poem "The Dog Waves its Tail, Barks", in which the reminiscence to the works and personality of Chekhov is hidden, is presented in the article by I. E. Loshchilov). In this context, Balmont's remark about Chekhov seems to be insightful, "...over decades Chekhov's *spiritual forethought* became more visible and charming, it gains more and more strength of virtuous magic" (Balmont, 2007). If to refer to the two well-known texts, Chekhov's "The Steppe", which expresses the main principles of his poetics, and to Khlebnikov's poem "The Stone Woman", we will see that the thing that Chekhov perceived as a mere detail, an element of the steppe landscape (let us denote it so), Khlebnikov considered the core for the figurative system of the poem. In the cognominial poem of Khlebnikov the main character is a stone woman. What is the reason for that? Let us turn to an ethnographic commentary, without which it is difficult to understand the poet's works at all. Khlebnikov, who certainly knew myths and folklore, borrowed certain images from ancient culture, but he always created his own

world, his own myth (Vykhodtsev, 1983). Analyzing the so-called “mythological poems” of Khlebnikov researchers often come to the conclusion that this is a single but not finished “epic poem” (D. Mirsky). The artistic fabric of the poem “The Stone Woman” is fastened by the image of a stone maiden, an idol that connects two realities, one of which is *cosmic*, leading to eternity (combining lyric and epic), and the second one is vernacular, profane:

The stone women of the fields
are tales told in books of stone.
Ancient cults erected you.
You stretch to heaven and back again.
.....
A bent old man, his twisted stick,
the stillness of a magic spell (Khlebnikov, 1986) (translated by Paul Schmidt).

The chronotope is “stillness” and steppe; the opening of the space and the disappearance of the character are followed by the description of the “stone woman”, but the question which, at first sight, does not comply with the artistic fabric of the text, arises:

I expect to be shot. Every day.
But why? For what? After all, I have loved all creation,
and spent my childhood here in the steppe,
amid plume-grass and stones (Khlebnikov, 1986) (translated by Paul Schmidt).

From these lines, the images of the old man and the virgin begin to become clear. The old man is a traveler who aspires to heaven:

What does the child want in the stillness
that overlies this silver murmur?
Try because the Milky Way isn't mine? (Khlebnikov, 1986) (translated by Paul Schmidt).

What is the “stone figure” in Chekhov’s novella “The Steppe” – just a road mark or it is culturally connected with Polovtsian sculptures, sacrificial rituals? If in Khlebnikov’s poetics, which suited for a synthesis of “Balkan and Sarmatian artistic thought” (Khlebnikov, 1986) this is so, is it characteristic of Chekhov’s art system, while many researchers even “deny” his folklore tradition? (Emelyanov, 1978) “A silent old barrow or a *stone figure* put up *God knows when and by whom*, a nightbird floats noiselessly over the earth, the stories of some old nurse from the steppe, and all the things you have managed to see and treasure in your soul come back to your mind (Chekhov, 1977)” – in this case the stone figure is a sort of a “landmark” for Egorushka, who observes the surrounding reality and associates it with “the stories of some old nurse from the steppe”. These parallels suggest that the both masters created this image involuntarily, probably, it can be said that the archetype is associated with the *complex of burial rituals*. This is indicated, first of all, by the fact that the stone figure performed in the Slavic tradition was a sort of totem-conductor for the spirits-ancestors, who came to shamans, wizards and cultural characters.

In another Khlebnikov’s poem under the characteristic title “Shaman and Venus”, the shaman comes to the cave of Venus, but the action is developing on it was / it was not verge. What stands out, is that the ritually similar situation is depicted in Pushkin’s “The tale of the Golden Cockerel”¹. The subject of the poem “The Stone Woman” as well as of the poem “Shaman and Venus” is eastern philosophical. The actions take place “in the South Russian nature” (Alfonsov, 1982) (Khlebnikov uses archetypes and plots inherent in the East and stylizes them under the Slavic tradition). Moreover, if to talk about receptions and typologies in Chekhov’s works of the 20th century, it should be noted that the difficult and mysterious Yesenin’s poem “The Black Man” is often compared with the story “The Black Monk” and it seems to be reasonable, but in this case the most important thing is the whole immanent perception of Chekhov’s works, which make us wonder whether two late complex stories “The Steppe” and “The Black Monk” were conceived within the framework of a single story. And here is why. Let us pay attention only to some details in the three texts, the plot of the character’s encounter with the black man / monk / lady (the latter occurs at Moisei Moiseich’s inn). Let us start with a fragment of Esenin’s poem, which is often unambiguously interpreted by researchers. The second part of the poem is notable for its sound pattern:

Somewhere a night bird,
Ill-omened, is sobbing.

—
1 In Pushkin’s fairy tale:
With the chariot fell Dadon-
Gasped again, - And he died.
A the queen suddenly disappeared,
As if at all had happened.
In Khlebnikov’s poem:
And with a blessing smile
She disappears by a gentle mistake

The wooden riders

Scatter hoofbeats (Yesenin, 1997) (translated by Geoffrey Hurley).

From the viewpoint of folkloric tradition, the ritual behavior of ancestral spirits visiting the character with the purpose of opening the veil to another world is revealed (for more details about fainting, phenomena of *volocheb-nichestvo* (spring round of houses with majestic and spellbound songs, an ancient rite of farm cycle, performed before the beginning of sowing, held usually on the evening of Easter Sunday, sometimes on the eve or on Monday), buffoonery, see Z.I. Vlasova "Skomorokhs and folklore"²). The black man in Yesenin's poem visits the patient in the night, when "a night ill-omened bird is calling" and "the wooden riders scatter hoofbeats", laughing at their chosen one. By Chekhov, Yegorushka feels the presence of some strange bird in the house of Moisey Moiseich, "Yegorushka felt a draught of cold air, and it seemed to him as though some *big black bird had* passed by him and had fluttered its wings close in his face" (Chekhov, 1977) (translated by C. Garnett). How to explain "such" coincidences in the plot? Of course, one could ignore this detail by mistaking all this only for the boy's "fantasies" (often mentioned by the researcher of Chekhov's works), but here arises some archetypal model associated with the cult of woman, with a reference to ritualistic reality through initiatory sleep, sleepy soul creativity, which happens to Yegorushka in reality. In addition to the basic coincidences, consisting in the "appearance" of the nightbird, sleepy state of the character, the man in black, at the very time of day, we are interested in the metaphysical meaning of the situation, expressed in a laughing opening – Solomon's ominous laughter and the countess's smile.

We see that the boy overcomes cheerful chaos, meets a beautiful lady – and all this occurs in the steppe, in the "plain space". This is bound to lead us to the idea that Chekhov's situation is not accidental, that this is a natural sign of poetics. In the story "The Black Monk", the main character Kovrin meets The Black Monk outside the garden, at the exit, "Letting Tanya go back to her visitors, he went out of the house and, lost in meditation, walked by the flower beds. The sun was already setting. The flowers, having just been watered, gave forth a damp, *irritating fragrance*" (Chekhov, 1977). The garden smells of not the same flavors as the first time, it irritates Kovrin, but the new space where he finds himself gives the character a sense of freedom and elbow-room, and this space is a field, "Before him *lay a wide field* covered with young rye, not yet in blossom<...> "How *open, how free, how still is here!*" Thought Kovrin, walking along the path. "And it feels as though all the whole were watching me, hiding and waiting for me to understand it..." (Chekhov, 1977). It is in this topos where miracles happen to Kovrin, like Yegorushka from the novella "The Steppe" the character enters into a natural-philosophical dialogue, "... all the *whole world were watching me*, hiding and waiting for me to understand it..." (Chekhov, 1977). In addition, let us pay attention to the fact that nature also interacts with Kovrin, "But then waves began running across the rye, and a light evening *breeze softly touched his uncovered head*" (Chekhov, 1977), in "The Steppe", "*Something warm touched Yegorushkina's spine*, the streak of light, stealing up from behind, darted between the chaise and the horses <...>" (Chekhov, 1977). Let us recall that Yegorushka meets mysterious figures in the steppe: Solomon, lady in black, finally, he grows up in the steppe as a cultural character. As for Kovrin, he meets The Black Monk in the field (the structure of the space field model / only steppe). It is characteristic that the image of The Black Monk was at first a sort of blurred, it is not clear, "At once a murmur rose from the grass and last year's dry herbage, the dust curled in spiral eddies over the road, raced over the steppe, and crying with it straws, dragon flies and feathers, rose up in a whirling black column towards the sky and darkened the sun. <...> (Chekhov, 1977), in "The Steppe", a scene in the house of Moses Moiseich, "*In the middle of the room there really was standing an Excellency*, in the form of a young plump and very beautiful woman in a *black dress* and a straw hat. Before Yegorushka had time to examine her features, the image of solitary graceful poplar he had seen the day on the hill for some reason came into his mind" (Chekhov, 1977).

The lady arose quite unexpectedly (as we judge also by the reaction of Moisey Moiseich, who appeared to no longer notice "neither Kuzmichev nor Father Christopher" (Chekhov, 1977) when the countess appeared), she was moving towards the boy to kiss him, "She was standing in the middle of the room and watched him go out, *smiling at him and nodding her head in a friendly way*" (Chekhov, 1977), we note that The Black Monk also moves towards Kovrin, "<...> moving straight to Kovrin, and the nearer it came, the smaller and the more distinct it was" (Chekhov, 1977). The Black Monk, like a lady in black, came just for Kovrin, it was he Kovrin was smiling at, like the Countess, giving kisses and a smile to Yegorushka, "After he had floated twenty feet beyond him, he looked round at Kovrin and *nodded to him with a friendly but sly smile*" (Chekhov, 1977). We can assume that Yegorushka and Kovrin turned to be in one position, as evidenced by the archetypal structure of the plot: the both characters meet with important people in the open space (field / steppe), while being in a "dozing", sick state, enter into dialogues with these people, and, after all, these people are different from all other characters – the lady in black and The Black Monk. In this context, it seems necessary to refer to the unusual landscape of the Steppe in general. L. P. Gromov draws attention to the importance of the Chekhovian steppe image, the essence of which can be understood only by revealing "not only the features of the Chekhovian landscape, but all the ideological and symbolic associations that the Chekhov steppe elicits to the thoughtful reader. The depth of the "inner content" of the novella "The Steppe" consists in the very fact that the pictures of steppe nature are saturated with a great social and philosophical content" (Gromov, 1951).

² According to folk beliefs, the souls of ancestors fly inaudibly, invisibly, leave no traces letting know about their appearance only by the creaking of steps or the appearance of a bird in the room". In folklore, this is due to the phenomenon of "fainting", for a time the soul leaves the body and wanders through the other world in order to cognize it, or a person is visited by spirits who want to inform him about something, if it's a ritual, then information from "the other world" is sacred.

3. RESULTS

The architectonics of Chekhov's works, both plays, stories and novels, is due in many respects to the rhythm of a special organization. Here researchers, speaking of musicality, associate this, on the one hand, with the writer's biography – the significance of music in Chekhov's life and works (I. Eiges, E.B. Balabanovich), on the other hand, musicality is regarded as a special poetry (N.Ya. Berkovsky, T.K. Shah-Azizov). "Musicality" was in the focus of not only literary works' attention, but, what is especially important, within composers' sight. Thus, D. Shostakovich in his time defined the story "The Black Monk", as a special "sonata form" (Fortunatov, 1974). Finally, the literary critics, comparing the novella "The Steppe" with its adaptation, note that in the film it was possible to recreate the true nature of the musical in Chekhov's poetics, "Thus, the director remarkably found an equivalent for the musical motif of the quiet song" (Mikhailova, 2009). Theater and cinema caught the most characteristic sign of Chekhov's poetics – rhythm, "underwater current", not perceived by symbolists. Is not this the discovery of Chekhov, who predicted many of the poetics principles of the early 20th century and even outstripped his time? It is interesting to regard a thesis stated in the works of A.N. Panamareva on the connection of Chekhov's musicality with the ontological views of the writer himself. Not only Chekhov's dramas which have already been studied in rather intermediate *aspect* are indicative namely from these perspectives but also his novels, especially "The Steppe", around which there have always been philological discussions. "A.M. Linin, who studied Chekhov's work on "The Steppe", came to such a convincing conclusion, "Sincere lyricism, pervasive emotionality of descriptions, "warm" and gentle words and subtle musical tectonics of the phrase make "The Steppe" an artistically harmonious poetic composition. The way Chekhov selected the words, which are more accurate and harmonizing with the general lyric tone of the description is extremely illustrative" (Gromov, 1951). The lyricism of "The Steppe" was expressed in a special musicality, manifested in style. "Apparently, Chekhov meant namely this feature, when he named his "happiness" "a quasi-symphony", and when he said that reading "The Steppe" we find "prose poems" (Gromov, 1951). "The Steppe" is interesting both for its special rhythm and for its "inner plot", according to the remark of the famous folklorist, D.N. Medrish, connected partly with a composition, reminiscent of the lyric song architectonics. In the article "The plot situation in the Russian folk lyric poetry and in the works of Anton Chekhov" Medrish notes the "neo-contour" of composition in the lyric song and the Chekhov's novella (Medrish, 1978), and therefore, with such a statement of the question, it is also possible to talk of Chekhovian folklorism of a special type (internal folklorism) and the ontological views of the author.

4. DISCUSSIONS

In view of all the above, we can admit an unexpected, at first glance, parallel with the works of "new peasant poets" and in particular, with S.A. Yesenin – both at figurative and ideological levels. As noted by a number of researchers of "new peasant poetry", the poets of this direction contrasted the "iron" with the onslaught of civilization, an organized cosmos, at the heart of which lies feminine demiurgic principle – these are the Mother Earth, the Great Goddess herself, the Mother of all beings in her various manifestations (Dementiev, 1984). "A bloody connection with the world of nature and oral creativity, adherence to myth, fairy tale, determined the meaning and "sound" of the new peasant lyric poetry and epic", writes L. K. Shvetsova (Shvetsova, 1994). It seems that this involvement in the folk element, in the natural-philosophical language, was expressed by Chekhov, especially in his anthropological notions. The principles of Chekhov's folklorism can be understood through the language of artistic space, which is organized through the collision of two types of locus, closed and open, sacral, magical and common ones, and, accordingly, "The Steppe" characters are also opposed to each other. Chekhovian folklorism appears at the level of poetics implicitly.

Chekhovian folklorism is somewhat different, hidden – cosmism, the unity of man with nature, grows out of artistic space model, the architectonics of which shows the structure of the characters division into "luminal" and initiated into sacred knowledge. Proceeding from the idea of Cosmosophy about Russia and from the model of "plain space" put forward by G.D. Gachev, we can talk about the presence of such a model in Chekhov's "The Steppe". Another problem is the problem of memory, "A Russian person *likes to remember*, but does not like to live ..." (Chekhov, 1977). Memory in this case is sacral, ritual, because it is connected with the "fleeing distance", which characterizes the Cosmos of Russia, for which Egorushka aspires, "Yegorushka floated after the flying *distance*" (Chekhov, 1977). Drawing a parallel to Yesenin's work, we note that the space of his poems is a flat space, ornamental, embodying national *idea* ("Feather-grass sleeps...", "The golden grove" and many others, where the model of the horizontal space is preserved). Chekhov's cosmos is also oriented towards this model. Egorushka is fascinated by distance, he sees a different world. As the researchers note, Yegorushka is "a mediator between the real world, cruel and harsh, and the hidden, bright Chekhovian ideal of life" (Silantieva, 1981). At the time of initiation to the higher, Yesenin's lyric character was "enchanted by the distance":

I see off all the men
For whom I fell sorry
Gazing ever onerously
Into *distance smitten*.

(Yesenin, 1997)

All the symbols in "The Steppe" – mill, water, stars – accompany Egorushka and no one else. I. N. Sukhikh, referring to the chronotope in Chekhov's works, notes, "Usually the Chekhovian characters live side by side, but they cannot break social and psychological partitions, enter into full contact" (Sukhikh, 1987), hence they are also spatially limited. In "The Steppe" works the system of open and closed locus, which in the ritual situation allows some characters "to rise above the reality", as in a lyric song or leaves them in a liminal state. Yegorushka, as a cultural character, "was growing" throughout the journey, comprehending the symbols given to him by nature. From the very beginning, the natural language of the *four elements manifests* itself in the text: <earth>, <water>, <air>, <fire>. Yegorushka feels the natural forces, "something warm touched Yegorushkina's spine, the streak of light, stealing up from behind, darted between the chaise and the horses" <...> (Chekhov, 1977) "the action of "fire", which infects with its energy the air as well, "the air was stagnant and depressing!" (Chekhov, 1977).

The characters of "The Steppe" are in a closed, strictly limited space – the earth, "stretched out", endless, bottomless sky and hills that do not allow people to go beyond this. In the novella there are two chronotopes:

The world of "the living" (there are much less of them) and the world of memories, of the past, the world of "the dead". So all the living things (they always beckon, call Egorushka) is moving in a certain direction

To the *left*, "The chaise drove straight on, while the windmill, for some reason, began retreating to the left" (Chekhov, 1977); water "fell to the ground and <...> flowed swiftly away to the left" (Chekhov, 1977), and when most of the events have already happened, we again notice, "the moon rises to the left" (Chekhov, 1977). The motion vector of this world is at odds with the movement of the chaise, which so far did not "decide" where to go, "as though it (chaise) was going backwards and not forwards" (Chekhov, 1977), although the external goal is set – Kuzmichov and Father Christopher are going to sell wool. Turner calls such a state "liminality", that is, the object that resides in it is "half and halfer", they are neither here, nor there; they are in the gap between the positions" (Turner, 1983). Yegorushka himself is "from the other world" (Chekhov, 1977), as boy Tit regards him. Here we will make a small digression and note that Yegorushka meets Tit when hears a song that comes from the steppe. This is an important detail for understanding the poetics of Chekhov, the detail, which confirms and justifies in many respects the typology Chekhov - Yesenin, moreover, speaks of Chekhov's rootedness in the Russian national tradition. The song that the woman sings is only accessible to Yegorushka's consciousness, it seems to connect him with another reality, "The song was subdued, dreary and melancholy, like a dirge, and hardly audible, and seemed to come first from the right, then from the left, then from above, and then from underground, as though an unseen spirit were hovering over the steppe and singing" (Chekhov, 1977). It reminds of an excerpt from Pushkin's Captain's Daughter, which speaks of the meaning of the song heard by the character, "I cannot describe the impression this popular song of the gibbet made upon me, sung as it was by people who, all of them, were destined, sooner or later, to grace it. Their sombre faces, their sonorous voices, and melancholy expression, which they gave to a text already full of meaning – all this produced in me a sort of poetical shudder" (Pushkin, 1977-1979) (translated by F. Hollinger).

It is no coincidence that we mentioned namely this excerpt from Pushkin, since it is this fragment that shows the true meaning of song as a cultural phenomenon, shows the effect produced on the listener – "poetical shudder". According to the observation of an ethnographer and folklorist P. G. Bogatyrev, it is these songs that strike "poetical shudder" associated with ritualism show us the motif of the death-wedding, common in Slavic lyric-epic and lyric songs (Bogatyrev, 2006). The resurrection, calling of the deceased is possible within the framework of obit, this is interpreted by folklorists in different ways, but the main thing in this sacred act is the ritual situation itself, the participants of which become involved in another reality. The action is accompanied by lamentations aimed at purifying the character through crying, a kind of catharsis. Returning to the Chekhov's situation, Yegorushka as the boy Tit sees him, the association with the "world of the dead", the most important thing in this context is the complete perception of symbols. Yegorushka, as "someone who came from the other world", mournful and resembling crying song, constant turning to the world of the deceased – Egorushka's memories of his grandmother, the symbol of cross, blossoming trees – all this indicates the formation of a ritual situation in the novella that is associated with funerary ritualism. The peculiarity of Chekhov's folklorism consists in the fact that Chekhov enters into a dispute with folklore, as a result Yegorushka acts as a sort of "deceased", hears crying and lamentations, but, apparently, Chekhov did it deliberately. The reader discovers an inverted reality, in which the character grows, rises above himself, "the situation to grow into". The song allows the character to be reborn. Let us also say that some researchers of "The Steppe" note that the main feature of the novella is not a series of events, but lyric intonation, as the main means of "revealing a positive, asserting opening" (Silantieva, 1981). Linguistic researches and N. M. Fortunatov's remarks on the structure of Chekhov's prose, which the scientist defines as a structure "extralinguistic by its nature" are indicative (Fortunatov, 1974). Of course, the reader does not know what was the song of that woman, which Yegorushka heard, but Chekhov emphasizes that it was like crying, "The song was subdued, dreary and melancholy, *like a dirge* ..." (Chekhov, 1977), then the boy "began to fancy that the grass was singing" (Chekhov, 1977) about his death – a death motive; and then he saw that it was a woman who was singing and sowing something, "Near the furthest hut in the hamlet stood a peasant woman in a short petticoat, with long thin legs like a heron. She was sowing something. A white dust floated languidly from her sieve down the hillock. Now it was evident that she was singing" (Chekhov, 1977) – so the motive of birth manifests itself through the agricultural cult (sowing and harvesting was accompanied by the song).

Returning to Yesenin's poetry, let us note that the poet, in addition to using in his verses the model of plain space, national topic, also speaks of "steppe" singing (by the way, it also refers to his biography):

I am nine years.
 Stove bench, woman, cat...
 And the woman sang
 Something steppe, grievous
 Sometimes yawning
 Baptizing mouth with her hand. (Yesenin, 1997)

It is through this singing, as a cultural process, the character comprehends primemory and the world.

Yegorushka feels the world, reveals his secrets, though, he goes through challenges. The trials of “four elements” define his spirit, so he “with swiftness floated after the flying distance” (Chekhov, 1977) – the boy breaks out from the circle of events, merges with the movement of nature. Despite this, he continues tempting the realm of “the dead”: Yegorushka is between two crosses, which, as he himself observes, were the same, after a while he again returns to that unresolved fire scene (the omen of the boy’s illness) – in the text acts cyclic time. In light of this, we can speak of doubletness, Yegorushka himself always remains between doublets. This principle extends to almost all the characters of the novella, and only the cultural character can escape from the circle of events. Let us recall that sitting by the river, everyone eats fish, crayfish – it is a manifestation of the motive of eating “red” food. In folklore, in myths, such food (berries, fruits, fish and other red food) is banned; it could be eaten only once a year – at the dead day (Graves, 2007). Everyone eats soup from crayfish, and only the old Pantelei avoids such a meal, since he already belongs to the realm of the “dead”. His symbol is a cypress spoon with a cross – very unusual as everyone notices – it is the symbol of death. Cypress, in accordance with the language of flowers, means “death” (Olenina, 1999).

In the novella Pantelei corresponds to Father Christopher (they are twins), who, let us note, “smelt of cypress” (Chekhov, 1977). At the end of his travel the boy comprehends the other space, as father Christopher and Pantelei leave him. Thus, doubletness principle is violated, leading to closedness. The both characters – both Father Christopher and Pantelei feel approaching death, but hereby, through such a sacrifice, Yegorushka finds a new life. The boy comprehends the forces of nature, the earth. After the quarrel with Dymov (a kind of antipode), the main character faces a terrible storm, which becomes a turning point for the both, especially for the first one. Yegorushka feels the elements, like Vassily (the second character of the novella, belonging to the realm of the living) sees a secret world, “Vassya saw the other world” (Chekhov, 1977), turns his attention to a blooming garden, to cherry trees in blossom, after all, to night, which is a sort of woman, of mother for him (Chekhov, 1977). At last, he himself does not feel death, as if it is not for him, “...for himself personally he could not admit the possibility of death, and felt that he would never die ...” (Chekhov, 1977). In terms of narration, in this case, in terms of poetics only, the object of which, as we see, is the steppe itself, man and cosmos, steppe and life appear here as one and the same when it comes to their destiny, not “torn apart from each other” (Frumkina, 1987). It is no coincidence that the steppe requires a singer, she is waiting for such characters as Yegorushka and Vassya, “And in the triumph of beauty, in the exuberance of happiness you are conscious of yearning and grief, as though the steppe knew that she was solitary, knew that her wealth and her inspiration were wasted for the world, not glorified in song, not wanted by anyone; and through the joyful clamour one hears her mournful, hopeless call for *singers, singers!*” (Chekhov, 1977). Egorushka and Vassya, seeing the “the other world”, joining the forces of mother earth, rise above the reality, like the character of a lyric Yesenin’s song:

Though haven’t learned, I can’t embrace it –
 Nor silent petting, neither depth.
 The eyes that ever saw this Planet,
 They are in love with it to death (Yesenin, 1997).

As E.G. Etkind writes about Chekhov’s characters, “It’s difficult for people to understand each other – in particular because they don’t speak the common language” (Etkind, 1999). From this position, the division of loci and characters, respectively, becomes clear.

All these small remarks are needed to clarify the picture of Chekhov’s artistic space, which affects the “temper” of the characters. The architectonics of these models (open and closed), in its turn, shows how the internal folklore laws work. According to D.N. Medrish, “Chekhovian image, echoing with folklore symbols in general” (Medrish, 1978) allows us to talk about the features of the composition, which is internally close to the lyric song. The lyric song, it should be noted, is characterized by psychological parallelism, but both Yesenin and Chekhov transformed this parallelism into a complex metaphor. Let us recall that in the text of “The Steppe” great importance is placed on the description of the starry sky, which affects the fate of the characters: the moonlight grew mistier, as it were dirtier, the stars were even overcast <...>” (Chekhov, 1977), and before that, that is, before the storm, Yegorushka felt himself *something*, as nature did, “Nature seemed as though languid and weighed down by some foreboding” (Chekhov, 1977). Yegorushka lives in harmony with nature, so the end of the novella remains open, “What would that life be like?” (Chekhov, 1977). Here, the main feature of Chekhovian folklorism consists – (let us recall that Yesenin’s character also speaks of “another way” in the poem “Where the secret is always drowsing...”) – in an *uncontoured* composition, inherent in the lyric song, gives rise to a special form of the novella – Chekhovian.

Chekhov loved “open” finals, raising the question, but not giving an answer to it. The solution of the question lay in

the "subjectivity zone forbidden for the artist" (Polotskaya, 2001). The answer was to be found by the reader himself, rising with the character over reality (as the genres of folklore – lyric song, epic – suggest). Chekhov's Steppe is often compared to Gogol's Dead Souls on the grounds that both artists have shown "an extract of various genres potential" (Silantieva, 1981), but one significant remark should be made, Chekhov is close to Gogol in terms of his own language of artistic space. As M.Yu. Lotman notes, "Gogol discovered all the artistic potential of spatial models for Russian literature" (Lotman, 1997). Indeed, Gogol's artistic system attaches significance to chronotope, intraspecific connections of the worlds, the grounds in which the characters are placed, play a significant role, since they determine these characters' temper. This explanation turns out to be substantial for understanding this spatial model, since Gogol's "functional fields", the places symbolic for characters, are clearly defined and divided into "common" and "magical", "Characters of the fixed, "closed" locus are opposed to the characters of the "open" space" (Lotman, 1997). The fact that Gogol's "steppe" ("The Old-World Landowners", "Taras Bulba") appears as a "multi-layered atmosphere floating above the ground" (Podoroga, 2006). According to some researchers, "All the Gogol's spaces are poeticized, colored by emotion; their spatiality is transmitted through the images passing through the observer's field <...>" (Podoroga, 2006). Chekhovian "steppe", its description is also located in the "artist's ground", which often turns into "Egorushka's ground" and vice versa (Silantieva, 1981). Gogolian "steppe" is yet to become a steppe, moreover, "just those beautiful steppe so beloved by Gogol", and only then it will become *alive* (Podoroga, 2006), whereas in Chekhov's "The Steppe" "everything is clear, visibly spiritualized and flown through "the living soul" (Berdnikov, 1985). Yegorushka, a character familiar with open space, is just such a soul.

5. CONCLUSION

Chekhovian folklore is expressed in such *signs*, which E. Polotskaya called "means of extra-verbal persuasiveness", it is these "signs" by which "the reader can judge about the changes in the character's soul" (Polotskaya, 2001). These signs also lie outside "question solution", but within artistic space models. Based on all this, one can speak of enteichiness³ of Yesenin and Chekhov's styles, about their rootedness into "other epochs", which manifests itself at the level of internal interaction of literature and folklore, in the archetypified text.

Chekhov and Yesenin are also close in that they were not "accepted" by the 20th century in the names of some symbolist poets. The Silver Age, as the researchers note, passed under the auspices of "classical pseudo-antiquity" destruction (Knabe, 2000), but there was also a galaxy of poets with "false" mythopoetic consciousness (Merezhkovsky, Gippius, Sologub). Mythopoetical and historical subjects, which poets-symbolists acted out in their works (Polonsky, 2007), did not correspond to the true sacred knowledge. This is one of the reasons why Chekhov's seemingly "characterless" drama with weak-willed people was rejected. Symbolists did not understand the complex artistic system of Chekhov's literature, did not understand the "popular aesthetics" of Chekhov's *peasant* that in and of itself presupposes the presence of a cultural character, though F. Sologub drew attention to the *predominance of internal action over the external one* in Chekhov's poetics. This main property, noticed but not understood by Sologub and other symbolists in virtue of its complexity and multidimensionality suggests that Chekhovian "fablelessness" or uncontourness of his works is associated with a lyric song, with pre-genre folklore formations, where the character rises above the reality, becoming a cultural character. This is yet contrary to the proposition of the "weak-willed characters" put forward by the Symbolists in relation to Chekhov's work. Thus, the Silver Age (in the names of some symbolists) did not accept Chekhov either because of his artistic thinking, or because of their own misunderstanding of the synthetic nature of his works, which revived the new cultural character (as, for example, Yegorushka). Such a character was "taken" by Esenin and Khlebnikov, whose poetry was based on an appeal to true myth and folklore (Yesenin's article "The Keys of Mary" and "On the Benefits of Studying Fairytales" by Khlebnikov), the fusion of national elements and traditions in their poetics.

Such cultural, folklore parallels make us think about the rootedness of Pushkin, Chekhov, Khlebnikov, and Yesenin in the national tradition, in "the formulas that extend into the distance" (Veselovsky, 1940), in the words of A.N. Veselovsky. For these reasons, we can make a slightly different conclusion both about the nature of the late Chekhov's prose and folklorism forms in his poetics.

6. RECOMMENDATIONS

The question of folklorism in Chekhov's works enables the researcher not only to take a different look at the art laboratory of the writer, who was often accused of his subject world description, being a portrayer of ordinary life, but also to review the complex history of Chekhov's relationships with the representatives of the Silver Age. Thus, literature experts can build a literary process based on a different coordinate system, not focusing solely on the biographical method and real commentary. Poetics and the aesthetics of literature and culture are more permeated with Chekhovian modernism than it was suggested. The theme "Chekhov and folklore" is still waiting for its researcher.

³ Absorption by a certain time of the content, character, spirit and style of the past cultural era on the grounds that they were consonant with another later era and capable of satisfying its internal needs and demands". See: Knabe G. S. Russian antiquity. M.: Ros. state. Humanit. un-t, 2000. P. 19.

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Intertextual practice of F. M. Dostoevsky and the novel “What is to be done?” By N.G. Chernyshevsky

La práctica intertextual de F. M. Dostoievski y la novela “¿Qué hacer?” Por N.G. Chernyshevsky

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ABSTRACT

The article deals with the phenomenon of intertext and intertextuality as a property of literary discourse as applied to the novels of F.M. Dostoevsky. The article identifies the intertextual transformations of the plot “What is to be done?” by N.G. Chernyshevsky, which became a pretext for the works of Dostoevsky. The article indicates the qualitative and quantitative presence of the other writers’ text in the novels of Dostoevsky. The conclusion is made about the polemical interaction “What is to be done?” with Dostoevsky’s novels.

Keywords: allusion, intertext, intertextuality quotation, pretext, reminiscence.

RESUMEN

El artículo aborda el fenómeno del intertexto y la intertextualidad como una propiedad del discurso literario tal como se aplica a las novelas de F.M. Dostoievski. El artículo identifica las transformaciones intertextuales de la trama “¿Qué se debe hacer?” Por N.G. Chernyshevsky, que se convirtió en un pretexto para las obras de Dostoievski. El artículo indica la presencia cualitativa y cuantitativa del texto de los otros escritores en las novelas de Dostoievski. Se llega a la conclusión sobre la interacción polémica “¿Qué se debe hacer?” con las novelas de Dostoievski.

Palabras clave: alusión, intertexto, cita de intertextualidad, pretexto, reminiscencia

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Introduction

The problem of intertextuality of works by F.M. Dostoevsky is an extremely productive scientific problem that is undeveloped. Literary critic Khasiyeva M.A. wrote in 2014: "Today there is no pronounced tradition of identifying Dostoevsky's creativity with the concept of intertext" (Dostoevsky, 1982). However, the idea of the intertextual nature of his works has been expressed repeatedly (Khasiyeva, 2014).

Lotman (2012) noted the interaction of the texts of the 19th century in the article "The plot space of the Russian novel of the 19th century": "... elements of the text are not neutral and bear memory of the texts that were encountered in the previous tradition". Dostoevsky's artistic discourse is saturated with intertext in different ways in different works. In this article, an attempt was made to trace how and in what works Dostoevsky used the novel "What is to be done?" by N. G. Chernyshevsky as a pretext.

Materials and methods

The work of F.M. Dostoevsky's "Notes from the Underground" was published in the Dostoevsky brothers' journal "The Epoch" in 1864. The "ideologue", the thinker, the bearer of the "strange", "paradoxical" views in the center of the story. Dostoevsky's antihero, recalling the "extra people" of Russian literature, was an even more tragic type. He comes from underprivileged classes, closer to "little people." This hero is bifurcated. In the story, he is controversially compared with the carriers of "rational egoism" of N.G. Chernyshevsky. The hero of Dostoevsky put his "own desire" above all else. The reference to Chernyshevsky in the story is carried out in the minds of the underground man. The symbol of the future of utopian socialism in the eyes of the underground paradoxist is the "crystal palace" from "What is to be done?". The hero used the phrase in his reasoning: "Then the crystal palace will be built" (Lermontov, 1975). This is the fourth dream of Vera Pavlovna, where the "crystal palace" is a prototype of the new, free and happy life of the people of the future, organized on socialist principles. Both writers knew about the crystal palace built in London for the world exhibition in 1851.

In his story, Dostoevsky, objecting not only to Chernyshevsky, but also to the French socialists, the utopians, proves that a person does not want to live by their formula "everyone for everyone and everything for everyone". This rational pragmatic model chokes him. The development of controversy contributed to the publication of the novel "What is to be done?".

Dostoevsky continued to argue with the ideas of Chernyshevsky in the story "Crocodile", published in 1865. The publisher of the newspaper "Voice" A.A. Kraevsky accused Dostoevsky of having written a pamphlet on Chernyshevsky, who had been exiled to Siberia. Kraevsky believed that the main character Ivan Matveyevich, swallowed by a crocodile, is Chernyshevsky, who, sitting in the Peter and Paul Fortress, wrote the novel "What is to be done?", and Ivan Matveyevich's wife is Chernyshevsky's wife Olga Sokratovna. Dostoevsky made his hero a carrier of nihilistic ideas, which he expressed in a mixed manner, synthesizing different theories in their social and political color. In this story, the grotesque situation allowed the author to ridicule both the radical ideas of the vulgar materialists and the ideas of the liberals.

Direct reference to Chernyshevsky is found in the speech of Ivan Matveyevich. He says: "... I'm all imbued with great ideas, I can only dream of improving the fate of all mankind ... I will refute everything and I will be a new Fourier" (Lermontov, 1975). It is a question of a French utopian socialist, whose ideas were fascinated by Petrashevists, including Dostoevsky. After the publication of the novel "What is to be done?" In the 1960s, interest in Fourier's ideas in Russia increased again.

Despite the fact that Dostoevsky refuted the pamphlet character of his story, the fate and ideas of Chernyshevsky are precisely played up in it.

The first non-authorial phrase that the reader encounters in the novel "Crime and Punishment" is embedded in the mouth of Marmeladov, at the time of his sermon in a tavern. "This is a man!" He exclaimed, referring to himself, once again ridiculed by visitors to the tavern. These are the words of Pontius Pilate about Christ from the Gospel of John, chapter XIX, part five. Marmeladov, in spite of his fall, calls on listeners to treat him as a person, for his suffering is much weightier than his fall. The use of the Gospel phrase seems to announce the future content of the work. The protagonist assumes, like Christ, the pain for all people.

Book of D.G. Lewis, an English physiologist, Darwinist and philosopher, a positivist *The Physiology of Everyday Life*, which was published in Russian in 1861, is directly indicated further in the novel. Marmeladov mentioned this book among other books on geography, world history, proposed by Sonya Marmeladova for its enlightenment. An interesting fact is that Lebesyatnikov, a supporter of socialist ideals, one of the representatives of the Russian progress, brought this book. The song "Khutorok", popular in the middle of the XIX century, written in the words of A.V. Koltsov, sounds in the second chapter of the first part of the novel. A seven-year-old child and a hired organ grinder sing the song. It becomes the tragicomic background of the event: an entire party of drunkards tumble into in a tavern, interrupting Marmeladov's drunk confession.

An appeal to the gospel becomes common and often repeated in the novel *Crime and Punishment*. So, in the final of his frenzied speech in a tavern, the hero often mentions God, uses a few modified phrases and expressions from the Gospel. So, he says: "Now many of your sins are forgiven ...". Marmeladov used them, talking about the fate of his daughter Sonia, who, for the love of her loved ones, went "on a yellow ticket." Sonya's father is sure that God will

forgive her sin, for she “loved much”. The quote from the Gospel of Luke (chapter seven) is in harmony with the image of the fallen Sonya.

In parallel with the quotes, the author uses numerous allusions to historical events. Thus, in the fourth chapter of the first part of the novel, the hero, after receiving a letter from his mother, discusses the fate of his sister Dunya. “... but I know that my sister would rather be a slave on a plantation or Latvian with a German master, than degrade her soul and moral feelings, by binding herself forever to a man whom she does not respect ...” (Lermontov, 1975).

Earlier, “she’d live on black bread and water, she would not sell her soul ... for all Schleswig-Holstein” (Lermontov, 1975). Dunya’s alleged marriage to Luzhin caused these political associations to Raskolnikov. We are talking about the war between Prussia and Denmark and Austria over the accession of the duchy of Schleswig and Holstein to Prussia in 1864-66. The civil war between the north and the south and the struggle for the liberation of blacks in the USA in 1861-1865 are also mentioned. These events found a lively response in Russian society. The analogies between Russian serf peasants and blacks in America were often found in the press of the 1860s. The phrase “Latvian with a German master” is a reference to a well-known fact - the mass exodus of the Latvian peasants from the Baltic (Baltic) provinces from the dominance of the German barons. Russian newspapers wrote about this in the mid-60s.

In the fourth chapter of the first part of the novel there is a reference to the theory of the Belgian mathematician L. . Quetelet, the founder of scientific statistics. Raskolnikov met a dishonored drunk girl on the boulevard, and this episode provoked the following thoughts in him: “This percentage ... must go every year ...” (Lermontov, 1975). These are the conclusions of Kettle, who justified the pattern of disasters in a person’s life. Moreover, he argued that the percentage of mortality, crime in human society is always the same value, independent of the conditions of social life. Playing on the word “percentage”, Raskolnikov thought with horror: “Dunechka will in a percentage someday! ...” (Lermontov, 1975). The women’s question is posed in the novel and is implemented by a series of female images. In this regard, there are many references to N.G. Chernyshevsky - a famous fighter for the rights of women in the 60s of the XIX century. Such an allusion is found in the chapter of the second part of the novel in the dialogue of Raskolnikov and Razumikhin. Razumikhin got a job for Raskolnikov - a translation of an article in the German text “on the female question”. The problem of equal rights for women was the subject of a sharp division between protective and revolutionary-democratic camps in the 60s. Along with Chernyshevsky, M.L. Mikhailov and a number of publicists of that time ardently spoke in defense of the rights of women. In this context, Razumikhin mentions the “Confession” of Jean-Jacques Rousseau, a well-known supporter of women’s emancipation. Razumikhin is going to lead the patient Raskolnikov in the “Palais de Cristal” (translated from the French “Crystal Palace”). In St. Petersburg (on Sadovaya, near Sennaya) there were a number of taverns with this name. This is again the allusion of Dostoevsky to Chernyshevsky. He ironically hints at the London Crystal Palace, which in the novel “What is to be done?” by Chernyshevsky is given as a utopian prototype of a happy socialist community. The appeal to the fourth dream of Vera Pavlovna is not accidental. The hero of Dostoevsky is just busy with thoughts of the universal and his personal happiness in the novel.

Reminiscences from the novel “What is to be done?” Are frequent in Dostoevsky, since the novel *Crime and Punishment* is polemically pointed towards him. In the fifth chapter of the second part of the book, Dostoevsky puts into the Luzhin mouths the ideas of the English economists popular in the 1960s (I. Bentham, D.S. Mill). The hero says: “Science says: love, first of all, only yourself, because everything on earth is based on personal interest” (Lermontov, 1975). This is a clear controversy with the author of “What is to be done?” and his theory of “rational egoism.” Revolutionary democrats understood the rejection of personal gain as concern for the common good and a rationally built system of balance between personal egoism and public good. In their conversation with Luzhin, Lebezyatnikov talks about the women’s issue, using not entirely understood and poorly digested ideas from the revolutionary-democratic journalism of the 60s and from the novel “What is to be done?”. Lebezyatnikov believes that “cases of fighting in the future society are unthinkable” (Lermontov, 1975). It is about the relationship between women and men. In the first chapter of the fifth part of the *Lebezyatnikov* novel, in a conversation with Luzhin, he uses direct reminiscences from “What is to be done?”. So, he says: “... your wife will prove to you only how she respects you, considering you incapable of resisting her happiness and so developed that you do not avenge her for a new husband” (Lermontov, 1975). The love collision from “What is to be done?”, which is inserted in the discourse on a civil marriage, is being played out. The Socialist Lebezyatnik is a fan of Chernyshevsky’s ideas, but Dostoevsky gives all his views in a parody key. Therefore, Lebezyatnikov even dreamed about a lover for his wife and used the phrase from “What is to be done?”: “My friend, I love you, but I also want you to respect me — that’s it!” (Lermontov, 1975). The last reference to Chernyshevsky is found in the sixth part of the novel, when Ilya Petrovich Poroh argues on new phenomena. He is dissatisfied: “Here, these midwives are spreading too much ... I’m talking about these short-haired girls ... They climb into the academy, they study anatomy ...” (Lermontov, 1975). These are new women emboldened before they graduate. In the 60s, Russian women could only get two professions: midwives and teachers. The heroine of Chernyshevsky, Vera Pavlovna, dreams of becoming a physician, which is not so easy in the conditions of those days

In the novel *Crime and Punishment*, allusions to the texts of both Russian and European authors are not rare. In addition to the above A.V. Koltsov and Chernyshevsky, we find quotes from Pushkin, Batiushkov, Lermontov, Gogol. Quote from a poem by A.S. Pushkin’s “Imitation of the Quran” is found in the third part of the novel. In the painfully reflective brain of Raskolnikov, Pushkin’s phrase appears: “Allah prompts, and obey a trembling crea-

ture" (Lermontov, 1975). In the hero's self-consciousness, Pushkin's expression "trembling creature" coexists with Raskolnikov's own definition of "aesthetic louse", and they symbolize the worst lower part of humanity according to the theory of the hero. The second reference to Pushkin is in the fourth part of the novel, when Raskolnikov, in a meeting with Svidrigailov, listens to his confession. Svidrigailov mentions the "disgraceful act" of the "century". We are talking about the newspaper "Century", which was published an article by K. Vinogradov. The author of the article described a literary and musical evening in Perm, where a certain Mrs. Tolmarchyova, contrary to "a sense of modesty and secular propriety," publicly read Cleopatra's monologue from the Egyptian Nights, A. Pushkin. The progressive press was indignant at the article by Vinogradov. Dostoevsky took Ms. Tolmarchyova under protection and gave an enthusiastic analysis of the "Egyptian Nights."

Quote from poem M. Yu. Lermontov's "Dream" is used by the dying Katerina Ivanovna, who did not manage to finish it. Choking, straining, the heroine screamed out: "In the mid-day heat! ... in the valley of Dagestan! With lead in the chest! ... " (Lermontov, 1975). This is Katerina Ivanovna's favorite romance, which she remembered before her death. The lyrical hero of Lermontov is also dead, and before death he was alone and miserable. His fate is consonant with the fate of Marmeladova, and in this context, this quote is relevant as never before.

Reminiscence from Gogol is placed in the conversation of investigator Porfiry Petrovich and Raskolnikov. So, the investigator, arguing about the possible escape of Raskolnikov, opposes him to the peasants, sectarians, lackeys, who can run away if "to show him the tip of a finger and, like Midshipman Dyrka". Here, the writer mistakenly calls midshipman Dyrka from Gogol's "Marriage" instead of another character Petukhov.

Allusions and reminiscences from the works of Western European writers are also found in Crime and Punishment. Raskolnikov, wandering through Sadovaya, meets a motley crowd, and in his head he thinks: "Where is it, where I read it, like one sentenced to death, an hour before death, he says or thinks that if he had to live somewhere on height, on a rock, and on such a narrow platform ... If only to live, live and live!" (Lermontov, 1975). This reminiscence from Hugo's novel "Notre-Dame de Paris". Raskolnikov in strong mental tension rushes through the streets of St. Petersburg and thinks about himself, about the essence of man. Reminiscence from the novel by V. Hugo very well conveys the spiritual unrest of the hero, overwhelmed and torn apart by the flow of thoughts. In this case, Raskolnikov talks about the thirst for life embedded in man.

The references to Russian and European writers in the novel Crime and Punishment reveal Dostoevsky's extensive reading. However, his hero Rodion Raskolnikov discovers his education and enlightenment in them.

Dostoevsky used the greatest number of references to Chernyshevsky in the novel "Demons". The controversy of the "Demons" in relation to "What is to be done?" Is so obvious and tendentious that it strikes even an inexperienced reader. The intertextual forms of this novel are rich and diverse and incorporate not only allusions and quotations, reminiscences from Chernyshevsky, but also many other authors. The novel opens with two epigraphs: one from Pushkin, the other from the Gospel of Luke, chapter eight. In both we are talking about demons. The reader has the right to expect either a mystical or a religious plot, but he soon realizes that demons are nihilists, progressives, socialists, revolutionaries. The first of the demons — Stepan Trofimovich Verkhovensky — the most innocuous "demon" — a fan of Western culture, a helpless liberal, a talker. The narrator, not without irony, narrates about Verkhovensky's authorship of a certain poem, strongly resembling Goethe's second part of Faust. In fact, we are talking about two sources known to Dostoevsky: this is the trilogy "What you want, ask for it" V.S. Pecherina, a teacher at Moscow University and a youthful poem by Granovsky, reminiscent of Goethe's Faust.

Dostoevsky is much ironic about Verkhovensky's way of life in the novel and finds a quotation from N.A. Nekrasov, from his lyrical comedy "Bear Hunt":

"Reproach incarnate, grand, ...

You stood before your native land,

A liberal and idealist."

The quote was very much to "face" this character, turned into a worthless county celebrity. Reminiscences from Nekrasov are quite frequent in the novel. So, Dostoevsky writes: "In an illustrated magazine written by a national poet." This refers to Nekrasov and the satirist journal Iskra. The phrase: "a wonderful Russian poet ... I would not trade Rachel for a man" again sends the reader to the second part of the poem N.A. Nekrasov "Ballet".

Chernyshevsky enters the novel for the first time with a reminiscence from "What is to be done?". "My friend, until now I only loved you, now I respect ..." This is a narrator's parody of addressing new people to each other from "What is to be done?". One of the members of the political group Virginsky got into a dramatic family situation: his wife fell in love with Lebyadkin. If Lopukhov lost Vera Pavlovna Kirsanova in "What is to be done?" and was happy with his action, then Dostoevsky's hero is far from such "rational egoism" and beats up his rival. Dostoevsky satirically reformats the marriage model by Chernyshevsky.

In the sixth chapter of the second part of the novel "Demons" there is a dialogue between Stavrogin and Peter Verkhovensky. Stavrogin utters the phrase: "... who is this, dear worker hard." This again is a reminiscence from "What is to be done?", where Vera Pavlovna addressed Lopukhov in this way. In the novel, Dostoevsky confronts the bright and pure intentions of Chernyshevsky's characters with the cynically rational, destructive intentions

of demons. In addition to direct quotations and reminiscences, we find allusions that somehow resemble Chernyshevsky. In the second part of the novel in the seventh chapter, Shigalev, speaking about the future of Russia, mentions ancient philosophers (Plato, Rousseau, Fourier). This series ends with a clear allusion to Chernyshevsky. Shigalev's phrase: "Plato, Rousseau, Fourier, columns of aluminum, all this is good for sparrows, but not for human society." This allusion goes back to the fourth dream of Vera Pavlovna from "What is to be done?", in which crystal palaces with columns of aluminum were the materialized attributes of a happy society. The rejection of Chernyshevsky's theory of "demons" is evident, as well as the previous theories of the utopians of the past.

There is an allusion to N.G. Chernyshevsky "Aesthetic relationship of art to reality" in "Demons". Varvara Petrovna, in a conversation with Verkhovensky, leads one of theses of the thesis, parodying him: "Try to draw an apple and put a real apple right next to it - which one will you take?" (Lermontov, 1975). This concerns the thesis of Chernyshevsky that "the creation of art is less than beautiful in reality". Stepan Trofimovich is beaten in this verbal squabble.

The references to A.I. Herzen, either in the form of quotations or now allusions, are frequent in "Demons". At the very beginning of the novel, Stepan Trofimovich often mentions the "Russian god." This allusion goes back to Herzen, who in 1856 published a poem by P.A. Vyazemsky, from which these expressions are taken by Dostoevsky. Herzen is important for Dostoevsky in the context of the unfolding violent controversy in the Russian society of the 1870s about the psychology of anarchism. Herzen is known to have condemned the anarchist methods of struggle, as well as Dostoevsky. Verkhovensky mumbles in the novel verses:

"Men come and carry axes,

Something terrible will be. "

Dostoevsky took this phrase from the anonymous poem "Fantasia", which was published in the Polar Star for 1861. The hero used the not quite accurate quotation from Herzen's Past and Thoughts: "... it's easier to cut heads, but the idea of everything is harder!" Again, the second quote: "... the sound of carts bringing bread to humanity ... more useful than the Sistine Madonna". This reminiscence is again from Herzen ("Past and Thoughts", eighth part). In the novel, there are dispute V.S. Pecherin and Herzen about social ideas, which Dostoevsky quotes hints at. "Past and Thoughts" is a frequently used text in "Demons", as well as in "What is to be done?".

Hero Lyamshin improvises in the fifth chapter of the second part of the novel: "The thing turned out to be really funny, under the ridiculous title: "Franco-Prussian War". This allusion goes back to Herzen; in the novel Past and Thoughts (fifth chapter of the eighth part), there is a scene that has become a source of improvisation for Dostoevsky's hero. The sixth chapter of the second part of the novel "Demons" also refers the reader to Herzen, recalling the story of P.A. Bakhmetov in the eighth part of "Past and thoughts." Stavrogin in The Demons writes: "Last year, like Herzen, I was naturalised as a citizen of the canton of Uri, and that nobody knows". This is the last reference to Herzen in "The Demons": meaning the district of Switzerland, where Herzen became a citizen of the canton of Freiburg, having accepted Swiss citizenship. Allusions related both to the novel "The Past and the Duma" and to the activities of Herzen abroad border the novel "Demons". It began with this: Varvara Petrovna at the beginning of the novel read newspapers, magazines and prohibited foreign publications. Herzen journals The Bell and the Polar Star were implied.

Intertextual field "Demons" is extensive: Nekrasov, Herzen, Chernyshevsky, Pushkin, Griboedov, Krylov, Turgenyev, Lermontov and others.

European intertext in "Demons" is not as extensive as domestic, although significant examples of European literature are indicated: Goethe's Faust, J. Sand's "Lilia", Shakespeare's "Henry VI", Voltaire's Candide.

The result is that the novel "What is to be done?" is the dominant pretext in "Demons". Expanding political adventurism and extremism in Demons, the Russian writer appealed to another Russian writer, arguing with him about the methods and means of better arranging life in Russia.

The last novel of F.M. Dostoevsky "The Brothers Karamazov" bears in himself a special philosophical scale, a planetary scope due to a diverse intertextual field. Moreover, historical, mythological, literary associations, not only from national culture, but also from Western European are important for the writer. The reader is faced with the first quote from the Russian poet M.Yu. Lermontov in the first chapter of the book. Describing the marriage of Adelaide Ivanovna Miusova, the narrator called it "an act, an echo of other people's trends ... and captive thought irritation." This is an inaccurate quote from M.Yu. Lermontov "Do not believe yourself." In it, the lyrical hero, referring to the young dreamer, calls for fear of inspiration. "It is a heavy delirium of the soul of your ill il captive thought irritation." (Lermontov, 1975). Miusova "wooed" marriage with Fyodor Karamazov, and Dostoevsky associatively correlated it with the vagaries of a burning imagination.

Secondary reference to M.Yu. Lermontov is met in the book of the fourth chapter of the tenth "This is what he said." Ivan Karamazov calls Alyosha a "pure cherub." Quote from the "Demon" sounds like this:

"Of days when in the dwelling of light

He shone, pure cherub ... " (Rudnev, 1997).

This allusion in the novel of Dostoevsky is functionally significant, as it complements the halo of Alesha Karamazov's holiness.

The more cited author in the novel *The Brothers Karamazov* is A.S. Pushkin. The reader is greeted with the first allusion in the book of the first part of the first conversation between Dmitry Karamazov and Alyosha: "... he came to me like a goldfish to an old fool to a fisherman in a fairy tale." This means "The Tale of a Fisherman and a Fish" by A.S. Pushkin. Paraphrasing a verse from another tale by A.S. Pushkin's "The Tale of Tsar Saltan ..." is found in the book of the third part of the first conversation of Gregory, Alyosha and Fyodor Karamazov. Fyodor Karamazov, addressing Alyosha, asks: "What do you say to that, my beautiful Jesuit?". The quote from A.S. Pushkin's "The Demon" is found in the fourth book of part two. Captain Snegirev, describing his daughter, quotes Pushkin:

"And there is nothing in all of nature.

He did not want to bless."

The hero has in mind the obstinate temper of his daughter, reproaching him with a joke. The following reminiscence from Pushkin sounds in the speech of Ivan Karamazov: "... the sticky little leaves that come out in the spring are dear to me..." It is taken from A.S. Pushkin "Another cold winds blow." Inaccurate quotation from the epigram AS Pushkin "They told the Tsar once ..." Ivan Karamazov used in a conversation with Alyosha in the book of the fifth part of the second: "... you can save the shade of nobility by inflating yourself." Pushkin:

"Flatterers, flatterers! try to save.

And meanness posture nobility!"

Dostoevsky resorts to inaccurate quoting of Pushkin in the novel many times. Pushkin became the most quoted author in *The Brothers Karamazov*. But there are references to many other Russian writers: Krylov, Griboedov, Gogol, Nekrasov, Belinsky, Herzen, Fet, Tyutchev, Saltykov-Shchedrin, Turgenev, Chernyshevsky.

"What is to be done?" As a pretext is also in demand in the last novel of the Russian writer, but not in such quantity as in "Demons" and in "Crime and Punishment". We find in the fourth part of the tenth book: Nikolay Krasotkin in a conversation with Alyosha says: "Oh, we are all egoists, Karamazov". Here there was a hint at the theory of rational egoism, developed by N. Chernyshevsky in the novel "What is to be done?" Dostoevsky's hero, despite his young age, is clever and well-read in advanced ideas of time.

Appeals to Turgenev and Herzen are rare in the novel *The Brothers Karamazov*. Turgenev is identifiable twice: the first time in the book of the second first part in the speech of the mother of the sick girl Liza. She says: "... I believed all my life - I will die, ... and only burdock will grow on the grave, as I read it with one writer." (Lermontov, 1975). These are the words of Bazarov from the story "Fathers and Sons" by I.S. Turgenev. The second time, Mrs. Khokhlakova utters the phrase: "Enough! As Turgenev said "in the book of the eighth part of the third. This phrase in the citation mode of the novel refers to the story of I.S. Turgenev "Enough. Excerpt from the notes of the deceased artist". Dostoevsky parodied this work in the novel "Demons". Herzen is mentioned in the novel in part four of the tenth book. Kolya Krasotkin, in a conversation with Alyosha, utters the phrase: "I am a socialist, Karamazov, I am an incorrigible socialist." Here are a few modified words of Herzen from the Letter to Emperor Alexander the Second, which was printed in the *Polar Star* for 1855. Kohl Krasotkin remembered that in his closet is "one number of the "Bell". We are talking about the revolutionary newspaper A.I. Herzen and N.P. Ogarev "Bell", published abroad and distributed illegally in Russia.

In "The Brothers Karamazov", the name of N.A. Nekrasov, A.A. Fet and F.Yu. Tyutchev emerges in front of the reader more than once, since there are direct quotes from these poets or allusions and reminiscences. In the book of the third part of the first novel, Dmitry Karamazov recites poems:

"Do not believe the empty and deceitful crowd,

Forget your doubts ... "

This is a quote from the poem N.A. Nekrasov, "When out of the darkness of delusion." The hero is excited and he has an important conversation with his brother Alyosha. In the book of the fifth part of the second novel of Dostoevsky in the chapter "Revolt" in the confession of Ivan Karamazov, who speaks about love, sins, torture, the phrase sounds: "Nekrasov has poems about how a peasant cuts a horse with his whip in his eyes, "with gentle eyes". This refers to the poem N.A. Nekrasov, "Until Twilight" from the series "About the weather. Street impressions". The name of the national poet is given by Ivan to explain the peculiarities of national punishment as a connoisseur of primordial national life. Next, the hero told the story of intelligent spouses who beat a seven-year-old daughter with rods. This allusion to the sensational case of S.L. Kroneberg, about whom Dostoevsky spoke in the "Writer's Diary" for 1876.

Literary reminiscences from Fet and Tyutchev are also heard in *The Brothers Karamazov*. The phrase: "I do not kiss the whole earth, I do not cut her chest ..." sounds in Dmitry Karamazov's frenzied confessions. This reminiscence

from the poem by A.A. Fet "To F.I. Tyutchev" (Spring passed - the forest darkens).

The following reminiscence in Mitya's speech from Goethe's poem "The Frontiers of Humanity" translated by A.A. Fet ("... but even if I kiss the edge of that robe, which my god is clothed with ..."). Then Dmitry recites Schiller's poem "To joy" in the translation of F.I. Tyutchev. Strophe from the poem "These poor villages" F.I. Tyutchev ("deceived by the burden of the cross") sounds in the poem of Ivan Karamazov "The Grand Inquisitor". Quote from the poem "Wake" F.I. Tyutcheva leads Dmitry Karamazov, intending to go to Wet. ("The female nature is credulous, and changeable, and vicious"). Dmitry, in love, talks about the female nature and the quote "to face" the situation. In the book of the ninth part of the third, Dmitry Karamazov, at the interrogation of the investigators, utters the phrase: "Be patient, humble yourself and be silent." This is an inaccurate quotation from F.I. Tyutchev "Silence" ("Silentium").

Results and discussion

Novels by F.M. Dostoevsky have a unique property: the current modernity is presented in the context of eternity. The use of numerous images and motifs of previous world literature greatly expands the cultural space of the writer's works. His heroes in the new historical conditions solve the same fundamental questions of being as their literary predecessors of all past eras. The most frequent reference in the novel "The Brothers Karamazov" is a reference to Schiller. In the book of the second part of the first novel in the scene of a quarrel between the father and son of the Karamazovs, Fyodor Pavlovich says the phrase: "I would ... summon you to a duel ... through a handkerchief!". This is an allusion that goes back to F. Schiller's play "Deceit and Love". Here the elder Karamazov uses her at the time of his foolishness and imitation of anger.

Mitya mentions another work of Schiller "Hymn to Joy!". This famous poem by Schiller was considered a classic monument of humanism and optimism of the XVIII century. In the book of the third part of the first Dmitry Karamazov confesses Alesha. He begins his confession with Schiller's poem "The Elevinsky Feast", quoting the second, third, fourth stanzas in the translation of V. . Zhukovsky. In the book of the twelfth part of the fourth in the scene of the trial of Dmitry, the advocate heard the phrase: "as a man and a citizen I cry - VIVOS VOCO!" This double allusion, going back to both Schiller and Herzen. These are the first words of the epigraph Schiller to "Song of the Kolenko." These same words were the slogan of Herzen "Bells".

In Dostoevsky's last novel there are also quotes from Dante's Divine Comedy, Voltaire's *Candida*, Hugo's *Notre-Dame de Paris*, Goethe's *Faust*.

Conclusions

The references in Dostoevsky's novels to Russian and European writers in the form of quotations, allusions and reminiscences reveal the extensive reading of both the writer's heroes and the writer himself. His thinking characters are also enlightened and educated, like the author himself. However, the largest number of references from Dostoevsky to biblical sources. The study of this aspect of intertextuality could be the subject of a special article. The novel "What is to be done?" by N.G. Chernyshevsky became the source for many references. The appeal to Chernyshevsky is clear and pertinent in the works of Dostoevsky, since he is the main opponent of the writer in the matter of arranging life in Russia.

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