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Contents

Weapons of Mass Destruction and Modern Terrorism: Implications for Global Security

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Abstract

The hazard of biological, chemical and nuclear materials, regarded as Weapons of Mass Destruction (WMD), intercalating the arsenal of terrorists is the biggest crime and challenge against humanity. Every such crime and challenge ought to be named appropriately; and state actors experiencing such owe it to their citizens to act speedily and with certainty against terrorists. Even with the on-going war on terrorism, there has been a surge in terrorist activities in some parts of the world. Terrorists in our contemporary age have also embraced startling trends in their operational mode since the 11 September 2001 fanatic attacks in New York and Washington D. C. The devastating effect of these twin attacks has raised global concern about the potential use of WMD by Al-Qaeda, the Islamic State of Iran and Syria (ISIS), and their affiliate groups. One major issue of great concern in recent times, apart from the propensity of the terrorist organizations to acquire WMD, is the involvement of state actors that secretly acquire or claim to have acquired them for the purposes of electricity generation. Notably, too, is the trend in modern scientific and technological improvement which has increased the nature of, and access to, WMD. This research, therefore, attempts to access the implication and impact of WMD as terrorists put them to use. The study also examines the concept of terrorism and WMD. Also examined is the general implication of the use of WMD and the challenges this might pose to the international community, considering the current trends in their acquisition by some states and non-state actors. The investigation suggests appropriate counter-measures to thwart terrorists' effort to acquire WMD. The study also adopted the qualitative approach of research to analyse the sophistication adopted by new terrorist groups particularly by the ISIS terrorist network; the al-Qaeda group and other splinter groups. Thus, historical research is most appropriate for this study, and secondary source of data was adopted as its methodology.

Keywords: weapons of mass destruction, modern terrorism, international community, intelligence community, global security, nuclear weapons

1. Introduction

1.1 Introduction

One of the biggest challenges humanity faces today is the problem of terrorism and the introduction and use of Weapons of Mass Destruction (WMD). In essence, WMD has become the issue of topical discourse in academic; within the International Intelligence Community (IIC) and in general security circles the world over. The growing concern at this time is the likelihood that virtually all known and *renowned* terrorist groups such as al-Qaeda, Taliban, the Islamic State of Iraq and Syria (ISIS), etc., and their affiliates and/or splinter groups may acquire WMD for the express purpose to cause huge collateral damage as evident in the Syrian sarin gas attack and other such attacks (Jaspal, 2008). Since the emergence of the al-Qaeda terrorist organization and the terrorist twin attack on the Towers of the World Trade Centre and the Pentagon, where passenger air planes were used as weapons of mass destruction to kill over 3,000 persons on September 11, 2001 (now commonly referenced as the *nine-eleven* event), the United States Intelligence Agency and the International Intelligence Community (IIC) are now questioning the interests and efforts of al-Qaeda, Taliban, Boko Haram, and the latest among the deadliest, the Islamic State of Iraq and Syria (ISIS), and their affiliates and splinter groups in acquiring biological, chemical, nuclear and radiological weapons (Imobighe, 2006; Reshmi, 2013). The greatest fear or threats emanating from terrorism today is the increase in the use of modern technology, including the possible adoption of cyber technology in warfare. Added to this is the involvement of state actors in financing terrorist

organizations. So also are the activities of criminal networks in smuggling light weapons across national borders, as well as the deployment of WMD in its miniature form, to cause havoc and damages to lives and properties. The effects of chemical and biological agents are very deadly, while a single weapon like the size of an apple fruit could kill and maim thousands of people within the shortest period of time (Sekulow et al., 2014).

Analysts are agreed that WMD may not be bigger than an apple fruit size but if it explodes, it could kill an entire continent. This is evident in the Tokyo subway multiple attacks of 1995 in which the Japan-based religious movement, Aum Shinrikyo, used an odourless, colourless, and highly toxic nerve gas, sarin, in the city's subway system, to cause the death of 13 persons and caused bodily injury to over 5,500 persons. Today, the ISIS has emerged as the most ruthless and most successful of the Sunni Jihadist organization in Iraq and Syria, and its activity is so bad to the extent that other well-known radical Jihadist groups distance themselves from ISIS as they publicly condemn their actions and even attack them directly (Revaz-Beshidze, 2002; Sekulow et al., 2014).

Modern terrorist groups which include the al-Qaeda, ISIS, Taliban, al-Shabaab in Somalia, and Boko Haram in the West African sub-region, and a handful others have adopted a more radical approach in carrying out unwholesome acts on their targets. Usually, they aim at soft targets that they consider as infidels of the Christian, Muslim or Jewish population who live in densely populated areas in the Middle East and other parts of the world where they operate (Adishi & Oluka, 2018). Recently, the global spread of al-Qaeda and ISIS, and their recourse to sophisticated bombs and other WMD have attracted the attention of the U.S. Intelligence Community, the United Nations Security Council (UNSC) and, yes, the international community in general. Besides natural disasters which occasionally occur in parts of the world, these bodies consider that one of the greatest threats to humanity in our contemporary age lies in the sophistication and use of cyber technology and WMD in battle along with states' involvement in financing terrorism. At this juncture, it is pertinent to ask: what efforts have the international community made to frustrate the endeavour of terrorists in acquiring WMD and/or to combat terrorism in its entirety?

The answer to this question can be found in the series of efforts made by the United Nations (UN) in its resolutions at the UN Commission on Conventional Armament (CCA) summit. To be certain, the CCA generated the first authoritative definition on WMD in 1948. The UN Security Council established the CCA in 1947 in response to a recommendation contained in the General Assembly Resolution 41 (1) which recommended the creation of a committee and made mention of the need to eliminate or prohibit atomic and nuclear weapons and all other forms of weapons ''adoptable now or in the nearest future for mass destruction'' (Seth Carus, 2012). International law, as a result, bans the use of biological and chemical weapons covered by the Geneva Protocol of 1925 and the Biological Weapons Convention (BWC) of 1972. The 1972 BWC, for instance, prohibits the development, production, stockpiling, transfer and acquisition of biological weapons. As a consequence, the 1963 Partial Test Ban Treaty (PTB); the 1968 Non-Proliferation Treaty (NPT) which entered into force in 1970, and the Chemical Weapons Convention (CWC), entered into force on 12 December 1995, also prohibit the use of WMD (Revaz-Beshidze, 2002; Prawitz & Lenard, 1996). However, the prospect of terrorist organizations to use chemical or biological weapons and other forms of sophisticated war heads against civilian population as well as on formations of military and their personnel and other security agencies have raised serious anxiety and counter terrorism concerns within the international intelligence community. Although, the use of WMD in fighting is not new, as noted earlier in this study, the possible adoption of its use by the al-Qaeda group in Iraq (AQ1), ISIS, and other terrorist organizations, or the quest to either build, acquire, or steal it, or even crash an airplane into a nuclear power plant has raised serious concerns of the trend before the intelligence community and the UN (Reshmi, 2013).

From the issues raised above, it is obvious that with the passage of time, modern scientific development and global technological expansionism may likely not limit the obstacles to the development of WMD and more sophisticated nuclear weapons if these are not properly checked on national scales and multilaterally. The availability of these materials, particularly as fissile materials, has brought much complication on the issue since state and non-state actors are now exposed to easy acquisition of the noxious and deadly materials. More complicated is the commercial use of modern technologies that have opened up new paths to the production, extraction and utilization of fissile materials able to be generated by the easy adoption of thorium-fuelled nuclear reactors (Caves & Seth Carus, 2014). Undoubtedly, these issues are the concern of this research which needs to be addressed and hence, the need to extrapolate on the extent to which these ugly scenarios can be cushioned.

1.2 Aims and Objectives of Study

The aim of this study is to examine the implication of the use of WMD by terrorist organizations. While the specific objectives are to:

(i)   Look at the implications of WMD and the problems and challenges it might pose in the hands of terrorist networks, especially the al-Qaeda and ISIS;

(ii)   Examine the appropriate countermeasures to adopt, to thwart the efforts of terrorists in acquiring WMD.

1.3 Research Questions

The following research questions are intended to give direction to this study:

  (i)   What will be the implication of WMD in the hands of terrorist organizations?

  (ii) What are the appropriate countermeasures put in place to thwart terrorist's effort to acquire WMD?

1.4 Methodology

This study adopted explorative, comparative and qualitative research method to examine the implication of WMD in the hands of contemporary terrorists, particularly those of the al-Qaeda and ISIS networks, and their affiliate groups. The investigation, therefore, uses this method to look at the appropriate countermeasures adopted by the UN and the international intelligence community, to prevent the harvesting and use of WMD by these international terrorist organizations. In essence, this inquiry relied extensively on secondary data such as textbooks, newspapers, magazines, journal articles, internet materials, and the official documents of reputable international organizations.

1.5 Terrorism: An Overview

The term *terrorism* is both subjective and pejorative (Horgan, 2005). This being so, difficulties emerge in attempting to find an apt definition for the word to become classifiable as universal. The key problem with defining terrorism is that it is ultimately a moral judgement shaped by social and political contexts and so, definitions for terrorism will vary depending on these contexts (Jaspal, 2008). In other words, terrorism is a demonic and violent act against humanity which, in reality, is not a new phenomenon in any discourse (Adishi & Oluka, 2018). The term has neither a precise definition nor one that is generally accepted. However, a common understanding of *terrorism* will be too vague, too broad or too simplistic. Terrorism, therefore, is the use of violence and threats to intimidate or coerce, especially for political purposes; or, the state of fear and submission produced by terrorism or terrorization (Aderonke, 2015). Terrorism has for a long time been categorized into two: *Traditional* and *Revolutionary* terrorism. The former is identified as state terrorism, while the later developed from protest against political and social injustice, and operate as a supplement to insurgency and rebellion in attempt to win freedom or to bring about political and social change or as a counter response to state terrorism or oppression (Jaspal, 2008).

Contemporary discourse on terrorism still cannot find a consensus definition of the concept. This is attributed to the problem of differentiating the act of guerrilla warfare, serial killing, genocide, etc., from terrorism as it were. In this perspective, those who have sympathy for the victims of terror attack have a negative, inhumane and untoward feeling and description of the concept. Those who believe in terrorist ideology and causes see terrorism as the act of liberation, and as such they see the operators of terror campaign as freedom fighters. This has made it difficult to derive a consensus definition of the concept (Aderonke, 2015). To this end, Spencer (2006) contends that the term "freedom fighter" is used as a moral judgement when classifying the act of terrorism. Terrorists have always claimed to be freedom fighters, fighting against dictators and oppression (Pienner, 2007). The phrase "one man's terrorist is another man's freedom fighter" was coined as a result of the problem of having a consensus definition. For example, despite the world-wide condemnation of terrorist attacks, the act of terrorism is still being supported and celebrated by some elements in virtually everywhere (Jaspal, 2008).

According to the *Encyclopaedia Britannica* (2006), terrorism is the systematic use of terror such as bombings, killings and kidnappings as a means of forcing some political objectives. *The Oxford English Dictionary* defines terrorist as a person who uses or favours violent and intimidating methods of coercing a government or a community for political gains. The US Department of Defence (DOD) in 2004 defines terrorism as a "calculated use of unlawful violence or threat to inculcate fear intended to coerce or to intimidate governments or societies in the pursuit of goals that are often political, religious and/or ideological''. In essence, terrorism appears to be an act which is intended to intimidate or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of government by mass destruction, assassination, kidnapping or abducting unsuspecting citizens. And, may transcend national boundaries in terms of the means by which they are accomplished; the persons they appear or intended to intimidate or coerce; or the locale in which their perpetrators operate or seek asylum (FBI, 2006 cited in Adishi & Oluka, 2018).

The US Army Training and Doctrine Command (2007) defined terrorism as a special type of violence that is

directed towards civilians, government officials, institutions, companies, politicians and infrastructure. Terrorism is understood as those acts of violence which spread terror among civilians and the civil population, and is also described as an uncivilized way in which some social actors advance their irrational goals (Saqib, 2015). According to the view of social constructionist, the language of terrorism is often used to construct evil, and the word *terrorism* is constructionism in nature (Jackson, 2007). In the same manner, Adeyemo (2012) likened terrorism to genocide. He sees terrorism as a deliberate and systematic destruction in whole or in part, of an ethnic, racial, religious or national group. It is the illegitimate use of force to achieve a political objective when innocent people are targeted. It is the use of violence; a method of combat or strategy to achieve certain targets (Laquer, 1979; Laquer, 1987). It is against this background that Israel (2014) held that terrorism is a contemporary name given to the modern permutation of warfare purposely carried out against unsuspecting civilian population with the aim of destroying the will of those whom they target, to either support their own leaders or those policies which the terrorists find objectionable.

1.6 Concept of Weapons of Mass Destruction (WMD)

Prior to the emergence of the terrorist groups, including al-Qaeda, and the nine-eleven event, fears ignited serious concerns which questioned the likelihood of the fanatical groups to use WMD if these ever found their way into the hands of terrorists and their network groups. Theoretically, new trend in terrorist operations indicates that the use of WMD suit the terrorist's strategy. Hence, WMD could become an effective means to cause a large number of indiscriminate casualties (Jaspal, 2008). Seth Carus (2012) stated that the first known use of the term "weapon of mass destruction" was traced to the Archbishop of Canterbury, William Gordon Lang, in his December 1937 Christmas address titled "Christian Responsibility". The address was believed by some scholars to have been influenced by the widely publicized bombings of cities in Spain by the Fascists and the Japanese in China, plus the dangers of the Italian chemical attacks in Abyssinia previously in 1936 (Seth Carus, 2012).

However, the exposure of WMD to terrorist organizations will not only increase the level of destructions to be carried out by the dissenting elements but also will make the task difficult to exercise control on them or to combat the spread of their networks to the government of any state. Since WMD could be silent and appear in miniature form, any dangerous attacks could occur at any given time without people being aware that attacks have taken place until the effects are felt by the general population. The general opinion of scholars is that WMD are seen and understood as weapons capable of causing mass casualties. Majorly, WMD are nuclear armaments which have enormous destructive powers than other conventional ones. One nuclear warhead can destroy a large city like New York within a twinkle of an eye. Hundreds of warheads are estimated to have the capacity of destroying an entire nation (Morton, 2000).

According to the United States Government Interagency Domestic Terrorism Concept of Operations Plans in 2001, WMD is any device, material, or substance used massively in a manner, of any quantity or type, or under circumstances evidencing intent to cause death or serious injury to persons or a significant damage to property. The UN Committee on Conventional Armaments of 1948 categorically classified WMD to include atomic explosives, radioactive materials and lethal weapons which are so developed to have characteristics comparable in destructive effect to those of atomic bomb and other weapons that destroy in quantum a large number of people. In another perspective, NATO in 2010 classified WMD as "any weapon that is capable of high order destruction, capable of being used in such a manner as to destroy people, infrastructure or other resources on a large scale". According to the US Homeland Security Information Act 1366 of 2003, WMD refers to any explosive, chemical, radioactive, or biological agent, or any other substance or device capable of causing extensive property damage, death or serious physical injury to multiple persons in a single act or series of acts (US Homeland Security, 2003).

In a comprehensive manner, the District of Columbia D.C. Code 22-3152 of 2004 described the following items as WMD:

(a)　Any destructive device that is designed, intended, or otherwise used to cause death or serious bodily injuries such as:

　　(i)　An explosive, incendiary or poisonous gas such as bomb, sarin, ricin, anthrax, grenade, rocket, missile, mine or any device similar to any of the devices described above.

　　(ii)　A mortar, cannon, or artillery pieces; or

　　(iii)　Any combination of parts either designed or intended for use in converting any device described in sub paragraph.

(b) An object similar or used to achieve the same destructive effect of any of the devices in sub paragraph (a) above.

(c) Any weapon that is designed, intended, or otherwise used to cause death or serious bodily injury through the release, dissemination, or impact of a biological dissemination, or impact of a biological agent or toxin; or poisonous chemical.

(d) Any weapon that is designed, intended, or otherwise used to cause death or serious bodily injury through the release, dissemination, or impact of radiation or radioactivity or that contains nuclear materials (District of Columbia, DC Code 22-3152, 2014).

2.

2.1 WMD and the Terrorist Groups

As noted earlier in this study, the use of unlawful threat or violent means to cause fear, and to coerce and intimidate individuals, domestic governments and the international community in the pursuit of the goals that are often political, religious or ideological is not very recent. But the recent and regrettable interest which the terrorist groups have shown in acquiring WMD and possibly use them to cause casualties is now a source of huge concern. Added to this is the proliferation of nuclear warheads produced by state actors like North Korea, Russia and Iran which has become a perturbing trend at this time. From 2006 to 2007, the al-Qaeda group in Iraq made use of chlorine tanks with high explosives to cause havoc. Between 2012 and 2013, Syria was suspected to have employed small-scale chemical weapons (CW) against rebels and the civilian population in her territory on several occasions. In the August of 2013 alone, the Syrian regime used chemical weapons against the people of Ghouta village in which over 1,500 people were killed. In Afghanistan, the terrorists had chemical agents mixed with pesticide which was used as a weapon against pupils in girls' schools, though this incident recorded limited damages. Notably, also, are the recent self-proclaimed acquisition of nuclear weapon by North Korea, and the three-time test of these weapons by the country. As well, the suspected pursuit of nuclear weapons by North Korea and its refusal to adhere to the UN Security Council resolution for the suspension of uranium enrichment has also attracted international disquiet (Caves & Seth Carus, 2014; Hilper & Oliver, 2018). Not even in the initial Singapore summit of 21st June 2018 could President Donald Trump of the United States of America wholly dissuade his North Korean counterpart, Kim Jong Un, from continuing with the proliferation of nuclear warhead programmes (Hilper & Oliver, 2018, p. 7).

Again, in recent times, another matter of growing concern is the ever-increasing threat of cyber attack carried out by organized criminal groups and international terrorists that could hack into state protected nuclear facilities and disable or detonate them, or even jam the radar and disorganize the communication system, to sabotage the entire system and stop them from functioning and perhaps, to cause harmful explosion to humans (Futter, 2015). Furthermore, the growing computerization, digitalization and complexity of nuclear operations and infrastructure by state actors could possibly raise the risk of nuclear accidents and create new vulnerability and access to terrorist groups as WMD (Ross, 2008). According to Futter (2016), one of the greatest challenges facing cyber technology is the bugs that are mostly contained in sophisticated and complex software and the coding systems, such as computer based systems, especially those that rely on complex codes. Indeed, it is not very easy to hack into these weapons' system software but system errors could make the software vulnerable for terrorists to hack into, and this could cause interference, disruption and damages to the critical nuclear facilities. The consequences of the terrorists hacking into the systems software cannot be overemphasized (Futter, 2016, p. 8).

Since the 1980s, terrorists have been acquiring crude chemical and biological agents as they have always threatened and plotted to use these to cause death and physical or psychological hurt or damage to individuals or groups of individuals, as well as to damage properties. In 1987, a religious cult group, Rajneeshees, in an attempt to obstruct voters turnout in a local election, clandestinely contaminated salad with salmonella (a bacteria that is sometimes used to make people sick) in a restaurant in Oregon in which over 751 people were victims (Jaspal, 2008; Caves & Seth Carus, 2014). This incident, according to Revaz-Beshidze (2002), is a significant example of the use of biological weapon to either disseminate pathogenic organisms or biologically produced toxins to cause illness or death in human, animal or plant populations. In Northern Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) attacked a Sri Lanka Armed Forces (SLAF) Base with chlorine gas, injuring more than sixty military personnel in 1990. In March 1995, Aum Shinrikyo, a notorious Japanese religious cult attacked the Tokyo subway with liquid Sarin. Unaware of the toxic chemical weapon's threat the subway cleaning crews who were dispatched to clean the platform or the train car areas became casualties to its attack (US Army TRADOC G2, 2007; Jaspal, 2008).

There was also the bombing of the Murrah Federal Building in Oklahoma, U.S.A. This incident revealed the

American right-wing militant extremism and it became comparable with the Tokyo subway attack of 1995. On 18 October 2007, a similar attack occurred in Karachi, Pakistan in which over 150 people were killed (Morgan, 2004; Jaspal, 2008). According to Gurr and Cole (2000), anthrax attacks were initiated in the U.S.A. and it is estimated that 100 kilograms of anthrax could kill up to three million people when dispersed under optimal conditions. This was evident in the 2001 anthrax attack which resulted to over 20 infections and several deaths. On 6 April 2007, a suicide bomber targeting a police station exploded his truck loaded with chlorine gas in a residential area thereby killing 27 people in Ramadi, Iraq. Undeniably, this form of attacks has been carried out on several occasions and in several locations in Nigeria by the self-styled Boko Haram Islamic radicals in recent time. In the month of March 2007, a month before the Ramadi attack, 350 civilians were hospitalized after three chlorine bombs exploded near Ramadi (Gurr & Cole, 2000; US Army TRADOC G2, 2007).

Although the Osama bin Laden al-Qaeda terrorist network typifies modern terrorism in activity and function, however, the activities of its affiliates like the Boko Haram, in the Lake Chad Basin; the ISIS in Syria, and other smaller splinter groups, have taken over on the international scene. The splinter groups in their domains carry out several attacks on their unsuspecting victims, using dangerous weapons, particularly in the Middle East and in Africa. The implication here is that modern terrorist organizations like the al-Qaeda in the Islamic Maghreb (AQIM); Harakat Aij-Shabaab Mujahhadeen (al-Shabaab) in Somalia; Jamaratu Ahlis Sunna Lidda Awati Wal-Jihad (Boko Haram) in North-East Nigeria (or the Lake Chad Region); Al-Ittihad al Islami (AIAI) domesticated in the horn of Africa; and the ISIS in the Middle East; all or any of these groups could possibly acquire WMD in several ways. It is no longer strange, consequently, to believe that the components and technical know-how of the WMD are available in black markets across the world, compared to the availability of nuclear weapons since the materials and tools required to create biological warfare agents are easily accessible and cheap to acquire (Morgan, 2004).

It is imperative at this point to re-emphasize the point that chemical and biological terrorism and welfare are not new. This is evident in the hundreds of acts that were referred to as acts of chemical and biological terrorism. In 1915, an American physician established a small but very effective biological agent production facility in his home. He produced an estimated litre of liquid biological agents using cultures of bacillus anthraces (anthrax) and pseudomonas mallei supplied by the Imperial German Government. The liquid and a simple inoculation device were reportedly given to Baltimore dockworkers that used the biological weapon to infect over 3,000 horses, mules and cattle destined for use by the Allied Forces in Europe during the First World War. In 1978, a Palestinian group injected a good quantity of Jaffa oranges with Sodium Cyanide which seriously damaged Israeli citrus fruit export (Revaz-Beshidze, 2005).

Reshmi (2013) has also observed that the threat of WMD and terrorism is "no longer a hypothetical worry but is now on-going in our modern age". The most disturbing of all is the danger of nuclear terrorism or the use of WMD which is likely to increase if there is global absence of comprehensive implementation of policy and the resolutions on non-proliferation of WMD. To re-emphasize this, Rashmi pointed out that the nine-eleven attacks in the United States is an indication that the al-Qaeda and ISIS have no limit and constraint to WMD. To him, they operate with all seriousness and employ any crude method to unleash catastrophe on target enemies whom they consider to be *infidel*s. The implication here is that modern day terrorists, in their form of terror campaign, are ultimately more destructive and violent in both perspective and method of practice. This is evident in their mode of operation which often includes suicide bombing, abduction, kidnapping for ransom, and the public displace of video clips showing captured victims who are traumatized, and such other inhuman acts as outright decapitation of captives, etc. In concrete terms, terrorist groups have demonstrated the commitment to buy, steal or construct WMD as evident in the 1998 declaration made by Osama bin Laden. In the declaration, bin Laden proclaimed that it was a mandatory religious duty to acquire WMD which must be used to establish Islamic caliphates and to defend Muslim communities across the world (Mowatt-Larssen, 2010).

The above is a clear indication that al-Qaeda, ISIS, and the host of other fanatical groups are bent on acquiring the deadly and destructive materials. It is also no longer difficult to believe that most of the terrorist organizations are motivated by some recalcitrant state-actors or wealthy and dissident individuals who are exposed to the sources and availability of WMD. To this effect, Reshmi (2013) identified states' assistance as one of the major drivers which propel most of the terrorist organizations to seek for weapons of catastrophic magnitude to cause huge collateral damages. This means that a terrorist group with the inclination for acquiring WMD and has a state's support will definitely have better access to funding, sophisticated weaponry, and technical and logistic support. There is the likelihood for terrorist organizations with such support from the state to possess a higher level of resources and technical expertise than it would have ordinarily possessed. This much is evident in the activities of al-Qaeda and ISIS (Rashmi, 2013).

However, building and manufacturing nuclear WMD requires availability of sources of knowledge and technical know-how which coincidentally exists everywhere particularly in the Western World. The Western sphere of influence in the area of science and research, which is accessible in the internet and in Ph.D research theses and declassified documents accessible in academic libraries and the public, made it possible for terrorists to have access to materials and documents on WMD (Reshmi, 2013). Moreover, materials not available in the open market of the Less Developed Countries (LDCs) which are often prone to terrorist attacks, are readily available through the integrations of these countries to the global economy which also facilitate increased commerce that incidentally provides opportunities for terrorists to transport and take delivery of these WMD materials and devices mainly mixed illegally with legitimate cargos. This has made it delicate and difficult for the international intelligence community and national governments to cope with modern state sponsored terrorism.

This was complimented by the United States Government declaration that some states like Cuba, Iran, North Korea, Libya and Syria were at a time sponsoring terrorism. And recently, Sudan and Afghanistan were also fingered among the states that were sponsoring terrorism. Iran was said to have funded training camps in Sudan. Iran and Syria were also accused of supporting the Palestinian Islamic Jihad. The U.S government also has identified al-Qaeda, ISIS and their affiliate groups as the most dangerous threat to the international community who are most likely to use WMD in targeted attacks on the rest of the world and on the United States in particular. In a January 2007 annual assessment report of worldwide threats, a US Federal Bureau of Investigation (FBI) states that if terrorist organizations can obtain some form of chemical, biological, radiological, or nuclear materials, they are liable to use them to unleash threat and destroy the face of the earth. The researchers, therefore, are optimistic that al-Qaeda, the Islamic State (ISIS), Boko Haram and their splinter groups in Africa, Arab nations, and other parts of the world will likely pursue acquisition of WMD if effective multilateral agreement is not reached. Although the terror groups have often used conventional explosive weapons in their attacks, they may also be willing to use WMD weapons on a large scale. The consequences of this may lead to more suicidal attacks on targeted areas (FBI, 2007).

As Morgan (2004) puts it, modern terrorist groups are the most dangerous threats to the international community. They are the potential users of WMD, who may delighted to use same on targeted areas in the US and other parts of the world. Contemporary history has shown that the ISIS Jihadist network is the most apocalyptic group in the world today. It emerged from the al-Qaeda and was initially known as al-Qaeda in Iraq (AQI) but after the al-Qaeda rejected AQI because of its tactics which was considered too brutal, AQI metamorphosed into the Islamic State of Iraq and Syria (ISIS). Its major targets are Christians and Jews in the Middle East. It also targeted Yazidi and Shiite Muslims who do not aligned with its Jihadist form of Sunni Islam. It also targets the Alawites (an obscure Islamic sect) (Sekulow et al., 2014). By all standards, in comparing al-Qaeda and ISIS, it is obvious that the ISIS is more brutal. Members of the group are so brutal that the al-Qaeda organization tried to persuade the ISIS to change its tactics. In fact, ISIS is regarded as the richest terrorist group in the world today since it has wider links with some state actors and controls more firepower and territory than any Jihadist organization that ever exists. It was reported that ISIS seized over 40 kilogramme of radioactive uranium in Iraq thereby raising fears that it could construct a dirty bomb which is capable of dispersing deadly radiation in the atmosphere. This is capable of rendering entire affected areas uninhabitable, and could make people ill within the radius or even kill (Coghlain & Hayne, 2014).

According to Michael and Hassan (2015), ISIS is actually the latest front in "a bloody culmination of a long-running dispute within the ranks of international Jihadism". To them ISIS is not just a terrorist organization; it is also a mafia adept at exploiting decade-old transnational grey markets for oil and arms trafficking. Furthermore, they consider ISIS as a sophisticated intelligence-gathering apparatus which infiltrates rival organizations and silently recruits their members. ISIS is equally known for its notorieties: killings, tortures, bombings and beheadings of its Western hostages which began with an American Journalist, James Foley (Michael & Hassan, 2015). This incident has raised anxiety and counter-terrorism concerns to unprecedented heights within the military and intelligence community, and in the mass-media. Such and such would be the implications of leaving WMD in the hands of modern day terrorists like the al-Qaeda, ISIS, Taliban, Boko Haram, and their splinter groups across the world.

2.1.1 Measures to Prevent Terrorist Efforts in Acquiring WMD

The nuclear, biological and chemical (NBC) weapons of warfare have been the focus of intense international disarmament negotiations since the 1920s. In 1925, there was the Geneva Protocol, and the Nuclear Non-Proliferation Treaty of 1969, the Biological and Toxin Weapon Convention of 1972, and the Chemical Weapons Convention of 1993. The Geneva Protocol established a universal standard against the first use of chemical and biological weapons (CBW), while the 1972 Biological Weapons Convention (BWC) prohibits the

development, production, stockpiling, transfer and acquisition of biological weapons (see Revaz-Beshidze, 2002; Seth Carus, 2012).

Apparently, the terminology, *Weapons of Mass Destruction*, was first included in the UN General Assembly Resolution of January 24, 1946 which established a commission to deal with the problem raised by the discovery of atomic energy and to suggest specific ways of eliminating atomic weapons and other weapons that can possibly cause enormous damage and destructions. Apart from the 1946 Resolution 1, Subsection (1) passed by the UN General Assembly, several measures were also put in place by the international community to run counter to insurgency and terrorism. For example, on 28 April 2004, the UN Security Council passed a unanimous resolution (Resolution 1530) calling on states to refrain from supporting non-state actors like the al-Qaeda, ISIS, Taliban, and other affiliate terrorist groups in pursuit of WMD and to adopt and enforce domestic laws and control towards WMD. This resolution re-emphasized the approach previously taken under UNSCR 1373 of 2011 (see UN Security Council Resolution 1540, 2004: UNSCR 1373, 2011).

On 15 November 1945, there was also the joint declaration for a collective control of atomic energy and the urgent calls for a UN Commission to identify ways to control atomic weaponry and other nuclear warheads by frontline world leaders notably from the USA, the UK and Canada (Seth-Carus, 2012, p. 2). On 8 September 2006, the UN General Assembly under resolution 1673 adopted what is today known as "Global Counter-Terrorism Strategy" which is a unique instrument adopted to enhance national, regional and global efforts, to counter all forms of terrorism. Essentially, this was to be reviewed every two years, thereby making it a vital document to guide member states' counter-terrorism priorities. It also addresses the conditions conducive for the spread of terrorism; measures to prevent and combat terrorism; measures to build states' capacity to prevent and combat all forms of terrorism and to strengthen the system in that regard. Similarly, the Global Counter-Terrorism Strategy also put in place measures to ensure respect for human rights for all and the rule of law as the fundamental basis for the fight against all forms of terrorism including the use of WMD (Global Counter-Terrorism Strategy, 2006; Kelsey, 2017).

These issues were reviewed in 2006 under resolution 1673 as it was again reviewed after another two years under resolution 1810 in 2008 and yet again in 2011 under resolution 1977. These resolutions were also taken to reaffirm the UN Security Council's commitment to Resolution 1540. The 2016 Summit, thus, marked the 10th anniversary of the UN Global Counter-Terrorism Strategy (Kelsey, 2017). On 15 January 2016, the UN Secretary General, in attempt to reaffirm resolution 1540 and also to combat some recent threats posed by the terrorist organizations, presented a "Plan of Action to Prevent Violent Extremism" to the General Assembly. On 12 February 2016, the General Assembly adopted a resolution that welcomes the initiative by the Secretary General. There was also the Geneva Conference on Preventing Violent Extremism on the 7th and 8th of April 2016 at the UN office, for the express purpose to provide the opportunity for the international community, to share experiences and good practices in addressing the threats of violent extremism and to re-emphasize the Secretary General's plan of action. And, in the December of 2016, the UN Security Council adopted Resolution 2325 which encouraged states to strengthen their implementation of Resolution 1540 (UN Global Counter-Terrorism Strategy, 2006; Kelsey, 2017).

In September 2004, Pakistani Parliament, in response to the UN Security Council Resolution, enacted the Export Control on Goods, Technologies, Material and Equipment Related to Nuclear and Biological Weapons and their Delivery System Act to strengthen controls on the export of sensitive technologies particularly those related to nuclear and biological weapons and their means of delivery. In April 2007, the government in Pakistan also established a Strategic Export Control Division (SECDIV) in the Ministry of Foreign Affairs purposely to monitor and implement the Export Control Act of 2004. On 13 December 2007, there was another attempt to augment the security of Pakistan's nuclear infrastructure under a National Command Authority (NCA) Ordinance promulgated under President Pervez Musharaf. This was meant to secure Pakistan assets from terrorists (Jaspal, 2008).

Realistically, it is not easy to completely prevent WMD terrorism because of its complex nature and the involvement of state actors and organized criminal gangs. In short, preventing terrorist organizations from acquiring WMD materials is a difficult task to accomplish because of the availability of the materials in black markets as earlier noted in the cause of this study. Although states like the US has had to make concerted efforts to, at least, eliminate the proliferation of WMD in three treaties which place limitations on these weapons rather than on each of nuclear, chemical, or biological weapons. These treaties are the 1967 Outer Space Treaty, the 1972 Seabed Treaty, and the 1991 Strategic Arms Reduction Treaty. In 1967, there was a draft treaty on Principle Governing the Activities of States in the Exploration and use of Outer Space, including the moon and other Celestial Bodies, also known as the Outer Space Treaty that was intended to prohibits placement of WMD in

outer space particularly in Article IV of the treaty. In 1972, the United States and Soviet Union negotiated another treaty that also placed specific restrictions on WMD. The Treaty otherwise known as the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-bed and the Ocean floor and in the subsoil did impose restrictions on the geographic placement of WMD. This treaty is commonly known as the Seabed Treaty (Seth Carus, 2012).

India has also taken steps to combat the illicit proliferation of WMD by cooperating with the international community to promote and advance the goals of non-proliferation and international security. India, according to Reshmi (2013), recognizes the importance of handling its nuclear materials and technology right from its production stage to its usage, as well as its safe and secured disposition to the public and terrorist organization which is still enforced in recent time. To this end, India joined the Convention on the Physical Protection of Nuclear Material (CPPNM) and the Convention on Nuclear Safety (CNS) directed towards the protection and safeguard of nuclear facilities. In November 2004, India submitted its first report on measures it had taken to comply with United Nation Security Council Resolution (UNSCR) 1540. It also played exemplary role by promulgating an ordinance to amend the Unlawful Activities Prevention Act of 1967 which prescribed punishment for any un-authorized possession or use of any bomb, dynamite, or hazardous explosive substance of warfare in 2006. As a responsible state, it also refrains from any illicit nuclear activity involving or aiding and abetting terrorist acts. This was clearly demonstrated in its Weapons of Mass Destruction and their Delivery Systems Prohibitions of Unlawful Activities Act of 2005 which also criminalized any transfer of WMD, missiles, etc., for use in terrorist acts particularly in Sections 8 & 9 (Reshmi, 2013).

With the increasing wave of Islamic Jihadist movements, most states in the Middle East, Africa and the Western world have consistently strengthened and tightened their domestic security apparatuses and legislation to be able to combat terrorism. Recognizing the threat posed by terrorism and the use of WMD and to prevent the threats of possession and potential use of WMD by states and non-state actors, Pakistan expressed her commitment and determination to several international treaties on non-proliferation instruments. These include the Nuclear Safety Convention; Convention on Physical Protection of Nuclear Material (CPPNM); Chemical Weapons Convention (CWC); Biological and Toxins Weapons Convention (BWC); International Conventions against Terrorism and Global Initiative to Combat Nuclear Terrorism. It has also continued to review and tighten its controls over sensitive technology and nuclear materials, and continued to work with the UN Security Council Resolution (UNSCR) Committee and other partners at the international, regional and sub-regional levels, to implement Resolution 1540 (Reshmi, 2013). In other words, UN Security Council Resolution 1540 of April 2004 represents a new approach to the prevention of the use of WMD by terrorists. It established a mandatory requirement for all states to refrain from providing any form of support to non-state actors in obtaining WMD. It also mandates states to adopt domestic legislation, to implement this obligation and also requires them to establish national controls to prevent the proliferation of WMD and their means of delivery (UN Security Council Resolution 1540, 2004.) In 2003, the European Union (EU) adopted a strategy against the proliferation of weapons of mass destruction. This was purposely designed to convince member nations that they do not need the WMD and to prevent terrorism in any form. In Latin America, the South Pacific, Africa and South-East Asia, regional measures which included treaties establishing nuclear-weapon-free zones (NWFZ) were initiated and states in these regions agreed to forgo the proliferation of WMD. This was also emphasized in the 1967 Tlatelolco treaty which created new avenue for states in Latin America and the Caribbean to establish nuclear-weapon free zones. States in the Middle East also adopted and established WMD-free zone but the persistent conflict in the region made it impossible to prevent terrorism by the use of WMD (US Department of State Country Reports on Terrorism, 2008).

According to James, Jason & Alistair (2010), the Dakar Declaration against Terrorism adopted in October 2001 by the African Summit Against Terrorism, and the 2002 Plan of Action of the African Union for the Prevention and Combating of terrorism are some of the significant efforts made to strengthen the capacity of West African States in addressing WMD for terrorism purposes; and the recruitment, financing, movement, training, propaganda, and operations of terrorist groups in the West African Sub region. Since the year 2001, the United States (US) has been in the fore front in assisting North African States in combating the threat of proliferation of WMD and the spread of Islamic extremism. The EU and France in particular are historically the main external partners of the North African sub region before the United States dramatically increased its engagement with the states in the Maghreb and Sahel, in the area of counterterrorism and other related areas including the non-proliferation WMD. In short, all the countries in the sub region including Algeria and Libya have benefitted from counter terrorism capacity-building assistance through the state department's antiterrorism assistance, terrorism interdiction, and other related programmes (Berkouk, 2009; US Department of State, 2010; James et al.,

2010).

Through the Trans-Sahara Counterterrorism Partnership (TSCTP), the US has also sought to improve its cooperation with the Maghreb countries by strengthening the region's counterterrorism capabilities; enhancement and institutionalization of cooperation among the security forces in the sub region; the promotion of democratic reinforcement of bilateral military relations with the United States; and most importantly, the non-proliferation of Weapons of Mass Destruction (US. Department of State Country Reports on Terrorism, 2008).

Some States in Africa under the umbrella of the African Union (AU) adopted a broad-based continental framework to combat terrorism and the proliferation of WMD. This is evident in the 2004 AU establishment of the African Centre for the Study and Research on Terrorism (ACSRT) as a technical arm on matters related to terrorism. The ACSRT is charged with a number of functions aimed at enhancing counterterrorism capacities and cooperation among its member states particularly on WMD (Rosand, Alistair, & Jason, 2008). Efforts were also made to strengthen counterterrorism mechanisms and to control the spread of other forms of transnational crime including money laundering, drug trafficking, weapon smuggling and WMD in recent time. This was demonstrated in the April 12, 2018 address of the UN Secretary-General, Antonio Guterres, in a UN Youth Forum. At the forum, Guterres reiterated the pertinence of empowering youths globally so as to combat terrorism. To him, "young people are prime targets of extremist recruiters but they can also play leadership roles in fighting terrorism and at the same time provide greater opportunities for all" (UN News, 2018).

2.2 Effects of Terrorism

From the plethora of literature above, it is true that biological and chemical agents, when found in the possession of non-state actors or with terrorist groups, can be used indiscriminately to cause damage, assassination, and as foot and mouth disease. Some are capable of causing death, serious physical or mental damage or injury to someone in contact with them (Caves & Seth Carus, 2014). Simply stated, WMDs are devices or tools purposely designed and intended to cause death, physical or mental damage or injury, to targeted individuals or group of individuals; or properties, through their dissemination or release. WMD include atomic weapons, radioactive materials, and lethal chemical or biological weapons. Grenade, rockets, missile technology and delivery systems such as aircraft and ballistic missiles also belong to the categories of these weapons (Laura, 2014).

The economic effect of having WMD can equally be devastating. These materials in the hands of terrorists can have devastating effects. The economic consequence of allowing WMD in the hands of terrorists could be more colossal. This is so because money that is meant for the development of the state will be diverted to fight terrorism and rebuild infrastructure, as well as used for relief services during and after terror attacks. While death, injuries and physical destructions are the most visible effects of terrorist attacks, it is given that fear, violence, uncertainty and indirect effects will become harmful to the economy in the long run. The effects of terrorism are contagious in a global village where there is interconnectedness of activities including trade routes. The use of WMD generally can have political and military effects (Caves & Seth Carus, 2014). Terrorism also has significant fiscal effects, and both direct and indirect effects on growth. A policy issue of the defence against terror requires awareness of the motivations and objectives of terrorism. The policy can result in changed perceptions thereby affecting the majority in the way they execute their functions. Terrorism is deemed to be a usurper of human security such that there is chaos among the civilians after each substantial terror attack.

3. Recommendations

To prevent terrorist organizations from using WMD, the study provides the following recommendations:

(i) Regional and sub-regional counterterrorism strategies should be encouraged and strengthened.

(ii) Uniform standard of counterterrorism measures should be critically enforced by nations irrespective of the regional affiliation and patterns of attack or tactics adopted by the terrorists.

(iii) A review of some of the already existing treaty agreements on counterterrorism strategies should be encouraged to accommodate the modern trends adopted by terrorist organizations.

(iv) States-sponsored terror networks should be sanctioned and severely dealt with.

(v) UN General Assembly Resolution 1540 of 2004 and other sundry resolution of the Security Council should be strictly enforced by the UNSC particularly on member nations.

(vi) Further steps should be taken by state actors like Iran Iraq Afghanistan and Syria, and non-state actors such as the United States, Russia, China, India, Pakistan, African Union, and the European Union to

combat the illicit proliferation of WMD and encourage other international communities to promote and advance the goal of non-proliferation of WMD and international security.

(vii)   State or military actions should be taken against some of these terrorist organizations.

(viii)   Creating an enabling environment for economic, social, political and religious issues to strive without infringement against human rights and democratic ethos.

(ix)   Policy implementation should be a priority to governments around the world.

4. Conclusion

This research which examined the use of WMD and modern terrorism, and its implication to global security revealed that there is paradigm shift from the use of conventional weapons of warfare to the use of unconventional weapons by modern day terrorists. The consequence of this is the security challenges witnessed in recent times by the international community and in which the nations of the Middle East, Africa, and United States are the most affected. The study revealed among others that the use of unconventional weapons was rare and uncommon before the twin terrorist attacks on the United States in 2001 by the al-Qaeda terrorist network. The proliferation of nuclear weapons by recalcitrant states and state-sponsored radicals have been identified as one of the major threats to the UN Security Council and other relevant regional and sub-regional agencies such as the Trans-Sahara Counterterrorism Partnership (TSCTP), Africa Centre for the Study and Research on Terrorism (ACSRT) among others.

Essentially, too, are several non-proliferation conventions and resolutions passed by a group of sovereign nations and the UN General Assembly through its Security Council to eliminate atomic weapons and other weapons adaptable for mass destruction. An example is the April 28, 2004 UNSC Resolution calling on states to refrain from supporting non-state actors like the al-Qaeda, ISIL, Taliban, Boko Haram and other affiliate terrorist groups in pursuit of WMD, and to pass legislations on domestic laws, to control WMD in their respective states. The 1925 Geneva Convention, the Nuclear Non-proliferation Treaty of 1969, the Biological and Toxin Weapon Convention of 1972, and the Chemical Weapons Convention of 1993 are also essential. The study concludes that modern terrorism should be prevented from the use of WMD by strict adherence to the provisions of the UN resolutions and conventions, and other regional and sub-regional counter terrorism measures which have been put in place by relevant agencies and research findings.

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Influencing External Factors for Small Arms Light Weapon Smuggling at Malaysia-Thailand Border

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Abstract

End of the Cold War had contributed to the plentitude of firearms within the Southeast Asia region which led to the increase of small arms and light weapon (SALW) smuggling activity. For decades till today, most countries in this region continue to face internal armed conflicts. Malaysia strategic location, situated at the world's busiest sea lane trades had resulted in rampant cross border crime of SALW smuggling activities. Malaysia's strict firearms law disallows the possession of SALW without a license. In spite of such strict SALW legislations, these smugglings continues. What are the factors that contribute to the increase of SALW smuggling into Malaysia? The main objective of this article is to scrutinise the external factors that promote the increase of SALW smuggling into Malaysia. This study employs a qualitative method with primary data obtained through preliminary and formal interviews with Malaysian and Thailand security agencies, crime desk journalist, non-governmental organizations, smugglers, former separatist member, former Thai residents, informers and prisoners of SALW related. Whilst secondary data was acquired via credible research. The study found that the national factors and non-national factors have influenced the increase of SALW smuggling into Malaysia.

Keywords: globalization, cross-border crimes, SALW smuggling, definition of SALW, influencing external factors

1. Introduction

Post Cold War had witnessed a distinct shift within the security spectrum from direct military threats to that of non-military. This borderless environment compounded with the effects of globalization have made border more porous that permit free flow human and trading traffic within this shrinking geographical space. The reality of globalization has brought about profound impact however its contribution to mankind had not been limited. (Khoo & Jomo, 2002). McGrew & Lewis (1992, p. 65) expounds that with the increase in cross border connectivity whether it be personal relations, institutional demands, air travel or communications systems, on the same vein such extensive cross border movements equally offer similar opportunities for crime, environmental damage, drug smugglings, immigration and many others have direct consequences that could undermine the peace and stability of a nation. As argued by Williams & Black (1994, p. 127), collectively echoed by other renowned analyst have categorized such Post Cold War security threat to respective nation's threat outlook and international order within the concept of Gray Area Phenomenon. The momentum towards this concept has slowly grown to engulf conflicts as ethno-religious-nationalistic, proliferation weapons of mass destruction and advanced delivery capabilities; hunger; engaging conflicts with limited resources; the spread of epidemics as in AIDS and other infectious diseases; globalization of organized crime; widespread use of drugs; economic warfare and conflicts with technology; and large migrations of the population including political asylums and economic refugees.

This has indirectly promulgated a shift in the focus of security not only on threats that can jeopardize the political survival and territorial integrity of a country but additionally how these threats may directly impact upon the safety of its people and upset national security. Emmers (2003, p. 421) in agreeing, cited the words of Galeotti (2001, p. 216) that "the struggle against organized and transnational crime will be the defining security

concern of the twenty-first century". The United Nations (UN) has rather conclusively defined cross-border crimes (CBC) as an offence that acts as a springboard for other more wrongs. Its prevention and / or influence whether directly or indirectly compels the participation of more than one nation (Emmers 2003, p. 420). In the era of globalization, a large variety of trade activities are undertaken within borderless circumstances. This phenomenon has pushed the boundaries of open space and indirectly opened the door for firearm smuggling. Within Southeast Asia, firearm smuggling has since emerged as a prized trade in CBC. As argued by Lumpe, Meek and Naylor (2000, p. 2), firearm smuggling is believed to be the second highest commodity smuggled after drugs.

Kramer (2001, p. 2) in concurring did not offer any disagreement that the issue of small and light weapons (SALW) is almost always connected with CBC. However the issue of CBC is often immersed into the overall security agenda to combat other more pressing cross border issues that are accorded more precedence as in drug trafficking and human trafficking. Kramer equally argued that the issue of smuggling and the problems related to SALW are often relegated and marginalized as little apprehension is dwelled into how these SALW are legitimately produced, transported, transfers and ownership processed with its entry into the black market.

Within the global context, the abuse of SALW in most countries is one of the leading causes of death and injury. Evoy & Hideg (2017, p. 49) in their Small Arms Survey Report deduced globally in 2016, 44% of the deaths were due to the use of SALW. Total deaths due to SALW rose from 171,000 in 2004 to 210,000 people in 2016. From that total, approximately 15% individual deaths are due to direct conflict whilst 81% are victims of organized killings (Evoy & Hideg, 2017, p. 49). The Small Arms Survey Report also estimates a total of 875 million small arms weapons hovering around the world and are produced by more than 1,000 companies that are plying this trade in more than 100 countries. According to Spapens (2007, p. 361), it is estimated that 5 percent of the total world's legal firearm sales amounting to more than USD8.5 billion are illegal sales. Most of the firearms that are traded illegally are within this SALW bracket. The annual volume of illegal firearm trade could easily amount to two or three billion dollars. Stohl (2005, p. 61) research indicates that a global firearm legal market is estimated at USD4 billion a year of which the sale of illegal SALW is valued at almost USD1 billion.

The Small Arms Survey (2003, p. 130) in citing Cook and Ludwig (2002, p. 2) stated that firearms are more lethal than other weapons such as knives, batons and fists as it offers a distinct advantage to the attackers. With a little devotion, it offers the power to inflict a quick death from a distance and with the little use of strength. Death due to firearm violence remains high, seemed unbalanced as its abuse brings about more death than injuries. From Myanmar to Colombia, firearms are usually the weapons of choice in killings and armed conflicts. On the same vein, this deadly weapon would serve as a powerful tool to oppress the people and ensure compliance. The United Nations (UN) in 2001 through the United Nations (UN) Conference on the Illicit Trade in Small Arms and Light Weapons In All Its Aspects that convened in New York collectively endorsed that the ever availability and abuse of firearms are two acute challenges facing the international community today. Affected countries collectively agree that the flooding and wide dissemination of weapons minus any form of control in most parts of the world poses a serious threat to security, stability, sustainable development of individuals, communities, nations, regions and overall international environment.

Studies by Capie (2002, p. 1) and Stohl (2005, p. 60), indicate that since the end of the Cold War, exist a transition within the security context, a shift from armed inter-state confrontations to armed civil outbreaks within a country itself. In such armed surges, most of the lethal casualities are due to SALW as compared to conventional weapons. Capie research further contested that most of these SALW circulating in Southeast Asia are not new but recycled firearms (Capie, 2002, p. 104). Every year, between 50,000 to 100,000 people perish; become victims of SALW in 'low-level' conflict especially in deprived countries. However, the casuality rate in such destitute areas could be doubled due to the easy access to SALW (Markowski, Koorey and Brauer 2009: 171). Given this reality, the true figure of these firearms violences that resulted in the numerous killings and injured civilians in Southeast Asia is unknown. In the absence of any conclusive government records, statistics of the abuse of SALW is estimated with more than 15,300 registered murder cases. In short, though shattering, the current statistics of lethal cases due to SALW in Southeast Asia is incomplete and unreliable (Muggah & Moser-Puangsuwan, 2003, p. 7). As stated by UN and Muggah and Moser-Puangsuwan and supported by Capie (2002, p. 10) and Griffiths (2010, p. 130), the ever availability supply of firearms following the demise of the Cold War more so with abundant quantity of SALW being a spillover from the former Soviet Union and East Block in the market inevitable offered enticing prospects market for prospective buyers. The unfavourable economic environment of reduced military spendings coupled with weak regulatory protocols indirectly compelled these countries with large abandoned stocks to ever available customers.

The Gunpolicy report offer similar findings as that by Muggah and Moser-Puangsuwan (2003) where fatal

casualities due to SALW within the Southeast Asian region are rarely recorded especially in Indonesia, Laos, Malaysia, Myanmar, Thailand, Timor-Leste and Vietnam. In the 1990s, Thailand recorded the highest number of killings due to SALW throughout Asia (GunPolicy.Org). Data obtained from the University of Washington, attest to Thailand having the highest number of killings due to SALW, followed by Philippines. As in 2013, Thailand registered a death rate, killings due to abuse of SALW at a rate of 7:48 for every 100,000 people, which is twice as much, compared to the US. Subsequently findings published in the 2015 edition by The American Journal of Medicine Preventive indicate possession of SALW significantly contribute towards increase of terrorism in Thailand (Channel News Asia Online, 18 February 2016).

Deaths due to SALW in Southeast Asia for the period 2000 – 2012 are recorded at 167,093 as reported by the United Nations Office on Drugs and Crime (UNODC), demonstrated in Table 1 below. The Philippines has recorded the highest number with 87,532 cases followed by Thailand at 53,973 cases and Indonesia with 11,922 cases. There appear to be a vast difference when compared to other regional nations such as Myanmar (8044 cases), Vietnam (3037 cases), Cambodia (964 cases), Malaysia (652 cases), Laos (392 cases) and others regional countries that have a relatively very low recorded cases. This rather diverse difference could be due to lack of records or the absence of any official statistics or government records of such SALW cases as indicated by the Gunpolicy Report.

Table 1. Statistic of deaths due to SALW in Southeast Asia for the period 2000-2012

Year	Brunei	Cambodia	Indonesia	Laos	Malaysia	Myanmar	Philippines	Singapore	Thailand	Timor Leste	Vietnam
2000			2204				5735	37	5142		
2001							5852	30	5020		
2002							6553	22	4538		
2003			1635				6436	24	6434		
2004			1419				6344	21	4273	23	
2005							6434	21	4806	46	
2006							6196	17	4687	49	
2007							5739	18	4435	62	
2008			1372				5820	27	3974	35	
2009			1311				6368	20	3703	32	
2010			1058				8897	19	3654	39	
2011			1467				8674	16	3307		
2012	8	964	1456	392	652	8044	8484	11	-		3037
Total	9	964	11922	392	652	8044	87532	283	53973	286	3037

Source: United Nations Office on Drugs and Crime Homicide Statistics (2013)

Smuggling of SALW into Malaysia is not a new phenomenon. How can SALW smuggling could transpire in Malaysia? Crime involving the use of firearms may be unfamiliar to a large section of the population in the past. However, recent turn in crime trends with shootings, mafia like murders, planting of explosives in public areas seem to be on the rise recently despite the fact that Malaysian firearms laws (Note: The Firearms Act 1960 and the Firearms (Increased Penalties) Act 1971) are very strict especially pertaining to SALW ownership. This article would subsequently deliberate the definition of SALW whilst conduct comparison of its definition between Thailand, Indonesia and the Philippines, the three countries that share land and sea borders with Malaysia. Consequently discuss the factors affecting SALW smuggling to Malaysia.

In exemplifying the evidence in support of this article, on the ground research and fieldwork was conducted to ascertain the contributing factors for the continued propensity SALW smuggling into Malaysia especially at the Malaysia-Thailand border. Apart from on-site visits which involves observation and enforcement operations, interviews were conducted with both Malaysia and Thailand enforcement agencies, smugglers of firearms at the Malaysia-Thailand border, authentic moles who served as informer to Royal Malaysian Police (RMP) for those buying firearms in Thailand to smuggle into Malaysia. Crime desk journalists from major newspapers in Malaysia who were involved reporting smuggling activities at Malaysia-Thailand borders, members of recognized non-governmental organizations, prisoners under Section 3 and Section 8 of the Firearms Act 1960 and Firearms (Increased Penalties) Act 1971, former member of National Revolutionary Front (NRF) and former resident of Narathiwat were also interviewed. Secondary data were obtained from the credible reports and previous research that provided added foundational credibility of this article.

2. Definition of Small and Light Weapons (SALW)

The definition offered in the United Nations 1997 Report of the Panel of Governmental Experts on Small Arms, explain that small arms consist of revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns, and light machine guns. Light weapons include heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and antiaircraft guns, recoilless rifles, portable launchers of anti-tank and anti-aircraft missile systems, and mortars of less than 100mm caliber (Small Arms Survey, 2002, p. 235).

As argued by Kramer (2001, p. 4), when discussing issues related to weapons and ammunition, there are no uniform term that could collectively be agreed among countries in the Southeast Asian region when discussing issues related SALW and ammunitions. Differences in these definitions amongst Southeast Asia nations were widely debated however due to the lack of harmonization of these firearm laws, little progress was made. These differences in the definitions also occur internally, at the domestic levels due to the inability to have a common agreement between civilian and military sectors. Here SALW generally refers firearms and ammunition that can be carried by one or two individuals. In this aspect Kramer interprets the definition as promulgated by the UN although it has not been accepted or applied universally.

> *"Small arms: revolvers and self-loading pistols, rifles and carbines, assault rifles, sub-machine guns, and light machine guns. Light weapons: heavy machine guns, hand-held under-barrel and mounted grenade launchers, portable anti-tank and anti-aircraft guns, recoilless rifles, portable launchers of anti-tank and antiaircraft missile systems, and mortars of less than 100mm calibre. Ammunition and explosives: cartridges (rounds) for small arms, shells and missiles for light weapons, mobile containers with missiles or shells for single-action anti-aircraft and anti-tank systems, antipersonnel and anti-tank hand grenades, landmines, explosives (UN, 1997, para. 26). Explosives were further defined in the United Nations Report of the Group of Experts on the Problem of Ammunition and Explosives. The Group focused mainly on military high explosives, industrial explosives (including those used in the mining industry), improvised or 'home-made' explosives, and explosive initiators or detonators (blasting caps) (UN, 1999a, para. 16)".*

According to the definition offered by Stohl (2005, p. 60), SALW refers to firearms that can be carried by one or two persons, mounted on vehicles or stacked for delivery by animals. This classification is also used to illustrate machine guns to missiles including grenades and mortared rockets (rocket-propelled grenades (RPG).

The definition of SALW applied by Malaysia refers to the lethal rifled weapon that has the capability to discharge a projectile, ammunition or fired release, or which be customised to discharge any firing shot, bullet or other shot, and of any similar kinds of projectiles; and any kind of weapons designed or adapted or customised to release by fire any form hazardous liquids, gases or other objects, and this includes a rifle, windgun, automatic rifle and any component parts of any such weapon, and any added parts to the weapon which are designed or adapted to minimize the noise or emission of fires caused by firing the weapon [The 1960s Arms Act and the Firearms (Increased Penalties) Act 1971: 5]. In an easy to comprehend manner, SALW refers to the type of firearm that can be hand held. Included in this category are pistols, revolvers and also guns with long barrels (long guns) or shoulder guns such as rifles and shotguns. The heavy firearm refers to firearms that are not easily carried, handled or hand-handled by humans and should be placed on the ground or attached to something. Examples include weapons mounted on aircraft, tanks or artillery cannons. Normally these types of firearms are of caliber of more than 50mm. Illegal possession of firearms are interpreted as owning, safekeeping, protecting or in possession of firearms that is contrary to provisions under the Firearms Act 1960. Any invalid possession shall be considered as an offense, can be subjected to death by hanging or life imprisonment under the Firearms (Increased Penalties) Act 1971.

Comparison of SALW definitions among Indonesia, Thailand and Philippines, three countries that share the same land and maritime borders with Malaysia are further examined to clarify the differences. As scrutinized by Kramer (2001, p. 5), there is no dedicated definition of SALW in accordance with Indonesian firearms laws. As with Thailand, firearms include all weapons capable of delivering bullets through firing, pressured gas or compressed air or other mechanical designs that are very much reliant on the level of energy and use of restricted/controlled components that are placed under the authority of the Minister that are listed in the Ministerial Regulations.

While for the Philippines, the term firearms or weapons includes a rifle, musket, carbine, shotgun, revolver, pistol, and all other deadly weapons in which bullets, point ball, strokes, casings or other missiles may be released through explosive powder or any other form of explosives. The term also includes wind rifles except for small caliber with limited range that may be used as toys. Any barrel gun is also considered as a complete

firearm and be subjected to law.

3. Influencing External Factors of SALW Smuggling at the Malaysia-Thailand Border

Off late the rise of serious criminal activities involving SALW such as gunfire and mafia murders using firearms and explosive materials in public places has been slowing increasing and becoming quite common. According to the former Deputy Prime Minister of Malaysia and Home Minister, Ahmad Zahid Hamidi who stated that the increase in crime cases in the country is believed to have been originated from firearm smuggling (Harian Metro, July 29, 2016). This scenario is alarming as it illustrates how easy firearms could be found on the black market and smuggled through our borders.

An UN expert panel defined the illegal sale of firearms as an international trade of conventional firearms that contravenes with the law of a country or international law (Marsh, 2002, p. 220; Capie, 2013, p. 90). Black market refers to the illegal movement of firearms by individuals, criminal groups or non-state actors such as rebel groups and often these three groups may be involved or work together. Black markets are considered illegal under the law of a country or international law and exist strong possibilities that these firearms be used for unacceptable purposes such as massacres, armed conflicts, human rights violations or planned criminal activities (Marsh, 2002, p. 223). Miani (2011: xviii) in his book defines the sale of smuggled firearm as illegal, in prohibition of the laws of the manufactured country, transfer, illegal for firearm or materials whose status that may be lawful in a country to be transferred to another country that is placed under restrictions by national or international law. As further clarified, the illegal transfer of firearms is also not accepted by most masses. It refers to the manufacture or transfer of firearms, the legal status of firearms or materials that are prohibited or the transfer to the disputed end user or its uncertain legal status (Miani, 2011: xix). According to Chouvy (2013, p. 90), illegal transfer of firearm could also be illustrated by the transfer of firearms from its legal owners (eg military or police) to groups or individuals who have no valid authority to possess them in the country.

Studies conducted by Kramer (2001, p. 2), Capie (2002, p. 94), Stohl (2005, p. 63), Iwa (2005, p. 1), Spapens (2007, p. 370), Kuhn and Bunker (2011) and Gagliardi (2012, p. 88) has collectively demonstrated firearm-smuggling activities have direct implications upon all types of organized criminal activities (as in smuggling and drug trafficking along with smuggling and human trafficking). The tradings of these activities are masterminded through illegal channels that may deem worthwhile and profitable initially until there exist an 'arms race' amongst these criminal groups. Bedeski, Andersen and Darmosumarto (1998, pp. 10-11) stated that the relationship between the spread of SALW and the criminal activities in Southeast Asia is very problematic further compounded by one of the principal contributing factors being the rampant pursuance of drug trade in the region. This finding is well argued, supported by a report alleging that SALW and drugs are often traded along lines of supply. Trade involving both SALW and drugs consistently complement each other, where the increase trade of one commodity would indirectly spur growth of the other commodity as well.

According to Capie (2002, p. 15), there exist five major factors that had triggered smuggling and firearm transfer within Southeast Asia. Firstly, the region had witnessed many internal conflicts and this has created a need of firearms through illegal sources by non-state actors. Secondly, the region is also the home to previous conflicts in several countries where a large number of military-owned SALWs that continue to prevail and are easily available. Thirdly, the geographical positioning of South-East Asia has very long maritime space and continental borders which are very difficult to conclusively patrol and monitor. Fourthly, this region is also the home to some 'weak states'. These are weak and inefficient political entities that have difficulties to effectively control its boundaries to stop the smuggling of weapons and CBC activities. These countries are also weak in managing, handling weapons inventory storage more often seen with unsafe and poorly managed facilities that are vulnerable to theft, loss and subsequent smugglings. Most of these countries do not have enough gun control and law enforcement mechanisms. Fifth and the final factor, despite the absence of conflict between countries in the region for more than two decades that has promulgated very encouraging regional development, nonetheless suspicion and distrust continue to prevail among Southeast Asian countries.

Through this study, it has revealed that the smuggling of SALW has made Malaysia a first direct recipient country of some these problems due to a number of external factors. The first external factor is the increase of SALW trading in the country is closely associated with the smuggling and drug trafficking activities from the Golden Triangle (Myanmar, Laos and Thailand), the second largest producer in Asia. In a preliminary interview with Khalid bin Abu Bakar, the former Inspector General of Police (IGP) on 21st March 2016, it was revealed that following some extensive investigations by the RMP, findings rather decisively indicate in most SALWs seizures, these weapons are mostly smuggled through the Malaysia-Thailand border. These SALWs are not meant for transit purposes but mostly destined for use in Peninsular Malaysia for various purposes such as

smuggling and drug trafficking, secret societies, gambling and vice activities, gangterism, thugish groups to be armed with firearms, armed robberies, assassinations and other organized criminal activities which are all unlawful. According to the prisoners under Section 3 and Section 8 of the Firearms Act 1960 and Firearms Act (Increased Penalties) 1971 Malaysia who commit armed robbery, unlicensed possession of weapons, drug trafficking and gangsterism, attest the convenience of obtaining SALW through black market in Thailand (Danok, Golok and Padang Besar). Among the lucrative variants of SALW purchased, popular among perpetrators of these three prisoners are K3.8 Auto Smith & Wessen, M1191 and US-made Glock that could easily purchase at a price between RM1500-RM4000 including a box of ammunition. Though within the bracket but the price could differ, given the type and condition of the SALW (Interview: Ah Hoe, Tokeh and Ah Yee [non-real name] March 21, 2018, April 24, 2018 and April 25, 2018 respectively). IGP's statement that most of these SALWs were smuggled from northern Peninsular coupled with statistics from a few SALWs raids in East Malaysia were well substantiated in Capie's work (2002, p. 54). Capie (2002, p. 55) also argued that illegal SALWs activities along the porous boundaries between East Malaysia and the Philippines indirectly compel the fishermen to be armed for their defense against pirates. As decendants of the land, these fishermen do not follow the immigration formalities due to their daily travel, use of easy entry routes between the Malaysia-Philippines border. Capie stated investigation undertaken by a researcher in Kuala Lumpur reveal there was little conduct of SALWs smugglings as there exist barter system between Sabah and the Southern Philippines whereby fish or logs are exchanged with firearms from insurgents in southern Philippines. In discussing such avenues in West Malaysia, Penang Port was disclosed as a smuggling point that includes SALWs from Cambodia and Thailand. An established Berita Harian newspaper crime desk journalist who has contributed special report of smuggling activities at the Betong (Thailand)-Pengkalan Hulu (Perak, Malaysia) in 2009 attested that apart from the land routes, smuggling of SALWs are also pursued through maritime avenues. Apparently this is not something new as waterways were used since Au Siang of Thailand triad activities. SALW was smuggled through the waters of Kuala Sepetang, Lumut and Kuala Gula under disguise of fishing boats. These SALW smuggling activities were especially confined within the vicinity of the Thailand-Perlis, Thailand-Kelantan and Thailand-Perak borders. Though a majority of these smuggled weapons are for the Malaysian market, notwithstanding Malaysia also serves as a transit point for other lucrative destinations as in Indonesia, Singapore and Philippines with the Andaman Sea and the Straits of Melaka being the main passage waterway (Interview: Che Mad [non-real name, April 8, 2018). As for SALW smuggling at Rantau Panjang, Kelantan, information sourced from the SALW smuggler indicate that these weapons are procured from Thailand via Sungai Golok. It was reported that members of the Thai Police are also a party to this lucrative industry of selling SALW (Interview: Pok Lan [non-real name], April 22, 2018). These privy information was also substantiated by other SALW smugglers at neighbouring Bukit Kayu Hitam-Danok border and Pengkalan Hulu-Betong who added these weapons are either smuggled through the border gates or illegal openings in the fences, the determination depends which offers compromise of security at that point of time (Interview: Hasan bin Abu [non-real name], the smuggler of Laka Temin village, April 11, 2018 and Che Ann [non-real name], Pengkalan Hulu smuggler, April 14, 2018). Sourcing of data and research with the Malaysian Maritime Enforcement Agency (MMEA) on August 5, 2018, offers the smuggling hotspot trajectory that includes SALW on the Malaysia-Thailand border in the area around the seas of Langkawi Island and subsequently entering the coastal states of Peninsular Malaysia and neighbouring countries is shown in Figure 1.

Figure 1. Maritime Smuggling Hotspot Route at North Peninsular Malaysia-Thailand Border
Source: Researcher Illustration

For decades the region had its fair share of ongoing war and armed conflicts as witnessed in Vietnam, Thailand, Indonesia, Myanmar, Cambodia and the Philippines thus this represents the second external factor that contributes to the increase SALW smugglings into Malaysia. As pointed out by Kartha (1999: 1450-1460), it is known fact that civil war within the Asian region had its spillover effects in terms of refugees, firearms and national alliance activities. Capie (2002, p. 41) stated that these internal conflicts, inter-national conflicts and conflicts in the country were mainly due to external interferences into the region. A large number of these SALWs have been smuggled for the Aceh Merdeka Movement through southern Thailand through the Penang Port in Malaysia which has a large Acehnese population. Most of these weapons are believed to have originated from Cambodia. There have been reports that smuggling through southern Thailand is done with help of the Pattani United Liberation Organization (PULO), a Thai separatist group. Southeast Asia is the cross roads for smuggling and distribution of firearms. According to a report by GunPolicy.Org, Thailand is seen as the main destination for black market trading of firearms in Southeast Asia followed by Cambodia and Vietnam. Kramer (2001:1) concurred that the growth of SALW dealings with minimum control in Southeast Asia has threatened the security of the people and the country, indirectly emerge as stumbling block for development and contributes to increased crime. Based on the civilian firearms ownership in 178 countries, Table 2 demonstrates civilian firearms ownership per 100 inhabitants of listed Southeast Asia countries on this subject. Thailand leads this association with 15.6 weapons for every 100 people.

Table 2. The largest civilian firearms arsenals (ranked by averaged rate of civilian ownership, guns per 100 people)

Country	Rank by rate of ownership	Average firearms per 100 people	Low firearms per 100 people	High firearms per 100 people	Average total all civilian firearms	Low total	High total	Registered	Population, 2005
Thailand	39	15.6	15.6	15.6	10 000 000	10 000 000	10 000 000	3 870 000	64'232'800
Philippines	105	4.7	3.4	6.0	3 900 000	2 800 000	5 000 000	775 000	83'054'500
Cambodia	109	4.3	2.1	6.4	600 000	300 000	900 000		14'071'000
Myanmar	111	4.0	4.0	4.0	2 000 000	-	-	-	50'519'500
Vietnam	128	1.7	1.7	1.7	1 100 000	-	-	-	83'119'000
Malaysia	133	1.5	1.5	1.5	370 000	142 038			25'347'400
Brunei	137	1.4	1.4	1.4	5400	5400	5400	-	373'900
Laos	145	1.2	1.2	1.2	71 000		-	-	5'924'200
Indonesia	169	0.5	0.5	0.5	1 000 000	1 000 000	1 000 000	34 150	220'558'000
Singapore	169	0.5	0.5	0.5	22 000	22 000	22 000	-	4'341'800
Timor Leste	177	0.3	0.3	0.3	3000	-	-	-	950'000

Source: Chapter 2, Annexe 4, Small Arms Survey 2007

Malaysia's strategic position on these important maritime trading routes which is further compounded with shared land and maritime boundaries with some countries that are facing such armed conflict has indirectly paved the reasoning for an increase of SALW smuggling activities. Malaysia as a country in the middle of this 'smuggling ring' is saddled with and has to dwell, face various problems arising from this situation (Ruhanas, 2009, p. 20). Armed conflict in neighboring countries is viewed as one of the main indirect causes of SALW access to the people and Malaysia's security is thus subjected to the political, social and economic instability due to these offshoot effects of the conflicting country. Following the outbreak of armed rebellions and insurgencies had resulted in widespread increase in smugglings and grave misuse of SALW that in some stages is beyond control. Increased smuggling of firearms in Southeast Asia would pose serious intimidations to ASEAN's political, economic, social and moral well-being (Iwa, 2005, p. 2). The interview with Ayob Khan, Principal Assistant Director, Counter Terrorism, Bukit Aman Special Branch on July 27, 2018, said the terrorist activities cannot be isolated from smuggling of SALW. The porous borders of Malaysia-Thailand, is a sad reality that facilitates various smuggling activities including SALW. The emerging influence of these Islamic State (IS) group as militant group and DAESH, the Jemaah Islamiah Group (JI), the Malaysian Militant Group [KMM] (formerly known as the Kedah Mujahidin Group [KMK]) and Darul Islam (DI) terrorism that operates in Malaysia where KMK banner readily obtains SALW supplies from southern Thailand. Ayob Khan further added that discovery following several incidents such as the murder of Joe Fernandez, Lunas State Assemblyman, Kedah in 2000, the robbery of Southern Bank, Petaling Jaya in 2001, a bomb blast at Movida night club,

Puchong in 2016, that M16 firearms and explosives from the Vietnam War (1964) were used and these were smuggled out of Thailand. Crime desk journalist of Harian Metro believes there is a possibility of separatist groups in southern Thailand such as PULO and others are the agents who provide SALW in support of terrorist operations in Malaysia. He added that the entry of Pattani people into Malaysia for food business purposes should be given further scrutiny and investigated. These is every possibility that such innocent human traffic of Thai citizens provide sound platform for SALW smuggling tactics as well as other illegal goods taking into account his experience of reviewing the separatist faction's movements and tactics in Pattani in 2016 (Interview: Chik [non real name], April 5, 2018). A former member of the 30-years veteran of the National Revolutionary Front (NRF) separatist group, who has been residing in Kelantan, Malaysia for almost 10 years, confirms that different makes of SALW are easily available in Thailand. Most popular and readily available are the US-made SALWs that can be purchased for as little as RM1500 on the black market. According to him, SALW is widely used by secret societies, gangsters as well as separatist groups in Thailand. There are also SALWs sold openly, available over the counter at licensed stores around Bangkok, Hatyai and Songkla. Apart from that, the legitimate sale of own SALWs by the Thai police and soldiers to the general public also occurs as they were licensed to buy and own firearms other than those supplied by the Government. There is hardly any denial in the conduct of rampant SALW trafficking from Thailand into Malaysia especially through Sungai Golok (Interview: Pok Chai [non-real name], April 22, 2018). Kuala Lumpur Deputy Police Chief also concurred there was an increase in the use of fully automatic SALWs such as sub-machine guns and rifles as evident in recent murder of Palestinian lecturer in Setapak, Kuala Lumpur and random shooting cases at entertainment outlets both in Taman Maluri and Bukit Bintang, Kuala Lumpur in 2018 (Interview: Zainuddin Yaacob , August 14, 2018).

The third factor is the dumping of post-war SALWs in neighboring countries such as Vietnam and Cambodia. According to Capie (2002:15), several countries in the region had witnessed conflicts where a large number of military-owned SALWs were conveniently disposed and since made easily available. In his research, Capie has further claimed that after the fall of South Vietnam in April 1975, a large number of abandoned United States (US) supplies were seized by the North Vietnamese army with an estimated haul of between 1.5 million to 1.8 million SALWs and 150,000 tons of ammunition. These include 90,000 pistols of M1911A1, 791,000 pistols of M15A1s, 857,580 rifles, 15,000 M50 machine guns and 47,000 of IN879 grenade launchers. Many of these weapons were then sold by the Vietnamese government to its allies but implicated these sales were undertaken by terrorist groups. Similarly, Cambodia is believed to have between 500,000 and 1,000,000 military-style firearms spread throughout the country after the collapse of the previous government. These firearms were smuggled through southern Thailand via the Straits of Malacca to Aceh. On the same vein, Cambodian firearms were also smuggled into Thailand, Indonesia, Myanmar, India, the Philippines, Sri Lanka and other countries. Cambodia served as an important source of firearm supplies for countries facing internal conflicts due the avalanche left over following post-civil war. This indirectly propelled Cambodia as a warehouse of firearms stockpiling, attracting brokers and firearms distributors who are looking for light military hardware at low cost. These individuals have been helped in their business by law enforcement agencies receiving bribes and Thai military personnel who exercised relaxed enforcement at border crossing points. When these SALWs enter Thailand, it will be supplied to criminal groups or sent out via land or sea route to markets in Myanmar, Sri Lanka or Indonesia. Thailand is surrounded by neighboring nations saddled with insurgents and ongoing conflicts thus made it a condusive center for firearm brokers and SALWs transfers. Miani (2011: 42) also agreed that stocks of firearms originated from Cambodian and Myanmar were supplied to conflict zones such as Aceh, Sri Lanka, southern Thailand, north-eastern India and to the Thai-Myanmar border. As has contested as the second factor, the geographical position of Malaysia, conflict consequences in neighboring countries provide favourable probability and momentum for an escalated smuggling of SALWs by organized crime groups within the country. In an interview with Royal Thai Border Patrol Police, it was also established that there exist a very strong possibility of stockpiles of SALW from the Vietnam and Cambodia war being smuggled into Thailand. These weapons subsequently made available in the very profitable black market trade would be for internal use of crime in Thailand or on transit to other foreign countries. Undeniably most of these SALWs have also been smuggled into Malaysia (Interview: Abdul Hakim Che Mut, April 22, 2018).

SALW sales are seen as a very profitable enterprise. This fourth factor is also one of the causes that stimulate the smuggling SALW. Capie (2002, p. 20) stated that the transactions involving trading SALW is acclaimed as the second most profitable business and a large number of arms from Cambodia, southern China and Vietnam have been smuggled with the knowledge and active involvement of Thai and Cambodian soldiers as well as politicians. Gagliardi (2012, p. 88) also agreed that due to the exceptionally huge profits acquired from SALW sales, the criminals are willing to do anything for the sake of greed, dominance, revenge and ideology. These monetary gains are the main motivations for SALW smuggling (Capie, 2013, p. 92). From Malaysia's

perspective, the monetary motivator supercedes the risk, though it is difficult to obtain SALW in the country, however the expensive price makes the peril worth encountering. So, it is not surprising for SALW smuggling to transpire into the country by non-state actors for various purposes. A non-governmental organization representative of the Malaysia Crime Prevention Foundation (MCPF) to a certain extent supports, does not deny that the ongoing SALW smuggling due to a host of reasons as in favourable markets, the ever-increasing demand of this commodity from within the country, the absence of advanced, modern SALWs and the lack of SALW resources in the country that inevitably compel flouting non-state actors to rely on the black market. The acquisition SALW is synonymous with Thailand as it is the most convenient, cheapest and readily available source (Interview: Kamal Afendi Hashim, May 24, 2018).

SALW smuggling would not occur if there is no demand or supply. This fifth factor also contributes to the increase of SALW smuggling cases into the country. An estimate of 639 million SALWs are in circulation around the world. So supply is not viewed as an issue (Stohl, 2005, p. 61). South East Asia has available stock for purchase. SALW is also durable and has a longer life span. A report by Keith Krause (July 2000) indicated unlike conventional weapons, most SALW sales are recycled and not newly manufactured (Capie, 2013, p. 92). From the perspective of demand, with the occurrence of conflicts in the region has created the necessity for illegal SALW among insurgent groups and other non-state actors. There are also sophisticated local and transnational criminal networks involved in various illegal activities including drug trafficking, human trafficking, money laundering, forgery and extortion (Capie, 2013, p. 91). This disclosure is enough to illustrate the demand for insurgents and criminals to be armed with SALWs. Among the most sought after SALWs are the Soviet-made AK47 rifles, the Chinese made Type 56, US made M16 and AR15s rifles, the Soviet-made SKS, weapons from World War II era as in the US-made M1s, carbine and M14 automatic. Additionally, US-made grenade launchers M203 and M79 are also in good demand (Capie, 2002, p. 26). According to Bedeski, Andersen and Darmosumarto (1998, p. 7), Vietnam is sought for the supply of SALW in the region. The SALW seizure obtained from Vietnamese fishermen (as some fishermen are former military personnel) in the South China Sea provides evidence of the uncontrolled movement of old military wares from military owned stores by militants consequently be smuggled into neighboring countries as there is a demand for such firearms from Vietnam. As in the case of Cambodia, there has been an increase in SALW demand among its citizens who feel insecure, no longer have guaranteed security and ultimately require these weapons for self-defense. This indirectly provide irrefutable evidenced that following incidents surrounding the coup in 1997 had resulted in further violence and failure of the UN security mission. According to a reliable Thai informer who is in established, close association with the RMP, who in-turns undertakes smuggling of various illegal goods, without reservation confirmed that each month there are a minimum of 4 shipments of SALWs to Malaysia with each shipment consisting of two or three weapons. In this case, most of the SALW supply are attained from Patthalung, Thailand. He further added that additional supplies could be sourced from Songkhla, Padang Besar, Danok, Narathiwat and others. What that is crucial here is the demand, to meet the buyer's specifications and it must be supplied within the short time frame. He added that most of the customers were Malaysian gangsters with the majority of the buyers being Indians and Chinese (Interview: Rae Wat [non-real name], August 9, 2018).

For the sixth factor, as discussed by many scholars' among others Kartha (1999), Capie (2002), Misalucha (2004), Alusala (2010), Miani (2011), Denik (2012) and Zohar (2015), generally agree armed conflict and insurgency contribute towards increased SALWs smuggling and Malaysia is no exception to the direct repercussions of these illegal activities. According to Capie (2002, p. 20), the main source of SALW's for a majority of armed conflicts in the region are supplied from Indochina, especially from Cambodia, Vietnam and Laos. These destinations has emerged as the main transit of arms supplies from southern China. Thailand has slowly emerged as the prime center for illegal SALW brokerage and facilitator of illegal transfer with Cambodia as the last transit destination, main source of supplies. Large caches of post-war firearms had made it a very enticing source for brokers at low prices that may ignite continued smuggling activities. Illegal SALW supplies to Thailand will be distributed to local criminals or exported out to Burma, Sri Lanka or Indonesian markets. Previously Thailand reigned as the main pipeline of SALWs supply to the grey market as to the Khmer Rouge and other fighting groups in Cambodia. Capie (2002, p. 88) added that today Thailand has since emerged as the leading SALWs black market supply center from Cambodia to the insurgents in Myanmar, Acheh, Sri Lanka and northeast India. Surrounded by neighbours facing internal conflicts and insurgents, Thailand has become the main center of brokerage and facilitating SALWs transfers (Capie, 2002, p. 92). Miani (2011, p. 42) has also agreed that the Chinese-owned SALWs stocks in Cambodia and Myanmar have also been supplied to conflict zones such as Acheh, Sri Lanka, southern Thailand, northeastern India and the Thai-Myanmar border. During the Cold War, there was an over supply of SALWs from the US, China, Cuba, former Czechoslovakia, France, Thailand, Singapore, Vietnam, and Soviet Union that flooded Cambodia. Based on statistics gathered by the

United Nations Authority in Cambodia (UNTAC) in 1993, it was estimated that 320,443 SALWs and 80.7 million rounds of ammunition were owned by opposition (Capie, 2002, p. 28). Usually, the choice of SALW is a favoured option for armed conflict because it is easy to carry, easy to use, affordable and difficult to detect (Misalucha 2004: 132). The Royal Thai Marine Police in Tak Bai in turn contested that SALW that were traded in the black market in Thailand were likely either from Myanmar or Laos which is very much in line with previous scholarly studies. It is deduced that shipment is made possible via the Thai-Myanmar land border through Chiang Mai and additionally through the waterways of Ranong, Andaman Sea. This is further made possible due to the tight territorial tussle between the drug cartel group and the existence of guerillas on Myanmar-Thailand border of which the Myanmar government are having difficulty exercising control (Interview: Wacharat Meangpracha, April 19, 2018). According to a reliable Thai informer to RMP, SALW in the Thai black market is derived from Songkhla, Nakhon Si Thammarat and Patthalung. SALWs smuggled into Thailand are most derived from Cambodia and other countries including China. For SALW that are purchased by Malaysians, these would smuggled through illegal entry avenues through Malaysia-Thailand border area near Chai Kuan (Thailand) and thick vegetation of Felda Rimba Mas, in Malaysia (Interview: Longkorn [non-real name], August 7, 2018). According to another informant Rae Wat's acquired on August 9, 2018, SALW is cheap and thriving in Narathiwat due to the ongoing upheaval between separatist tribes in the three southern provinces of Thailand namely Yala, Narathiwat and Patani. As expressed by former residents of Narathiwat who is now living and working in a restaurants in Kuala Lumpur, the long drawn tribal conflict is ever rampant occurring in Tanjung Mat, Narathiwat such as Kampung Cho-Airong, Kampung Bongo and Kampung Dusun Nyior (Interview: Aung [non-real name], April 26, 2018). Malaysia and Thailand is tucked between these conflicting countries is very much impacted by the domestic upheavals of its neighbours.

The seventh factor which is considered among the crucial cause of escalating SALWs smuggling is due to the weakness of the international legal framework. Through Kramer's work (2001), has divulged that many of Southeast Asian country's domestic firearms control legislations are not uniform with varying different definitions of SALWs. Some of states only exercise control through administrative instructions, proclaimations or declarations and not any legalised bylaws. These observations are also supported by Bedeski, Andersen and Darmosumarto (1998:5) who added exist a serious flaw in the absence of any formal agreements at the regional or international level as to exercise control of SALWs whether it be legitimate or illegitimate dealings. Prevailing unclear regulations or ineffective domestic laws relating to SALW purchases do contribute to an increase in the quantity especially in black market tradings. Furthermore if the individual purchase quantity limits are to set or agreed, there would inevitably be 'straw purchases' where individuals can buy in large quantities and resell them. The sale of illegal SALWs usually occurs across international borders of countries with loose firearm laws into countries with strict firearm laws (Stohl 2005:63). International legal framework favours the brokers as since it being poorly developed indirectly permitting the financing and brokerage of illegal SALW sales. For Malaysia, the application of loose firearms laws in addition to the many different interpretations of SALW coupled with the geophysical position situated among many countries with relatively equally relaxed firearm laws offers viable openings for non-state actors in the country seek ever available and cheap supplies from its neighboring countries. The enforcement of firearms provisions in Malaysia namely the Firearms Act 1960 and the Firearms Act (Increased Penalties) Act 1971 are very rigidly strict that is punishable with the mandatory death penalty in the event of committing such an offence of firing and that may cause death. However, there appear to be distinct prioritization on the severity of offences on both sides of the border as evidenced from interviews with Thai security personnel informants (Betong Police Chief Torsak Sareeruth, Betong Deputy Chief of Police Paramet Plabplueng, Betong Thai Border Patrol Police Chetvit Neerahing, April 14, 2018, Deputy Khoudon Satun Police Chief, Chan Chutirat, April 12, 2018, Tak Bai Thai Marine Police Wacharat Meangpracha April 19, 2018, Golok Thai Border Patrol Police Abdul Hakim Che Mut, veteran of NRF, Pok Chai [non-real name] April 22, 2018, both informers Longkorn's [non-real name] August 7, 2018 and Rae Wat [non-real name] August 9, 2018 and former residents of Narathiwat Aung [non-real name] April 26, 2018 who almost conclusively agree the execution of Thai firearms provisions are not as strictly enforced as binding as a law as apparent in Malaysia. Through this research it was understood from Chan Chutirat, Khoudon's Deputy Chief of Police, though there is a provision for the use of the death penalty clause under the Thai law but this is very much reliant on the Court. All informants conclude that in most cases a fine is normally imposed if the offender claims to have a gun without a license or deemed to have used. Seldom is a jail sentence imposed. Thai firearm law permits the people to own firearms for the purpose of self-defense, safeguarding personal property, sports or hunting. (Xinhuanet.com., October 13, 2017).

In addition, the eighth factor is a consequence to the lack of dedicated cooperation among countries that invite a strong cause of increased smugglings of SALWs. According to preliminary interviews with Huzir Mohamad of

RMP on the 23 March 2016 along with Somyot Srisorayut Royal Thai Police in Kuala Lumpur on 26 December 2017 collectively state there is a lack of access and sharing of necessary information from the relevant agencies for both CBC and SALW activities. This was also mentioned picked up by Bedeski, Anderson and Darmosumarto (1998:5) as the lack of coordination and cooperation among regional partners in an effort to curb circulation and supply of SALWs from within and outside the region. Further dissecting the crux, though the modus operandi used by the smugglers may be similar, but the lack of enforcement capacity by individual states and regional cooperation to address the challenge of this SALW (Capie, 2002, p. 26).

4. Conclusions

The unchecked use of SALW raises the concerns about the increase in smuggling activities, use of explosives and ammunition in Malaysia that presents the conditions of inviting terrorism related activities, unauthorized use of firearms that would inevitably contribute towards insecure environment meshed with a rising crime rate in the country. On a study conducted by scholars, it is apparent that domestic and external factors have an influential factor that increases SALW smuggling into Malaysia and its related crime committed by non-state actors. The government must ensure that national security is preserved without neglecting the safety of people as this in-turn contributes towards economic, political and social stability as well as the development of nationalistic ideas. Additionally, the government should embrace the aspect of whole human security, the community and the country and institute proper control mechanisms so as to maintain its territorial integrity to ensure national security. It is important that the government always be far-sighted and be prepared to deal with security issues, especially in addressing SALW smuggling, movement of ammunition and explosives. In an impending environment minus any borders, if such possible instable scenarios are left unchecked it may spiral into more damaging circumstances, creating much fear and strife among the population. There would be no national security if there is no public order. There can be no public order if the governing government fails to maintain national order to ensure human security and national security is always safeguarded.

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Factors influencing Individual Investor Behaviour: Evidence from the Kuwait Stock Exchange

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Abstract

This study investigates the effects of psychological factors on investor behaviour regarding the Kuwait Stock Exchange (KSE). These psychological factors are, namely: excessive optimism vs pessimism, herd behaviour and risk appetite. The data for this study obtained from KSE and a survey of a random sample of 398 individual investors. By using qualitative analysis and based on the theory of behavioural finance, the study findings show that herd behaviour, optimism and psychology risk have an impact on the individual investors' decisions. However, we did not find any evidence of overconfidence behaviour's effects on investors' decisions. To our knowledge, KSE has been examined by several researchers without taking into consideration the effects of psychological factors on individual investor decisions. This study finds that psychological factors play a significant role in individual investors' decisions regarding KSE. This study might contribute positively to the development of this field of research in (KSE).

Keywords: behavioural finance, psychological factors influencing investors decisions, kuwait stock exchange

1. Introduction

Finance theory assumes that investors are rational and make decisions based on profit maximisation. The heart of traditional finance is the Efficient Markets Hypothesis (EMH) that assumes that all of the information is provided to all investors without cost. Therefore, the price of stocks always reflects their intrinsic value and is reasonable (Fama, 1965, 1970 and 1991). However, the reality shows that investors in the markets are not necessarily always rational in their decisions and that other factors might affect them when they are making their investment decisions (Thaler, 2015). Therefore, this phenomenon encourages researchers to investigate the factors that may provoke irrationality among investors. Irrationality causes several problems in the market and drives the price of stocks away from its fair value. This phenomenon of investor behaviour has been studied during the last few decades under the name of "behavioural finance". This field of modern finance has made remarkable progress in the last two decades.

Moreover, behavioural finance studies the impact of psychological factors on the stock markets. Evidence from recent studies on behavioural finance guides us to think in a different way to traditional finance assumptions. In fact, by applying the psychological theory of human behaviour to the financial markets and using it as a tool for understanding investor decisions, we will be in a better position to understand the behaviour of irrational investors. L. Kengatharan and N. Kengatharan (2014) argue that psychological factors play a significant role in behavioural finance theory. They pointed out that behavioural finance studies psychological behaviour such as emotion and panic, which may influence the behaviour of individual investors. Therefore, psychology and anthropology can be used to explain irrational investor behaviour. According to behavioural finance, individual investors do not always behave in their own best interests. Mitroi (2016) argues that anomalies in prices can be studied through behavioural finance.

However, the Kuwait Stock Exchange (KSE), established in 1977, is a relatively old market among the Arab Gulf stock exchanges. It has undergone a series of transitional stages and faced four main crashes (in 1978, 1982, 1990 and 2008). The main cause of the first two crashes was investor behaviour (Al-Tuhaih, 1983), while the two more recent crises were due to the Iraqi invasion and world financial crises. For the majority of the time, traders' decisions in KSE depend too much on personal information and relationships, as well as rumours, overall performance and market trends, rather than upon reality. Abul (2003) finds non-linearity in the KSE Index returns and argues that investors in KSE are risk lovers. To our knowledge, KSE has been examined by

several researchers without taking into consideration the effect of psychological factors on individual investor decisions. Psychological factors may play a significant role in the behaviour of individual investors in KSE. Thus, this study is based on the theory of behavioural finance, which was developed by Tversky and Kahneman (1974), Daniel, Hirshleifer & Teoh (2002) and Thaler (2015). This study examines the impact of psychological factors on individual investors' decisions with regard to KSE.

2. Literature Review

Recent studies, such as Bakar and Yi, (2016), show that investors in the markets are not necessarily rational in their decisions and that other factors might affect them when they make their investment decisions. Behavioural finance studies the impact of psychological factors on the stock markets. Psychologists in this field include Edwards (1954, 1961), who is a pioneer in the subject of behavioural decision theory, Daniel and Hirsheileifer (2015), and Tversky and Kahneman (1974). The most important papers were written by Tversky and Kahneman (1974) whose contribution to the field of the factors explaining the human behaviour of decision making has had a significant impact on behavioural economics. Tversky and Kahneman (1979) compared several models of decision-making under risk and uncertainty with economic models of rational behaviour. According to behavioural finance, individual investors do not always behave in their own best interests. Behavioural finance provides a framework for understanding when and how people make errors. Thaler (1990) believes that behavioural finance confirms that certain economic factors may not be treated with rationality. Thus, behavioural finance combines principles from the fields of individual and social theory to understand and highlight stock market performance. Birau (2011a, 2011b, 2012) pointed out that human feelings and emotions have a serious impact on investors' decisions, and that inefficient markets can be explained by behaviour economics. Mitroi and Oproiu (2014) pointed out that behaviour bias affects the relationship between risk and returns and so concluded that high risk is not correlated with high returns, which conflicts with finance theory. Bakar and Yi (2016) argue that behavioural finance studies have proved that individual investors do not behave rationally, but their decisions are affected by their psychological feelings. Numerous studies from ASEAN and Western countries have, in fact, established that psychological factors do have a relationship with an impact on the decision-making of investors with regard to the markets; for example, Akhtar and Batool (2012) regarding the Karachi, Lahore, and Islamabad Stock Exchanges; Phan and Zhou (2014) regarding the Vietnamese Stock Market; Riaz and Hunjra (2015) and Farooq, Afzal, Sohil & Sajid (2015) regarding the Pakistani Stock Market; Dhaoui (2015) regarding the Japanese, U.S., French, U.K., and Swiss Stock Markets; Shabgou and Mousavis (2016) regarding the stock exchange in Tabriz, Iran; and, finally, Gupta and Ahmed (2016) regarding the Indian Stock Market. Decision errors can be due to human mind behaviour. Moreover, Camerer and Loewenstein (2004, p.3) stated that "behavioural economics increases the explanatory power of economics by providing it with more realistic psychological foundations". There are four main psychological factors that affect individual investors' decisions. These are as follows:

2.1

Overconfidence, where investors believe that they possess more knowledge than other investors (Shiller, 2015). The overconfidence phenomenon has been studied by numerous researchers, including Barber and Odean (2001), Hirshleifer and Luo (2001), Wang (2001), Scheinkman and Xiong (2003), Ton and Dao (2014), and Daniel and Hirshleifer (2015). Ton and Dao (2014) argue that overconfident investors believe that they can gain more from the market by using their emotions, even though this is impossible. The same authors found in their study that 70% of the Vietnamese Stock Exchange investors are overconfident about managing their portfolio. However, selfish investors, who consider themselves geniuses due to knowing when it is the best time to trade and make fast returns from the stock market, cannot beat the market as they assume. Odean (1998) argues that overconfident investors believe that they are smarter than other investors with regard to selecting the best time to buy shares at the best price. Lim (2012), Bakar and Yi (2016) find that investors' decisions are significantly affected by overconfidence. Moreover, Hon (2012) concluded that small investors in the Hong Kong Stock Market were overconfident. Longjie and Anfeng (2017) find a positive correlation between overconfidence and investment level in the Chinese Stock Market. Scheinkman and Xiong (2003) find that overconfidence causes a speculative bubble. A recent study by Riaz and Iqbal (2015) found that overconfidence has a significant and positive impact on investment decisions regarding the Karachi Stock exchange.

2.2

Herd behaviour, where individual investors follow the trend of the market. Therefore, instead of using their own information when making decisions, they simply follow what other investors do. In fact, many investors may not respond instantaneously to new information but rather may base their actions on the trading activities of those

investors who are believed to be well-informed. Banerjee (1992) argues that herding behaviour occurs when investors look to other investors' behaviour because they believe that others possess more information. He argues that, in a herding environment, a snippet of news may result in a large change in price. This may lead all of the participants in the stock market to make the wrong decision. Chiang and Zheng (2010) and Bikhchandani and Sharma (2001) find that herd behaviour has a negative impact on the stock market, as it may cause volatility, bubbles, and over/undervalued stocks. The impact of herd behaviour can negatively affect the market's supply and demand mechanism. The studies of both Balcilar and Demirer (2015) and Shams and Passand (2015) find that herding behaviour happens in stock markets with high volatility stocks. Moreover, herd behaviour has been found in numerous stock markets around the world, including advanced and Asian stock markets (Chiang and Zheng, 2010). Hon (2012) found that small investors in the Hong Kong Stock Market follow herd behaviour. Choi and Skiba (2015) find herd behaviour in 41 stock markets around the world. However, traders on the KSE can be divided into two groups: investors and speculators. Speculators lack a target price and their expectations for future gain are directly proportional to the absolute price of the stock. This, in turn, could introduce bias into their actions. In fact, in a small country like Kuwait, with its special social characteristics, the trading activity of one investor convey information to another investor that can cause the latter to react fast and causing herd behaviour in the market.

2.3

Optimism, where optimistic investors are confident that the market will perform well and that the prices will continue to rise. Moreover, if this optimism is based on solid information about the company and supported by sound economic indicators, it will have a positive impact on the market. However, excessively optimistic investors may inflate the prices by issuing false indicators to other investors. It is common to find that some investors are more likely to act on the basis of their forecasts; if they are overly optimistic, they will cause the prices to shoot up and, if they are overly pessimistic, they will impact the market negatively. Numerous studies have been carried out in this area, including Tariq and Ullah (2013) regarding the Pakistani Stock Market and Tran (2017) regarding the Thai Stock Market.

2.4

Risk appetite, where investors dislike risk, behave carefully in order to minimise the uncertainty in the market and make rational decisions. In practice, no market is likely to be comprised solely of rational investors. Not all investors exhibit the characteristics of rationality (Antoniou, Ergul, & Holmes, 1997); for example, many investors in emerging markets may exhibit risk-loving behaviour. Antoniou et al. (1997), Anderson and Galinsky (2006), and Lansing and LeRoy (2014) investigate the risk-lover investors and conclude that few of investors behave as risk lovers when they face cash needs. Based on the recent literature, this study examines the role of psychological factors on the decisions of individual investors regarding KSE. These psychological factors are, namely: overconfidence, excessive optimism, herd behaviour, and risk appetite. It is hoped that this study will contribute positively to the development of this research area with regard to KSE.

3. Kuwait Stock Exchange

As mentioned earlier, the Kuwait Stock Exchange (KSE) established in 1977, since when it has gone through several developments' stages. KSE was closed from 2 August 1990 (the date of the Iraqi invasion) to 28 September 1992. In 2008, the world financial crises affected all of the stock markets worldwide, including KSE. In 2009, Kuwait started to develop its stock exchange by issuing several regulations. The most important was Law No. 7 of 2010 regarding the Establishment of the Capital Market Authority (CMA). Since that date, the Capital Market Authority (CMA) has issued further regulations, aiming to upgrade KSE to the level of the other emerging stock markets across the world; for example, FTSE promoted KSE to emerging in 2018, while MSCI noted that it would include the Kuwait Index as part of its review in 2019. KSE will be upgraded to an emerging market on S&P and the Dow Jones on 23 September 2019. These developments have had a positive impact on Kuwaiti investors' behaviour regarding the market. Figure 1 shows that the KSE Index decreased from 15615 points on 23 June 2008 and reached 6369 points on 2 January 2018.

The daily return of the market Price Index, represented by the continuously compounded return, is calculated as follows:

$$R_t = ln(\frac{p_t}{p_{t-1}}) \tag{1}$$

where R_t is the continuously compounded return in period t, p_t is the closing index price at the period t, and p_{t-1} is the closing index price at the period t-1. Figure (2) shows the daily Kuwait Stock Exchange Index returns for the period 2 January 2006 to 26 December 2017.

Source: Prepared by the author.
Figure 1. KSE Index 2006 to 2017

Source: Prepared by the author
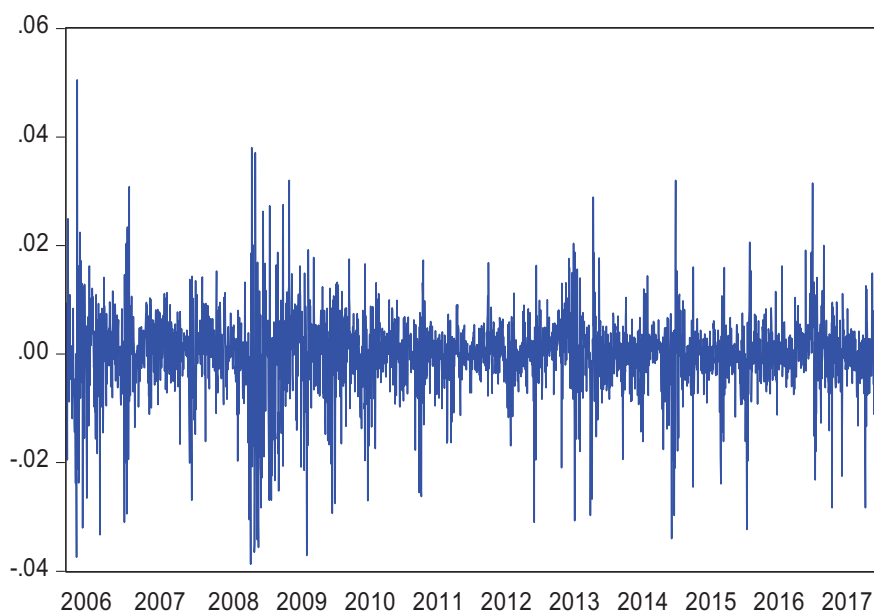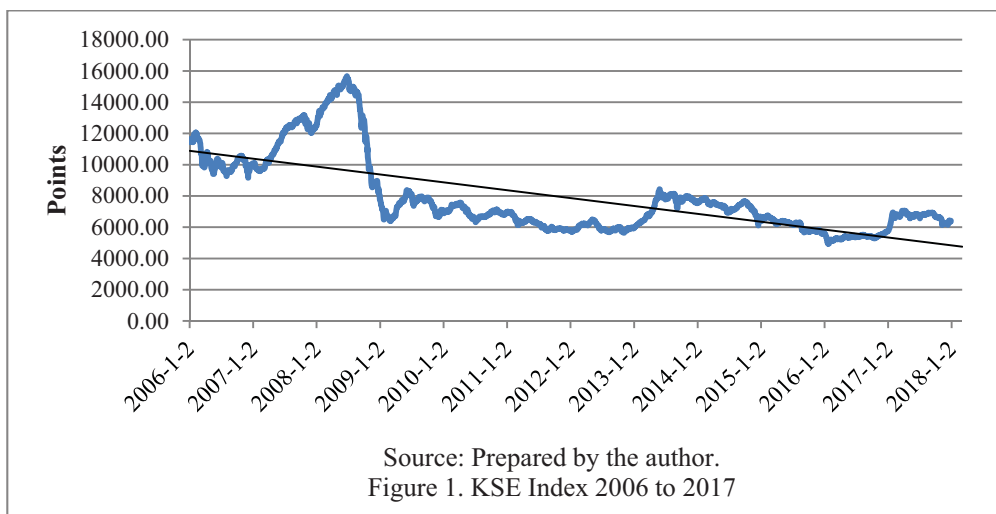
Figure 2: Daily Returns of KSEI 2006 -2017

Table 1. Descriptive Statistics of KSEI returns

Statistics	Results
Mean	-0.00019
Standard Error	0.000134
Median	0.000174
Standard Deviation	0.007394
Kurtosis	5.11595
Skewness	-0.69605
Range	0.089214

Minimum	-0.03875
Maximum	0.050469
Sum	-0.58239
Count	3032

Source: Prepared by the author.

Table 1 shows the descriptive statistics for the daily return of KSEI. The kurtosis is 5.12, which indicates that the return of KSEI has a distribution with tails thicker than normal. However, the skewness test was used to measure the extent to which the probability distribution has a positive or negative tail with respect to its departure from symmetry. Normal distribution skewness must be zero or near zero, and the result obtained here was -.69605, which is a negative tail and not zero. Moreover, the historical volatility (HV) is computed by taking the standard deviation (SD) of price changes over the month, quarter, and year, and is usually compared with the implied volatility in pricing. It is directly related to the level of risk associated with security. This was done using the following equations:

From equation (1), historical volatility standard deviation (HVSD) by;

$$\text{HVSD} = \sqrt{\frac{\sum_{t=1}^{n}(R_t - R_{avg})^2}{n-1}} \tag{2}$$

$$R_{avg} = \frac{\sum_{t=1}^{n} R_t}{n} \tag{3}$$

$$\text{Annualized HVSD} = \sqrt[\sqrt{n}]{\frac{\sum_{t=1}^{n}(R_t - R_{avg})^2}{n-1}} \tag{4}$$

Where R_{avg} is the average return over the period, n is the number of periods per year, month and quarter. Figure 3 shows KSE volatility for the period 2006 to 2017. Several factors might cause the market to be highly volatile, such as macroeconomics, politics, world financial indicators, and psychological factors, such as herding, overconfidence, and optimism. Since this study will investigate the effects of psychological factors on individual investors, it may be argued here that these factors may cause KSE to be more volatile. However, this study will not investigate the factors underlying the volatility of KSE.
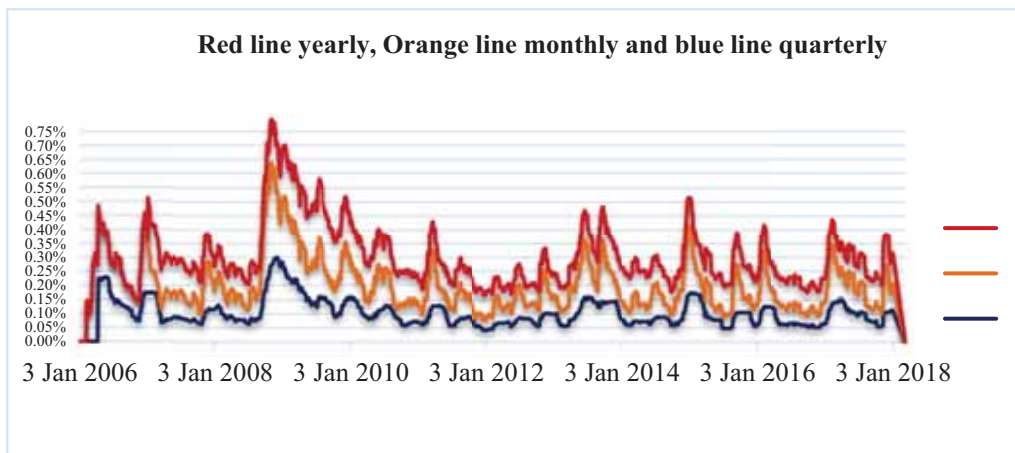
Source: Prepared by the Author.

Figure 3. KSE Index historical volatility

4. Methodology

The main objectives of this study are to answer the following questions:

1. Are individual investors in KSE affected by psychological factors when making investment decisions?

2. If so, what are the main factors that influence investors' behaviour?

Moreover, the purpose of this study is to investigate the effects of psychological factors on investors' decisions regarding KSE. These factors are as follows: overconfidence, optimism vs pessimistic, risk appetite and herd behavior.
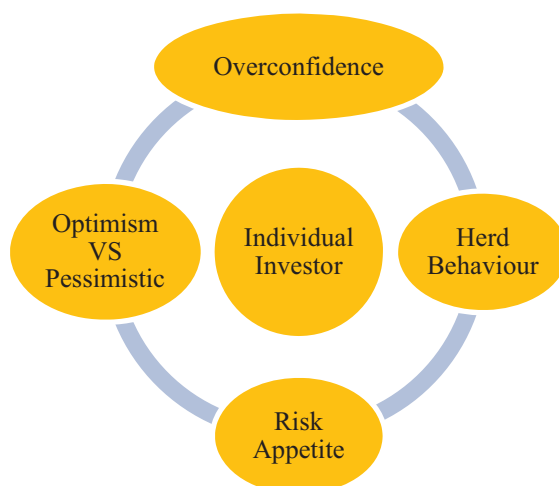
Figure 4. Psychological factors

Figure 4 shows the main factors that affect individual investors in the stock markets. This study employs a qualitative method and uses the simple percentage analysis as suggested McCormick, T. (1945). A survey was constructed and distributed in person and by phone. The population of this study is active investors in KSE. According to KSE, it had 17,821 active investors at the end of 2017. The size of the sample is calculated by using the following formula:

$$Sample\ Size = \frac{\frac{z^{2\times p(1-p)}}{e^2}}{1+\left(\frac{z^{2\times p(1-p)}}{e^2 N}\right)} \tag{5}$$

Where N is the population size, e the margin of error, z the confidence level, and p the percentage value. By applying Equation (5), the sample size is 377, with a confidence level of 95%. Five hundred surveys were distributed randomly, and 398 completed surveys were returned. The multiple-choice questions were designed to examine the impact of psychological factors. Short, simple and direct questions can be asked when using multiple choice questions. Investors in the stock market are always busy and do not have time to answer a long survey and many questions. Therefore, this study uses a questionnaire with eight questions to investigate the impact of the aforementioned factors on investors' behaviour. The questionnaire asked about the following:

1. Q1. The age of the investor: 1. 22-30, 2. 31-41, and 3. Over 41.

2. Q2. Education: 1. High school, 2. College diploma (two years after high school), and 3. University Degree and above.

3. Q3. Overconfidence and herd behaviour: which is the most important factor that you base your decisions on when buying shares?; 1. Based on my information and personal analysis, and I trust my personal investment decisions, 2. I buy shares when I see many investors buying them, and I follow the market participants, 3. I use fundamental analysis and ask experts about the company before I buy shares, 4. I employ a technical analysis when buying shares. Herd behaviour can be measured based on the response to answer choice 2.

4. Q4. Optimistic vs pessimistic behaviour: when the market index is losing value daily, I do the following: 1. I sell my shares immediately, 2. I wait until the index increases and sell them again. 3. I buy more shares while the index is decreasing, 4. I do not care if the index loses value because I buy shares for a long-term investment.

5. Q5. Rick appetite: as an investor, I would describe myself as follows: 1. I love risk and risk is a crucial factor for investors' success, 2. As an investor, I know the right time to buy and sell shares, 3. I am a long-term investor and wait every year for evidence, 4. My strategy is to buy and sell the same shares when the market increases and I am a short-term investor.

6. Q6-Q8. The background and views of investors regarding the new regulation of KSE. Q6. Are you familiar with the new regulations of KSE? Q7. Do you think that KSE has been developed by these new regulations? Q8. Do you prefer to manage your portfolio yourself or do you use investment companies? The answer for these questions is either 1.yes or 2. No.

4.1 Cronbach's Alpha

The Cronbach's alpha is a measure used to assess the reliability or internal consistency of a set of scale or test items. It was developed by Cronbach (1951) to evaluate items scored in multiple answer categories and is an important measure of the questioner's reliability. The Cronbach's Alpha formula is as follows:

$$\alpha = \frac{(N.\ \bar{c})}{\bar{v} + (N-1).\bar{c}} \qquad (6)$$

where N is the number of items, $\bar{c}$ the average covariance between the item-pairs, and $\bar{v}$ the average variance.

Table 2. Cronbach's Alpha

Cronbach's alpha	Internal consistency
$0.9 \leq \alpha$	Excellent
$0.8 \leq \alpha < 0.9$	Good
$0.7 \leq \alpha < 0.8$	Acceptable
$0.6 \leq \alpha < 0.7$	Questionable
$0.5 \leq \alpha < 0.6$	Poor
$\alpha < 0.5$	Unacceptable

Source: Cronbach LJ (1951).

By applying the Cronbach's Alpha formula, the alpha coefficient for the eight questions was found to be 0.998, suggesting that the questions have a high degree of internal consistency.

5. Results and Discussion

STATA, statistical data analysis software version 15.1, and Excel were used in this study. Table 3 shows that 45.5% of the total participants in the survey were aged 31-40 years old, and 37.2% were over 40 years old. These results indicate that 82.7% of the respondents in the sample are over 31 years old, which is an age of mature and logical thinking. University education and higher degree represent 77.9% of the total participants. This result may also have a positive impact on the results since most of our respondents are well-educated and they have higher degrees, which leads us to expect their decisions to be more mature. Few of our sample (individual investors in KSE) have an overconfident attitude in their ability, as this was expressed by only 7.5% of the respondents. It is worth noting that all of these participants are over 40 years old. (see Tables 1 to 14 in the Appendix). This finding was unexpected and conflicted with other studies on emerging markets, such as Lim (2012), Bashir et al. (2013), Tariq and Ullah (2013), and Bakar and Yi (2016). The same table shows that 43.2% of the participants in this survey make their investment decisions by following the market trends (other investors). This percentage can be broken down as follows: 38 of these respondents were aged 22 to 30, 67 aged between 31 to 40, and 68 over 40. Since participants from all of the age groups follow the market trend, this may be an indicator that herd behaviour is widespread among individual investors in KSE. This result is similar to research by Al-Tuhaih (1983), Abul (2003), Shabgou and Mousavi (2016), and Tran (2017). This factor may cause volatility in KSE. The results indicate that 18.6% of the respondents use a fundamental analysis, which takes time and requires either educated individual investors or investment institutions that seek long-term investments.

However, individual Kuwaiti investors are familiar with technical analysis, and several groups on social media such as Facebook, Twitter, and blogs have created windows for chatting and giving technical analysis advice for all of the listed shares on KSE. Table 3 shows that 30.7% of the sample used a technical analysis when making decisions about buying and selling shares.

The optimistic behaviour of individual Kuwaiti investors can be investigated through the responses to question 4, reported in table 3, which indicates that 34.2% of them wait until the stock market picks up again and then sell their shares. Moreover, 24.4% of them can be described as optimistic investors since they are willing to buy more shares when the market drops sharply. However, 30.9% of them sell their shares immediately when the market index loses value daily. This result shows that 30.9% of the respondents are pessimistic when the index undergoes a continuing sharp decline. The same table shows that 10.6% of the participants do not care if the index loses value every day because they buy shares as a long-term investment. As a result, by combining the responses to questions 1 and 3, we can conclude that 58.6% of the respondents are optimistic. This finding is consistent with other research by Tariq and Ullah (2013) regarding the Pakistani Stock Market, and Tran (2017) regarding the Thailand Stock Market.

Table 3. Questionnaire Responses

Question	1*	2*	3*	4*
Q1	17.3	45.5	37.2	**
Q2	4.8	17.3	77.9	**
Q3	7.54	43.1	18.6	30.7
Q4	30.9	34.2	24.4	10.6
Q5	23.1	14.1	11.4	51.5
Q6	63.8	36.2	**	**
Q7	51.3	48.7	**	**
Q8	61.3	38.6	**	**

Source: Author prepared.

* As a percentage of the total.

** Question 3, 4 and 5 have 4 multiple choices.

Half of the participants in this survey (51.5%) describe themselves as short-term investors, as their strategy in the market is to buy shares and then sell them when the market increases. However, 23.1% of the participants believe that risk is a crucial factor for investors' success, and 14.1% believe that, as investors, they know when is the best time to buy and sell shares. Only 11.4% of them stated that they are long-term investors who wait for the dividend each year. This result is almost the same proportion as for the previous question, Q.4., which is 10.6%.

Questions six to eight require yes/no answers. The results show that 63% of the respondents know about the new regulations of KSE, which indicates that individual investors in Kuwait are familiar with the new regulations of KSE. Moreover, 51.3% of them agreed that these new regulations had developed KSE, and 61.3% of them are preferred to manage their portfolio themselves.

6. Conclusion

This study briefly reviewed the history of KSE and discussed some of the features of the market, such as its volatility and the main crisis period from 2006 to 2017. This study examined the impact of psychological factors on individual investors' decisions regarding KSE. A survey containing eight questions was distributed to 500 randomly selected individual investors, and 389 completed responses were received. The results of the surveys confirm that psychological factors, like herd behaviour, optimism, pessimism and risk, do affect investors' decisions regarding KSE. However, we did not find a solid result to support the effects of overconfidence on individual Kuwaiti investors. Our results are consistent with other studies, such as Antoniou et al. (1997), Anderson and Galinsky, (2006), Hon (2012), Lansing and LeRoy (2014), Chiang and Zheng (2010), Choi and Skiba (2015), Balcilar and Demirer (2015), and Shams and Passand (2015).

However, the limitations of this research is that the sample is based only on individual investors and does not include institutional firms. It would be helpful to conduct further research that employed a larger sample and included all types of investors. Moreover, the analysis in this research done by using a percentage analysis of the questioner's answers, however, this analysis can be more fruitful if it included advanced tools such as probability and non-probability methods, rigorous analysis, and empirical tools such as correlation and regression analysis between the factors.

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Appendix

Stata Results for the Survey

Table 1. Results of question 1; Participants by age

Age (years)	Freq.	%	Cum
22-30	69	17.34	17.34
31-40	181	45.48	62.81
Above 40	148	37.19	100
Total	398	100	

Table 2. Results of question 2; Participants by Education

Education	Freq.	%	Cum
High School	19	4.77	4.7
Diploma (2 years after high school)	69	17.34	22.1
University degree and higher	310	77.89	100
Total	398	100	

Table 3. Results of question 3: Participants by age

Age	1*	2*	3*	4*	Total
22-30	0	38	0	31	69
31-40	0	67	48	66	181
Above 40	30	68	25	25	148
Total	30	173	73	122	398

*Multiple choices

Table 4. Results of question 3: Participants by education

Education	1*	2*	3*	4*	Total
High School	0	0	19	0	19
Diploma (2 years after high school)	0	45	0	24	69
University degree and higher	30	128	54	98	310
Total	30	173	73	122	398

*Multiple choices

Table 5. Results of question 4: Participants by age

Age	1*	2*	3*	4*	Total
22-30	12	12	45	0	69
31-40	78	52	25	26	181
Above 40	33	72	27	16	148
Total	123	136	97	42	398

* Multiple choices

Table 6. Results of question 4: Participants by education

Education	1*	2*	3*	4*	Total
High School	9	10	0	0	19
Diploma (2 years after high school)	11	42	16	0	69
University degree and higher	103	84	81	42	310
Total	123	136	97	42	398

* Multiple choices

Table 7. Results of question 5: Participants by age

Age	1*	2*	3*	4*	Total
22-30	29	26	0	14	69
31-40	41	30	26	84	181
Above 40	22	0	20	106	148
Total	92	56	46	204	398

* Multiple choices

Table 8. Results of question 5: Participants by education

Education	1*	2*	3*	4*	Total
High School	0	0	0	19	19
Diploma (2 years after high school)	12	0	11	46	69
University degree and higher	80	56	35	139	310
Total	92	56	46	204	398

* Multiple choices

Table 9. Results of question 6: Participants by age

Age	1*	2*	Total
22-30	45	24	69
31-40	131	50	181
Above 40	78	70	148
Total	254	144	398

* Multiple choices

Table 10. Results of question 6: Participants by education

Education	1*	2*	Total
High School	19	0	19
Diploma (2 years after high school)	29	40	69
University degree and higher	206	104	310
Total	254	144	398

* Multiple choices

Table 11. Results of question 7: Participants by age

Age	1*	2*	Total
22-30	43	26	69
31-40	117	64	181
Above 40	44	104	148
Total	204	194	398

* Multiple choices

Table 12. Results of question 7: Participants by education

Education	1*	2*	Total
High School	9	10	19
Diploma (2 years after high school)	29	40	69
University degree and higher	166	144	310
Total	204	194	398

* Multiple choices

Table 13. Results of question 8: Participants by age

Age	1*	2*	Total
22-30	31	38	69
31-40	153	28	181
Above 40	60	88	148
Total	244	154	398

* Multiple choices

Table 14. Results of question 8: Participants by education

Education	1*	2*	Total
High School	9	10	19
Diploma (2 years after high school)	30	39	69
University degree and higher	205	105	310
Total	244	154	398

* Multiple choices

Inter-caste Marriage and the Impact on the Intra-cultural Communication Pattern of Balinese Hindu in Indonesia: An Ethnography Study

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Abstract

Intra-cultural communication of the Balinese community, acted as a representation of cultural and social identity. This intra-cultural relationship has consciously built relations of power in the life of the Balinese Hindu community including in very personal matters such as marriage. There are two kinds of marriages for Balinese Hindu, *memadik* (wooing) and *ngerorod* (eloping). The second married arose when women from high caste married with a man from a lower caste. In the Dutch colonial era, this kind of marriage was outlawed, since this time categorized as unexpected marriage. One of the consequences of eloping married, known as *nyerod* in Bali is a decline in the caste of the bride as same as the groom. Accordingly, the couple should change their ways of communication when they interact with the bride family. The aims of this paper is to describe the intra-cultural communications among the *nyerod* couple with their family and the indigenous environmental in Balinese Hinduism. The ethnography approach was taken to describing and analyzing the primary data from interview and observation. The result shows that the intracultural communication pattern among *nyerod* women and their parent, sibling and extended family, represent by their impression management. The foundation of interactions are the form of their identity which develops in four layers and bound by customary law.

Keywords: intracultural communication, inter-caste marriage, impression management

1. Introduction

The homogeneity of Balinese people, producing a pattern of typical and unique communication that exists only on the life of the Hindu community in Bali. The interaction pattern is reflected in the variety of religious rituals and customs inherent Balinese are very powerful in the lives of the people. A variety of activities religion and ritual interaction in the custom into the identity of the citizens and people of Bali.

The communication pattern among Balinese Hindu communities can be seen from the name, the religion and cultural symbol in the private and the public sphere. Naming in the community is important because it identifies one's place in the caste hierarchy. Furthermore, Balinese name usually consists of three elements, namely the birth-order name, the status title, and the personal name (see, June, 2016) as the table in Segara (2015).

The use of the symbols of the name also as a clue of how they should communicate with each other based on their caste. In practice, the three high castes (*Brahman, Kshatriya, and Veisya*) or *triwangsa*, usually are not used their order name, they prefer to use the title status to highlight their decency. The greeters and interlocutors required to aware of their position in the family and public sphere when interacting. Essentially, each should choose the right greeting word based on manners and customs norms (Sujiwa, 2018). The greetings according to position distinguish age and social strata, therefore the greetings used will appear to vary.

The complexity of naming and greeting in the caste (*wangsa*) system in Balinese Hindu, has an impact on the interaction in the marriage of women who married a man from a lower caste. The *triwangsa* women who choose to be married with the man from a lower caste would face several concerns includes a greeting in the family and indigenous environmental. The process called as *nyerod*, a marriage that is done not through the proposal, nevertheless instead fleeing the bride and a groom hide it. This marriage is not expected by the nuclear and big family of the bride since the bride should decline her caste as same as the groom. Accordingly, the couple should

change their way of communication when they interact with the bride family.

In practice, the changes in language use is not a tranquil thing, since is painful for both perpetrators and their parents. This difference in greeting applies also to the children of the *nyerod* couple, they must behave according to the rule of inter-caste interaction between the low and the high. The aims of this paper is to describe the intra-cultural communications among the *nyerod* couple with their family and the indigenous environmental in Balinese Hindu.

2. Research Method

Following the qualitative and research design of Creswell (2013), I designate an ethnography approach to describe and interpret the communication patterns among *nyerod* couple with her extended family and indigenous environment. As unexpected married, limited couples of *nyerod* are willing to discuss their married, thus I only gather the primary data from 3 couples. Interviews and observations were operated to explore the data from the informants. Interviews were also conducted with politician and academics.

3. Theoretical Framework

3.1 Marriage in Balinese Hindu

A marriage in the Balinese Hindu can be seen in term of circulation of jural females around fixed patrilines that, in turn, constituted by heredity caste (Bagus, 2008). The written provisions containing various regulations relating to marriage are found in the *Manawa Dharmasastra Adyaya IX* book which consisting of 336 articles (Griffith, 2005). The book is used as a reference and guide to the marriage in the community.

The *Manawa Dharmasastra* article II.67 stated that *Wiwaha Samskara* is a sacred ceremony which is a mandatory humanitarian event for Balinese Hindu. Consequently, in their daily life, the society clings to the dharma, especially household life, as explained in *Manawa Dharmasastra* IX. 101 and 102 as cited by Pudja (2003):

"IX.101	:	*Anyonyasyawayabhicaro, bhawedamaranantikah,*
		Esa dharmah samasena jneyah stripumsayoh parah
Meaning:		A faithful relationship must last until death, in shorts, this must be regarded as the highest law as husband and wife.
IX.102	:	*Tatha nityam yateyatam stripumsau tu kritakriyau*
		Yatha nabhicaretam tau wiyuktawitaretaram"
Meaning:		The men and women should be bound in marital bonds, try not to fade so that they are not divorced and should not violate loyalty between one another.

<div align="center">(Pudja, 2003)</div>

The shloka illustrates that marriage is the foundation of family development and which lasts once in human life. The Married couples must maintain their chastity, live in harmony and peace, happiness, strive for the establishment of personality and inner and outer calm in an effort to give birth to a good child (*suputra*). According to this verse, whatever happens in a household that can divide this marriage must be tried to overcome, therefore divorce will never occur because it is a violation of obligations or denying the bond of the holy marriage.

There are two traditions of marriage for Balinese (Segara, 2015), namely: (1) marriages that are carried out by way of *memadik* (propose), which includes (a) ordinary marriage, (b) *nyetana* and (c) *padagelahang*, and (2) is *ngerorod* or eloping. An ordinary marriage is a process that took place at the home of the groom because her husband's status as a *kapurusa* will be in charge of full and bride as *pradana*. Furthermore, the women will release the legal relationship with her family and becoming a part of the husband family. The second form of proposal conjugal is *nyentana*, an event that took place in the bride house, since the women's status as *kapurusa* (in charge of the life of the husband) and a man as *pradana* (the party that incurred), subsequently a man letting go of a relationship with the origin family. This usually occurs due to conjugal in one family had no male descendants and children follows the lineage of his mother. The last type of mating is *padagelahang*, a connubial which put men and women as *kapurusa*. The condition is representing each of which has two responsibilities and obligations in their own family. The mating usually occurs in families that have a child and not pleased to follow custom marriage or *nyentana*.

The second kind of marriage is *ngerorod* which in the past, it outlawed. The norms stated in the *Manawa Dharmasastra* shloka III.13., which probed the man and women to indicate their couple from the equal caste

(*warna*) (Pudja, 2005):

> *"Cudrasya bharya cudraiwasam caswa ca wicah smrte*
>
> *Te ca swa caiwa rajnacca tacca swa carpajanma-nah"*
>
> Meaning:
>
> As stated that only sudra women could be a wife of sudra men, and Vaisya women to be a wife of vaisya man, kshatrya to be a wives of kshatrya, and the three colors include brahman women to be a brahman wife.
>
> (Pudja, 2005)

The shloka interpreted to regulate women only in choosing their partners. This reflected in the next article, which regulates inter-caste marriage. The *Manawa Dharmasastra* X.5, state that there are two forms of inter-caste marriage *Anuloma* and *Pratiloma*. *Anuloma* labeled to the marriage, which a women caste is one caste below her husband and *patiloma* is the marriage between women from the caste, which two or three castes lower than her husband is. The children from *patiloma* marriage called *abastha* if her mother two castes lower, and *nisada* or *parasawa* if her mother is three castes lower. Hence, the system provides an opportunity in Hindu law to regulate polygamy, which allows *triwangsa* men to have more than one wife with a maximum provision of four. In practice, this verse often obscured so that there is a tendency for unlimited polygamy and such things are contrary to religious law. Now a day, there is the regulation, which rejected the *anuloma* and *patiloma*.

The misinterpretation of marriage regulations for Balinese elite castes (*triwangsa*), triggers of the second type of marriage, *ngerorod* or *nyerod* which *triwangsa* women, choose to be married to the man from a lower caste. According to Dutch colonial law and some high-caste traditions, inappropriate marriages outside caste boundaries were punishable by exile (*selong*), often to another island in the archipelago and usually for a fixed period of time (M.Ida Bagus, 2008). Recently, *nyerod* categorized as unexpected married, and the consequences are varied in every family.

3.2 Intracultural Communication in Balinese Hindu

Communication among member in the same culture sometimes more complex than imagined, especially in the culture that emphasizes the use of language when interacting. The homogeneousness of Balinese creates a specific communication pattern which not found in other Indonesian sub-culture. The intracultural communication can consider as shared interpersonal communication between members of the same cultures (Lewis & Slade, 1994), share common nonverbal and verbal behavior patterns, common rules and common goals (Collier et al., 1986) and how to make conversation meaningful among member (Toyosaki, 2011).

Develop by Edward Hall in 1976 (Shuter, 1990), intracultural communication was not applied as wide as intercultural communication. Futhermore, Shuter (1990) describe what the research of intracultural communication could help us to increase our understanding of society and inextricable linkage between communication pattern and sociocultural forces. According to Hall (1966) as cited by Shuter (1990) pattern are the common, unstated experiences which members of a given culture share, communicate without knowing, and which form the backdrop against which all other events are judged.

Names, religious ritual and cultural symbols in private and public spheres are the pattern that shared amongst community members of Balinese. Naming, as state previously is an important symbol of the caste system, and the inclusion of any name may not be arbitrary as determined by the *awig-awig* (traditional edict). The other nonverbal symbols of intracultural communication in the private sphere is a form of utterances, in a certain situation, they must practice *sor singgih basa* (levels of Balinese language). There are four levels of language that use by elite castes namely, *halus singgih, halus sor, halus madia* and *mider* (level of polite words/language). Each level should be implemented appropriately to make the message meant for themselves.

In practice, verbal and nonverbal communication represent by prioritizing the elite caste in expressing their opinion in *Bale Banjar* and *wantilan* (worship place) as a symbol of giving honor and traditional ethics. When the quarterly group expresses their opinions, then all traditional leaders and the people present will listen carefully, not noisy or not cutting the opinions that are being conveyed. If there are those who disagree, traditional leaders and the community will convey with an apology in advance while including both hands in the chest (*anjali* attitude), and articulated an opinion. In addition to getting priority and prioritizing the presentation of opinions in the form of meetings, the *triwangsa* will be positioned primarily in enjoying the dish served, then followed by traditional leaders and in the last line is a *sudra* group (the lowest caste in the social system).

The pattern of non-verbal communication in the public domain exemplified in the symbols of religious rituals,

such as; rituals of the death (*ngaben*), cut teeth, marriage, and others. Symbols of non-verbal communication of religious ceremonies in the form of marriage characterized by the form their wedding attire, which has distinctive features and forms of Balinese culture. A wedding dress epitomized an awareness of cultural identity and representation of adherence to customary and religious rules.

In the context of marriage, there is a level of wedding dresses known as "*payas*". There is a *Payas Agung*, the form of clothing for the highest or highest level in the social strata during the Badung empire. Moreover, the payas is only reserved for the royal family during the marriage procession of Royal or triwangsa families. In addition to *Payas Agung* there are also middle *payas* which indicate intermediate levels, intended for marriage processions and lower social levels. Conversely, for the lowest strata, there is a *Payas Nista*, which looks very simple, commonly reserved for the general public of Bali such as farmers or fishermen.

3.3 Identity and Intracultural Communication

An identity is a key element of subjective reality and connected dialectically with the community. The identity formed by social processes, and its formation determined by social structure. An identity present in all type of relationship, intracultural, intercultural and interpersonal (Imahory & Cupach, 1993). The identity is in a wide range of cultures and humans are different in describing themselves. Cultural identity linked individuals and society, and communication is the bond that allows a relationship to occur (Littlejohn, 2012).

In addition to the definition of identity, Hecth (2010) describe identity exceeds that of what the self-dimensions and dimensions are depicted. The two dimensions interact in a series of four levels or layers, namely the personal layer, which is the feeling of being in a social situation. The level of both the enactment layer or the knowledge of others about yourself, the third level of relational or who you are in relation to other individuals and the last is communal which is tied to a larger group or culture. In this paper, the identity theory works to analyze the process inside the *nyerod* women, when they are intermingled with their family and indigenous community.

3.4 Intracultural Communication and Inter-Caste Marriage

Inter-caste marriage such as *nyerod* is not a choice marriage since being considered to cause disgrace to the family, especially the female family is also detrimental to women's position. A woman from elite castes, who indicate nyerod should alter her identity through the *patiwangi* rituals. The sacramental is to decline the women caste to be the same as her husband, such as form *triwangsa* to *jaba/sudra.* The change in identity is demanding, in the end not only has an impact on demeanor in the extended family, but within the indigenous community also. Consequently, they are required to bear their new identities on every occasion. In fact, not all actors can easily accept this change of dealing, thus they must be able to manage their deeds while in the *adat* environment.

Kade, Sri, and Era, are the women who willing to share their experiences of *nyerod*. Kade was the daughter of Brahman, and she decides to marry a sudra man, which knows from social media. Afterward, she was rejected by her extended family and the neighborhood where his parents came from. Moreover, all the nobility is removed and she compulsory to changes her habits of communication. Later, she required to use the *sor singgih*, when she interacted with her parents, she should call her mother "ratu" front of his vocation. In association in the community, Kade requisite a positioned as a sudra, which should be called by name without an honorable title.

Nyerod experiences vary for each pair, as experienced by Era and Sri. One week after his marriage, Era's parents agreed to her decision to marry a Sudra man. Even though her extended family did not approve, Era remained firm with her decision. While Sri, although choosing the same partner from the *khsatriya*, however since her husband's family experienced the caste abolition (*nyineb wangsa*), hence he could not use his peerage. Therefore, her indigenous people asked for *ngerorod*, and she must customarily follow all provisions related to inter-caste marriage, which she does.

The communication pattern among nyerod couple and her nuclear and extended family are depended to their sub-culture circumstantial. Kade, who was brahmana family and lives in the suburbs, certainly has a different understanding with Sri and Era who live in cities. Although all three were highly educated, their parents' views differed as well as the attitudes of their extended family. Kade's family, the orthodox, made it hard for her to admit the costs of the unexpected marriage. She must have uneven with his parents in the first years of the marriage. The behavior of a large family, making it like a stranger, moreover she set notwithstanding, and always left behind at every family religious ceremony. When gathered with her extended family, she always received spicy words, and awkwardly, she could not communicate as usual with his mother, father, and brother. An appropriate Balinese naming should be use when interacting with them. The other two informants also used *sor singgih* when dealing with their families. However, they did it voluntarily, and as a sign of respect for their extended family.

The research finding showed that the models of interactions concerning the nyerod couples within the nuclear family are strongly bounding by customary rules. The caste system makes community groups fragmented and when inter-contacts, certain binding rules needed.

4. Discussion

The existence of Balinese Hinduism cannot separated from the culture itself. The Balinese Hinduism befits as a system of values and norms that implemented in an actions and social systems. The system manifested in the form of great and enchanting cultural materials. All symbols in the community describe their cultural identity. The caste/*wangsa* in Balinese Hindu represents an identity that distinguishes the way the members of the community interact.

Agreeing with Hecht, identity exceeds what the self-dimension and the research finding shows that it could seen in interacted pattern with their family. The nyerod women presented verbal and nonverbal behavior as expected by their environment; moreover, it brings to the second layer of identity. The second layer, enactment or other people's knowledge about yourself, hence at this stage, the individual seen and treated according to the views of others towards her. The couples, for example, requires performing various rituals and usages various symbols in accordance with customary provisions. The woman who decided nyerod, generally label as "discarded daughter", and categorize them as jaba. Consequently, they must use new symbols as the jaba (the lowest caste) when communicating with the elite caste. This layer makes someone's identity in the third level of relational as relations to other individuals.

The communal, as the last layer of nyerod women identity represent by their linkages with the customary law, which tied them to a larger group or culture. This layer is a form of socialization of the identity carried by each individual, in this case, a new identity after releasing his nobility. The women from elite caste, in nyerod context dominated by social structures in Balinese Hindu culture. Following Erving Goffman's view, identity in groups can create stigma, namely feelings of inferiority or feelings of shame that someone might feel like a failure to meet other people's standards. Additionally, Goffman illustrates as the tension between "I" and "Me", besides it influenced by social barriers. All the actors themselves are involved in impression management because they all prioritize creating a respectable impression on others. This concept raises the social meaning of self or situational social self-concept since it constantly demanded by different social roles in the short term.

The intra-cultural communication pattern of nyerod couples with their family could be figure out in the diagram in Figure 1:
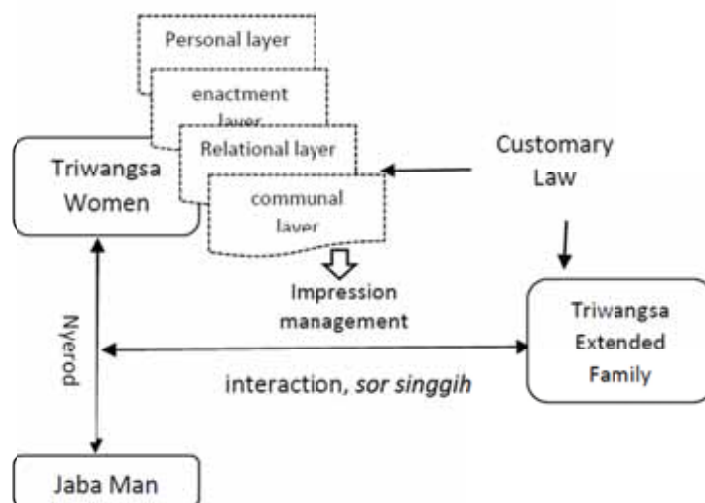

Figure 1. The model of intracommunication pattern in the family of nyerod couple

The model explained how intra-cultural communication in the context of marriage carried out by *triwangsa* women after her nyerod marriage. The cultural identities after the marriage, have an important role in building impression management while interacting with her extended families. Both parties are bound by the applicable customary law.

5. Conclusion, Limitation, and Future Research

The intra-cultural relationship has consciously built relations of power in the life of the Balinese Hindu,

including in personal matters such as marriage. The customary law is not just a part of symbolism but has converted as a part of their cultural identity, something rooted in the lives of every Balinese citizen, as well as being a binder of behavior and acting in society. While on the other side it can be a problematic realm in the personal life and culture of the Balinese Hindu. The limitation of current study is the deepest of information around their marriage, as nyerod still became a disgrace to the family. Therefore the future research should try to find out about the issue among modern Balinese Hindu community, which could provide the reference for appraising the traditional law of inter-caste marriage.

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The Discourse Analysis of Social Factors Influencing Interest Contention in Business Dispute Settlement: A Perspective of Discourse Information Theory

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Abstract

Interest contention which reflects the nature of business dispute settlement is one of the vital issues to explore in the studies of business dispute and it structures the whole process of business dispute settlement from mediation, negotiation to arbitration and litigation. Under the influence of various factors, litigants with differing interest orientations and interest demands could make good use of a number of information resources for the purpose of communicating, defending and fighting for the interests of their own. Contexts are a socially based mental model dynamically constructed by participants about "the for-them-relevant properties" of communicative situation (van Dijk, 2008). The social factors in the context influences the distribution of discourse information resources in the interest contention in business dispute settlement. In view of this, the present study focuses on the discourse analysis of social factors influencing the interest contention in business dispute settlement at the stage of litigation from the perspective of Discourse Information Theory (DIT) (Du, 2007, 2013, 2015). It can be found that any conflicting party's lawyer could take advantage of both different social identities and social relationships to attack the counterparty's loopholes or shortcomings and gain more interests for his own party in the interest contention in business dispute settlement.

Keywords: business dispute settlement, Discourse Information Theory (DIT), interest contention, social factor

1. Introduction

In the process of business dispute settlement, interest contention constitutes the kernel of business dispute settlement. Many scholars (e.g. Fan, 2007; Vestergaard et al., 2011) have conducted relevant studies concerning the influencing factors of dispute or conflict settlement and found that social, psychological and cultural factors could affect the settlement of conflict or dispute. The influencing factors include social, psychological and cultural factors and they have different manifestations under different circumstances. However, the present study only focuses on how social factors influence interest contention in business dispute settlement from the perspective of discourse information theory (DIT).

2. Literature Review

2.1 Relevant Studies on Social Factors Influencing Dispute Settlement

Fan (2007) in her "Social System of Dispute Settlement" proposes the factors influencing dispute settlement. Among the factors, some are related to the social factors, for example, relationship between the disputing parties, spatial and temporal factors, etc. Many scholars argue that the social factors affect the speaker's discourse (e.g. van Dijk, 2008). van Dijk (2008) proposes that the social factors such as personal identity, communicative identity as a speaker, political identity as PM, etc. affect the speaker's discourse when van Dijk analyzes the example of Tony Blair's address. And Vestergaard et al. (2011) propose a practice-oriented model of five

dimensions of conflict, namely, structural, instrumental, interest, value or personal dimension. And among the five dimensions of conflict, the structural dimension is related to the social perspective. When people are in conflict, they usually have a need that has not been met. This need is often linked to one or more of the five different dimensions. Besides, texts are social spaces in which two fundamental social processes simultaneously occur: cognition and representation of the world, and social interaction (Faiclough, 1995). Following Halliday's (1978) systemic linguistics, Faiclough (1995) proposes that texts in their interpersonal functioning constitute social subjects (or in different terminologies, identities, forms of self) and social relations between (categories of) subjects. Although there are extensive studies of social factors influencing dispute settlement and its discourse, how social factors influence business dispute settlement still remains at a tentative level.

2.2 Previous Studies on Discourse Information Theory (DIT)

Du (2007) puts forward the linguistic model of information structure of legal discourse, and this is the core model of Discourse Information Theory. Based on this core model, the Discourse Information Theory has been developed systematically by researchers (e.g. Du, 2007, 2009, 2013, 2015; Zhao, 2011; Chen, 2011; Pan & Du, 2011; Huang, 2012; Ge, 2014; Xu, 2013; Zhang, 2016; Guan, 2015; Sun, 2016; Yue, 2016; Guo, 2017) for more than ten years.

In contrast to the common practice to consider information as a sentence-level notion, Du (2015) defines information as propositions which are the minimal communication units with a relatively independent and complete structure. Du (2007) puts forward the linguistic model of information structure of legal discourse, and this is the core model of Discourse Information Theory. A series of theoretical and applied studies of DIT are conducted based on this core model.

On the one hand, a number of studies have made further contributions to the theoretical development of DIT. Models and frameworks have been put forward to help solve different problems in the fields of linguistics, forensic linguistics and business English studies in particular (e.g. Zhao, 2011; Chen, 2011; Du, 2013; Xu, 2013; Ge, 2014; Zhang, 2016; Guan, 2015; Sun, 2016; Yue, 2016; Guo, 2017).

On the other hand, through years of research and development, the Discourse Information Theory (DIT) and Discourse Information Analysis (DIA) have been applied to legal discourse analysis (Du, 2015; Ge, 2014; Pan & Du, 2011; Xu, 2013; Zhang, 2016), legal translation and interpreting (Zhao, 2011), legal English teaching (Chen, 2017), authorship attribution (Zhang, 2016), forensic speaker recognition (Guan, 2015), conflict management in business meetings (Yue, 2016), interest contention in business dispute settlement (Guo, 2017), and automatic information processing (Du, 2015; Sun, 2016).

3. Theoretical Framework and Methodology

3.1 Discourse Information Theory (DIT)

The tree information structure of legal discourse (Du, 2007, 2015) is regarded as the basic and core framework of Discourse Information Theory. A discourse is a hierarchical structure consisting of proposition-based information units that are the minimal, integral and meaningful units that have relatively independent complete meaning and structure. In the development of a discourse, the proposition-based information units are woven into an information network and they are related to each other in one way or another. This view of discourse is regarded as the core model of Discourse Information Theory, namely the tree information structure of Discourse Information Theory (Du, 2013, 2015).

3.2 Research Methodology

The present study mainly adopts the qualitative research method with the assistance of the corpus CLIPS. Specifically, the methods of discourse analysis, Discourse Information Analysis (DIA) and corpus study are employed as the major methodologies for data analysis in the present research.

3.2.1 Data Collection

In order to ensure the reliability and validity of the study, all the data are extracted from CLIPS (the Corpus for the Legal Information Processing System) which consists of transcripts of Chinese and American civil court trials. The data collected are mainly recordings of observed court proceedings, which were collected with professional digital voice recorders with the permission of the court and the consent of both parties (Ge, 2014). All of the discourses in CLIPS have been transcribed and tagged according to transcription and tagging conventions based on Discourse Information Theory (DIT).

3.2.2 Data Analysis

The data analysis can be illustrated by the following sample:

Sample:

01[审判长]：<1,2,2,14,WT>现在核对证据提交情况。<2,14,3,26,WF1>原告庭前向本院提交了几份证据？

01[J]:　<1,2,2,14,WT>Now check the evidence submitted. <2,14,3,26,WF1>How many copies of evidence has the plaintiff submitted to the court before the hearing?

02[原告代理律师]：<2,14,3,26,WF2>原告庭前向法院提交了 9 份证据。

02[PA]:<2,14,3,26,WF2>The plaintiff has submitted 9 copies of evidence to the court before the hearing.

03[审判长]：<2,14,3,27,WF3>被告收到了吗？

03[J]: <2,14,3,27,WF3>Has the defendant received them?

04[被告代理律师]：<2,14,3,27,WF4>收到。

04[DA]: <2,14,3,27,WF4>The defendant has received them.

As is illustrated in the above sample, the numbers before the square brackets refer to the turns of speech. The symbols in the angle brackets are the description of the characteristics of information units. Numbers "1,2,2,14" at the very beginning of the transcription represent the level of the information unit in the whole discourse, that is, the 14th unit of the 2nd level ("2,14"), with its super-ordinate unit being the 2nd unit of the 1st level ("1,2").

And the signs of information level can help to locate specific information units in the whole discourse. "WT" and "WF" refer to the types of information knots, namely, "What Thing" and "What Fact" respectively. "J" refers to the chief judge, "PA" refers to the plaintiff's attorney and "DA" refers to the defendant's attorney.

3.2.3 Research Questions

In order to achieve the research objective, two research questions are formulated as follows:

1). What social factors influence the interest contention in the courtroom discourse concerning business dispute settlement?

2). How does the specific social factor influence the interest contention in the courtroom discourse concerning business dispute settlement?

4. Discourse Analysis of Social Factors Influencing Interest Contention in Business Dispute Settlement

4.1 Discourse Analysis of the Effect of Social Identities

The social identities of participants play an important role in their interest contention. Different social identities can help the participants, especially the lawyers to attain their argumentative goals in the court. In this section, the analysis is specifically done from the perspective of social identities.

4.1.1 The Use of Positive Social Identity

In the interest contention in business dispute settlement, social identity may function as one of the key factors that influence interest contention in business dispute settlement. The disputing parties in business dispute settlement can utilize social identities for interest contention.

Example 1:

01[被代二]：……　<4,73,5,58,WF1>下一幅ppt 当中显示，从 13 年到 14 年 3 月一年内，原告就被 5 个地方—北京、南京、南昌、上海、杭州五地网友相聚起诉原告窃取隐私。<4,73,5,59,WF2>再下一张我们显示的是最近中消协网站上报告显示：原告市场占有率排第一的×××浏览器存在窃取用户隐私，监控用户上网等方面问题非常突出，安全软件不安全导致用户满意度倒数第二。……

01[DA2]: ... <4,73,5,58, WF1> Next piece of ppt shows that the plaintiff has been sued for stealing Internet users' privacy by the Internet users coming from five places, namely, Beijing, Nanjing, Nanchang, Shanghai, and Hangzhou during the year from 2013 to the March of 2014. <4,73,5,59, WF2> And then what the next piece of ppt shows us is that the plaintiff's ××× browser which ranks first in the market exists the prominent problems like stealing their users' privacy, monitoring their users' actions on the Internet and so on according to the report on the website of China Consumers Association recently. And this insecurity of secure software has resulted in the users' satisfaction at the penultimate place …

This example is the defendant's statement which is a part of the proof presentation concerning the evidence of infringement in court investigation.

In Example 1, the social identity of the plaintiff which is proposed in WF2 has been highlighted to help the defendant to blame the plaintiff's irresponsible behaviors and increase the persuasive power of the defendant's claims. For the plaintiff, the positive social identity indicates more responsibilities. However, this positive social identity of plaintiff is related to the fact that the plaintiff has stolen their users' privacy, which helps the defendant to blame the plaintiff's irresponsible activities.

Besides, the relatively authoritative third party's release of this fact from China Consumers Association can help the defendant to increase persuasive power and objectivity of the fact.

In addition, the disputing interest focus is on the issue that whether the plaintiff has stolen their Internet users' information and privacy on the Internet or not. Example 1 is one of the proof presentations to testify that the defendant's behavior of converging online news headlines on their website is based on facts rather than the defamation of the plaintiff's commercial reputation.

The defendant's providing of proofs is mainly supported by the plaintiff's negative actions based on his positive social identity establishment. WF2 states that the market position of the plaintiff's browsers with "原告市场占有率排第一的×××浏览器" (the plaintiff's ××× browser which ranks first in the market) according to the online report of China Consumers Association and this helps to establish the plaintiff's positive social identify at first. However, WF2 followingly points out that some problems of the plaintiff are quite serious, such as stealing the users' privacy and monitoring users' online behaviors. And this negative action of the plaintiff is in fact what the defendant wants to emphasize.

Moreover, the example is initiated by the defendant's presentation of Internet users' charge for the plaintiff's stealing of users' privacy on the Internet with WF1 unit in order to emphasize the objectivity and seriousness of the plaintiff's theft during the last year before the lawsuit.

Following that, another information unit of WF2 is provided to prove the fact that the plaintiff has met several problems on stealing the Internet users' privacy and monitoring the users' actions on the Internet based on an authoritative website of China Consumers Association, in which an explicit positive social identity is utilized to show the plaintiff's superior place in the market initially and then its corresponding negative or irresponsible behaviors are revealed on this basis to increase the objectivity of the plaintiff's insecure or irresponsible behaviors and the acceptability of their claims.

Besides, this can lead to the blame of the plaintiff's irresponsible behaviors and reduce the trust in this acknowledged safe software used by the majority of the Internet users.

We can see that the defendant has presented the proof concerning the plaintiff's negative actions which are based on the plaintiff's positive social identity establishment by means of authoritative quotation. The contrast between the plaintiff's positive social identity and his irresponsible actions can help to increase the blame to him and the utilization of WF information units from authoritative quotation help to increase the objectivity of the plaintiff's irresponsible behaviors and the acceptability of the claims to persuade the chief judge that his behavior of converging online news headlines is based on objective facts rather than defaming of the plaintiff. Since this proof is presented and challenged by the disputing parties for several rounds of proof presentation and proof challenge, one of the major interest foci which is mainly based on this piece of evidence is to be summarized and presented by the chief judge later at the stage of defining conflicts and interests. Thus, this example shows the key role of social identity in interest contention in business dispute settlement at the stage of defining the interest and conflict.

The following Example 2 is another example by means of taking advantage of the positive social identity establishment to testify the truth of the 3rd piece of evidence provided by the defendant. In this example, the defendant lawyer presents the proof to justify that loopholes indeed exist in the plaintiff's browser for mobile phones at the stage of defining interests and conflict.

Example 2:

01[被代二]： …… <3,58,4,92,WF1>证据 3 是对××漏洞平台所公开部分漏洞平台介绍厂商列表。<3,58,4,93,WF2>我们可以证明××漏洞平台是自开站以来已经公布了 5 万多个漏洞，为网络的安全作出了巨大贡献。<3,58,4,94,WF3>甚至与国家信息安全漏洞共享平台，以及国家信息应急中心进行了权威合作，<3,58,4,95,WI>所以××漏洞平台是行业内具有权威性的漏洞发布。<3,58,4,96,WI>就我们刚才的技术说明以及××漏洞平台的一个权威性证明，我们可以证明××漏洞平台关于原告×××手机浏览器缺陷导致用户敏感数据泄露这一漏洞是真实、客观存在的，也获得了原告自己的确认。陈述完毕。

01[DA2]: ...<3,58,4,92, WF1>Evidence 3 is a list of relevant factories and vendors released to the public by ×× loophole platform.<3,58,4,93, WF2> We can prove that ×× loophole platform has already announced more than 50,000 loopholes and made a great contribution to network security since the opening of the loophole platform. <3,58,4,94, WF3> It has even conducted the authoritative cooperation with National Information Security Loophole Sharing Platform and National Emergency Information Center. <3,58,4,95, WI> Thus, ×× loophole platform is an authoritative loophole releasing platform within this industry. <3,58,4,96, WI > Based on the technical descriptions made just now and the proof of the authoritativeness of ×× loophole platform, we can prove the truth and objectivity of the loophole concerning the defects of ××× mobile phone browser resulting in the leakage of his user' sensitive data released by ×× loophole platform and this has received the plaintiff's confirmation as well. Statement is over.

At the stage of defining interests and conflict, both of the disputing parties try their best to justify the objectivity

and truth of the proofs they presented. Each party has the right to question the presented proofs to protect and strive for his own interest. If they are successful in doing so, the identification of mutual interest foci summarized by the court may help them to stay in an advantageous position for contending for more interest at the next stages of examining and testing possible solutions for dispute settlement.

However, herein the positive or contributive behaviors based on the positive social identity establishment with the expression like "××漏洞平台是行业内具有权威性的漏洞发布" (×× loophole platform is an authoritative platform which releases loopholes within this industry) are listed with the information unit of WF to increase its objectivity and strengthened by the previous 3 information units of WF1, WF2, and WF3 to enhance the credibility of its authoritativeness and the acceptability by the court for defining the interest foci later.

4.1.2 The Use of Negative Social Identity

In addition to the usage of positive social identity, the social identity establishment from the negative perspective can also be utilized by both disputing parties to contend for more interests for themselves in business dispute settlement.

Example 3:

01[原代一]:……<WF1>××网站在它这个历史上有过发文去诋毁××手机，诋毁××（某手机品牌）等等这样的事实。<WF2>也就是说，××网站本身是一个提供驱动下载的网站，但是它发了一些其他公司的负面的抹黑文章，比如说我们的这个 ppt 当中展示的这个关于××（某手机品牌）的和其他的一些软件的一些抹黑文章。<WI>这些证据能够证明××网站不是一个，不是一个权威的网站，也不是一个公正的新闻网站。

02[审判长]：<WT>被告发表质证意见，就针对原告的证据 4 和证据 8 一并陈述一下吧。

01[PA1]: …<WF1>×× website in its history has issued articles to discredit ×× phone, ×× mobile phone, and some other similar facts. <WF2>That is to say, ××website itself is a website to provide driver download service, but it has issued a number of articles to discredit other companies, for example, we have shown those articles to discredit ×× mobile phone and some other software in our ppt. <WI>Those evidence can prove that ×× website is neither an authoritative website, nor a fair news site.

02[J]: <WT>The defendant issue statements on the proof cross-examination and issue the statement on the evidence 4 and 8 presented by the plaintiff together.

As is shown in Example 3, the aim of negative social identity establishment of ×× website by the plaintiff is to blame the counterparty for the incredibility of the defendant's proof presentation.

In the previous round of proof presentation, the defendant has presented evidence 5 to prove the authority and objectivity of ×× website.

At this stage of defining interest and conflict, whether the articles issued by ×× website are authoritative and objective plays an important role in interest contention for both disputing parties in that if the articles issued by ×× website are accepted as objective, truthful and authoritative, the chief judge's judgment is probably in favor of the defendant. Thus, the negative social identity establishment of ×× website by the plaintiff is quite important for their interest contention.

It can be found that WI information unit realizes the establishment of negative social identity of ×× website with WI unit of "这些证据能够证明××网站不是一个，不是一个权威的网站，也不是一个公正的新闻网站" (those evidence can prove that ×× website is neither an authoritative website, nor a fair news site). And this WI information unit is drawn based on the previous two WF information units. Here, the two WF information units are used to present the facts and provide objective basis for the following inference.

Example 4:

01[原代一]：……<WA>那么对于证据 5 呢，我们对这个形式上的真实性呢，我们是认可的。但是，我们对内容真实性是有异议的，<WY>因为××网站呀，是一个提供驱动程序的网站，并不是一个新闻媒体网站，<WF>那么它也存在一些其他的抹黑其他企业的一些行为，我们也进行了举证，<WI>因此这个证据不能够证明××网站是一个新闻媒体单位。<WT>这是对证据 4 和证据 5 的质证意见。

01[PA]: ... <WA>As for evidence 5, we recognize its authenticity in the form. However, we are against the authenticity of its content, <WY>because ×× website is a website that provides driver programmes rather than a news media site, <WF>but ×× website has also discredited other companies, and we've also presented the evidence, <WI>so this evidence cannot prove that ×× website is a news media. <WT>This is our views on challenging evidence 4 and 5.

In Example 4, this example is concerned with the plaintiff lawyer's views on challenging evidence 5. And evidence 5 is the notarial certificate which testifies that ×× website is an authoritative news media according to the evaluation of ×× website of ×× encyclopedia.

In this example, WA proposes that the plaintiff lawyer only admits the authenticity of evidence 5 in form and doesn't recognize the truth of the content of evidence 5. And the content of evidence 5 is not in favor of the

plaintiff's interest contention. In order to support the views proposed in WA information unit, the following WY information unit demonstrates that ×× website is a website which provides the service of driver programme rather than a news media. Moreover, WF unit provides the fact that the behaviors of ×× website to discredit other corporations indeed exists. This negative social identity establishment of ×× website can help reduce the credibility of evidence 5 and enhance the acceptability of the plaintiff lawyer's views on challenging evidence 5. Then, the WI unit infers that evidence 5 cannot prove that ×× website is not a news media like "因此这个证据不能够证明××网站是一个新闻媒体单位" (so this evidence cannot prove that ×× website is a news media). This is also the negation of the social identity of a news media of ×× website.

Apart from the explicit usage of social identities, some other relative implicit linguistic or paralinguistic performance is also influenced by their social identities respectively in the contention for interest.

For example, in the following Example 5, the chief judge uses the interruption to control the court trial proceeding. Moreover, the plaintiff lawyer agrees with the judge's control accompanied with continuous nodding to show agreement and obedience. In the court, from the perspective of social identities, the judge is not only the symbol of justice and fairness, but also the party with relative more power than other participants involved. Compared with the chief judge, the lawyers have relatively less power. Thus, the implicit linguistic of chief judge's interruption and the paralinguistic performance of plaintiff lawyer's continuous nodding are influenced by their social identities respectively in interest contention in business dispute settlement.

4.1.3 The Use of Social Identity with Power

In court trials, the chief judge is often the party with more power compared with other participants involved and many studies (e.g. Wodak, 1985; Conley & O'Barr, 1998; Cotterill, 2003; Gibbons, 2003) have investigated the power in courtroom discourse from different perspectives.

In order to maintain the regular proceeding of the court hearing, the chief judge usually uses the power to control the court trial proceeding. For example, interruption is sometimes used by the chief judge in the court to re-allocate speech turns to regulate the normal proceeding of court trials, when he finds a topic is over elaborated by one participant or another party's interest needs to be emphasized instead.

Example 5:

01[审判长]：<3,45,4,45,WA1>（打断）原告，原告，法庭提醒你注意一下，如果涉及到法律问题，可以留待法庭辩论阶段再进行。现在请就证据问题陈述一下你方意见即可。好吗？

01[J]: <3,45,4,45, WA1> (interruption) The plaintiff, the plaintiff, the court remind you that if it is related to legal issues and it can be left to the stage of court debate to be discussed. Please state your party's views on the issue of evidence. OK?

02[原代一]：<3,45,4,45,WA2>哦（点头）好!哦，好的!好的!好的!好的!……

02[PA1]: <3,45,4,45, WA2> Oh (nodding) OK! Oh, OK! OK! OK! OK! ...

In Example 5, the interaction between the plaintiff and the chief judge occurs at the stage of defining interest and conflict, both conflicting disputants want to try their best to persuade the chief judge to adopt or agree on their views and their evidence presentation. Prior to this interaction, the plaintiff lawyer has presented the evidence concerning infringement behavior involved in the case. And the plaintiff lawyer has also begun to argue and overelaborate some key information in the presented evidence. However, the plaintiff lawyer's overelaboration and argument on some key information is related to the legal issues which should be presented and argued later at the stage of court debate. Thus, the chief judge in this example interrupts the plaintiff lawyer.

In this way, the points which are in favor of their interest attainment are emphasized by the plaintiff's or the defendant's lawyer(s) for many times. In the preceding evidence presentation of this example, the plaintiff lawyer has emphasized that the source video of the infringement article is quite vague for many times, because this evidence is in favor of the plaintiff to testify that the infringement article released by the defendant is groundless. And this repeated emphasis may occur at the stage which is not suitable to be proposed. In this example, the plaintiff lawyer's overelaboration and argument on some key information should be shown at the later stage of court debate rather than the stage of evidence presentation. In such kind of circumstances, the chief judge as the representative of the court would interrupt the plaintiff's statement on evidence presentation.

In respect to each disputing party, either the plaintiff or the defendant would strive for more interest in this contention; therefore, neither disputing party wants to miss any opportunity to prove the objectivity and acceptability of his party's presented proofs. Both of them want to emphasize the points which are in favor of their interest. This would lead to the repetition of emphasized points and the mention of the legal issues related to the emphasized points.

At this time, the chief judge resorts to interruption to regulate the normal proceeding of the court trial. And the

chief judge's interruption is usually accompanied by the usage of WA information unit. And the chief judge uses WA1 to interrupt the plaintiff lawyer's overelaboration on some key information of the preceding evidence presentation on infringement behavior.

In this example, on one hand, the chief judge's interruption in WA1 can guarantee the normal proceeding of the court trial; on the other hand, the chief judge's interruption also shows her impartiality to give both parties the relatively fair chance to present their proofs in this interest contention at the stage of defining interest and conflict.

Compared with the more power possessed by the chief judge, the plaintiff lawyer owns relatively less power in the case. However, the plaintiff lawyer has the responsibility to contend for more interests for the plaintiff. Thus, in WA2 unit, the plaintiff lawyer tries his best to sustain a relatively harmonious relationship with the chief judge, which is helpful for the plaintiff lawyer's interest contention for the plaintiff in business dispute settlement.

Furthermore, WA2 unit shows the plaintiff lawyer's agreement with the chief judge's interruption owing to the preceding overelaboration in evidence presentation. Even the plaintiff lawyer wants to occupy more time and speech turns to emphasize the points which are in favor of the plaintiff's interest contention in the preceding evidence presentation, the plaintiff lawyer has to accept the chief judge's interruption and show the obedience to the chief judge owing to the different social identities and different power possession.

It can be found that the social identities of participants involved in disputes can be utilized by both disputing parties' lawyers to contend for interest in the process of business dispute settlement. And the social identities of participants involved in business dispute settlement play a key role in interest contention by means of adopting the positive or negative social identities. Besides, participants' different power possession can influence the way they contend for interest in dispute settlement process as well. The disputing party whose power is comparatively less is inclined to keep a relatively harmonious relationship with the party with more power in interest contention in business dispute settlement.

4.2 Discourse Analysis of the Effect of Social Relations

Apart from the influence of social identities on interest contention, social relationship can also affect interest contention in business dispute settlement process.

Since there are many kinds of social relations between groups, and context models cannot possibly accommodate all of them, participants again need to focus on and establish which ones are relevant for adequate discourse production and comprehension. And the actual discursive performance of such relationships is unique in different situations and depends on socially shared and culturally variable knowledge about social relations. In order to reach the necessary reduction of vastly variable information about possible social relations, participants need to generalize and abstract. (van Dijk, 2009).

In the business dispute settlement process, there are many kinds of social relations in interest contention between the disputing parties. And the usage of different social relations in interest contention justifies the data analysis. This section focuses on the illustrations of the use of rapport, complicit relationship, working relationship and friendship.

4.2.1 The Use of Rapport

The disputing parties in the court often show their agreement accompanied with head movements and this kind of use of agreement is often repeated in order to maintain a close and harmonious relationship with the chief judge, which is helpful for creating a relatively harmonious atmosphere for the respective lawyer's evidence presentation and evidence challenge to realize their respective interest striving.

In the court, the chief judge is the symbol of fairness and justice and is also the party possessing relatively much more power than other parties involved.

In Example 6, in order to show the impartiality of the chief judge and supply both disputing parties with equal opportunity to strive for their interest, it is necessary for the chief judge to ask both the plaintiff and the defendant whether they are clear about their litigation rights and assumed litigation obligations expressed clearly in the litigation notice and whether the notice needs to be read out in court. It is regarded as a normal part of the whole court proceeding.

Example 6:

01[审判长]:……<1,1,2,7,WF>当事人享有的诉讼权利和应尽的诉讼义务在本院先期送达的当事人参加诉讼须知中已经予以明示，

01[J]: ...<1,1,2,7, WF> The enjoyed litigation rights and assumed litigation obligations of the parties have been expressed clearly in the litigation notice which has been sent to both parties early before the litigation by the

<2,7,3,17,WA1> 双方当事人是否清楚？ <2,7,3,18,WA2> 是否仍需当庭宣读？原告？

02[原代二]:<2,7,3,17,WA3> 清楚。

03[原代一]:<2,7,3,18,WA4> 不用宣读。

04[审判长]:<2,7,3,18,WA5> 嗯！被告？

05[被代一]:<2,7,3,17,WA6>（点头）听清楚了，<2,7,3,18,WA7> 不需要宣读，不需要宣读。

court. <2,7,3,17, WA1> Are both of the parties clear about it? <2,7,3,18, WA2> Does the notice still need to be read in court? The plaintiff?

02[PA2]: <2,7,3,17, WA3> Clear.

03[PA1]:<2,7,3,18, WA4> Don't need to read.

04[J]: <2,7,3,18, WA5> OK! The defendant?

05[DA1]:<2,7,3,17, WA6> (nodding) Clear. <2,7,3,18, WA7> Do not need to read, do not need to read.

In this example, this rapport is realized by the usage of the plaintiff lawyer's WA3 and WA4 information units and the defendant lawyer's WA6 and WA7 units. As is seen in WA3 and WA4 units, the plaintiff lawyers answer that "清楚" (clear) and "不用宣读" (don't need to read). WA3 and WA4 information units show the plaintiff lawyer's attitude that they are clear about the enjoyed litigation rights and assumed litigation obligations of the parties. And the plaintiff lawyer also thinks that there is no need to read the litigation rights and obligations of both parties. And WA6 and WA7 units express the defendant lawyer's attitude in the same way. By means of the use of WA information units, both of the plaintiff's and the defendant's lawyers show their agreement and obedience to the chief judge to establish and sustain a harmonious relationship with the court, which is beneficial to both conflicting parties' interest contention.

Spencer-Oatey (2002) finds that relational management is affected by four fundamental rapport management concerns. And the four types of concerns include concern about both face and rights, concerns not only about autonomy but more broadly about cost-benefit, concerns about association as well as autonomy and variable orientations, including interpersonal, intergroup and intragroup.

In Example 6, the plaintiff and the defendants' positive answers to the chief judge which are presented by WA3, WA4 units and WA6, WA7 units respectively not only show their obedience but also elaborate the subtle influence of power distance in the court. More importantly, both of the disputing parties' lawyers want to keep a harmonious relationship with the chief judge, because this rapport management may help them to strive for more interest.

4.2.2 The Use of Complicit Relationship

Apart from the use of rapport, other hostile relationships such as complicit relationship can be used for interest contention of both conflicting parties respectively. In order to expand the interest attainment in favor of his own interest, a conflicting party would resort to take advantage of the complicit relationship. The use of this complicit relationship can help him to achieve more interest compensation by testifying the counterparty's complicit relationship with a third party. Conversely, the counterparty will endeavor to deny and prove this complicit relationship with the third party to decrease the possible losses in interest contention in business dispute settlement.

Example 7:

01[原代一]: …… <3,54,4,77,WF1> 证据 7 是我们的 2014××号公证书，……<3,53,4,80,WI1> 那么，这个证据可以得出一个结论就是被告控制它所在的页面来进行诋毁原告，被告与××网站是有共谋关系，共同来侵权的，那么这个是我们的证明内容——证据 7。

02[审判长]: <2,17,3,55,WT> 被告，发表质证意见。

03[被代二]: <3,55,4,81,WF2> 首先，……<3,55,4,82,WF3> 其次，……<3,55,4,83,WI2> 所以被告与××网站不存在任何的共同侵权，换句话说，××网站上发布任何的新闻，与页面上显示被告的推广信息之间没有直接以及必然的联系，不存在特殊的利益关系，不是为本案涉案新闻特殊设置的一个行为，不能得出原告所诉称的被告与××网站之间存在共同侵权。陈述完毕。

01[PA1]: ... <3,54,4,77, WF1> Evidence 7 is our No.×× notarial certificate in 2014, ... <3,53,4,80, WI1>then this evidence can draw a conclusion that it is the defendant that controls the content of ×× website pages to discredit the plaintiff and the defendant and ×× website are in the relationship of complicity and commit the infringement together, then this is the content that we have proved of -- evidence 7.

02[J]: <2,17,3,55,WT> The defendant, issue the views on challenging the preceding evidence.

03[DA2]:<3,55,4,81, WF2> First of all, ... <3,55,4,82, WF3> Secondly, ... <3,55,4,83, WI2> so it doesn't exist any contributory infringement between the defendant and ×× website, in other words, there is no direct and necessary link between any piece of news released on ×× website and the defendant's promotional information on the webpage. And there is no relationship of special interest between the defendant and ×× website. The news issued on ×× website involved in this case is not a conduct out of special setting, so it cannot be concluded that contributory infringement exists between the defendant and ×× website. Statement is completed.

In Example 7, whether the social relationship of cooperation and interest exists between the defendant and ×× website becomes the key point of their interest contention at the stage of defining interest and conflict for the dispute settlement.

WF1 information unit states the evidence 7 to prove that the defendant has controlled the content of web page on ×× website owing to the relationship of cooperation and mutual interest. Because ×× website has released an article which says that the plaintiff has stolen the web users' privacy and monitored their online behaviors, the identification of this cooperative relationship between the defendant and ×× website will be in favor of the plaintiff for his succeeding fight for interest.

In this example, based on the evidence presented in WF1, the plaintiff lawyer uses WI1 unit to stress that there is the complicit relationship between the defendant and ×× website by the expression of "被告与××网站是有共谋关系，共同来侵权的" (the defendant and ×× website are in the relationship of complicity and commit the infringement together). In this way, this complicit relationship is regarded as being proposed based on the previous fact presentation, which can increase the acceptability of this complicit relationship. More importantly, the plaintiff lawyer may expand the plaintiff's interest contention by proposing and proving the existence of this complicit relationship between the defendant and ×× website.

In such kind of situation, to the defendant, the defendant lawyer has no other choice but to endeavor to decrease the possible losses by testifying that there is no such a complicit relationship between the defendant and ×× website. Thus, WF2 and WF3 present relevant evidence to prove the non-existence of such complicit relationships between the defendant and ×× website in WI2 with the utterance of "所以被告与××网站不存在任何的共同侵权" (so it doesn't exist any contributory infringement between the defendant and ×× website).

If this social relationship indeed exists between the defendant and ×× website, the denunciation of their contributory infringement will be accepted more easily by the chief judge; therefore, the plaintiff's revealing of social relationship between the defendant and ×× website plays a key role in contending interests for the plaintiff.

Furthermore, this complicit relationship establishment is crucial to the plaintiff's interest contention in that if this complicit relationship between the defendant and ×× website is proved to be true and is accepted by the court, then there will be another party to bear the plaintiff's interest appeals or compensation together with the defendant. Then the plaintiff can probably attain more interest in interest contention in this dispute settlement.

4.2.3 The Use of Working Relationship

Besides, the previous or present working relationship can also be used to make clear the relevant parties' relationship involved in the business dispute. In the present study, the working relationship mainly refers to the relationship between people who interact because of their work (Oxford Living Dictionaries[1]). And the working relationship may influence the interest contention in business dispute settlement.

Example 8:

01[审判长]：<WT1>那法庭问你几个问题。

02[证人]：<WA1>嗯。

03[审判长]：<WN1>你什么时候在现在的这个工作单位工作？

04[证人]：<WT2>现在的这个工作单位吗？

05[审判长]：<WA2>对。

06[证人]：<WN2>去年 7 月，2014 年 7 月份。

07[审判长]：<WR1>之前你在哪个单位工作过？

08[证人]：<WR2>之前在被告。

09[审判长]：<WF1>之前就是在被告？在被告公司从事什么工作？什么部门？

10[证人]：<WF2>市场运营。

11[审判长]：<WF3>市场运营？

12[证人]：<WA3>对。

01[J]: <WT1>Then the court ask you several questions.

02[W]: <WA1>OK.

03[J]: <WN1>When do you start to work at this work unit?

04[W]: <WT2>Do you mean the present work unit?

05[J]: <WA2>Yes.

06[W]: <WN2>In July of last year, in July 2014.

07[J]: <WR1>Where do you work before the present work unit?

08[W]: <WR2>I worked at the defendant's company before.

09[J]: <WF1>Did you work at the defendant's company before? What kind of work did you take at the defendant's company? Which department did you work in?

10[W]: <WF2>The department of marketing.

11[J]: <WF3> The department of marketing?

12[W]: <WA3>Yes.

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[1] The website is available at: https://en.oxforddictionaries.com/definition/working_relationship

As is seen, in Example 8, the chief judge asks the witness for the defense for the information about her previous and present working experience. And this interaction occurs at the stage of defining interest and conflict.

Based on the information provided by the witness for the defense in WN2 and WR2, it can be seen that the witness for the defense has worked at the defendant's company before the July of 2014. More specifically, WF2 shows that she has worked in the department of marketing.

In this example, because the interactions between the chief judge and the witness for the defense focus on the witness' previous and present working experience, the information units of WT, WN, WR, and WF have been used. To be specific, WT1 information unit is used to start this round of dialogue by the chief judge and the witness for the defense uses WT2 unit to check the chief judge's preceding question. WA2 is used to show the witness' attitudes and answers to the chief judge's question. The information units of WN2 is used to find out the witness' work time before and now, and WR2 unit finds out the witness' previous and present work places of "之前在被告" (I worked at the defendant's company before). And the WF2 information unit is used to show the specific work department of "市场运营" (the department of marketing).

Since the witness for the defense has worked in the marketing department of the defendant's company and has been the users of both the plaintiff's and the defendant's products for a long time, she must be clear about the features and operation of both disputing companies' products. Thus, the witness for the defense may supply effective information on the key evidence involved in this case.

However, when the chief judge identifies the witness' previous and present working experience seriously, the witness' social relationship with the defendant reduces the acceptability of her testimony in the court to a certain extent. The disclosure of this social relationship between the witness for the defense and the defendant supplies little help for the defendant's contention for more advantages in defining interest focus later.

4.2.4 The Use of Friendship

Apart from the above-mentioned uses of different relationships in interest contention in business dispute settlement, the relationship of friend may affect interest contention in dispute settlement process as well.

Example 9:

01[审判员]：<WT1>证人，你跟今天的双方当事人之间有什么关系吗？

01[J']:<WT1>Witness, do you have any relationship with the two parties?

02[证人]：<WA1>就是原告和被告吗？

02[W]:<WA1>Do you mean the relationship between the plaintiff and the defendant?

03[审判员]：<WA2>对。原告和被告。

03[J']:<WA2>Yes. The relationship between the plaintiff and the defendant.

04[证人]：<WF1>原告不认识。然后，被告认识。

04[W]:<WF1>I do not know the plaintiff. Then I know the defendant.

05[审判员]：<WT2>嗯，什么关系？

05[J']: <WT2>Well, what's the relationship?

06[证人]：<WF2>就是朋友吧。

06[W]: <WF2>We are friends.

07[审判员]：<WA3>跟被告法定代表人是吗？

07[J']: <WA3>Do you mean the relationship with the defendant's aggregate?

08[证人]：<WA4>对。

08[W]: <WA4>Yes.

In Example 9, the interactions are concerned with what the relationships of the witness for the defense with the disputing parties of both the plaintiff and the defendant are. And the interactions occur between the judge and the witness for the defense at the stage of defining interest and conflict.

As is shown, WT1 initiates the interaction to ask the witness for the defense what the witness' relationships with the disputing parties are by the judge. Owing to the unfamiliarity with the legal jargon or terms, the witness for the defense inquires the judge whether the disputing parties indicates the plaintiff and the defendant by the use of WA1 unit.

However, the witness for the defense just provides the relatively fuzzy information about her relationship with the plaintiff and the defendant by using WF1 information unit with the utterance of "原告不认识。然后，被告认识" (I do not know the plaintiff. Then I know the defendant). In order to attain specific and appropriate information about the witness' relationships with the plaintiff and the defendant, the judge reinitiates the question by another WT2 unit. Under the judge's reinitiating of the same question, the witness for the defense uses WF2 unit to state the fact that she is a friend of the defendant relatively unwillingly in the way of "就是朋友吧" (we are friends).

At last, WA3 and WA4 units confirm the friendship of the witness for the defense with the defendant by the judge, which can guarantee the accuracy of the witness testimony.

In sum, both the disputing parties try their best to present evidence and justify their views before the interest and conflict is defined. In this example, the witness' relationship with the plaintiff and the defendant may affect the objectivity and acceptability of the witness' testimony. And this plays a key role when the conflicting foci are identified and effects the interests of both disputing parties later.

5. Conclusion

The present study has analyzed the social factors that influence interest contention in business dispute settlement. From the data analysis, it can be seen that any conflicting party's lawyer could take advantage of both different social identities and social relationships to attack the counterparty's loopholes or shortcomings and gain more interests for his own party in interest contention. Specifically, in respect to the effect of social identities, the disputing litigants have used positive social identity, negative social identity, and the social identity with power to contend for their respective interest in the dispute settlement. With regard to the effect of social relations, different social relations, including the use of rapport, complicit relationship, working relationship and friendship, have served for the disputing litigants' interest contention in the business dispute settlement.

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The Impact of Emotional Intelligence on Vocational Interests among Palestinian Students

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Abstract

The purpose of the study was to identify the impact of emotional intelligence on vocational interests among Palestinian students. A sample of 333 students in the southern Hebron district participated in the study. Data was analysed using SPSS. The results showed that Palestinian students had a high level of emotional intelligence and a moderate level of vocational interests. Emotional intelligence appeared as an innovative prediction of vocational interests. The consequences of the findings for practice are highlighted.

Keywords: emotional intelligence, vocational interests, career, Palestine, students

1. Introduction

Emotional intelligence has attracted great interest from scientists around the world in light of its importance and impact on personality, performance, strength, and student development (Gardner, 1983; Mayer & Salovey, 1990; Goleman, 1995, 2009; Vincent, 2003; Khawaldeh, 2004; Abu Rayyash et al., 2006; Joshi et al., 2012).

Numerous published studies have dealt with emotional intelligence and its various models due to the great developments observed in this era and the subsequent goals, as we are in an era where we are competing with time, space, high aspirations and cultural variations.

Vocational tendency is one of the most important factors that aids an individual to decide his/her field of study. If an individual scientifically deliberates the decision on the basis of vocational interests, it would enable one to succeed in life and be innovative in the field of choice. Each individual has job preferences based on his/her personal interests and desires (Tortillas, 1999; Aldahri, 2005).

People tend to prefer a vocation that helps them attain their goals such as living a good life, nutrition, housing, security, a good position in the community and so on. It is during adolescence that a call is for some people the most important step in life, while for others, it is a fairly important step that can be changed and made more flexible at all times. Choosing a vocation also leads to one selecting a lifestyle (Deniz et al., 2014).

Vocational interest is a fundamental factor, which serves as a guide and directs individuals to select their fields of specialty, which eventually culminates in success and develops their creativity (Turner & Lapan, 2005).

2. Background and Literature Review

2.1 Emotional Intelligence

Emotional intelligence was rooted in social intelligence and was introduced for the first time by Thorndike in 1920 to refer to the ability to understand and handle people and to act wisely in human relations (Hafiz, 2011; Ghaonta & Kumar, 2014). However, Gardner's writings (1983) on human intelligence and his theory of multiple intelligences have paved the way for the widespread define of emotional intelligence.

Gardner (1983) introduced the idea of multiple intelligences, which included both interpersonal intelligence and intrapersonal intelligence. However, Mayer and Salovey, the first to provide a definition of the term emotional intelligence as 'a form of social intelligence that involves the ability to monitor their own and others' feelings, to

distinguish between them and use the information to guide one's thoughts and actions' (1993, p. 433). Additionally, they suggested a model with four-branches of emotional intelligence, which considers emotions as useful sources that help one make sense of and navigate the social environment, that are perceiving emotions, using emotions, understanding emotions, and managing emotions.

Furthermore, Goleman expanded the model to four branches after incorporating Mayer and Salovey's (1990) five essential elements of emotional intelligence, that are emotional self-knowledge, self-regulation, motivation, empathy, and social skills.

2.2 Vocational Interests

Vocational interests are personality indicators in work, studies, hobbies, leisure activities and choices (Holland, 1985). A person responds to particular vocational interests, general subjects and activities with responses such as 'I like it', 'I don't like it' or 'It doesn't matter' (Savickas, 1999). Despite the various views, there are many common problems regarding the definition of vocational interest. Based on the above, vocational can be defined as an actual process in which a person voluntarily attaches importance to an object without a particular effort, carries out that attention for an extended period of time and is aware of it and converts it into an answer and attitude.

Vocational interests can be classified as expressed and measured. The expressed interests are generally determined by answers derived from open questions. Measured interests arise when people discover their professional choices better than a professional interest list. Although there are several methods used to measure their professional interests, the most widely used method is a list of interests. The statement of interests is widely used for a person to express their interest by registering and comparing different vocations (Deniz, 2013).

Several studies have revealed that comprehending vocational interests helps to guide the individual in determining the decisions that must be owned in every stage of vocational growth. An understanding of the evolution of vocational interests helps counsellors to intervene in a timely and effective manner in order to modify any defect in vocational growth (Namourah, 2016).

Emotional intelligence and vocational interest are topics of popular discussion in humanities. In a recent study, Kurdish and Korkmaz (2018) indicated that emotional intelligence was considered as observed variable, and emotional instability was a positive prediction for career decision difficulties.

Di Fabio's study (2017) concluded that emotional intelligence is an innovative variable in career decision making. In the same context, Kemboi et al. (2016) stated that there was a correlation between personality types and professional choice.

The results in Huhtala's (2016) study have supported the idea that training courses for the development of emotional intelligence can be resources that can be used by career counsellors when advising people who are exploring their career path. Liu et al. (2014) revealed that professional maturity was positively correlated with the achievement of work, and both emotional intelligence and social professional interest reinforced the positive relationship between professional maturity and work performance.

Furthermore, the relationship between character strength and vocational interests has been tested by Proyer et al. (2012). The results showed that intellectual forces have created primary relationships with investigative and artistic interests, and social interests correlated with forces of transcendence and forces directed at others and career interests with forces.

Finally, Dahl and Cilliers (2012) concluded that neither cognitive ability nor any aspect of emotional intelligence predicted a change in negative career thinking. However, Puffer's study (2011) revealed that emotional intelligence is a prominent prediction for professional personality.

To sum up, the choice of careers is a national problem. Previous studies reported that post-secondary education statistics revealed that 20% to 60% of the freshmen class were undecided or uncertain of their career choice (Goleman, 2009, p. 18; Ghaonta & Kumar, 2014; Namourah, 2016).

3. Purpose and Scope

The study addressed the impact of emotional intelligence on vocational interests among Palestinian students. Emotional intelligence is one of the most important aspects of the personality, which plays an active role in guiding and directing people to choose their specialties, leading to success and developing their creativity. The study is considered a pioneer to the authors' knowledge, and has shown that emotional intelligence and vocational interests, through empirical study, were relatively limited in the occupied Palestinian community, where the unemployment rate among undergraduates is considered a risk factor.

4. Hypothesis

Based on the revised literature, the study proposed the following hypothesis:

Is there any impact of emotional intelligence on vocational interests among Palestinian students?

5. Methods

5.1 Approach

The study adopted the quantitative research method. The questionnaire is suitable for the exploratory nature of the research.

5.2 Population and Sampling

The target population consisted of high school students in southern Hebron district during the 2018/2019 academic year, which included 2485 students – 968 males for 1517 females (Palestinian Ministry of Education, 2018).

The total sample included 333 students (130 men and 203 women) in the southern Hebron district. The sample was chosen based on gender and stream. Sample size was calculated using an online tool: http://www.surveysystem.com/sscalc.htm, sample size calculator, with a margin error of 0.05.

5.3 Instrumentation

Emotional intelligence was assessed using a 33-point scale index introduced by Schutte et al. (1998), while vocational interests were assessed using a 42-point scale index introduced by the Netherlands (1997) and taking into account the cultural appropriateness of the Palestinian community. A 5-point Likert scale was used to measure the responses (always, often, neither, rarely, never). Participants in selected high schools in the southern Hebron district were asked to complete the questionnaire. The sample survey tool searched for basic information about the participants in gender, stream, family birth rank, and grade point average (GPA).

5.3.1 Instrument Validity

The instrument validation was measured in two different phases. The initial phase involved a group of experts who provided feedback on the tool. The second phase involved the implementation of a pilot study (N=50) to validate the study tool using exploratory factorial analysis. Factor loading for all items exceeded 0.75 (from 0.78 to 0.89), which implied that these elements were capable of measuring any element of emotional intelligence and vocational interest among the sampled population.

5.3.2 Instrument Reliability

Reliability was tested using Cronbach's Alpha coefficient to determine the reliability and consistency of the study findings. Cronbach's Alpha for emotional intelligence and vocational interest were (0.90; 0.92) respectively, demonstrating excellent reliability and consistency.

The participants' demographic distribution was as follows: gender, stream, family birth rank and GPA. Overall, the sample contained 333 students. Participants' GPA was between 65 and 95 points (M 76.70 SD 10.72). The females represented 61.0% of the participants, while the remaining 39% were males. The sample was drawn by artistic and scientific streams. The arts accounted for 67.3% of the sample, while 32.7% were the natural sciences, and half (57.9%) of the participants were of middle family birth rank.

5.4 Data Analysis

The questionnaire items were evaluated on a 1-5 Likert scale (never to always), the highest score indicated a high level of emotional intelligence and vocational interests. Descriptive statistics measured emotional intelligence and vocational interests among the sampled population using Pearson correlation, Cronbach's Alpha and Factor Analysis through SPSS.

6. Findings

The results revealed that participants experienced a high level of emotional intelligence and a moderate level of vocational interests. The mean scores and standard deviation were (M 3.72, SD 0.34; M 3.44, SD 0.74) respectively.

In addition, the results showed a statistically significant positive correlation between emotional intelligence and vocational interests among Palestinian students, where the R-correlation was (0.574, P=0.000). It was discovered that as emotional intelligence increases, vocational interests grow and vice versa.

7. Discussion and Recommendations

The findings of the study revealed the effect of emotional intelligence in innovative vocational interests among Palestinian students. This result is considered a very important element in the Palestinian society, taking into consideration the difficulties the Palestinian educational system faces in terms of the high unemployment rate among graduated students that exceeded 45% among science graduates and 65% among arts graduates under the on-going Israeli occupation, which created negative trends among the students toward vocational interests (Namourah, 2016). However, Emotional intelligence is considered an important dimension in the correspondence between success, in general, and, in particular, vocational interests. Emotionally intelligent students have the ability to feel comfortable with themselves and others; they have the ability to understand, perceive and monitor their feelings (Banat & Rimawi, 2014). This would lead them to possessing a sense of stability and calm and psychological ease that would positively affect their spirits and motivate them to increase their vocational interests. The results have different implications with regard to emotional intelligence as a prediction of vocational interests for parents, teachers, social advisors, and decision makers.

Furthermore, being emotionally intelligent is an important stage in the formation and development of one's personality; it represents a turning point in the lives of students who aim to fulfil their desires, abilities, preferences and interests. Emotional intelligence also encounters the social interaction that contributes to the development of students' personalities; it enhances their learning skills and thinking; and helps in decision making (Banat & Rimawi, 2014) and vocational interests.

Moreover, when emotional intelligence has proven to be an important indicator of vocational interests, this reflects how the affective domain, the environment, creativity, self-perception, career desires and interpersonal skills help to make well-informed choices beyond the cognitive domain of being emotionally intelligent. Based on the results of this study, the following recommendations were formulated:

1. Update the Palestinian educational system with emotional intelligence as an innovative component of vocational interests.

2. Encourage the exchange of knowledge on emotional intelligence among students in general and students seeking professional guidance, in particular using modern techniques.

3. Further studies are recommended to establish a clearer understanding of emotional intelligence and vocational interests among Palestinian students.

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State Civil Apparatus in Indonesia in the Conception of Welfare State: A Study of Legal Material Law Number 5 Year 2014 on State Civil Apparatus

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Abstract

In essence every form of government interference must be based on legislation that applies as a principle of legality, which is the main joint law of the State. However, because there are limitations to this principle or because of weaknesses and shortcomings in the laws and regulations, the government is given freedom. Freies Ermessen, namely the freedom of the government to be able to act on its own initiative in solving social problems. Freies Ermessen raises opportunities for conflicts of interest, in order to avoid or minimize violations of citizens' rights, hence increasing legal protection for deviant state administration (Verhoogde Rechtsbescherming) in the form of "Algemene Beginselen Van Behoorlijk Bestuur" or general principles of good governance. The task of government is carried out in the framework of the implementation of the general functions of government which includes institutional, personnel and management utilization. Whereas in the implementation of certain development tasks carried out in the context of implementing certain development tasks carried out through nation-building (cultural and political development) as well as through economic and social development (economic and social development) which is directed at increasing the welfare and prosperity of the entire community, Law Number 5 Year 2014 on state civil apparatus as the basis for regulating the state civil apparatus in each of its implementation policies prioritizes the foundation of legislation, propriety and justice. The method of research is normative legal research methods, namely the study of legal principles legal rules which are standards for behaving or behaving. This research can be carried out (especially) on primary and secondary legal materials, as long as the materials contain legal rules, because not every article in a law, for example, contains legal rules; there are articles which are only limits as commonly found in the general provisions of the legislation. Research on legal principles is a philosophical study because the legal principle is an ideal element of law. Goals: The purpose of this research is to make the state civil apparatus understand the concept of the welfare state, the use of discretionary power (Freies ermessen), understand the principles that limit the actions of state civil apparatus to avoid corruption and collusion and nepotism in realizing people's welfare in Indonesia. Novelty/Improvement: This article discusses the study of law regarding the position of Civil Servants in Indonesia based on Law Number 5 Year 2014 on State Civil Apparatus. Concerning state civil apparatus which is associated with principles general good governance, this research article is also expected to be able to provide information for readers to be able to realize the state civil apparatus free from the practice of collusion, corruption and nepotism in realizing good governance in Indonesia in the conception of welfare state.

Keywords: state, civil, government, ermessen, apparatus, welfare

1. Introduction

The aim of the Indonesian people as confirmed in the preamble of the 1945 Constitution of the Republic of Indonesia was to establish an Indonesian state government that protected all Indonesian people and all of Indonesia's bloodshed, to promote public welfare, educate the nation's life, and participate in lasting peace and social justice.

Protecting all the Indonesian people and the whole bloodshed of Indonesia means guaranteeing every Indonesian nation to obtain their respective rights and obligations. advancing general welfare is the duty of the unitary State of the Republic of Indonesia to advance the standard of living, from the community to achieve prosperity for the people as a whole. Educating the life of the nation is done so that the younger generation can replace leaders in

the present. Participating in maintaining world order based on independence, eternal peace and social justice is the ideal of world peace by involving all elements of the state in the world to achieve order and peace.

To achieve these objectives based on Pancasila and the 1945 Constitution of the Republic of Indonesia, national development was carried out in Indonesia. In order for the planning stage to carry out the tasks of national development and the task of government to be able to run, as expected, good governance is needed. In the smooth running of government / state administration, it depends mainly on the perfection of its personnel apparatus. State Civil Service Administration is regulated in Law Number 5 Year 2014 on State Civil Apparatus (State Civil Apparatus) and other laws and regulations.

The duties and responsibilities of the bureaucracy as public servants are very complex, namely being responsible for the ideology and foundation of the state, government, political parties, law, rules, official, professional ethics and society. Kumorotomo (Note 1) stated that the form of government bureaucratic organization that has responsiveness to the interests of the community has basic characteristics:

1. Oriented to the needs of service users.

2. Be creative and innovative.

3. Assume human resources as long-term fixed capital.

4. Leadership that has the ability to unite various interests in the organization, so as to foster synergism.

Therefore, the government apparatus must be more sensitive to the needs of the community and not discriminate between services between citizens and other citizens. Community service is becoming increasingly important because it always relates to the public or people. Thoha (Note 2) explained that community service in order to achieve certain goals, to provide assistance to the public in order to achieve certain goals, and government bureaucracy is the foremost instruction relating to the provision of public services.

To form the State Civil Service (state civil apparatus) that is able to provide public services and carry out its role as an adhesive to the unity and unity of the Republic of Indonesia, it is necessary to replace Law Number 8 Year 1974 concerning the principles of staffing as amended by the Law. Law Number 43 Year 1999 concerning changes to Law Number 8 of 1974 concerning the main points of employment. As a substitute, namely Law Number 5 Year 2014 on State Civil Apparatus.

2. Literature Study

Discussing the context of public law, employees of the state civil apparatus are tasked with assisting the president as head of government in administering the government, namely by implementing legislation, in the sense that the word is obliged to ensure that every law is adhered to by the community.

In implementing legislation in general, employees of the state civil apparatus are given official duties to be carried out as well as possible. As a servant of the state, an employee of the state civil apparatus must also be loyal and obedient to Pancasila as a philosophy and ideology of the state, to the 1945 Constitution of the Republic of Indonesia, to the state, and to the government. Employees of the state civil apparatus as elements of the state apparatus, state servants and public servants are required to be able to carry out their national civil administration properly, therefore they must have loyalty, full obedience to Pancasila, 1945 Constitution of the Republic of Indonesia, state and government so that they can focus all attention and thought and directing all efforts and energy to carry out the tasks of government and development in an efficient and effective manner. The position of the state civil apparatus under Law Number Year 2014 is regulated in article 8 where the state civil apparatus is located as an element of the state apparatus.

Based on Law No. 5 Year 2014, Functions, Tasks, and Roles of the state civil apparatus are regulated in CHAPTER IV article 10, article 11, and article 12. That is as follows:

a. Based on article 10, employees of the state civil apparatus have the function of implementing public policies, public servants, and adhesives and unifying the nation.

b. Based on Article 11, civil apparatus of the state have the duty to implement public policies made by staff development officer in accordance with the provisions of legislation, provide professional and quality public services, and strengthen the unity of the Unitary State of the Republic of Indonesia.

c. Based on Article 12 the role of employees of the state civil apparatus is as a planner, executor, and supervisor of the implementation of general tasks of government and national development through the implementation of professional policies and public services, free from political intervention, and clean from Nepotism Corruption Collusion practices.

Government in running the government consists of political government and administrative government, the implementation of non-political techniques (state administration). Carrying out government (in the limited and political sense) means (Note 3):

1. Make and establish regulations that have the strength or nature of the Act. The Law is any general, abstract, impersonal and imperative regulation or provision which means it is compelling and cannot be resisted by anyone.

2. To provide guidance to the people of the country (to control, summon, education, counseling, etc.) without regard to individuals.

3. Running the police (acting directly against any violator of the Law indiscriminately).

4. Conducting a court (completing a legal dispute and forming a court body for it).

Political functions are related to policy making or the formulation of statements of the state's wishes, while administrative functions are concerned with implementing these policies (to do with the execution of these policies).

Political functions are related to policy making or formulation of statements of state wishes while administrative functions are concerned with implementing the policy.

In carrying out this government the government takes various kinds of decisions that are political in nature (relying on state power) in various forms, each other depending on the material and the purpose consisting of rules, strategies, policies, plans, budgets, instructions, orders, and so on. These government decisions are of a general nature and mean that they are not intended to or against a person or entity or a particular case, but are rules or general principles or general provisions, because they aim to solve problems or deal with matters of public interest, either state interests or public interest. Decisions (wills) of government are run by the State Administration

In order to realize national goals, civil servants of the state are required to be assigned the task of carrying out public service tasks, government duties and certain development tasks. The task of public services is carried out by providing services for goods, services, and / or administrative services provided by state civil apparatus employees.

The task of the government is carried out in the framework of the implementation of the general functions of the government which includes the utilization of institutions, staffing and management. Whereas in the implementation of certain development tasks carried out in the context of implementing certain development tasks carried out through national development (cultural and political development) as well as through economic and social development which is directed at increasing the welfare and prosperity of the entire community,

Law Number 5 Year 2014 on state civil Apparatus as the basis for regulating the state civil Apparatus in the same period of policy as prioritizing the foundation of legislation, decency and justice.

The Indonesian state is a welfare state which is an evolution from an ancient country that was only a night watchman. The consequence of the welfare state is that the state intervenes in all forms of community activities to ensure the implementation of public welfare. In this case the role of the government is very broad in interfering in community activities (Note 4). The shift in the concept of Patronage State (*nachwachtersstaat*) to the conception of the welfare state, brought a shift to the role and activities of the government, in the conception of welfare state, the government was given the obligation to realize general welfare (*bestuurszorg*).

Basically, any form of government intervention must be based on legislation that applies as the principle of legality, which is the main joint law of the State. However, because there are limitations to this principle or because of weaknesses and shortcomings in the laws and regulations, the government is given freedom/ discretion (*Freies Ermessen*) (Note 5), that is the freedom of the government to be able to act on its own initiative in solving social problems (Note 6). Freis Ermessen increased the chances of conflicts of interest between the government and the people in the form of *onrechmatig overheidsdaad*, *detournement de pouvoir* which is a form of government arbitrariness that causes violations of citizens' human rights.

In order to avoid or minimize the occurrence of violations of human rights of citizens, legal protection is increased for the people from the actions of the state administration deviant (*Verhoogde Rechtsbescherming)* in the form of "*Algemene Beginselen Van Behoorlijk Bestuur*" or general principles of good governance.

3. Research Method

The research method is a normative legal research method, which is a study of legal principles carried out

against legal principles which are standards of behavior. Such research can be carried out (especially) on primary and secondary legal materials, insofar as the material contains legal rules, because not every article in the law, for example, contains legal rules; there are articles which are only limitations as commonly found in the general provisions of the law. Research on legal principles is a philosophical study because legal principles are ideal legal elements. These legal principles, both constitutive and regulative, can be discussed, analyzed according to the legal field, for example State Administrative Law and civil law.

HJ. Van Eikema Hommes (Note 7) stated that in the Law of State Administration known as the principles; the responsibility of the state for the attitude of state officials, the principle that agreements between administrative institutions and other parties must not impede the enforcement of general rules, appropriate principles of governance (regulative legal principles) in particular are "*Salus Publica Suprema Lex Esto*".

Flow Chart: To research the role of state civil apparatus in the concept of welfare state as a study of the legal material of law number 5 Year 2014 on state civil apparatus, Research is designed to follow a conceptual diagram as shown below:
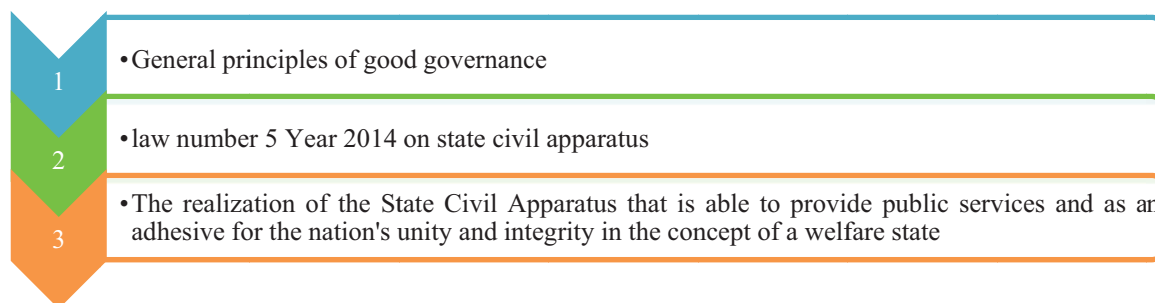

Figure 1. Conceptual research framework

Source: developed for this study (2019)

4. Result and Discussion

1. General principles of good governance in law number 5 of 2014

It has been previously explained that the General Principles of Good Governance are open concepts and are born of historical processes, because of that, there are various formulations regarding these principles. By Koentjoro and SF Marbun (Ridwan, 2016, p. 244), the general principles of good governance are as follows:

Table 1. General principles of good governance

1. principle of legal security	8. principle of principle of reasonable or prohibition of arbitrzriness
2.principle of principle of proportionality	9. principle of meeting raised expectation
3. principle of equality	10. principle of undoing the concequences of an annuled decision
4. principle of carefulness	11. principle of protecting the personal may of life
5. principle of motivation	12. principle of sapientia
6. principle of non misuse of competence	13. principle of public service
7. principle of fair play	

In the following table it can be seen the types and number of general principles of good government contained in Law Number 5 Year 2014 concerning State Civil Apparatus:

Table 2. General Principles of Good Governance in Law No. 5 Year 2014

NO	General Principles of Good Governance	Law Number 5 Year 2014
1	Principle of legal certainty	√
2	Accountability Principle	√
3	Principle of Proportionality	√
4	Principle of Professionalism	√
5	Principle of Efficiency	√
6	Principle of Effectiveness	√
7	Principle of Justice	√

8	Integrity Principle	√
9	Delegation Principle	√
10	Principle of Neutrality	√
11	Principle of Unity	√
12	Welfare Principle	√
	TOTAL	12

In the history of the emergence of good governance or general principles of good governance (Algemene Beginselen Van Behoorlijk Bestuur), this originated from a sense of fear of some people towards freedom of action (Freies Ermessen) from the state administration in implementing civil society arrangements to create a welfare state (Welfare State), among the writers of state administrative law there are differences in translation Algemene begins the behorlijk van. The word begins there are interpreting with basic principles and principles while the word behorlijk is translated as the best that is proper and proper with this translation algemene beginselen van behoorlijk bestuur becomes principles or basics or general principles of good governance with reference to the original word berhoolijk, all of which indicate adjectives and means that there is an agreement, namely bestuur, then translation of the algorithm beginslen van berhoolijk bestuur becomes general principles m good governance would be more appropriate in terms of language.

What is meant by the general principles of good governance (algemene beginselen van behorlijk bestuur) is covering the meaning of general principles of good governance (algemene beginselen van behorlijk bestuur) covering legal certainty, orderly administration of the state, openness, professionalism, proportionality, and legal certainty, orderly administration of state, openness, professionalism, proportionality, and accountability, in law number 5 of 2014 concerning State Civil Apparatus there are several articles governing professional State Civil Servants, proportionality, clean from corrupt practices, collusion, and nepotism can hold public services in Indonesia provisions of article 2 of Law Number 5 Year 2014 onState Civil Apparatus formulate the principle of administering the State Civil Service as follows:

Article 2

The implementation of the policies and management of the country's civil apparatus is based on the principle:

Table 3. Provisions of article 2 of Act Number 5 Year 2014

a. Legal certainty	h. Effective and efficient
b. Professionalism	i. Openness
c. Proportionality	j. Non-discrimination
d. Cohesiveness	k. Unity
e. Delegation	l. Justice
f. Neutrality	m. Welfare.
g. Accountability	

In the explanation of Law Number 5 Year 2014 article 2 letter civil apparatus:

Table 4. Explanation of the General Principles of Good Governance

What is meant by	Explanation
a. Principle of legal certainty	It is in every implementation of policy and management of civil apparatus prioritizing the basis of regulations, decency and fairness.
b. Principle of Professionalism	It is prioritizing expertise based on a code of ethics and statutory provisions.
c. Principle of proportionality	It is prioritizing a balance between the rights and obligations of employees of the state civil apparatus.
d. Integrity principle	It is the management of employees of the state civil apparatus based on a nationally integrated management system.
e. Delegation principle	It is that part of the authority to manage the state civil apparatus can be delegated to the implementation of the ministries, ministries of government and state governments.
f. The principle of centrality	It is that every employee of the state civil apparatus does not take sides from any form of influence and does not take sides with anyone's interests.

g. Principle of accountability	It is that every activity and final outcome of the activities of employees of the state civil apparatus must be accountable to the community in accordance with the laws and regulations.
h. The principle is effective and efficient	Is that in organizing the management of state civil apparatus in accordance with the target or goal in a timely manner in accordance with the stipulated plan.
i. Principle of openness	It is that in the management of state civil apparatus management it is open to the public.
j. Non-discriminatory principle	It is that in the management of the state civil apparatus, the State Civil Apparatus Commission does not distinguish between treatment of gender, ethnicity, religion, race and class.
k. The principle of justice and equality	It is that the arrangement of the implementation of the state civil apparatus must reflect a sense of justice and equality to get the opportunity for the functions and roles of the state civil apparatus.
l. The principle of unity and unity	It is the employee of the State civil apparatus is the glue of the unity of the unitary State of the Republic of Indonesia.
m. Welfare principle	It is the implementation of the state civil apparatus aimed at realizing an increase in the quality of life of employees of the state civil apparatus.

In Articles 11 and 12 of Law Number 5 Year 2014 on State Civil Apparatus regulating the duties and roles of state civil apparatus in public service professionally and free from collusion, corrupt and nepotism practices.

Article 11

State Civil Service Officer on duty:

a. Carry out public policies made by staffing officials in accordance with the provisions of the legislation.

b. Providing professional and quality public services; and

c. Strengthening the unity and unity of the unitary state of the Republic of Indonesia.

Article 12

The state civil apparatus employee acts as an executor planner and supervisor of the implementation of general tasks of government and national development through the implementation of professional public policies and services that are free from collusion, corruption and nepotism.

Thus it is necessary to build a civil apparatus of professional countries free from clean political intervention from the practices of corruption, collusion and nepotism and able to provide public services for the community and be able to play a role as an adhesive element of national unity based on Pancasila and the 1945 Constitution.

2. The position of employees of the state civil apparatus.

Before speaking further about the state civil apparatus, first need to know what is meant by the state civil apparatus. The definition of the state civil apparatus itself is stated in article 1 number 1 of Law Number 5 Year 2014 which states that the state civil apparatus is a profession for Civil Servants and government employees with work agreements (PPPK) working for government agencies.

Civil Servants according to the Indonesian General Dictionary, are people who work for the government or state. According to Kranenburg Pegwai, the civilian state is the appointed official, so that understanding does not include those who hold positions representing members of parliament, the president and so on (Note 8).

The definition of civil servant government according to Mahfud MD there are two parts, namely:

a. Understanding of the Stipulative is the understanding given by the law concerning civil service officials as stated in article 1 number 3 of Law Number 5 Year 2014 which states that civil servants are Indonesian citizens who meet certain requirements, are appointed as permanent employees of the state civil apparatus by staffing officials to hold government positions.

b. Extensive understanding is an understanding that only applies to certain things. Certain things in question are more for some groups that are actually not civil servants. Example: the provisions of article 92 of the Criminal Code Theory and Platform for Forming the Law. Relating to the status of people's council members, members of the regional council and village head. According to article 92 of the Indonesian Criminal Code, it is explained that those who are included in the civil service are those who are elected in the general rules and those who are not elected but are appointed members of the people's council and members of the regional council and village heads and so on. The definition of civil service according to

the Criminal Code is very broad, but the definition only applies in the case of people who commit crimes or violations of positions and other crimes mentioned in the Criminal Code, so this definition is not included in employment law.

Based on some of these meanings, it can be concluded that the State civil apparatus are people who work in a government agency in accordance with certain conditions set by the laws and regulations. In accordance with Law Number 5 Year 2014. Types, Status, and Position of State Civil Apparatus: Regarding the type of employee of the state civil apparatus regulated in article 6 of Law Number 5 Year 2014. Where employees of the state civil apparatus consist of civil servants and government employees with work agreements, speaking of the status of employees of the state civil apparatus, there are two statuses that apply to employees of the state civil apparatus, namely government employees appointed as permanent employees namely civil servants and government employees with work agreements. Regarding the status of state civil apparatus regulated in article 7 paragraph (1) and paragraph (2) Law Number 5 Year 2014 stating that:

(1). The State Civil Apparatus as referred to in Article 6 letter (b) is an employee of a state civil apparatus who is appointed as a permanent employee by a staffing official and has a national employee number.

(2). Government employees with work agreements as referred to in Article 6 letter b are employees of the state civil apparatus who are appointed as employees with employment agreements by staffing officials in accordance with the needs of Government Agencies and the provisions of this Act.

The formulation of the position of employees of the state civil apparatus is based on the points of mind that the government does not only carry out general functions of government, but also must be able to carry out the development function or in other words the government not only organizes government order, but also must mobilize and facilitate development for the benefit of the people many. C.F Strong, in his book entitled Modern Political Constitutions, argues that: "Government in the broader sense is charged with the maintenance of the peace and security of in a state therefore must have first, military power; second, the means of making laws; thirdly, financial, power or the ability to extract sufficient money from the comunity to defray the cost of defending the state and of enforcing the law it makes on the state behalf" (Note 9).

Employees of the state civil apparatus have a very important role because the employees of the state civil apparatus are elements of the state apparatus to organize and implement national government and development in order to achieve the country's goals. The smooth operation and implementation of government and national development in the context of achieving state goals is very dependent on the perfection of the state apparatus.

Speaking about the context of public law, employees of the state civil apparatus are tasked with assisting the president as head of government in organizing government, namely by implementing legislation, in the sense that the word is obliged to ensure that every law is adhered to by the people.

In implementing legislation in general, employees of the state civil apparatus are given official duties to be carried out as well as possible. As a servant of the state, an employee of the state civil apparatus must also be loyal and obedient to Pancasila as a philosophy and ideology of the state, to the 1945 Constitution of the Republic of Indonesia, to the state, and to the government. Employees of the state civil apparatus as elements of the state apparatus, state servants and public servants are required to be able to carry out the tasks of the national civil apparatus properly, therefore he must have loyalty, full obedience to Pancasila, 1945 Constitution of the Republic of Indonesia, the state and the government so that thoughts and directing all efforts and energy to carry out the tasks of government and development in an efficient and effective manner.

The position of the state civil apparatus under the 2014 Number 5 Year Law is regulated in article 8 where the state civil apparatus is located as an element of the state apparatus. Civil Servants as elements of the State Apparatus in carrying out the duties of the state civil apparatus, are obliged to maintain neutrality from the influence of political parties, are also obliged to maintain national unity and to carry out the duties of the civilian apparatus professionally and responsibly in carrying out government and development tasks and are clean and free from collusion and nepotism. The development of state apparatus is directed at increasing coordination between sectors, including the central and regional governments, as well as between regions and between regions to improve the quality and capability of state apparatus, functions of state institutions and government institutions, and their management to ensure smooth and integration of tasks and functions of the implementation of state government and development so that a cleaner and more authoritative state apparatus is realized, professionals of noble character, responsible, and exemplary.

In Law Number 5 Year 2014 on the State Civil Apparatus regulating the state personnel management which is compiled based on the framework of thinking that employees as individuals and as corps are an integral part of

the government of the State. Therefore every civil servant is required to have full loyalty to the State government.

In essence the 1945 Constitution of the Unitary State of the Republic of Indonesia Article 4 paragraph (1) stipulates that the President of the Republic of Indonesia holds the power of government according to the Constitution. That is, the President is the highest organizer of the State. In carrying out the State administration, power and responsibility are entirely with the President. The State Administration ordered by the 1945 Constitution of the Republic of Indonesia is a democratic, decentralized, clean government from the practice of Collusion Corruption and Nepotism, and which is able to provide public services fairly. Provisions on the form of government as stated in various laws as the implementation of the 1945 Constitution of the Republic of Indonesia which is a sublimation of the noble ideals of the nation as stated in the 1945 Constitution of the Republic of Indonesia concerning good governance or good governance. To organize such a government it is necessary to develop a professional state apparatus, free from political intervention, clean from the practice of Collusion Corruption and Nepotism, high integrity, and capable and high performance.

The recently released World Bank publication, investing in Indonesia, Institutions for Inclusive and Sustainable Development shows the consequences of Indonesia's transformation into a middle-income country. Public demand for quality public services, and quickly will increase. To respond to the rising demand, the public sector must be able to provide the public services needed by middle income communities, such as better infrastructure, better public transportation, extension of compulsory education, international quality higher education, international standard health services, and adequate social security systems, including a health insurance system to finance more modern medical services. Faster reform of state apparatus is needed to build public service capacity, Indonesia provides higher public services that require high economic growth rates. As a middle-income nation and have a higher level of education, and have an increasingly democratic political life, the people have a higher political awareness. In such conditions, the Indonesian people will demand better, more affordable and high-quality public services, including high-quality education and health services, better transportation facilities and infrastructure, and state of the art communication advice. To meet the demands of public services that are on par with other developed countries, a professional state apparatus is needed, able to establish partnerships with private, high-performing, accountable, clean from the practice of Collusion Corruption and Nepotism, so that the level of welfare needs to be guaranteed.

Based on the 2014 Number 5 Year Law, the rights of the state civil apparatus are regulated in article 21. Where a civil servant is entitled to obtain certain things such as salary, allowances and facilities, leave, guarantee of pension and pension benefits, protection and competence development. Furthermore, the obligations of the employees of the state civil apparatus are all things that must be carried out according to the laws and regulation

5. Conclusion

Based on the results of previous research and discussion about state civil apparatus in Indonesia in the conception of welfare state (a study of legal material law number 5 year 2014 on state civil apparatus),associated with the function and position of the employees of the state civil apparatus conclude as follows:

- The Indonesian state is a welfare state which is an evolution from an ancient country that was only a night watchman. The consequence of the welfare state is that the state intervenes in all forms of community activities to ensure the implementation of public welfare. In this case the role of the government is very broad in interfering in community activities. The shift in the concept of Patronage State *(nachwachtersstaat)* to the concept of welfare state, shifts the role and activities of the government, to the welfare state concept, the government is given the obligation to realize General Welfare *(bestuurszorg)*.

- The formulation of the position of employees of the state civil apparatus is based on the points of thought that the government not only carries out the general functions of government, but also must be able to carry out the development function or in other words the government not only organizes government order, but also must mobilize and facilitate development for the sake of many people.

- In Law Number 5 Year 2014 on state civil apparatus regulating the state personnel management which is arranged based on the framework that employees as individuals and as corps are an integral part of the government of the State. Therefore every civil servant is required to have full loyalty to the State government.

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Human Capital and English Language Proficiency in the Chinese Context

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Abstract

The employment problem of college graduates has evoked concern around the world, which is particularly prominent in China in recent years. At the same time, English language proficiency of Chinese college students has been emphasized within their university academic requirements as well as from prospective employers. The consequent market pressure on Chinese college students to obtain language qualifications has created an environment where not only the utility, but also the symbolic value of English proficiency has become essential. Human capital theory describes the complex connection between language proficiency and employment, as a foreign language skill, English is similar to other human capital and has the potential for economic value. From the theoretical perspective for relationship between English language proficiency and employment of college graduates based on human theory, recommendations are made for further both scholarly research and practitioner policies, namely: *National College English Teaching Syllabus*, *Regulations for Full-time Undergraduate Bachelor's Degree-granting*, and *Regulations for the Graduation Project.*

Keywords: English language proficiency, China youth employment, human capital, symbolic value

1. Introduction

1.1 Economic Necessity for the Asian Masses

Decades of progress achieved by many countries in reducing poverty is under threat, with employment vulnerability playing a key role (Zhu & Wang, 2016, August 26). The report of the *19th National Congress of the Communist Party of China* (2017) describes how the employment problem has begun to negatively affect citizens' livelihood and is considered a significant social problem in China. Furthermore, the report also stresses prioritizing the national quality of education and enhancing Chinese economic growth. Local governments and universities have also promulgated a series of policies to promote the employment of college students.

Yet, youth employment is a particularly prominent problem in China. Since 1999, the Chinese government has promoted the expansion of higher education enrollment. In 2017, the number of college graduates in China reached 7.95 million, about seven times the 1.14 million graduates of 2011 (China Education Network, n. d.). While the new educational environment could extend national learning opportunities and promote economic development, it increases competition among Chinese college graduates to obtain employment after graduation. It is this enhanced stress that drives the characteristics of the employment market for graduates in China – thereby creating fertile ground for job market characteristics which promote job prospects, but may not necessarily meet the needs of employers.

1.2 Employment Opportunity in Human Capital

Experts and scholars have long carried out studies regarding factors influencing college graduate employment (Chen & Liu, 2015; Gonzalez, 2000; Huang, 2008). Some scholars have analyzed the situation of young college graduates in the labor market by examining the impact of gender (Potestio, 2011; Rotkowski, 2003). Chinese researchers have also considered contradictions between the training of higher education and the needs of economic and social development, job market and employer selection, student interests, and social structure (Chen, 2005; Li, 2017).

A prime conclusion from the foregoing studies is that labor forces with higher human capital obtain better

employment opportunities and higher income. Human capital theory explains that education is a prime component of human capital investment, impacting employment and marginal productivity (Baptiste, 2001). This perspective indicates individuals' continuous investment in human capital through education and training is an important factor for determining chances for future employment. But human capital is derived from both direct utilitarian (achievement) and indirect value-based (ascriptive) factors. The ascriptive aspects include gender, appearance, and origin, etc., while the more directly value-based elements include specialty skills, learning ability, foreign language level, school reputation, and political outlook (Blau & Duncan, 1967).

Many language economists believe the application of foreign language human capital brings economic value influenced by the law of supply and demand in the market economy (Diebolt, 2004; Drinkwater & O'Leary, 1997). As a means to obtain this ability, learning English in college must be considered a human capital investment. Consequently, the importance of foreign language ability cultivation has been widely recognized by researchers as an important strategy for students to achieve employment outcomes (Grenier & Xue, 2011; Neamțu, 2012).

Yet, there is evidence non-utilitarian value of language proficiency also plays a role in achieving employment. Group think effects from social psychology, via the "English craze", has long played an important role in the Chinese economy and society (Nong, 2009). That is, as English increases in popularity, proficiency achieves a psychological value beyond its utility. This "English fever" may waste Chinese educational resources by directing students away from their prescribed studies, even creating a culture with abnormal patterns of language usage, with English proficiency rising as an important entry point into professions (Zhang, 2014).

1.3 Centrality of English Language Training

English is one of the most frequently learned languages in the world. In 2015, 67 nations spoke English as the primary official language and 27 more counties used English as a secondary official language. At present, over 1.5 billion people speak English, of which 375 million are native speakers (*The Statistic Portal*, 2017). Roughly four hundred million Chinese students study English ("English language proficiency application," 2016). As the main foreign language in China and around the world, college English has become a basic public course for many non-English students upon entering university.

The influence of English on the employment of college students is mainly reflected in requirements that employees demonstrate English proficiency. Zhao (2004) maintained that the level of English language proficiency is an important factor affecting Chinese college students' employment competitiveness from his surveys in paper collected in Beijing, Guizhou and other major cities. Employers now examine pass rates of the CET-4 and CET-6 (College English Test, four and six years, respectively), and some have placed IELTS and TOEFL scores in their recruitment requirements. According to the *National Long-term Education Reform and Development Plan* (2010-2020) and the *Several Opinions on Improving the High Education Quality* (Ministry of Education, 2017), college education in a foreign language is an important part of higher education in China. As a result, language training is of significance for the coordinated development of college students' knowledge, ability, and comprehension quality.

Proficiency in English plays an important role in other Asian countries, as well. In Japan, most high schools only offer English courses because many Japanese universities utilize English as part of their entrance examinations (Ikegashira, Masumoto, & Morita, 2009). In South Korea, government policies clearly outline the vital role English language proficiency plays in global competition for both individuals and the country (Chung & Choi, 2016). Within Korean public schools, formal English lessons begin in third grade; even earlier for many private schools. Many non-English speaking governments around the world provide significant financial support and investment for English education (Cristal, 2001).

2. Literature Review

2.1 Human Capital Theory

According to Schultz (1961), human capital is acquired by workers as the total sum of knowledge, health status, and level of education. Such skills are obtained through investment in education, training, health care, labor migration, and employment information (Baptiste, 2001). Human capital theory thus provides the vital link between education and economic growth, emphasizing the value of investing in human capital (Baptiste, 2001; Diebolt, 2004). Later, Becker applied a utility-maximizing approach for calculating the rates of return between education and human capital. He believed school and college education would significantly increase labor income due to the economic benefit of schooling (Stanfield, 2009).

Becker (1964) divided individual skills into special skills and common skills, and extended human capital

investment from the individual to the organizational level. That is, the organization's investment in the training of individual general skills impacts productivity of both the individual and organization. Generalized skills thus can play key roles in a variety of organizations with relatively high portability and substitutability. In contrast, the substitutability and portability of special skills, particular to the organization, were relatively weak and could only achieve the improvement of individual productivity in certain organizations. Theorists of human capital theory also argued that policy makers need to distinguish generalized from specialized skills, while considering the mode of investment (Kessler & Lülfesmann, 2006). In summary, some skills investments may increase personal income via human capital, while not realizing value for organizations and society.

2.2 Human Capital Effects and the Empirical Literature

2.2.1 What Relationship Is There Between English Language Proficiency and Human Capital?

A positive relationship between English language proficiency and human capital is supported by the literature (Chiswick & Miller, 2002; Evans, 1989; Vaillancourt, 1982; Zhang, 2014). Chiswick and Miller (2002) observed that English language proficiency meets human capital requirements. Wang (2015) studied human capital and found that it was affected by language. Many scholars have observed English language proficiency to be a central component of human capital (Chiswick & Miller, 2002; Evans, 1989; Wang, 2015; Zhang, 2014).

2.2.2 To What Degree Does Human Capital Impact Employment?

Empirical studies have demonstrated that college students with rich internship experiences increase employment opportunities and raise working efficiency after graduation (Meyer & Wise, 1979; Sagen, Dallam, & Laverty, 2000). Focusing on scholars who have studied China, Meng, Su and Shi (2012) found that college students who want to increase the probability of direct employment must work hard to expand their width and breadth of human capital. Dong and Xue (2014), in their graduates' survey conclude that academic achievement of graduates had a significant and positive impact on their employment. Liu (2015) studied colleges in Hubei Province to explore the relationship between human capital and employment, which also showed a significant result between human capital and employment as well. Similarly, Yue, Wen, and Ding (2004) concluded that human capital affects employment directly.

2.2.3 To What Degree Does English Language Proficiency Impact Employment?

The majority of scholars have concluded through empirical research that English language proficiency affects employment positively (Chiswick & Miller, 2010; Dustmann & Fabbri, 2003; McManus, Gould, & Welch, 1983; Tainer, 1988). McManus et al. (1983) revealed that immigrants' English language proficiency had a greater impact on technical positions than other positions in the labor market. Daly (2012) found that for Mexican immigrants, English language proficiency strongly increased earnings, particularly near the border with the United States. Zhao (2004) discovered that the employment rate for students who passed CET-4 was about 15% higher than those who had not. Huang (2008) showed that by the passing CET-4, college students would have 2.73% higher employment rate.

2.3 Link between Human Capital and English Language Proficiency

In human history, there has always been a very close relationship between economic activities and language development. Smith (1776) described the origin and development process of language conforming to the market principle of the "invisible hand". Friedman (1953) believed the spontaneous formation process of language and of markets was similar. Marchak (1965) revealed the economic value of language as an indispensable human tool, having economic attributes just like many other resources: value, utility, cost and benefit.

Vaillancourt (1982) pointed out that obtained knowledge and skills through work experience and formal education of mathematics, history, and English were components of human capital. He also discussed economics studies with the allocation of scarce resources among competing individuals. Such resources may be obtained with a certain price, through investment of time and capital cost, all of which expected to generate returns, including higher incomes, lower costs and a larger social network. Zhang (2014) stated that language learning itself, especially foreign language learning, is a central component of human capital investment.

Dhir (2005) believed that the economic value of language, both in macro and micro aspects, could be realized through its use. The economic values in macro aspect were mainly reflected in the language's position within the social lives of different ethnic groups, use frequency, emotion, and related language policy (Waldorf et al., 2010). Since the late 1960s, Breton (1978) took the lead in starting economics' study of bilingual and multilingual phenomena, analyzing economic status and income gap among different ethnic immigrants caused by their language factor. The micro economic value of language was mainly reflected in the positive role and impact of the language ideographic function of people's communication behavior. As a result, people were urged to do the

corresponding economic behaviors that met their expected needs (Chiswick & Miller, 2003). The use of specific language on various occasions in different areas is the embodiment of this kind of micro economic value. Lazear (1995) believed that, through language learning, individuals would have more opportunities to communicate expanding social networks and more fully integrating into their local society, thus obtaining more employment opportunities.

With the development of economic globalization and integration, English as a "world language" occupies an important position in the political and economic activities of various countries (Wang, 2015). According to Chiswick and Miller (2002), English language proficiency has the property of production factors meeting the human capital requirements in three areas. First, English skills can be obtained through learning, vocational training, and other social activities. Second, the great amounts of time, energy, and money to obtain English skills are considered in terms of costs, benefits, and utility. Third, the positive factors of the English proficiency level of individuals in the labor market are quite salient (Chiswick & Miller, 2002).

Wang (2015) concluded that human capital is affected by language, emphasizing the economic value of language. He explained that acquisition of English language proficiency requires direct and indirect costs, especially the opportunity cost of time. Therefore, if language learners spend their language learning time on other tasks the learners achieve different levels of ability (Wang, 2015). According to Dustmann and Fabbri (2003), an employee could obtain different economic benefits and thereby have a certain market value provided that the language learned meets the requirements of their labor market. A Chinese scholar, Yin (2010) observed that as an investment of human capital in a specific form, English learning will naturally produce economic benefits. Yin further explained that English language has potential economic value similar to other human capital, obtained through investment and accruing profits through the application of English language.

Other human capital scholars have considered the cultural attributes of language (Lazear, 1995). For example, by utilizing qualitative and cross-culture research methods, Milken and Mohamed (2014) determined that English language proficiency could be considered as a form of cultural capital, which has become associated with symbolic values. That is, speaking fluent English becomes a demonstration of high social status, increasing the attributed human capital of the speaker. Piche, Renaud, and Gingras (1999) demonstrated that the individual education return rate in emerging industry is higher than in other relatively mature industries. They believed that this was a result of better education and study abilities of individuals who engaged in the emerging industry. Such individuals are more adaptable to technological changes, and therefore, they have the potential to obtain a higher income. In other words, they gain a greater understanding of the industry, another manifestation of cultural capital.

2.4 Link between Human Capital and Employment

As described earlier, Blau and Duncan (1967) divided individual human capital in American society into ascriptive factors and achievement factors. In their empirical studies, Blau and Duncan (1967) demonstrated that ascriptive factors and achievement factors influence individual employment interdependently. Achievement factors are acquired by the individual through formal or informal education and vocational training. Ascriptive factors are inherited, including most importantly, the individual's paternal education level and occupational status. In this view, during college students' job-seeking process, human capital becomes the cornerstone of success, whereas social capital is the bridge to identify holders of human capital.

Schultz (1963) opined that human capital is embodied in the labors' degree of knowledge, technical level, job skills and health, and specific human capital investment is the comprehensive value of those aspects. Becker (1964) found human capital being closely related to employment because human capital is associated education investments, job experience and skills, increasing labor market results (Byoun, 2013, p. 27).

Scholars have also used various other models to prove that people with higher human capital have spent less time in finding jobs (Akram & Nymoen, 2006; Riddell & Song, 2011; Saito & Wu, 2016). Huang (2008) proposed an employability hypothesis based on human capital. Meng et al. (2012) explained a view that college students who want to increase the probability of direct employment must work hard to expand their width and breadth of human capital, as well as be aware of the network of human capital contributors. This idea was developed based on the changing circumstances of China's labor market transition since 2008.

Consequently, many scholars concluded that people would achieve economic benefits through language by engaging in various kinds of occupational activities based on human capital theory. The higher level of proficiency in foreign languages will generate higher economic benefits. Employers would provide people with better working conditions and income (Chiswick & Miller, 2002; Espenshade & Fu, 1997; Shields & Wheatly, 2002).

2.5 Link between English Language Proficiency and Employment

The basic attribution of language as a foundation of the relationship between language skills and employment in economics is based on two perspectives. One perspective is to consider language as the carrier of culture, and identify the effects of language skills on individual employment by social discrimination or identification (Lazear, 1995). The cultural attribute of language is able to produce a type of identity recognition among people who speak the same language (Espenshade & Fu, 1997). Meanwhile, language difference from different groups causes gaps and friction in communication, leading to lower cultural identity and alienation between different groups. Based on the cultural attribute of language, Lazear (1995) created a model to focus on the individual language learning orientation, the relationship between the population scale and the social integration. He believed that, through language learning, individuals could have more chances of communication to expand social networks and to better integrate into local society, thus obtaining more employment. In the labor market, people who spoke a principal language would gradually alienate the people who used non-principal languages (Grenier, 1989). Identity discrimination resulted in non-principal language groups becoming marginalized in the labor market which formed labor market segmentation. This played an adverse effect on employment for minorities (Chiswick & Miller, 2010; Drinkwater & O'Leary, 1997). Toussaint-Comeau (2006) in a study of Hispanic immigrants in the U.S., stated that those with a language proficiency in English had higher occupational status than those who did not speak English. Taken together, these studies point to the importance of maintaining social networks and the role English language may have in creating such relationships.

Another research perspective of the relationship between language and employment included a human capital lens (McManus et al., 1983; Tainer, 1988) which regarded language skills as an external representation of individual ability; a signaling (Chiswick & Miller, 2008). This economic value of language was affected by supply and demand in a job market, leading to a scarcity valuation of language proficiency (Boyd, 1992). Lang (1986) analyzed the segmentation of the labor market based on the perspective of language differences and created a model based on the human capital attribute of language influence on the mechanism of employment. He suggested that language differences between different groups led to the production of communication costs, thus forming a division of the labor market. Because of the cost of language learning, the group that used non-principal language had to accept the division of the labor market (Lang, 1986). In addition, the extremely competitive Asian employment markets foster student differentiation that may be more related to sociocultural values than to educational value as expressed by knowledge, skills, or abilities (Chung & Choi, 2016).

2.6 Direct Value of English Language Proficiency

As an external representation of individual ability, the degree of language ability reflects individuals' productivity (Budría & Swedberg, 2015; Thomsen, Gernandt, & Aldashev, 2009). Enterprises or employers may infer an employee's ability from the individual's language competency by waiving the possible adverse influence of language-led alienation and discrimination in the labor market, guaranteeing their employee's job opportunity and income (Chiswick & Miller, 1995; Dustmann & Fabbri, 2003).

Since English plays an essential role in the education system in China, Chinese people have become more enthusiastic in English learning. Increasing numbers of Chinese scholars studied the influence of English language proficiency on employment and identified significantly greater employer's requirements of English ability by the job seekers (Du & Yue, 2010; Qiao, Song, Feng, & Shao, 2011; Yue, Wen, & Ding, 2004). Lv (2011) surveyed on the employment status and university English learning situation among university graduates in Liaoning Province in 2010. He discovered that many of the employers had a clear statement on graduates' English level requirement.

Zhao (2004) observed that the employment rate for students who have passed CET-4 and CET-6 is higher than those who have not passed the test. English proficiency affects employment location selection (Zhao, 2004). For example, Beijing and other major cities have considered passing CET-4 as a basic requirement if graduates want to stay in the city for employment. The salary of college students who passed the CET-6 is 4.5% greater than their counterparts who did not (Wang, Smyth, & Cheng, 2017). Major employment units such as foreign companies, large enterprises, and scientific research units have required high foreign language proficiency (Zhao, 2004).

2.7 Other Concerns About Language Training

But there are yet other reasons to consider why English language training may not achieve economic growth for the China people. First, the objectives of English language teaching are strictly based on comprehensive English language proficiency required in the *National College English Teaching Syllabus* (2007). As such, Chinese university curricula system cannot adapt to social needs - and therefore, there may be gaps between current job

market requirements and the English language proficiency objectives of English education for students.

For example, demand for English in Chinese labor markets is concentrated on pursuing applied language abilities. However, the training objective of English language proficiency in many universities and colleges stays in a traditional research teaching model, which may lead to a conflict of educational characteristics. Particularly critical may be the possibility that their teaching methods and contents may deviate seriously from actual situations.

In addition, perhaps inappropriate English language proficiency is stipulated in promotion and job hunting. Many Chinese companies require college graduates to have CET-4 and CET-6 certificates for any position. Consequently, most universities and colleges choose a single set of unified English materials for all non-English major students, and implement a single policy requiring the CET-4 for a bachelor's degree. This simplified mandate may be harmful to the development of science and culture, while adding to issues of hiring that emanate from inappropriate metrics.

Second, due to great advocacy by the State, English language teaching plays a very important role in the current institutionalized education. English language learning and examination taking are mandatory from Chinese junior middle school to senior professional title assessments. Yet, some colleges and universities may lack clear and definite cultivating objectives for their College English courses. In turn, many graduates have no clear awareness of how to define English proficiency before their job hunt.

In addition, many have commented on the low means of students taking the CET-4 (Liu, 2013). This reflects the poor level of students' performance in English in general. As a result, college students may pass the CET-4 and possibly even the CET-6, but lack fluent English speaking ability and English applied competence. Therefore, the talents cultivated with the current English language teaching mode in Chinese universities and colleges even deviate from the level of English language proficiency demanded by the testing system. Internal reasons may play a role; often, college English teachers may lack practical experience themselves. Relevant departments may also ignore professional needs, adopt compulsory English testing, violating teaching rules, and causing a waste of social and educational resources.

Moreover, curricula and systems capable of responding to new situations need to be established. The structures of the CET-4 test as well as the Academic English test are in four sections, including writing, listening, reading and translating. English education in China focuses on cultivating students' basic skills, such as listening, speaking, reading, writing and translation as per the guidelines in the *National College English Teaching Syllabus* (2007). Currently, College English curricula arrangement for non-English majors are operated by a unified two-year education model. The model is restricted by a lack of teaching material which impacts negatively on the students who require multi-level English language proficiency in order to join the job market. Present language acquisition policies create mechanized and formulated teaching and ignore the inner interest of the English learner. However, the central government did promulgate a series of policies to try to change and promote English education. Some specialized courses are required in bilingual teaching in order to improve students' language skills and related professional abilities, in addition to College English and Academic English. However, rapid development of Chinese society has determined that the goal of English talent cultivation and the corresponding curricula may need to stay dynamic.

3. Conclusions

Many employers require graduates have strong English language skills prior to hiring. To support the rapid development of Chinese society, higher requirements are being placed on the cultivation of English language talents. English learning for Chinese students who attend various occupational examinations require a huge investment of time and money. Chinese parents and students spend about $60 billion a year just for English language teaching. It reports that 56% of non-English major students spend much of their time on English learning (Chinese News Net, 2013, Oct 18). This implies lessons for learning the English language accounts for a large portion of educational resources and some of these investments may not be particularly effective in promoting employment growth. However, the present review identified reasons why English language proficiency leads to success in the job market, but perhaps less directly to achievement in the workplace itself. That is, English proficiency's symbolic and networking value to student job seekers. The Chinese English education system may need to work towards responding to these dynamic demands placed on English language proficiency.

3.1 Recommendations

The findings of this review supports other studies which suggest rethinking English education in China and how

to best promote employment of college graduates (Hu, 2015; Li, Morgan, & Ding, 2008). The training of many students in English language proficiency has made great contributions to China's economic growth, social development, and cultural exchanges for many years. Clearly, English language proficiency has both utility and symbolic impacts on the employment outcomes. As such, various stakeholders in Chinese society may need to reflect on the problems associated with teaching English in Chinese universities.

3.1.1 Higher Education

The requirements of China's rapid industrial development should be met by the quality, knowledge, and competence of graduates. But the existing teaching system displays contradictions between market demand and development objectives. As suppliers of the labor market, Chinese colleges and universities may need to establish mechanisms more closely related to societal demands. According to new employer requirements of English language proficiency, institutions may need to re-examine the direction and strategy of English language teaching for training English language talent.

In College English courses, increased content directly related to employment and reformed teaching styles are indicated. Moving beyond the single traditional lecture-based teaching style, experiential learning may be added (Zein, 2017). For example, various employment scenarios may be presented to students to simulate real job market competition environments, allowing them practical use of their English language abilities. In addition to improving their competitive power in the marketplace, this will help to improve their interest in learning English.

Further, educators and administrators of universities and colleges may also need to take note of the importance of profession-specific abilities. To enhance students' learning initiative, specialty course teachers should strengthen professional education in specialty courses. Colleges and universities develop students' professional qualities, professional and social abilities, and problem-solving abilities. In other words, universities and colleges should strive to help students accumulate human capital so they are better equipped to respond to the demands of the labor market.

Institutions also should assist students change their perspectives regarding employment to gain more realistic employment expectations. University career centers may need to carry out a series of guidance courses and implement one-on-one coaching. These may help college students become aware of employment situations, build confidence, and establish positive attitude. To enhance the knowledge transfer, career centers at colleges and universities may provide information on employment, various forms of career guidance, and labor market predictions. They may need to also emphasize consultant and employment information services which do a better job with helping college students choose their major so that students are placed in a position to succeed right from the start.

3.1.2 Government

At the same time, government also may need to more systematically monitor how universities implement new programs and services. However, the regulation and reform of English education cannot be made with a "one size fits all" mentality. English examinations cannot be cancelled, nor English study ignored. The intent of reform is not to cancel English examinations or eliminate English language study. A primary goal for English education should be to promote employment effectiveness, as well as competitiveness of graduates.

In addition, it is recommended the Chinese government play a core role in creating a more cooperative atmosphere between higher education and enterprise. Related governmental departments should timely publicize the demands information of employment and foster information feedback between organizations and higher education. The government may need to develop job information networks in an official manner to achieve nationwide connectivity. This may help to promote employment and avoid the spread of misleading information about the content and value of English language proficiency.

3.1.3 Organizations

Enterprises choose selection criteria to recruit college students. Many of these selection criteria follow traditional styles in that they require English certification for every candidate in every position. For example, the policy of English language proficiency does not need to be rigid in the fields of non-English majors. According to their employment data, many companies set English language proficiency as a screening threshold of employment. However, it is suggested that policymaking may need to be made more nuanced in different fields so that the restrictions on the English language proficiency for the non-English major personnel or candidate, be reduced or exempted.

However, as shown in the present review, English language proficiency may not always have directly impact employment. Therefore, it is recommended that if a given career does not actually require English language

proficiency, enterprises should not focus too much on language, since these investment heavy skills would not help students much. Instead, enterprises may need to screen potential employees based on their professional skills and experiences developed during their college study.

3.1.4 Students and Families

Human capital of college students has a positive impact on their employment. Consequently, college students must try their best to strengthen their practical ability, enrich their professional ability, and enhance their individual worth. Only by developing their professional skills through study are college students able to improve their own comprehensive qualities, enabling them to adapt to a continuously changing environment.

But to promote the healthy development of English language learning and teaching, it is necessary that the status and role of English education in school and society be understood and implemented throughout society. Presently there is a phenomenon of blind pursuit for English language certification by potential job applicants in China. Families should try to understand the "English craze" for its symbolic rather than utilitarian value.

3.2 Further Research

The present study has discovered a number of reasons that Chinese English language outcomes could be improved, based on human capital theory and empirical validation. One might say that in creating job outcomes, human capital is the foundation and social capital is supplementary. This amounts to a proposition that should be examined empirically: is social capital be a moderating variable (without it, human capital can't effectively function) or is it a mediating variable (with an implication that social capital might be an outcome of human capital investments).

Therefore, this process will require building social and cultural capital models. Some have called very recently for bringing a Bourdieusian philosophy to the study of Chinese higher education (Yu, 2018). As outlined above, as better students make their outstanding English proficiency manifest to all, speaking English takes on a strong symbolic, segmenting aspect (Choi, 2003). Bourdieu's cultural capital and social capital both play roles in students' employment success (Daly, 2012). Therefore, bringing human capital and social/cultural capitals into a single nomological model would bring clarity to understanding how English language proficiency impacts job outcomes.

A central outcome from this work is the primacy of human capital in studying English language proficiency. Different dimensions have been identified in the literature, including achievement and ascriptive, micro and macro, cultural and social. The balance among them in determining outcomes may allow for changing policies and individuals requirements. For instance, if the segmentation impact is most important, perhaps English language training might take on a more culture-intensive nature, rather than the employment-driven utilitarian aspects of language proficiency.

Acknowledgments

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Turkestan Khanate from the Russian Colonial Empire to the Autonomous State

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Abstract

Article is devoted to synthesis of practice of the solution of an ethnic question in Kazakhstan in the twenties. In article the history and a historiography of a problem of interethnic processes in Kazakhstan in the 20th years of the XX century are considered. Giving a retrospective assessment to the published literature on a historiography of the Soviet society, including on a historiography of the international relations, it should be noted negative impact of the party and state documents for the concept of national policy that undoubtedly led to wrong concepts and ideological dogmas. Therefore everything listed led to inadequate reflection of historical reality, tendentiousness of judgments, practice of concealing and distortions in article the main problems of a historiography of establishment of the Soviet power in the region and Sovietization of the Kazakh aul, formation of the Kazakh Autonomous SSR and the Kazakh SSR are also considered.

Keywords: historiography, interethnic processes, national intelligentsia, tolerance

The beginning of the XX century of radical turn has coincided with very sharp period in the history of the Turkestan region. Being decades under a colonial yoke internal resistance has developed into an open popular uprising. It was accompanied by a variety of reasons. Namely, first, the economic occupation of the new centers of the Turkestan national economy created for years: cotton economy, distillation of cotton oil, production of ore, railway transport and other areas couldn't squeeze an integral part of a complex of the national economy of edge. They have been directed to satisfaction of demand of the central regions of large businessmen of Russia. It, in turn, has led to a conclusion of raw materials having left the people without earnings and brake development of production in vicinities. Secondly capitalist production has overturned edge economy back, local small needlework couldn't compete with industrial goods of production of the mother country and eventually has come to disintegration. Thirdly, reduction of sowing lands of raw-material producing economy of the edge working for the Russian economy has resulted decrease in production of needlework in economic dependence of edge. The local people have experienced all weight of this dependence in World War I. Fourthly, economic lag, an excess of all layers and groups of uninvited newcomers, boundless domination of colonial administrative facilities of a tsarism, management of edge of the occupied military bayonets, limiting the political rights of local population, has even more aggravated a situation. Fifthly, modernization by external forces of own culture in the field of culture, having caused danger of destruction of cultural heritage, has led to destruction of vital traditional values of the people. Sixthly, colonization, having destroyed a traditional economic system of Turkestan, has deprived of a possibility of self-preservation on a national basis, stagnation, the movement back, lag, rise in unemployment have sharply reduced the standard of living of the people. Thus, all this has led to strengthening of scandal in life of society, political instability. To it the numerous spontaneous popular uprisings which have happened in this region demonstrate.

Change of Turkestan society with external forces is obligatory had to lead to a people spirit against colonization. The colonial mode became notable as the hung danger over a being of the local people, their traditional existence. It, of course, has generated a spirit against colonization, has pushed to is general to Turkestan association based on traditional installations and norms public the relation of all layers and groups of the Turkestan society.

Bright pages of people's liberation fight have been written during a people's liberation revolt in 1916. It differs in the mass characteristic of the people's liberation movement of the people of Turkestan against colonial oppression. The revolt in Zhizaka in 1916 was the people's liberation movement which has captured all social groups. Outstanding national educators of Turkestan, such as Moustapha Shokay, Ubaydulla

Asadullakhodzhayev, Munavar Cara in 1916 have reported about a revolt that it has given a political resonance across all Russia. The question of a revolt of 1916 was considered in the State Duma at an open meeting at the closed meeting on December 13-15 since 1916. Deputies of the Duma in August, 1916 in the large cities of Turkestan conducted survey among participants of a revolt in advance, collecting their answers and testimony. Based on assessment and opinion the representatives of the Russian administration given by some deputies on answers of participants of a revolt, a meeting of the State Duma has hosted a revolt of 1916 as political awakening of Turkestan is and has estimated as fight of the people of Turkestan against a colonial yoke [1].

The people's liberation revolt of 1916 has left an indelible mark in national consciousness of the local people of Turkestan. On the way to independence against colonization life has shown need of association of forces.

Representatives of Muslim belief have played a leading role of unity of society around one idea. Representatives of all levels: the preacher, teachers of religious educational institution, religious judges, heads of charitable institutions and others carried out thorough work on the way of strengthening of communication of Islam of Islamic values and traditions of education, educational, educational institutions, the mosque, school, madras in family and waved. They called themselves representatives of Jadidism. This term from Arab "usuli-zhadid" - a new method

In the beginning the XX centuries came to the arena of lives of the Turkestan society and society a dzhauidizm as the cultural and educational movement by the purpose of which has widely extended was to create scholastic education reform. His ranks were made new grown national the intellectuals, visible by representatives of Muslim religious area, merchants, teachers and students of religious school, petty officials, progressive publishers, writers, journalists and natives of other various social groups. His most outstanding representatives M. Bekhbudi (1875-1919yy) Abduraup Fitrat (1886-1938) Abdullah Karim (nickname Zhulkynbay, 1894-1938), Ubaydulla Hodzhayev (full name Munavvar of Karn Abdourachidkhanoula, 1878-1931), Tavallo (full name Tulagan Tuzhamiyerov, 1882-1939) and other

One of the first a condition of development of society the Jadidism put creation of system of training of education of the people. Considering that in the direct way of development of science and education, cultures training by new methods at schools and madras is, it is offered to develop the new program. Because on the former system of training the training program at schools and madras didn't correspond economic, spiritually cultural relations of that time. As without explaining ancient, average century, religious scholastic concepts has been based only on cramming in Arabic.

Supporters of a new method, that is Jadidism have offered along with lessons of religion carries out on specialties of other areas, such as history, language, arithmetics, natural study, geography [2].

As a result of a revolution on February 28, 1917 within 300 years the ruling dynasty of Romanov in imperial Russia has quitted the historical stage. On March 2, 1917 the countries which are seldom found in the history were established two powers, which are two dictatorships in the form of provisional government, the proletarian revolutionary-democratic dictatorship protecting the interests of the bourgeoisie, on the other hand, in the form of Councils [3].

On March 3, 1917 the provisional government has published for the Russian citizens the political program in the address and the Declaration. In her the ban on introduction of political freedom of a word, formation community, holding meetings and strikes, estates and religious groups, for elections at the Constituent assembly was solemnly disclosed, to undertake quickly preparatory work, acceptances of the power and the law of the country, elections of local self-government institutions, to change police for national militia, to make complete political amnesty.

The political situation in Petrograd, new board, have adopted the first acts of the main department of the country respectively on mood of various social groups and groups of political parties and social movements and they have heartily welcomed provisional government. At this particular time leaders of the movement Alash A. Bokeykhan, And Baytursyn and M. Dulat have lifted the mottoes "Freedoms", "Equality", "Brotherhood".

The political situation in Russia began to extend to other regions on March 3, 1917 were created the Tashkent Council of soldier's deputies. From their initiative in the cities of Turkestan and workers and the soldier. Formation on the Soviet class installation has influenced also national structure. On these councils Europeans had privileges and superiority. Because on Bolshevist to measures on any continent, the worker of any nation, the collective farmer, the soldier each other relatives, and the rich brother who was born from one mother is considered your sworn enemy. That is not the nationality, but a class is important for them. Therefore their slogan was "Proletarians of all countries unite."

As shows our research if in Russia there was double a government, then in Turkestan three power were established. Because at this time along with provisional government and councils there took place elections of executive committee of public organization and committee of public safety. Commemoration democracy representatives of Jadidism were at the head of them. With their initiative on March 6,9,13, 1917 in old "Tashkent thousands of locals have held meetings and meetings." They announced the program appropriate to the interests of local population. Delegates, natives of local population were unanimously elected in committee of public organization of Tashkent. Among them there are Ubaydulla Hodzhayev, Tashbulat Norbutabekov Zayuddinkhodzha Sarisakhodzhayev and Abdusakhidov Ganiyev. At one of such meetings revolution such as elimination of the real system of police on her place has been hosted and to construct institute at which mukhafiza from national local representatives will be chosen. By a majority vote Isambek Hudaykhanov has been elected the commissioner of the old city, and Musakhan Mirzaimov his deputy [4]. These days formation of representative body of the city of Tashkent covering all departments was one of the most important events. It became a basis new to the created organization. On March 14, 1917 there has taken place the first meeting of this organization from the Kazakh and Tatar people society under the name "Shuro and Islamiya" has been constructed of 61 representatives as local representative body [5].

At this meeting the decision of formation of the colleague of the organization from 15 people has been made. Abdouvakhid Karn, Kattakhodzha Bobokhodzhayev, Mulariza Akhund Yuldashkhodzhayev, Abdusalami of Karn Hidoiatbïev, Ubaydulla Hodzhayev and others were a part of the colleague.

The list of "Shuro and Islamiya" and his board show that in their ranks there were representatives of different views the uniting national idea and Muslim unity. At that time in "Shuro and Islamiya" such activists as Ubaydulla Hodzhayev, Mounavar Karn, Abdullah Avloni were outstanding leaders of the movement a dzhadizm. With their organizational activity program documents have been accepted.

At the first meeting of board "Shuro and Islamiya" the provisional rule was accepted. Duties of system holding meetings with cleaning with the purpose in the city, the village and kishlaks and public promotion of an explanation of creation of the new organizations protecting the interests of the local people of Turkestan, work on elimination of unreliability among various nationalities of edge have entered him and to define the system of measures of their rapprochement and association, to expand communication between various national committees and parties, to bring to them freedoms of desire of the Muslim people, to prepare the project of reform on public, political, scientific religious life, education, involvement of Turkestan people in new board, to call is general the Turkestan congress of Muslims for ideological and political firmness and also a problem for extension of contacts with the Muslim all-Russian Union to send the representatives to representative bodies of the Muslim All-Russian Union [6].

The purpose and activity of combination of the Tashkent national democracy shown in the provisional rule of "Shuro and Islamiya" and Muslims of edge, this awakening of political consciousness, also demonstrates orientation of attraction them to active participation in public political life of the country.

This aspiration Tashkent citizen has got broad support of the population of the region. On April 8, 1917 on 6 m a meeting of "Shuro and Islamiya" was offices "Shuro and Islamiya" in the cities of OSH, Andijan, Skobelev, Turkestan, Mary are open. At the initiative of Jadids in April in Namangan, Samarkand, Kokand and Turkestan and other cities offices "Shuro and Islamiya" have been open.

In 1917 during the period from April to July at the initiative of Jadids the political organizations have been at the same time created. Telling by name "Islamiya Club", "in Samarkand", "Mirvozhul Islom" in Kokand, "Munayin the at-taliban" in Hodzhento and others. This tendency has shown an important role of the Muslim people of edge in destruction of an old regime. The national organizations and the movements have shown vigorous activity in destruction of the device of imperial autocracy consisting of councils of the European workers and soldiers, in repulse by their defender and further revival of process of updating. As a result of this persistent work at the beginning of April, 1917 the Turkestan Governorate-General the former support of imperial Russia has collapsed and the former management personnel was updated.

Formation of "Shuro and Islamiya" was an important event in political life of Turkestan. It I have made big changes in strengthening political in Turkestan and establishment of the power. With development of Shuro and Islamiya institute in Turkestan not the double and threefold political power was established. It:

1. The Turkestan council – as the body organized from working, soldier's deputies of the European nationalities;

2. Executive committee public the organizations - as the temporary power protecting the interests of the bourgeoisie;

3. "Shuro and Islamiya" – protecting the interests of the local Muslim people of Turkestan

After fall of the Russian Empire the aspiration of the colonial people in its structure increased. The Turkestan progressive civil idea was close to the liberal bourgeois canons of the Russian cadets [7] - the Uzbekistan scientist – the historian S. Agzamkhodzhayev shows. According to him, Lenin though recognized the status of self-government conditionally in the conditions of capitalism at the time of socialism shows also to a question about self-determination of the proletariat in the nations.

The Muslims who have joyfully met a February revolution of 1917. In Russia, having come to bureau of Muslim France the Dumas have wished having learned to develop new strategy about position of the Muslim people in Russia [8]. After this bureau of Muslim France afterwards announced in a collegially meeting on March 15-17 in Petrograd the forthcoming All-Russian Congress of Muslims on May 1-11, 1917 [9].

The Russian Muslim figures having created the Temporary Central Bureau, have elected as the member such figures as Alikhan Bokeykhanov, Moustapha Shokay, Zacky Validi, Ahmed Salikhov, Salikerey Zhantorin, Nesip Kurmangaliyev, Ismail Limanov, they have made the decision to open information publishing house for the serious publication about the work [10].

At this joint meeting in Petrograd there were heated arguments about important problems of Russia in the future and national autonomies. If chairmen of Bureau Ahmed Salikhov and Ibrahim Akhtyamov Ismoil Limanov, Moustapha Shokay wanted that Russia became the democratic republic members of cadets and Social Democratic Party were against the system of federation. I was the main cause not only in political installations of party, but also in own features of each area of residence of Muslims. Muslim minorities left against the system of accommodation in the region. Ahmed Salikhov, speaking about importance of formation of national and cultural autonomy I have expressed opinion on danger of system of federation that federations system instead of unity of the Russian Muslims the arisen departments such as Kazakh, Kazakhstan, Crimean, Bashkir, Tajik, Azerbayzhan will be the cause of smashing of Muslims [11].

The party which has left against federations system being afraid of adoption of opinion of supporters of federations system on the Russian Muslim Congress which is coming on May 1 with participation of many delegates of the region supporters of federations system the passed from Azerbayzhan, Bashkiria, Turkestan, the Kazakh steppe, their representatives that has surpassed their opinion strenuously carried out preparation for the Congresses in Tashkent and Moscow [12].

Whether the problems begun on the Petrograd Congress will be the Turkestan form of government and the Russian form of government federations, or there will be a unitary board became the main agenda last Turkestan general Congress on April 13-15, 1917 and the Turkestan Muslim first Congress on April 16-23, 1917

On this congress haven't come to a consensus. Because the Russian monarchists and cadets haven't wanted to operate together with the Turkestan Muslims. As for social democrats and Social Revolutionaries they wished support of Turkestan people. As elections took place on democratic basis not numerous parties from Russians couldn't come in the way to the power. Their supporters in the majority were from the Russian Dzhetysuysky province. In their other regions was in very small quantity [13].

The representative of cadet party the nationalist supporting colonialism N.B. Maliytsky in management of Turkestan has offered the Turkestan Parliament and city maslikhat to divide into the Russian chamber and chamber of local nationalities and that most of the elected members on the Turkestan general Madzhilis consisted their Russians. The purpose of it was to keep the guide of Russians in management. It was the Turkestan sample of the hidden policy of British of the colonial countries such as India. Cadets, having united with such educators as Moustapha Shokay, Narbutabekov, Pashabek Pulatkhanov, Sh. Shayakhmetov wanted to approve this project [14]. However this project has encountered persistent resistance" it isn't necessary are afraid of the fact that there are a lot of Turkestan people, local women as well as the Russian women will participate in elections, in it there is no danger such" [15].

Enlightenments, such as Zali Validi and M. Bekhbudi have published the regulations that speaking about groundlessness of opinions on need to speak only Russian on Turkestan Parliament, Turkic and Russian languages have to be equal from the legal point of view [16].

At a meeting on April 15 on Malitsky's performance the large number of local population in management will demand further the strengthened use of local representatives of Zacky Validi has answered: "It is impossible to take away from anybody the suffrage with independence arrival." Saying that in public administration the danger of transition of a hand of incompetent shots because this problem was is groundless it is successfully resolved by a condition of the higher education of employees. Even Zacky Validi advises to consider this problem from the

point of view of local national interests. "Even more to colonize Turkestan to acquire a colonial technique of England in India you have translated these thick books from English into Russian instead it would be a little more correct to publish works in Russian and Turkic languages that it became known equality of the suffrage dominating and the oppressed nation of the colonial state" [17].

Muslim educators have entered this problem on the agenda on Turkestan Muslim congress if cadets make the decision inherent in the Russian chauvinism, declaring determination of repulse participants of Turkestan General Congress clearly have felt not changing continuation of imperialistic intentions. Local the representatives who have arrived from the remote corners of Turkestan are national have organized on April 16-23 the Congress in the national direction [18].

During the period since April 13-15 in Tashkent there has passed the Congress of a meeting of the general Turkestan Russian and the Turkish revolutionary committee under the name "Turkestan First Congress of Muslims". There were 450 people among whom there were 93 representatives of Russian society [19].

The congress considered the following main directions:

1. Form of government of future Russia

2. The place of Turkestan in the form of government of Russia

3. Problems of the earth and movement.

This collecting was similar to preparation of the All-Russian Muslim congress from May 1 to May 11 in Moscow [20].

The future of Russia and the place of management in her a form of Turkestan in the agenda of the congress have raised a question that there will be a fight. Let across all Russia Congressmen have supported the new forms of government, existence of the democratic republic. Unitary the form of government, but whether is in this question two opinions of the intellectuals have to has rallied on the basis of federal. The first - creation of autonomy on the earth, in connection with judgment, the second stood on the side of the people against this creation of autonomy. As a question of the autonomy of Turkestan, in the solution of this question. Group of supporters national and cultural autonomies, wouldn't appear. At last, on an initiative and the qualified majority the Kokand Bekhbudi Mahmoud and Hodge Abidjan Makhmudov takes federal system for the decisions [21].

On April 21 in Turkestan most of participants of the Congress Ubaydulla Kozha have suggested to create the National center of "Central Office of Muslims of Turkestan").

Central Sovet has elected the following persons: Moustapha Shokay (chairman), Ubaydull Hodge, Mahmoud Abidzhan, Mir Adil, Shawls Ahmed Shah Islam, Hodge Mahmoud Bekbudi, Mufti Sadruddin Khan and Zacky Validi Togan (secretary), Zacky Validi has taken place a meeting with the management of the National Center "Sovet" have made the decision on issue of the newspaper, [22].

The first Turkestan Muslim Congress Discussed problems of the earth and movement. It was offered to return the lands which are taken away by provisional government to the people. Unfortunately the taken-away lands haven't been returned [23].

Though work of the Congress was carried out respectively by the interest of the people, the made decisions have been left on decisions of a general congress. However from feature of the Tashkent congress there was a big difference of views of the Turkestan educators

In them special influence of ideological views of the Russian political parties is noticeable. And at the subsequent summits fight between parties however is noticed formation of the National Center has influenced association of all Muslims [24].

Formation of the Turkestan federal state of the region 15.673.610 long (82% of Muslims) and 4.010.139 versts was an ultimate goal of the decision of the formation of autonomy made on the Turkestan Congress of Muslims. Into the structure of federation it was strong to enter Kazakhs of the Kokand khanate, Bukhara emirate, Khivan khanate, Kazakhstan, Bashkiria and Orenburg. But a new control system of Russia haven't allowed it happens [25]. On the way to independence this movement has accelerated the course.

History of education is one of the fields of own history and is closely connected with historical science. After establishment of the Soviet power in the first years the complex problem in our story about literacy of the people of the Turkestan region hasn't been defined yet. The contradiction in official data was the main cause of it.

Due to our history of B. Momyshula said: "I am upset that history of our nation is forgotten. Yesterday's Sanjar Asfendiyarov, Mukhamedzhan Tynyshbayev there is one doctor, one engineer of the railroad have enclosed by

the opportunity the contribution to writing of history. These people understood and felt fetters on only on hands and legs, but also in consciousness and dreams. Ermukhan Baymakhanov's aspiration to heroism, patriotism adjusted historians. But, unfortunately, they shy and indecisive. The most important, at our today's historians isn't enough spiritual sensitivity". Now though not shy time, along with spiritual sensitivity isn't enough the experts who are deeply knowing history and except formation of national ideology of history of the people for anybody not a secret that former comprehension of our history takes place. And still, recently in connection with adoption by Kazakhstan of independence it is worth supporting display in a favorable type of cultural wealth of our city.

In Russia come to the power armed with forces Bolsheviks of a distance have continued great-power Russian chauvinism. The Bolsheviks who have come to the power for implementation of the program and prevention of a bigger disintegration of Russia and division into national structures were accepted to urgent measures, on local lands with active participation in a view of the Soviet autonomy. As a result of April 30, 1918 has appeared Turkestan the ASSR.

Any society, a specific place are held by educational education and science in his further development. Without them development of society is impossible. Therefore as a result of the life experience of citizens accumulated for years has entered life situation "without study isn't present knowledge, without knowledge there is no life"

Whatever was the power in society, it is interested in his development. For example, and "given rise the proletariat and fallen a victim" the bourgeoisie in capitalist society on the way of enrichment has been interested in literacy of workers for their assimilation in technology of the plants and factories.

After Kazan a revolution, accepting "autonomy", for the purpose of establishment of socialist society of the Soviet power, for development of agriculture for training of specialists of education and culture have been forced in Turkestan by the ASSR to open a higher educational institution.

After the victory of the February revolution, overthrow of the tsar from a throne. Kazakh democratic educational society with pleasure has accepted this news, hoping that now roads for the Kazakh people for the rights and freedoms will open and one of the main problems national – liberation movement creation more conditional for development of national education and culture is. Along with it, the Kazakh educators, having united with the Russian liberally – the democratic intellectuals the representative of educational society of the advanced Kazakhs of Turkestan thinking of position of the people in the Turkestan region sought to open national educational institutions of different steps in the region. As a result in the government of the Turkestan Republic the working Kazakh educators attaching crucial importance to carrying out training at school in the native language, by this direction tried to raise national culture. At the same time, by forces of the Kazakh educators in the Turkestan Autonomous Republic works on elimination of illiteracy of the people have begun to be carried out. Comprehensive schools, courses, clubs, libraries and other systems educational and culturally – educational institutions are created.

National educators in Turkestan the ASSR during formation and development educational and educational and it is scientific – cultural areas have carried out a number of works. Having taken reins of government in hand T. Ryskulov, S. Kozhanov, K. Kozhanov and others have directed the work to the field of education and have paid special attention to spiritual and scientific areas. Found versatile measures of improvement of education, science, culture, the arts giving comprehensive spiritual education.

Being in structure of RSFSR Turkestan the ASSR on the basis of financial the Commissariat of National education has created several social educational institutions, schools, the centers, education. Under the leadership of educators in 1918-24 2290 schools, about 15 educational institutions, about 18 averages of special institutions, 8 scientific commissions worked. This generalization only directions of works.

Before entry into structure Kazakh the ASSR the organization of education of the Kazakh nation in the Turkestan republic it was carried out by exclusive work of the ingenious people who have gathered in the city of Tashkent.

In 1918 for at improvement of education, literacy of the Turkestan people, formation of system of school education the chairman of the board of national commissioners Turkestan the ASSR F. Kolesov, members V. Uspensky, V .P. Bilik, S. Abdisattarov by the sweat of the brow made a contribution since 1920 to development of higher educational institutions, average special educational institutions, the system of schools, sciences and pride of the Turkic people competent representatives of that time M. Auyezov, Zh. Aymauytov, M. Zhumabayev, E. Tabynbayev, M. Tynyshbayev, K. Dosmukhamedov, S. Asfendiyarov, K. Kozhykov, S. Kozhanov and others have made the contribution to improvement of formation of the Turkestan earth, gained knowledge from such experts, with saved up rich knowledge working in various areas, as legs to serve the people. It was a fruit of work of the oldest a rank of educators of the Turkic people.

Shortcomings of school business, illiteracy, the shortage of qualified specialists, public consciousness has seen an obstacle in establishment of the national state, his economy and spirituality. In central and local institutions of the power continuously went applicants to open schools and exacting decisions of the organizations, delegates.

As a result of aspiration of the people to education in 1918 have taken business of universal opening of schools in hand. But economic difficulties created obstacles for creation of system of professional education.

However, despite difficulties and obstacles the school education system was created and in 1923-24 there were 1073 national and 1212 mixed schools.

If in 1918 3873 pupils have received knowledge, then in 1920 98656, in 1921-1922 has made 123756 pupils, in 1924 the literacy of the people of the republic was 63,71%.

In training of average professional experts various professional technical schools, schools trained experts.

The aspiration of opening of the higher school has begun in 1918 and in 1920 with direct participation of Lenin the Kazakh teacher training college, the Average and Asian University, Institute of Oriental studies, various institutes of Muslim education trained the competent experts, was created scientifically – intellectual society, working in 8 directions in the Turkestan region has turned Turkestan into a gold cradle of the center of science and education.

In general, in the first years of the Soviet power the Kazakh intellectuals of the Turkestan republic have created a basis for formation of national educational system of our country and diversified activity of the educational, scientific and cultural and educational enterprises. Also during the Soviet modernization the Kazakh intellectuals involved in different scientific institutions created on the basis of old Russian scientific organizations have laid the foundation for domestic scientific branches. Art periodicals of Turkestan have made the significant contribution to formation of public consciousness and a political thought of national contents too.

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The Impact of Organizational Change on Government Civil Servants' Behavioral Responses in China

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Abstract

With the globalization and the development of scientific technology, competition pressure is more and more in all kinds of organization. Thus, organizational change is becoming the norm, which inevitably lead to the uncertainty of employment relationship, particularly, on employees' serious of behaviours. These effects have become the vital factors in the organization achieving its organizational goals, and have become an important factor in determining successful organizational change. However, the relevant studies are based predominately on Western theories and models, rather than Chinese cultural background, especially within a public sector context such as the government. By selecting more than 500 Chinese civil servants for the questionnaire, this study is going to measure the dimension of organizational change in Chinese government, and its impact on Chinese civil servants' behavioural responses. The results show that the impact of different organizational change on Chinese civil servants' behavioural responses (Exit, Voice, Loyalty, Neglect) is different.

Keywords: organizational change, exit, voice, loyalty, Neglect (EVLN), Chinese civil servants

1. Introduction

In recent years, globalization, technological improvement, and economic and social development have significantly transformed the global landscape (Allen et al., 2012). For coping with the increasing competition and survive in this transformed environment, organizations have to improve to sustain an advantage amidst environmental changes (Burke, 2002). Inevitably, kinds of organizational change including reorganization, massive layoffs and downsizing are becoming a common phenomenon (Cheng & Petrovic-Lazarevic, 2005). Accordingly, in one hand, these organizational changes influence the impersonal nature on the structure and operational process of the organizations. On the other hand, it also influences the organizational nature which is personal related, particularly the employees and their behavioural responses (Schalk, 2004; Chiang, 2010). In the history of organizational development, organizational change plays a particularly important role in the development of an organization (Weick & Quinn, 1999; Branch, 2011).

According to Ashford, Lee & Bobko (1989), organizational change could result in a change of employees' attitude, behaviour and work outcomes. In this case, organizational change would inevitably lead to a series of behavioural responses such as a decrease in organizational commitment (Raja, Johns, & Ntalianis, 2004) and organizational citizenship behaviour (Suazo, Turnley, & Mai-Dalton, 2005), and an increase in job resignations (Guzzo & Noonan, 1994).

In general, for all the organizations, it is vital to understand employees' behavioural responses to organizational change in assuring the success of change (Allen, 2009). Therefore, the current study focuses on this problem in examining the role of organizational change on employees' behavioural responses that might support or hinder effective and successful organizational changes.

1.1 Theoretical Background and Hypotheses

Recently, public sectors such as the government have to face greater and greater pressures for strengthening the

services and quality management (Willems, Janvier, & Henderickx, 2004). More and more management practices that are often used in private sectors have been applied into public sectors, which had a profound influence on the employment relationship in public sectors (Burgess & Ratto, 2003). The expectation of employees at public sectors on the organization is altering, which inevitably influences the employment relationship at public sector organizations. Accordingly, a series of organizational changes is happening at public sectors.

Rousseau (1995) argues that organizational change may lead to the fundamental change in strategy, human resource management policies, organizational structure and procedures. Comparing with the private sectors, because of its bureaucratic nature, following the rules & regulations of the organization is usually taken as the most importance at public sectors when they make policies and doing operational management (Willems et al., 2004). In doing so, less autonomy and flexibility is certainty for public sectors when they make policies and doing operational management (Claver, 1999). Thus, comparing with the private sectors, the public sectors must experience more fundamental and more radical organizational change in coping with the increasingly challenges (Millward & Brewerton, 1999; Herriot Hirsh & Reilly, 1998). Moreover, in terms of the difference of social and economic context, the management and employees' personal values at public sectors is quite different from the private sectors. Therefore, comparing with the private sector employees, when organizational changes happen, public sector employees usually have different behavioural responses (Hui, Lee, & Rousseau, 2004).

In discussing the government reform at Chinese government, it requires establishing a new governmental strategy, organizational structure and function, and the operational pattern related to individual civil servants in order to raise the administrative effectiveness of the government, adapt to environmental transformation and meet its demands (Huang & Liu, 1988; Lo, 2007). Since the government reform started in 2006, the malady of bureaucracy has seen some improvement and the privileges of civil servants have been restricted, to some extent. With the application of competition system into public sectors, the employees start to feel more and more job insecurity, particular their benefits on performance, rewarding and promotion issues. Moreover, because of the change of the structure and workflow at public sectors, the civil servants' behavioural responses to government reform would inevitably be influenced (Wang & Wu, 2008), which consequently results in outcomes such as civil servants' low work efficiency, them making less effort at work, and their reduced loyalty to the government (Wei, Zhao, & Liang, 2007).

Regarding the studies about organizational change on employees' behavioural responses, most of the research focus on western background and context (Willem et al., 2010), the research on the cultural difference and context difference haven't been taken as very important. As a country with a population of 1.3 billion and a history spanning 5000 years, China has a unique culture and tradition that is different from that of the Western world (Chee & West, 2007). As Selmer (2002) argued, in comparison with most other cultures in the world, Chinese culture is continual, homogeneous and strong. In view of the influence of cultural diversity on the validity of a conceptual framework, the researcher believes that investigation of civil servants' behavioural responses within a Chinese cultural background will help the Chinese government to deal with the relevant problems during the period of government reform. Thus, for investigating the validity of prior research on employees' behavioural responses to organizational change, this study focuses on the Chinese cultural background and government context.

1.2 Organizational Change on Employees' Behavioural Responses

Schalk and Freese (2000) argue that organizational change will have a strong impact on employees including their working attitude and behavioural responses. As Erorgan (2008) suggested, organizational change will not be able to be implemented successfully unless it is accepted by the employees. Essentially, organizational change disrupts the basic norms, beliefs, and expectations of the organization, either positively or negatively (Allen, 2009). However, even if organizational change is implemented for positive reasons, employees can often respond to change in negative ways and may even resist change efforts (Jones, Watson, Hobman, Bordia, Gallois & Callan, 2008). In literature, the dominant research on organizational change focuses on employees' resistance to change, which would not only decrease their morale and work performance, but is also likely to result in their negative responses to that change (Weber & Weber, 2001). Because employees' responses to organizational change are vital factors in the organization achieving its organizational goals (Martin, 1998; Eby, Adams, Russell, & Gaby, 2000), employee response has become an important factor in determining successful organizational change (Bernerth, 2004; Vakola & Nikolaou, 2005; Rafferty & Simon, 2006; Orge & Berson, 2011).

In empirical studies, much has been studied regarding the impact of organizational change on employees.

According to Ashford et al. (1989), organizational change can result in employees' emotional experiences of anxiety, stress and insecurity, and may also have an influence on their organizational commitments, job satisfaction and work performance. When employees feel that changes influence the ability of the organization to fulfil its promises or obligations to them, it may result in their resistance to organizational change (e.g. Ito & Brotheridge, 2001; Erorgan, 2008; Shah & Irani, 2010; Hui & Lee, 2000). Accordingly, a mismatch can occur between the organization's goals and individuals' goals, which may lead to a series of negative responses from employees (e.g. Callan, 1993; Doby & Caplan, 1995; Robertson & Seneviratne, 1995).

1.3 The Correlations in Terms of Sub-Dimensional Level

Beer (1980) and Senior (2002) pointed out that organization's strategy, process, people, and structure are the main content for any kind of organizational change. As such, for achieving the goals and aims of the organization, the organization usually alters its strategy to fit the organizational mission and strategic environment (Jones, 2009). Thus, the change for the organizational basic objectives or missions is called strategic changes (Piderit, 2000; Moody, 2010). According to Poloczek, Griner, & Nowosielski (2008), the internal structural change such as organizational resturture, functional redistribution is taken as sturctural change. For those organizational re-engineering process that aims to improve the efficiencies and effectiveness of the organization, it is usually called process-oriented change (Hammer & Champy, 1993). In addition, for those changes that is firmly related to employees benefits, it is usually taken as the people-oriented changes (Kittleson, 1995).

1.4 EVLN Framework

As for employees' responses to organizational change, traditional frameworks have generally found the impact of organizational change to be in line with certain outcomes, such as positive and constructive relations, or ones that are negative and destructive (Kickul, 2001; Lester, Turnley, & Bloodgood, 2002; Turnley, Bolino, Lester, & Bloodgood, 2003; Kickul, Lester, & Belgio, 2004). In order to explain the employees' responses to organizational change in a clearer and more abstract way, Farrel (1983) developed the EVLN framework. In using of the Exit, Voice, Loyalty, and Neglect typology, he integrated the employees' constructiveness-destructiveness and activity-passivity dimensions into a 2×2 model (Farrell & Rusbult, 1992). It is argued that, in comparison with traditional frameworks, the EVLN framework provides a more effective means with which to test the employees' responses to organizational change (Gallagher, 2008). This is shown in Figure 1.

As seen in Figure 1, within the dimensions of constructiveness-destructiveness, Voice and Loyalty behaviour are constructive responses, in which employees tend to get and maintain a satisfactory employment relationship; conversely, Exit and Neglect behaviour are destructive responses, which would be unfavourable to keeping a satisfactory employment relationship. Within the dimensions of active and passive, Exit and Voice behaviour are active responses, in which employees tend to be more pro-active in responding to their dissatisfactions with the organization; whereas Neglect and Loyalty behaviour are passive responses, whereby employees are more passive and negative in responding to their dissatisfactions with the organization.

In empirical studies, a number of researchers have examined the correlation between psychological contract breach and employees' EVLN behaviour in different contexts (e.g. Turnley & Feldman, 1999; Thomas & Pekerti, 2003; Ping, 1993; Hagedoorn et al., 1999; Liljegren, Nordlund, & Ekberg, 2008; Bellou, 2009). As such, an important empirical study was conducted by Turnley and Feldman (1999) among American managers and executives. By adopting the EVLN model to explain employees' responses to psychological contract breach, Turnley and Feldman (1999) found that there is a positive correlation between psychological contract breach and employees' Exit, Voice and Neglect behaviour, and there is a negative correlation between psychological contract breach and employees' Loyalty behaviour. Further, by investigating 233 teachers and maternity nurses in the Netherlands, Hagedoorn et al.'s (1999) empirical study supported the two-dimensional structure of the EVLN framework. They found that psychological contract breach is negatively related to employees' considerate Voice and Loyalty behaviour but positively related to their aggressive Voice and Neglect behaviour. In addition, in Bellou's (2009) empirical study among Greek public sector employees, it was found that psychological contract breach increased the destructive behaviour of Neglect and reduced the constructive behaviour of Loyalty, but did not significantly influence employees' Exit and Voice behaviour.

Based on the research purpose and the argument of literature review, it can be hypothesized as follows:

H1: Organizational change is a 4-dimensional model which includes strategic, structural, process-oriented and people-oriented change within Chinese government context.

H2: the effect of organizational change on Chinese government civil servants' EVLN behaviour is different in terms of different dimensions.

2. Research Methodology

To achieve the research aims, the researcher used the questionnaire to collect the data in line with a predominantly quantitative approach. In following with the prior literature review, the author firstly undertook 15 telephone interviews with 15 Chinese government civil servants. Based to the contents of telephone interview, the author tried to develop the questionnaire design for "organizational change" measurement. For the information seeking about civil servants' EVLN behaviour, the measurements in Mellahi, Budhwar, & Baibing's (2010) empirical study were adopted.

According to China HR Ministry (2007), China has a large number of population and also have a large number of government civil servants. Therefore, it is impossible to do the survey for the vast target population. Thus, a stratification sampling method can be more appropriate during the sampling (Saunders, Lewis & Thornhill, 2003). For measuring the dimension of organizational change and civil servants' EVLN behaviour, the author distributed a total of 510 questionnaires to the Chinese government civil servants from 5 different regions in China. And a total of 487 questionnaires were returned. 96% valid return rate is satisfactory for this study. For analysing these data, the researcher used the method such as factor analysis, descriptive statistics and Structural equation modeling (Norusis, 1991). As such, the researcher adopted different samples in undertaking exploratory factor analysis and confirmatory factor analysis, but for the relational model and measurement model (confirmatory factor analysis), the same samples are used.

3. Results

According to Millsap and Everson (1991), in order to verify those measurement models that are derived from classical test theory, it is necessary to undertake confirmatory factor analysis. Therefore, before examining the impact of organizational change on Chinese government civil servants' EVLN behaviour, the relevant confirmatory factor analysis was first undertaken. The confirmatory factor analysis for organizational change has been shown in Section 4.3. As for the measurements on the civil servants' EVLN behaviour, because it is based on the prior well-examined measurements (Mellahi et al., 2010), the relevant confirmatory factor analysis is not necessary. Therefore, the following is the Structural equation modeling between organizational change and the Chinese civil servants' EVLN behaviour.

The relational model (Codd, 1970) between organizational change and the Chinese civil servants' EVLN behaviour is presented in Figure 3. The path coefficients between organizational change and the civil servants' EVLN behaviour are acceptable at significant level (p<.05), which mean that the relational model between organizational change and the civil servants' EVLN behavioural is established.

The inspection of the relational model fit of organizational change and the Chinese civil servants' EVLN behaviour is shown in Table 6, which indicates that the level of model fit is acceptable (CMIN/DF=1.787, GFI= .868, IFI= .895, TLI= .879, CFI= .880, RMSEA= .051). The results confirm that the relational model between organizational change and Chinese civil servants' EVLN behaviour is valid and reasonable.

Table 7 shows the results verify that this model is acceptable and valid. Based on the results from the exploratory and confirmatory factor analysis, in the fitted model, all the path coefficients between the latent variables, and the latent variables and the observable variables were significant at the level of .05.

Therefore, the second null hypothesis is rejected and the alternative hypothesis accepted, i.e. Organizational change is positively related to Chinese civil servants' Exit and Neglect behaviour, but has a negative relationship with Chinese government civil servants' Voice and Loyalty behaviour.

As can be seen in Figure 4, by examining the sub-dimensional level of organizational change, we can find that the path coefficients between organizational change and Chinese government civil servants' EVLN behaviour are acceptable at significant level (p <.05), which mean that the correlations between different dimensions of organizational change and Chinese government civil servants' EVLN behavioural are established, apart from the impacts of structural change and process-oriented change on their Exit behaviour, which are not significant.

Therefore, the sub-sections of the second null hypothesis are rejected and the alternative hypotheses accepted:

1. There is a positive correlation between strategic change and Chinese government civil servants' Exit behaviour and Neglect behaviour. However, there is a negative correlation between strategic change and Chinese government civil servants' Voice and Loyalty behaviour.

2. There is a negative correlation between structural change and Chinese government civil servants' Neglect behaviour. There is a positive correlation between structural change and Chinese government civil servants' Voice and Loyalty behaviour. There is no correlation between structural change and Chinese government

civil servants' Exit behaviour.

3. There is a negative correlation between Process-oriented change and Chinese government civil servants' Voice, Loyalty and Neglect behaviour, but not correlation to the Chinese civil servants' Exit behaviour.

4. There is a negative correlation between People-oriented change and Chinese government civil servants' Exit and Neglect behaviour, but negative correlation to Chinese civil servants' Voice and Loyalty behaviour.

4. Discussion and Conclusions

From the results we can find that, as Beer (1980) and Senior's (2002)'s argument, organizational change is a 4-dimensional model which includes strategic, structural, process-oriented and people-oriented change within Chinese government context.

By changing the working behaviours and strengthening employees' personal development, organizational change is aimed to improve the efficiency and effectiveness of organization (Weick & Quinn, 1999; Jones, 2004). Hence, a 2×2 model which includes 'organization-individual level' and the 'relation-task level' can be developed to explain the term of "organizational change" (Bellou, 2007; Ussahawanitchakit & Sumritsakun, 2008). As shown in Figure 1:
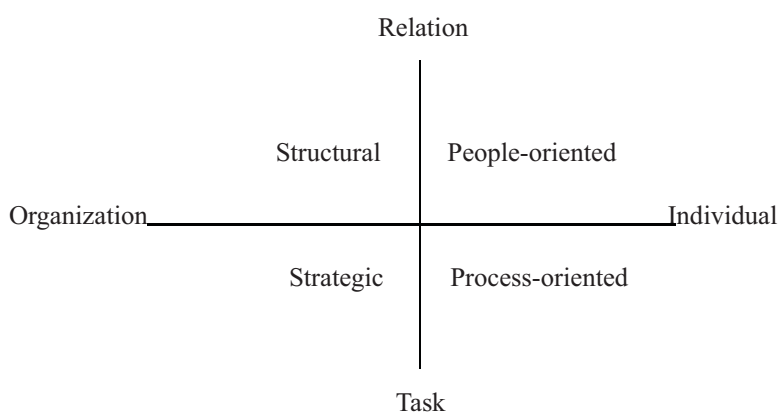

Figure 1. A 2×2 Model of Organizational Change

Generally speaking, from the results we can find that the correlation between organizational change and EVLN behaviour of Chinese civil servants is positively significant. The results show that organizational change has a negative relationship with Chinese government civil servants' Voice behaviour, which is opposite to the findings of previous empirical research (Turnley & Feldman, 1999).

First, on the one hand, in accordance with the results of Western empirical studies (e.g. Turnley & Feldman, 1999), Chinese civil servants are more likely to respond to organizational change by increasing their Exit and Neglect behaviour, and reducing their Loyalty to the government. Based on the discussion it can be concluded that, regardless of either a Western or a Chinese setting, or a private or public sector context, organizational change would lead to a strong effect on employees' behaviours. On the other hand, different to Western empirical studies, Chinese civil servants are more likely to respond to organizational change by reducing their Voice behaviour to the government rather than increasing their Voices. Based on the discussion, it is clear that cultural factors have a strong influence in determining Chinese civil servants' behavioural responses to organizational change (Thomas, Au, & Ravlin, 2003). In terms of Chinese civil servants' high PDI and LTO, and low IDV and UAI (Hofstede, 1994), along with the influence of Confucian thought - including hierarchical principles (Bond, 1991), Guanxi (Cheung, 2008), Mianzi (Buttery & Leung, 1998) and Harmony (Hoare & Butcher, 2008) - Chinese civil servants are usually reluctant to show their Voices when they are experiencing organizational change.

Second, in accordance with the overall effect on Chinese government civil servants' EVLN behaviour, the survey findings showed that organizational change in terms of different dimensions have an impact on the Chinese civil servants' EVLN behaviour, although it is not consistent – as outlined below.

Firstly, both strategic change and people-oriented change has a strong corelation with civil servants' vital interests. Therefore, they have an impact on each single dimension of the EVLN model.

Secondly, the findings show that structural change is more likely to lead to the constructive behaviour of Chinese

civil servants. Therefore, it is concluded that structural change in the Chinese government is relatively successful and accepted.

Thirdly, in terms of the influence of high PDI and the characteristics of Chinese society such as low levels of employment (Xue & Zhong, 2003; Giles, Park, & Zhang, 2005) and the popularity of the profession of civil servant, Chinese civil servants' Exit behaviour is relatively less strong in comparison with other behaviours during organizational change.

Fourthly, in the implementation of process-oriented changes, with the provision of specific working criteria and regulations, civil servants' Neglect behaviour is to a great extent restrained. Although feeling reluctant, the civil servants have to conduct themselves properly by following new working criteria requirements and regulations. Therefore, it can be concluded that process-oriented changes reduce the civil servants' Neglect behaviour.

5. Contribution to Knowledge and Areas for Future Research

Firstly, in terms of the sub dimensional level, prior research has no relevent empirical studies on the relationship between organizational change and the employees' behavioural responses. This study provides us a theoretical innovation in this field, particularly within a Chinese cultural background and government context.

Secondly, earlier studies often focused on organizational change and employees' behavioural responses in the private sector and particularly in Western settings (Millward & Brewerton, 1999; Herriot et al., 1998). This study investigated the employees at Chinese public sector context, and confirmed the validity and application of prior theories in a different culture and context. Particularly, when compared with the empirical findings of Western studies, the current study suggests that cultural factors (Thomas & Au, 2002), particularly Confucian thought, such as Guanxi, Mianzi and Harmony (Wang et al., 2010; Earley, 1997), have an impact on the employees' corresponding behaviours.

As we all know, limitations is inevitable for any kind of research. In terms of the nature of quantitative study and in testing-out theory, this study used a questionnaire survey as the main data gathering instrument (Saunders *et al.*, 2003), for which informal interviews were conducted to help establish the format and content. In order to explore the wider reasons behind the variables, it is suggested that future studies could adopt a more qualitative approach, and the use of in-depth interviews and focus groups.

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Appendix

Table 1. KMO and Bartlett's Test on Organizational Change

Kaiser-Meyer-Olkin Measure of Sampling Adequacy.		.759
Bartlett's Test of Sphericity	Approx. Chi-Square	2.539E3
	df	66
	Sig.	.000

Table 2. Total Variance Explained on the Dimension of Organizational Change

Component	Initial Eigenvalues			Extraction Sums of Squared Loadings			Rotation Sums of Squared Loadings		
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	4.578	38.153	38.153	4.578	38.153	38.153	2.461	20.512	20.512
2	1.654	13.782	51.935	1.654	13.782	51.935	2.273	18.940	39.452
3	1.170	9.754	61.688	1.170	9.754	61.688	1.906	15.886	55.338
4	1.084	9.033	70.721	1.084	9.033	70.721	1.846	15.383	70.721
5	.828	6.899	77.620						
6	.628	5.234	82.853						
7	.508	4.235	87.088						
8	.465	3.877	90.965						
9	.382	3.181	94.146						
10	.332	2.763	96.910						
11	.209	1.740	98.649						
12	.162	1.351	100.000						

Table 3. The Results of Exploratory Factor Analysis on Organizational Change

Item	Factor			
	1	2	3	4
Factor 1: (α=.87) **People-oriented change**				
A10: change on civil servants' promotion	**.901**	.066	.130	.040
A11: change on civil servants' performance appraisal	**.825**	.302	-.019	.281
A12: change on civil servants' salary criteria	**.677**	.301	.131	.404
Factor 2: (α=.74) **Process-oriented change**				
A9: change on government information	.118	**.860**	.107	.056
A7: change on government workflow	.226	**.748**	.139	-.005
A8: change on task process	.139	**.672**	.274	.208
Factor 3: (α=.69) **Structural change**				
A5: merging government sections	-.011	.111	**.830**	.137
A4: integrating government sections	.038	.269	**.762**	.159
A6: deactivating government sections	423	.107	**.666**	-.307
Factor 4: (α=.70) **Strategic change**				
A3: Change on government administration	.051	-.089	.058	**.852**
A2: Change on government objective	.344	.377	.223	**.589**
A1: Change on government mission	.353	.298	-.011	**.587**
Extraction Method: Principal Component Analysis.		Rotation Method: Varimax with Kaiser Normalization.		

Table 4. Correlations between the Dimensions of Organizational Change

			Estimate	S.E.	C.R.	P
Strategic change	<-->	Structural change	.419	.011	4.967	***
Structural change	<-->	Process-oriented change	.582	.028	6.877	***
Strategic change	<-->	Process-oriented change	.593	.017	6.295	***
Process-oriented change	<-->	People-oriented change	.585	.037	8.675	***
Structural change	<-->	People-oriented change	.327	.025	5.048	***
Strategic change	<-->	People-oriented change	.657	.020	6.793	***

Table 5. Model Fitting Index for the First-order Analysis on Organizational Change

CMIN/DF	GFI	IFI	TLI	CFI	RMSEA
1.866	.917	.931	.923	.930	.052

Table 6. Model Fitting Index for the Relational Model on Organizational Change and Chinese Civil Servants' EVLN behaviour

CMIN/DF	GFI	IFI	TLI	CFI	RMSEA
1.787	.868	.895	.879	.880	.051

Table 7. Correlations between Organizational Change and Chinese Civil Servants' EVLN behaviour

			Estimate	S.E.	C.R.	P
Exit	<---	Organizational change	.361	.365	5.130	***
Voice	<---	Organizational change	-.793	.331	-6.863	***
Loyalty	<---	Organizational change	-.779	.362	-6.829	***
Neglect	<---	Organizational change	.668	.485	6.990	***

Table 8. Model Fitting Index on the Multi-dimensional SEM for Organizational Change and Chinese Civil Servants' EVLN behaviour

CMIN/DF	GFI	IFI	TLI	CFI	RMSEA
1.838	.929	.943	.930	.943	.052

Table 9. Regression Weights between Organizational Change and Chinese Civil Servants' EVLN behaviour

|			Estimate	S.E.	C.R.	P
Exit	<---	People-oriented change	.223	.086	3.185	.001
Exit	<---	Strategic change	.166	.284	2.263	.024
Loyalty	<---	Process-oriented change	-.915	.091	-10.365	***
Loyalty	<---	Structural change	.745	.093	10.080	***
Loyalty	<---	People-oriented change	-.134	.059	-2.050	.040
Loyalty	<---	Strategic change	-.297	.204	-4.106	***
Neglect	<---	People-oriented change	.546	.069	9.265	***
Voice	<---	Structural change	.841	.105	8.597	***
Voice	<---	Process-oriented change	-.370	.073	-4.498	***
Voice	<---	People-oriented change	-.496	.052	-7.296	***
Neglect	<---	Structural change	-.591	.094	-10.325	***
Neglect	<---	Strategic change	.494	.287	6.295	***
Voice	<---	Strategic change	-.289	.173	-4.005	***
Neglect	<---	Process-oriented change	-.137	.073	-2.531	.011
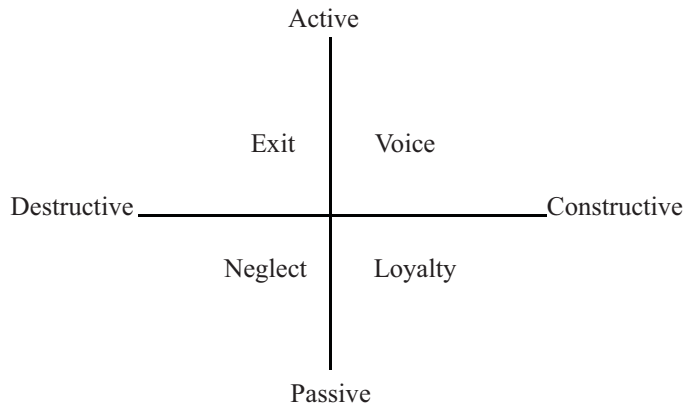
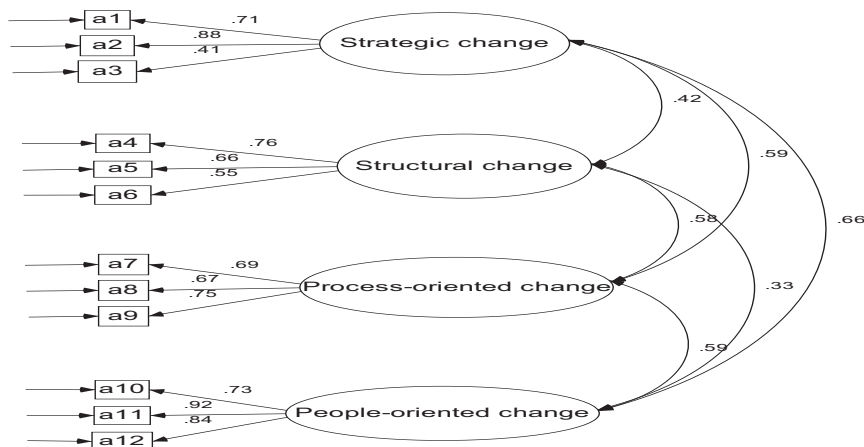Figure 2. A 2×2 Model of EVLN (Farrell & Rusbult, 1992)

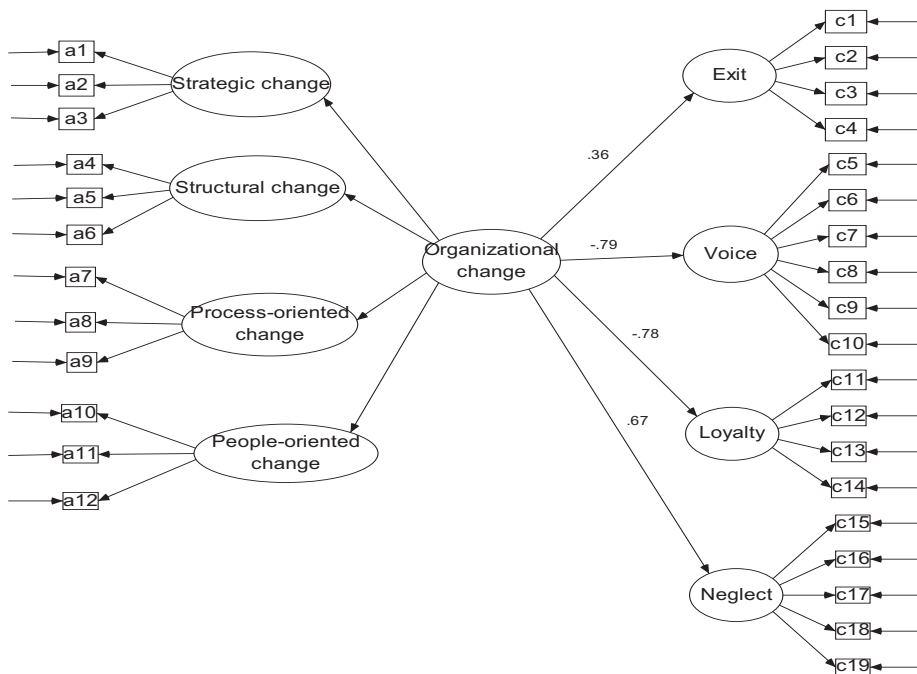Figure 3. The Measurement Model of Organizational Change

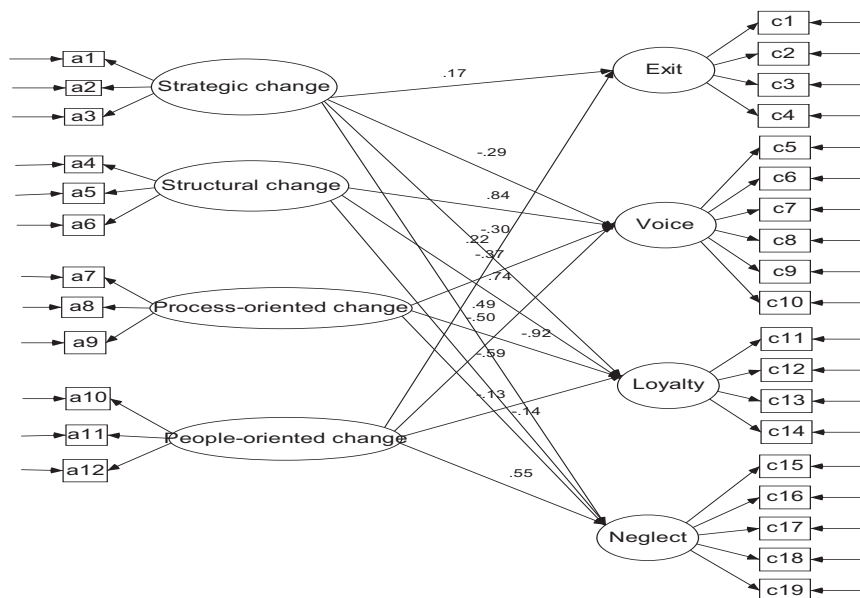Figure 4. The Relational Model on Organizational Change and Chinese Civil Servants' EVLN behaviour

Figure 5. The Multi-dimensional SEM for Organizational Change and Chinese Civil Servants' EVLN behaviour

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Renewing Art Education Philosophy in Light of Twenty-First Century Skills

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Abstract

The problem of renewing the philosophy of teaching art education in the light of 21st century skills. Art education at the global level is facing many and many challenges as a result of the tremendous changes in the way knowledge and information are exchanged, in which technology plays a large role because of the necessity of its existence at various scientific levels. These challenges required a comprehensive review of the educational system and philosophy in general And in particular technical education, which in turn lead to the development of advanced courses and innovative work to prepare a learner is able to absorb better, in addition to it makes the educational process an interesting process for the learner and by integrating those courses study With 21st century skills and information technology, which in turn improves the outcomes of the learning process and the quality of education.

Research problem: The researcher found through the study of international and international research of the 21st century skills and information technology to be applied in the curricula of different fields, because it is important for the students as it earns and trains them on life and work skills to bring out a person who is more capable of dealing smartly in life and linking them to the curriculum. As well as their application to the labor market.

Therefore, the problem of this research lies in the following question: To what extent is it possible to implement a program based on the integration of information technology and art education curricula in the light of 21st century skills to bring out a learner capable of keeping pace with the labor market?

Research goals: The research aims to:

 - Prepare a student capable of keeping pace with the labor market through the application of the skills of the 21st century by international standards in the curricula of art education.

 - to highlight the skills of the twenty-first century of high value that contribute to the output of a learner capable of achieving professional success in the labor market.

Research importance:

 - keep up with information technology through integration with the curriculum of art education

 - Use the skills of the twenty-first century in teaching the curriculum of art education

 - Stimulate educational institutions to apply the skills of the twenty-first century and mechanisms to achieve the vision of the Kingdom 2030 in the field of education.

1. Introduction and Background

1.1 Introduction

Globally, art education faces numerous and increasing challenges, and that is due to the tremendous changes that happened to the method of exchanging knowledge and information which technology plays a major role in, given the necessity of its inevitable existence among the different educational stages. These challenges require a comprehensive review of educational philosophy and systems in general and art education in particular. This calls for finding advanced and renewable educational curricula that work on developing learners who are able to comprehend better, as well as making the educational process exciting for the learner through integrating those curricula with twenty-first century skills and information technology. This leads to improving the objectives and quality of the educational process's outcomes.

Art education plays an essential role in advancing the educational process and the development of future skills through "the development and assessment of learners as a positive individual of society, where art education works on expanding the learner's culture, developing their expression skills, and contributing to the integration of their mental, psychological, behavioral, and social formation" .Al Saud,2006, in order to harmonize between abstract knowledge and practical experience in the labor market.

Where "nowadays, art education stands in front of the streams and trends of contemporary art forms that result from cumulative experiences that went through the steps of art education development to form standards within the field.", Al Amri (2015). Education in general and art education in particular hold a significant role in changing, developing, improving, and growing all aspects of society. Education, "as viewed by the Arab organization of education, culture, and science, is the overall development of all of its human and economic aspects, and it is the doorway to technological and scientific civilizations, with the human as the mean and the end of it all". (Al Shareef, 1979).

Education within this context is considered as "a collective work in a specified time and place, and a response to the development demands of a specific society as required by the social demands and needs in general, and development in particular. And since education is the cultural representation in all its different aspects, curricula are the tools to achieve the general objectives of education". (Hashim, 1987).

Education and its curricula for any society "were in fact results of the type of common philosophy within that society in all its different cultural, social, economic, political, and spiritual contexts. Defining a society's paths, intellectual and economic trends, as well as historical and cultural assets, in turn defines its educational objective as well as its educational approaches. Learning cannot occur without depending on clear and specified objectives and that are strongly connected to the philosophy of the society. Deciding the goal of education is strongly connected to the goal of life, so philosophy decides what is viewed as the goal of life, while education suggests means to achieve that goal". (Rusk, 1929).

"In the twenty-first century, which is the century of the abundance of productivity and dominance of information technology, educational systems have a dire need for finding a common ground that connects between the requirements of businessmen, industries, education, and society in light of understanding the meaning of twenty-first century skills in a way that contributes to preparing students for life, learning, and working in this digital age." (Husni, 2007).

1.2 Research Problem

Upon reviewing global and international researches of twenty first century skills and information technology, the researcher realized the importance of applying those skills and technologies in the different fields of education curricula for its importance to learners. They provide and train them in life and work skills in order to produce a more able person who is more able to deal intelligently with life and link between the skills and educational curricula among many specializations besides applying them in the labor market.

The problem of this research lies within the following question:

To what extent can a program based on the integration of information technology and art education curricula in light of twenty-first century skills be applied to produce learners who are capable of keeping up with the labor market?

1.3 Research Objectives

This research aims to:

1. Prepare students who are able to keep up with the labor market through the application of twenty-first century skills by its international standards in art education curricula.

− Highlight valuable twenty-first century skills that contribute to producing learners who are capable of achieving professional success in the labor market.

1.4 Research Significance

[1]. Keeping up with information technology through its integration with art education curricula.

[2]. Using twenty-first century skills in teaching the art education curriculum.

[3]. Motivating education institutions to apply twenty-first century skills and their mechanisms to achieve the Saudi Kingdom's vision 2030 in education.

1.5 Research Hypothesis

The research postulates that through the application of a program based on the integration between information technology and art education curricula in light of twenty-first century skills, it is possible to produce a learner who is able to keep up with the labor market.

1.6 Research Method

This research follows a descriptive method in the theoretical aspect and an experimental method in the practical aspect.

2. Framework

2.1 Theoretical Framework

Follows the descriptive method and includes:

- Studying twenty-first century skills

- Objectives of art education in light of twenty-first century skills

- Learning outcomes and indicators of education in the twenty-first century

- The definition of E-learning

- Types of E-learning

- Properties of E-learning

- Objectives of E-learning

- Levels of E-learning

- Features of E-learning

- Disadvantages of E-learning

2.2 Practical Framework

Follows the experimental method and includes:

- Research sample

- Research tools

- Designing the proposed educational program

- The followed teaching strategies of the proposed educational program

- Steps of preparing the proposed educational program

- Timeframe of the proposed program

- Suggested topics for the program

- Choosing the educational subject

- Preparing associated subjects

- The followed assessment style in the proposed program

2.2.1 Theoretical Framework

Since the 70's, education pioneers have been exposed to scientific theories that serve the art education field for the purpose of crossing the gap between research and application, and between science and art in art education. "Art education philosophy became either precisely defining concepts and terms used in art education, or through using objective thinking more than self thought. Also, renewing the education philosophy forms a basis for the advancement of art education, and is a result of matching art education to artistic and creative development through the use of scientific and technological advancement." (Ahmad, 2006).

The modern vision of learning, its curricula, methods and ways has emerged. However, this modern vision appeared to be affected by the type of common philosophy in society (governance tool philosophy). According to this, the definition of curricula was defined as a collective of educational experiences that schools make available for their students in and out of them with the intention of helping them grow their characters among all various aspects in a way that is consistent with the educational objectives." (Sarhan, 2008).

Even though that "there are tireless efforts to come up with a broad and comprehensive definition for education, efforts are still governed by the limited and private intended purpose of education. Most educational objectives

that exist in the world today are based on preconceived education templates, and they unite according to the type of experiences and their availability, as well as the quality of producing individuals as an end result of this adopted planning" (Zacharias & White, 1964).

Arab countries, similar to other developing countries, have withheld useless educational formulas that are "almost entirely exotic to our educational systems, and this type of education can only -according to those formulas- happen through years of traditional education and its basis should be the classroom, the teacher, and the textbook. If we tried to briefly touch on the subject of the educational crisis in the Arab world today that is due to the confusion, failure, and experimentations that have no scientific basis nor a political outlook of governance tools, we would realize the (great secret) behind the concept of education and cultural revolution, Falquthi (2005). Some research results found that the current educational system is unable to meet the needs of the country such as technical, managerial, and professional personnel in terms of quantity and quality of provided materials (Moustafa, 1972).

The twenty-first century has witnessed a far-reaching shift in perception of education in general, as well as the perception of both the relationship between education and focusing on developing the brain and not the knowledge on one hand, and the entirety of experience not only in terms of knowledge and its integrity, but in terms of society needs on the other hand. The purpose of education is not limited to preparing aware and versed on knowledge, but preparing someone who is able to compete and succeed in life and work not only on a national level, but on an international level. The objectives of education have evolved as a result of their sequencing, which stems from the continuous economic, social, and cultural revolutions across the ages. This confirms the start of agricultural revolution age to conceptual revolution age in the twenty-first century.

The conceptual revolution age started as a result of production abundance in information technology governance. The goal of education within it aims to prepare creative empathizers whose activity is not limited to left brain associated knowledge, but also are able to engage the right side of the brain which is responsible for the ability to absorb available knowledge; not only verbal knowledge. However; all types and forms of languages whether verbal, audio, visual, technological, media, scientific, artistic, or creative are also able to transform traditional knowledge into an idea and a new invention that challenges, modifies, and adds to all types of different knowledge.

Mutawaa (2010) adds that "education in the twenty-first century aims to prepare someone who is able to gain the highest levels of flexibility, quick thinking, risk taking, controversial cases, and learning through exploration, trial and error, individual responsibility, dealing with the possible and the unknown. Also, dealing with reality and virtual and symbolic worlds, as well as shifting from directed learning to self and remote learning, besides improving their ability to create, imagine, and taste." (Mutawaa, 2010).

"The field of visual arts was a race to confirming twenty-first century skills, where many studies confirmed that focusing on one of the brain's sides, which is the left side, was not enough for education. Instead, basic skills and abilities should be engaged in the conceptual revolution age such as creativity, renovation, empathy, inspiration, and the ability to link between elements and events to create something new, which is the job of the right brain." (Sudqi & Mutawaa, 2009).
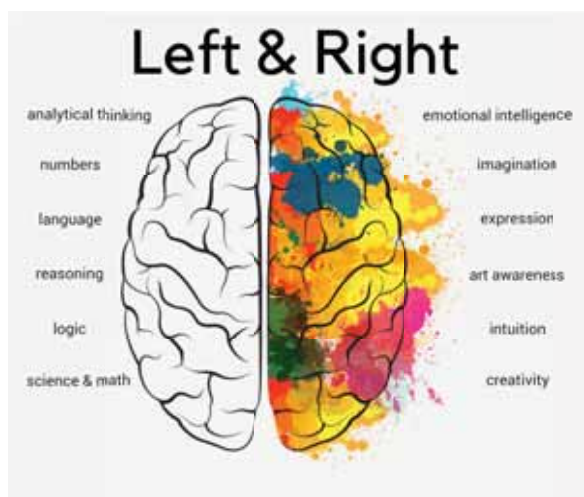

Figure 1 shows the use of thinking in the right brain

The right brain is responsible for creativity and art, so it specializes in templates, patterns, perception, and real and imaginative images. It also views things as one unit, and gathers and comprehends all parts of a situation in one whole image, so it specializes in induction instead of inference. This part of the brain is the center of instinct and imagination. Based on the above, the researcher was able to conclude Figure 1 which shows the use of the right side of the brain in thinking.

Creative art skills are essential skills that develop normal successful personalities by what they add to them such as calm sensations, strength of personality, concentration, and clarifying the difference between calculated risk and mindless recklessness, insofar as they use intelligence and planning in dealing with mysterious situations so they can be confronted and directed for desired purposes. Scientific research found that artistic activities are a thinking tool, and were then considered the main hub for many studies and projects where arts are used constantly and regularly in developing mental and general skills in education and edification." (Sudqi, 2011). These skills are dependent on by information technology, so the researcher will, in this study, depend on these skills to try and change the philosophy of traditional art education through the use and integration of innovative tools in teaching art education in light of twenty-first century skills.

2.2.1.1 Twenty-First Century Skills

Nassif defines twenty-first century skills as "effective opportunities about the modality of learning with others and using knowledge in innovating new knowledge and continuous learning and the ability to use available technology." (Nassif, 2011) "They are the skills and abilities that qualify students to succeed and accomplish tasks in their society which are represented in the ability to achieve communication, cooperation, and effective information exchange to solve problems and the ability to adapt, innovate, and develop through the use of digital technology to keep up and match the needs of the century." (Kathem, 2017).

The importance and role of technology and technological and information skills have been proven as essential skills for success and effective learning in light of developing and changing societies, as well as a supporting tool for creativity. A report done by Partnership for twenty-first Century Skills with cooperation from the American Association of Colleges of Teacher Education titled "Unleash the Future," teachers discussed the importance of using technology, its tools, and its different application in the education process (educational system) and setting plans and strategies that allow the integration of technology within school curricula. Statistics showed that when students use technology in the educational process, it makes them more enthusiastic and excited to learn by a percentage of 51%, apply their knowledge of practical problem and learn through context by 30%, and property learning by 23%. Also, teachers pointed out in this report that technology has an effective and an influential role in developing students' skills in the twenty-first century that include creativity and development by 39%, communication and cooperation skills by 30%, and critical thinking and problem solving skills by 27%, which qualifies those students and improves their skills and abilities to succeed in the future and their work." (Nitham, 2017).

2.2.1.2 Objectives of Art Education in light of Twenty-First Century Skills (Niham, 2017)

1. Qualifying learners to be able to achieve their goals and future plans through the development of mental, artistic, scientific, and advanced thinking skills, and help them adapt to the different life situations.

2. Understanding the characteristics of ores and employ them with processes and techniques to produce individual or collective expressional artistic works (drawing, photography, carving, and sculpting) and other utilitarian and applied works such as the various design concepts (porcelain, textile, printing, design and metal ignition) that were based on a knowledge and conceptual artistic base.

3. Developing linguistic and visual skills through understanding visual and fine arts from a historical and civilizational point of view.

4. Testing and assessing a wide range of topics, symbols, and ideas to solve environmental and social problems.

5. Observing and assessing traits and features of self and others' art works.

6. Connecting between fine visual arts and arts and other fields of knowledge.

7. Creating visual art products that depend on interaction and exploration through the use of technology and multimedia with the scientific engagement of normal and digital electronics.

8. Initiating teamwork, the role of social cooperation, and production of small art crafts while effectively engaging in small art projects.

9. Training for research and investigation skills about information and knowledge that stimulate thinking.

2.2.1.3 Education Outcomes and Indicators in the Twenty-First Century (Sudqi, 2009)

- Self-directed learners
- Collaborative workers
- Effective communicators
- Community contributors
- Quality producers
- Complex thinkers

The above clarifies that learning with no application and gaining of twenty-first century skills is an incomplete system that does not achieve goals that go hand in hand with coexistence in the twenty-first century and keeping up with modern technological changes and the digital revolution.

We must look into educational curricula and the importance of integrating twenty-first century skills within them and provide school necessities to apply them. This in return creates students who are able to take responsibility and coexist in the age of modern technology. The researcher will explain the definition of E-learning, the most up-to-date information technology tool, to use it in applying the research program.

2.2.1.4 Definition of E-learning

E-learning includes many broad applications, such as: Internet based learning, computerized learning, Satellite broadcast, remote learning, virtual learning, interactive television, CDs and others, (Hung, 2002): Despite this variance, we notice the link between this definition with the Internet and applications on the Internet, which makes the definition more linked to remote learning that depends on the Internet. Oweid (2001) defines E-learning as "education that targets finding an interactive environment that is rich with applications that depend on computers and internet, and enables trained students to reach learning resources any time, any place."

Al-Musa and Al-Mubarak define it as "the way of learning that uses modern communication tools such as computers and computer network, as well as multimedia whether audio, visual, paintings, search engines, electronic libraries, and internet gates whether remotely or in the classroom; it is using all forms of a tool to deliver information to the learner in a short period of time and with less effort and more benefit." (Al Mubarak, 2005).

Al-Oraify defines it as "presenting educational content including its explanations, exercises, interactions, and follow-ups partly or wholly in the classroom or remotely through advanced programs saved on computers or on the Internet." (Al Oraifi, 2003).

The researcher sees that the above definitions have differences due to the difference in the viewpoints of those who talked about E-learning. The reason might be that E-learning is a new concept that has transpired enough, or due to the fact that it contains two principal sides, which are the technical side and the educational side, and that requires that who ever integrates the two should have a complete vision. It is also noted that most of the definitions view E-learning happening only outside of the classroom and that it does not require any specific place. The boundaries of place should be cancelled just like those of time, and E-learning cannot be limited to a certain place as Al-Musa claims "the definition of E-learning also includes using the tools inside the classroom." (Al Musa, 2007). Which is also what the researcher agrees with, where she sees that E-learning includes all of it. The researcher also seems that E-learning is not just a technical educational tool that is used outside of classrooms and schools, but should be used interactively inside the classroom, as it is a tool that grabs the students' attention, in addition to it being up to date with twenty-first century skills.

2.2.1.5 Types of E-learning

E-learning can be categorized into the following types:

1. Internet based E-learning, which divides into two types:

Synchronous: where all students registered for the curriculum as well as the registered teacher sign into a specific website on the internet at the same time, where students and teachers can start discussions.

Non-synchronous: where students sign in at any time depending on needs and proper timing.

2. Non-internet based E-learning

This includes most electronic multimedia that is used in educations such as programs, TV channels, and E-books. E-learning can be categorized based on its use on classroom, as the researcher seems the importance of such a categorization and its closeness to be applied in our educational reality as previously shown in the definition of

E-learning which can be categorized into the following types:

1- Classroom E-learning (direct):

This type of E-learning is based on the use of E-learning applications inside the classroom where there is a direct interaction between the teachers and his students, where they engage this technique in this interaction to achieve the most sum of educational outcome. (Al Shahrani, 2017).

2- Non-classroom E-learning (indirect)

This type of E-learning is done outside traditional schools and classrooms (remotely) and can be divided into two types depending on the decided timing of learning as mentioned in the above categories:

A. **Synchronous non-class E-learning**: which is the type that E-learning is done at a specific time where students meet with their teacher through E-learning applications.

B. **Non-synchronous non-classroom E-learning**: Students and teachers do not have to agree to a specific timing, so students sign into the different E-learning applications to learn and receive messages from teachers and students depending on appropriate timings. Then, teachers sign in to upload new educational material or answer students' questions and assign them homework at the right times.

2.2.1.6 Characteristics of E-learning

The Internet has helped grow interests in these programs for their ability to transcend geographical and time boundaries, as well as their enormous supply of information in a digital environment that is available for everyone with the a relatively low cost. E-learning applications help break psychological boundaries between teachers and learners, fulfill the needs and characteristics of the learner, and raise revenue from investment by reducing the cost of education, E-learning has a special importance compared to traditional educational tools and that is due to the many characteristics that are linked to it and can be summed up in the following: (Al Musa, 2009).

1. Provide digital content for curricula in a multimedia environment such as written texts, spoken, sound effects, art clips, moving pictures, static images, video clips, etc.

2. The easiness of providing digital educational content through multimedia that depend on computers and networks, which integrate with each other to achieve certain educational objectives.

3. Easiness and flexibility of continuous updating for educational curricula with the ability to keep up with scientific advances without any additional costs. Not to mention that the curricula in its digital form are unable to get damaged and consumed duo to use unlike printed curricula.

4. Achieve a higher level of interaction between the learner on one side, and the teacher, content, classmates, educational institution, programs and applications on another side.

5. E-learning applications provide access and benefit to it regardless of time and place or any other boundaries that might stop the learner from communicating and engaging in the educational process.

6. E-learning applications provide the ability to preview curricula through viewing the latest levels, or reviewing past curricula to achieve the most educational benefit.

7. E-learning applications enable learners to continuously assess themselves through direct exams optionally to measure the level of learning.

2.2.1.7 E-learning Objectives

E-learning applications are common with traditional educational tools in terms of general goals that focus on preparing an educated generation that has enough skill and experience that it is eligible to meet the requirements of professional life. However, the necessary ways and tools to achieve this goal might differ from one time to another. Skills and knowledge that were required in the 20th century are totally or relatively different from the skills that are required in the twenty-first century. So the objectives of E-learning applications are focused to achieve the following: (Al Shahrani, 2009).

1. Provide multiple and various resources of information that allow comparison, discussion, analysis, and assessment opportunities.

2. Reshape the educational process by defining the roles of teachers, learners, and the educational institutions.

3. Using E-learning applications to link and interact within the educational system (teacher, learner, educational institution, home, society, and environment.)

4. Exchange educational experiences through E-learning applications.

5. Develop the skills and abilities of students and build their characters to prepare a generation that is able to communicate well with others and interact with the changes of the century through modern technical tools.

6. Spread the technical culture in a way to help create an electronic community who is able to keep up with the modern developments.

2.2.1.8 Levels of E-learning

E-learning levels can be categorized into four major categories as the following (Al Musa, 2009).

1. **Enrichment level**: which is the use of the Internet as a source for general information as well as specialized information that is spread over the different websites, where learners can benefit by supporting their achievement and gain skills, which is a level that is based on learner's desire to improve their knowledge and information, or by getting instructions from the teacher to enrich the learner's skills and information.

2. **Supplemental leve**l: in this level, learning is done in traditional classroom, but benefits are gained from the internet as a source of education, learning, and specialized experiences that are designed, produced, and made available on the internet.

3. **Essential level**: In this level there is a total dependence on the internet in learning, where an E-learning system is designed and provided with its requirements, then curricula are designed in addition to the learning, interaction, and communication tools and are made available at private websites for the educational institution on the internet.

4. **Integrated level**: This level includes, in addition to the previous levels, what is linked to digital visualization of the teacher while instructing which is made available on the website to interact with and connect synchronously or otherwise. Additionally, there is a benefit from the other linked information sources that are made accessible to the teacher through the website, as well as accessing digital libraries, laboratories, museums, and others.

2.2.1.9 Characteristics of E-learning

Muhaisen, Al-Musa, and Al Shahrani claim that E-learning has characteristics and benefits that are called benefits, features, or justifications of E-learning, which include (Al Muhaisen, 2002):

1. E-learning allows students to take a major part of this process, not a secondary one.

2. Develops students' self-learning and continuous learning skills, as well as researching information.

3. Helps providing a private atmosphere for students to give them an opportunity to learn depending in their ability without fear or shyness of classmates.

4. Provides a chance for constant communication between students and curricula all the time.

5. Saves a lot of time wasted by students when going to school and back, as well as between lectures.

6. The ability for students to communicate between themselves, and with their teachers, through different channels.

7. E-learning makes education more appealing and exciting for students.

8. E-learning allows for the ability to deliver knowledge through different visual, audio, or read mediums.

9. It is possible to teach larger numbers of students through E-learning.

10. Contributes to the exchange of experiences and point of views amongst students.

11. E-learning makes students feel equal in terms of educational opportunity, discussion, and giving opinions.

12. E-learning allows learning without having to commit to actual attendance and what it bears of difficulties for some students.

13. Easiness and variety of ways to assess student-learning development.

14. E-learning helps develop thinking and enriches the learning process.

15. Provides freedom and courage for students to express themselves.

16. This type of learning is considered

17. This type of learning suits unavailable adults who have jobs that do not allow them to directly attend classes.

2.2.1.10 Drawbacks of E-learning

Even though E-learning has many features, it still has drawbacks that limit its effectiveness or use, such as:

1. E-learning does not focus on all senses; it only focuses on hearing and sight without the rest of the senses.

2. E-learning needs to build infrastructure such as devices, factories, and internet connection lines.

3. It requires intensive training for teachers and students to use modern technology prior to the application of E-learning.

4. It needs teachers who are highly eligible to deal with the technological developments that are used in this type of learning, as well as an eligible management that can do the process, in addition to specialists to prepare and design the educational programs.

5. E-learning lacks human interaction between teachers and students, and between students themselves.

6. Societies in some countries view E-learning graduates as less qualified.

3. The Researcher's Framework

Based on the above, the researcher aims to design a proposed educational program based on pairing art education objectives and information technology skills, which are represented in E-learning that depends on the Internet and is synchronous in light of twenty-first century skills.

The philosophy of the suggested educational program focus on:

1. The philosophy of art education.

2. The philosophy of E-learning and characteristics of college of education students.

3. The philosophy of twenty-first century skills.

3.1 Research Sample

Third year students at the college of education who study metal design.

3.2 Research Tools

Designing a survey to figure out the opinions of specialists in art education about the technological tools in the twenty-first century that could help with the educational process. Appendix (1)

3.2.1 Designing the Proposed Educational Program

In this topic, the researcher discusses the educational design of the proposed program that is based on combining art education objectives and information technology skills in light of twenty-first century skills.

3.2.2 Teaching Strategies Used in the Proposed Educational Program

For the development of the educational process, the researcher chose to combine the following teaching strategies when designing the proposed program of study, which are the following:

1. E-Questioning Strategy: questions are a dynamic process done within the classroom, which are verbal actions carried out by the teacher in writing or orally to manage the dialogue and discussions between students, enhance their interaction, test their learning, or provide them with new knowledge (Azmi, 2014).

2. E-Discussion Strategy: this strategy is one of the most important communication tools and interaction in E-learning environment, through which many educational objectives can be achieved. It can be defined as a strategy that allows users to communicate by sending topics to members to read and comment on either linearly or in a thread. It also achieves many of the educational objectives that many educational institutions seek, where when students participate in ideas, learning reachers the highest levels of knowledge, especially analysis, composition, and assessment. Additionally, students add their personal experiences to each other." (Moustafa, 2014).

Through this method, the teacher can know his level of success in teaching and whether his/her students have understood the material or not, and can also expose weaknesses and strengths. The discussion method essentially depends on the teacher and the students, and on the level of interaction and cooperation between them in order to reach facts and objectives, so learners present the axis point in this method.

3. E-Brainstorming: Munir Al Husari and Yousef Al Onaizi (2000) defined E-brainstorming as "a style of creative thinking that aims to stimulate thought, spark the mind, and create ideas, adopt them, and propose multiple solutions. This means the use of mental potential to solve a particular problem, which

is a technique used by a group of individuals to find solutions for a certain problem by collecting ideas that are spontaneously perceived by them (Al Husari & Al Onaizi, 2000.

4. E-Cooperative learning strategy: this strategy creates a dynamic learning environment within learning environments and include interactions between two or more students, and it is one of the most effective methods that provide students with experiences and various skills. Cooperation is an informal but effective learning tool, where there are some important characteristics that are achieved through cooperative learning such as:

- Students acquire the ability to work within university and cooperative environments.
- Enriching communication and critical thinking skills.
- Two-way interactions.
- Collective relationships that arise are important in the dynamics and ethics of the group.
- Progress and quality of work.

5. E-Problem solving: "this method aims to help the learner so that he can understand the basic cognitive concepts in solving educational problems that may be encountered. It also helps learners to direct their behavior and abilities. The strategy of problem solving in education can be applied through posing a research problem for students on the course page where they are asked to employ what they have learned to solve the problem, but individually. Also, each student can discuss with the teacher through E-mail or dialogue, and can propose a research problem that the teacher can choose and discuss with learners and give each learner a chance to show their point of view for the solution. Then, solutions are gathered and shared on a discussion board so that there is extensive debate by this solution circulated to all students (Azmi, 2014).

3.3 Steps of Preparing the Proposed Educational Program

Time Frame of the proposed program

The proposed program takes three weeks with three lectures, one lecture per week over the course of two days, each lecture is six hours.

3.3.1 Proposed Topics for the Program

The researcher selected five topics that were divided into five technical lessons based on areas of art education and information technology skills that are presented in synchronous Internet-based E-learning in the twenty-first century as follows:

related to the proposed educational program Planning and Organizing Art courses material that is		
First Lecture	Field	Design
	Topic	Initial design of a pendant inspired by Arabic Calligraphy using the Graphics software
Second Lecture	Field	Metal works
	Topic	Implementing the agreed upon design with the metal raw material using the Graphics software
Third Lecture	Field	Metal works
	Topic	Finishing the pendant and evaluation by colleagues

These topics have been chosen because they offer the vital steps to practice artwork in the field of art education which are the ability to which the student can form and develop ideas and use raw materials and tools and respond to visual elements, analysis, interpretation, judging the artwork, and employ modern technology in the twenty-first century to emphasize creativity and innovation, develop problem solving skills and critical thinking and problem solving, communicate, cooperate, actively participate in society and keeping up with the requirements of the digital age.

3.3.2 Selecting the educational material

When selecting the educational material, the researcher took into account the following:

- To be suitable for the characteristics, needs, and interests of third year students at the Faculty of Education, King Saud University.

- To be linked to planning, preparation, implementation, and assessment mechanisms for the planning of unit lessons and art activities in the field of Art education.

- To be specific and appropriate to the proposed teaching strategies.

- To be compatible with the data and components of the tools of contemporary technology and employed in teaching and art production.

The educational material associated with the proposed program was collected from references, websites, related studies, Arab research, and addressing those issues through contemporary information technology and its applications.

3.3.3 Preparation of Accompanying Materials

Presenting a collection of photos, videos, presentations, websites, links, mind maps, and images of the main interfaces that illustrate the properties and abilities of the technological applications that are related to the fields and topics of art courses.

3.3.4 Assessment Method of the Proposed Program

Designing a questionnaire to explore the views of specialists in art education about the extent of honesty of the objectives and content of the educational program which is based on pairing art education objectives with information technology skills presented in E-learning in light of twenty-first century skills.

3.3.5 Application of the Program

The researcher used a range of technology tools in the twenty-first century and the questionnaire results have come out positive for the use of these tools in the teaching process and teaching metal design for third year students at the Faculty of Education. Based on the above, the researcher selected Facebook as a tool to help students communicate, share, and cooperate with each other, in addition to selecting Graphic as an art production tool in the design stage. As for the production and assessment stages, the researcher picked Instagram through evaluating and presenting artwork on an audience, in addition to the students' assessment of themselves and each other. The results were as follows:

Figure (2: 8). Some of the students' artwork using the Graphics software

4. Suggestions and Recommendations

In light of the results of the current study, the researcher recommends and suggests the following:

1. Holding training seminars continuously by educational leaders to find the most important issues and requirements of the age and discuss them in light of educational programs worked on by art education teachers.

2. The need to keep pace with scientific and technological progress and link it with educational innovations in the art education field and benefit from the advantages provided by the concept of globalization in the current era, with no omission to address the cumulative negativities of the effects of technology in art education.

3. The need to include strategic planning programs as training courses for art education teachers and field leaders for the purpose of good planning and educational renewal of the educational philosophy in art education. Where it includes compatibility between the modern requirements and capabilities while taking into account the spirit of art and the educational process in art education.

4. Expand the rules of renewal and decision-making among the educational leaders in the field of art education.

5. The need for the renewal to include a directed educational system based on the improvement, efficiency, and performance of art education teachers through the development of the academic educational process at the university level and ensuring communication with graduates, taking the principal of life-long learning to ensure growth of experiences, knowledge, and skills, which positively reflects on the field of art education as a whole.

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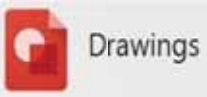
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Appendix

A questionnaire to explore the opinion of experts in art education about technological tools in the 21st century that can help in the educational process. Please read the terms of the questionnaire and give an opinion on the main and sub axes by marking a check in the appropriate field in front of each item, and write any additions or suggestions that you consider.

Questionnaire Items		Related	Somewhat related	Unrelated	Notes
Technological tools in the 21st century	Definition				
Communication and Collaborative workspaces tools					
 Blogger	is defined as a user generated dynamic Blogging web page where content and posts are ranked chronologically from newest to oldest, accompanied by a mechanism for archiving old entries				
 Facebook	Facebook is one of the most famous modern means of communication that helped build a personal social network to connect many individuals regardless of their cultures, views, times, opinions, and attitudes, which allows them to share and exchange information, opinions, and news with individuals from within the community and the outside world quickly and effectively.				

Instagram Instagram	Instagram is a tool that enables its users (students) to share, upload, and send pictures and add comments, in addition to the possibility of editing, processing images, and adding different effects to them through digital image processing tools and different filters.				
Art Creation Tools					
Drawings Drawings	Google Drawings is one of Google Apps that is a tool for producing and using organizational charts, slide presentations, as well as visual materials individually or through working in collaborative groups where it supports engagement and collaboration with other students.				
Animoto Animoto	Animoto is one of the best Web 2.0 tools for animations and slide show production. It allows users to select photos and music to produce, share, and publish videos on websites, blogs, or Facebook, and can be signed into via Facebook or any E-mail.				
Graphics software Graphics software	Graphics software is defined as graphics and image processing software through the use of computer capabilities and it is divided into 3D software and 2D software, which is also divided into drawing applications that use tools and techniques to produce drawings and they are called Vector graphics where graphics are converted into a set of numbers stored on the computer in the form of mathematical coordinates. Other examples include Adobe Flash, Adobe Illustrator, and Corel Draw. Image configuration and processing software are called Bitmap images, which contain a fixed number of pixels. Examples include Adobe Photoshop and photo editor.				
Mixlr Live Mixlr Live	Mixlr is one of the latest Web 2.0 technologies for recording, publishing, listening, and sharing audio files over the internet. It can be used from mobile or computers. It also allows sharing audio files via social media such as Facebook, Twitter, Tumblr, and blogs. You can sign into Mixlr via Facebook or Gmail.				
Learning Tools					
Youtube Youtube	Youtube is a collaborative web application designed to create and share short videos. It enables users to upload, view, and share movies, music, videos, and cartoons no more than 10 minutes or more than one gigabyte. Youtube relies on its users to add content from all over the world, and you can log into Youtube and create a personal channel for each student through a personal Google Account.				
Twitter Twitter	Twitter is one of the most popular social networking tools, and it is the second most used tool in education after Facebook. Twitter provides a small blogging service that allows its users to write and publish an idea or an opinion (Tweet) with a maximum of 140 characters per message. It also allows users to send and receive messages to friends and follow users, and also allows reply and updates via Gmail and SMS. One can create an account and a personal page on Twitter through a personal E-mail such as Gmail.				

 Edmodo	Edmodo is a Web 2.0 technology and was called the world's first and largest learning and social communication network for educational purposes to bring closer the learning community and the student community outside the classroom. It aims to integrate education into the 21st century environment. It is a global community to share and exchange experiences, knowledge, and ideas in closed groups between art teachers and their students, and it combines the advantages of Facebook and the Blackboard system, which is an electronic learning management system that provides students with a variety of educational content and interaction with it easily. Students and teachers can log into Edmodo through the website www.edmodo.com to create a classroom that includes student groups. Students cannot access the teacher's page except with the specified code.				
Search and Engine Tools					
 Google	Larry Page an Sergey Brin introduced a new technique in the field of indexing sites and research, which was Google. They assumed that a search engine that analyzes relationships between websites would provide a better ranking of results. This confirmed that pages that include links to other related pages are the most linked pages in the search process. Google refers to a big number in the millions of billions and to the huge number of pages on the internet that are indexed by the search engine. It is characterized by the diversity and accuracy of research results, being multilingual, and the fastest to follow and pursue websites and new pages where the size of its database is close to 9 billion pages.				
 Bing	Bing is one of the most important competitors of Google and Yahoo search engines, and it is a subsidiary of Microsoft and was called the decision engine. Bing visits webpages to view content and add new pages. It also tracks links to visit other pages to place available texts on those websites' search engine indexes so it can return to them later.				

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