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## ON THE DEVELOPMENT OF THE BAR AND THE CRIMINAL PROCEDURE

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### Abstract

**Purpose** – The paper offers the model of the development of the bar and criminal procedure.

**Design/methodology/approach** – The study is based on textual sources.

**Findings** – The term “legal awareness” is polysemantic: an important aspect of legal awareness is views about the ideal law. legal awareness contains a teleological model of law development.

**Originality/Value** – The work examines the development of the criminal procedure and the bar from the point of view of the philosophy of Aristotle. The article gives an attempt to explain the constant conflict between the government and the bar. Entelechy of law is found in public’s legal awareness, the latter not only being transmission mechanism from law to behavior

**Keywords:** Philosophy of the defense, entelechy, sociocultural paradigm, legal consciousness, qualified legal assistance.

**Research type:** research paper



## CLIMATE VARIABILITY AND FOREST MANAGEMENT THROUGH SOCIAL INNOVATION IN RURAL GHANA: THE CASE OF THE WEST GONJA DISTRICT

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### **Abstract:**

Environmental degradation and its associated socio-economic consequences reflect the wide gap between the goals of sustainability and present resource management practices. The crucial role of institutions in managing natural resources is highlighted in the Millennium Ecosystem Assessment and the Millennium Development Goals. Community/grassroots institutions can build on traditional norms to create strategies which will address environmental challenges from the local level. Environmental management is one key challenge facing Africa’s growing population in the quest for sustainable development. Nonetheless, the continent has a sizeable rural population. The research sheds light on how social innovation/citizen science can enhance grassroots natural resource management and climate adaptation so as to harmonise environment-society relations. Sharing themes with the Post-2015 Development Agenda of the United Nations, and the New Partnership of African Development (NEPAD) research is of both local and international significance.

**Purpose** – *to develop* knowledge on the relationship between social innovation, forests livelihoods, and climate variability.

**Design/methodology/approach** – The study uses literature review to assess the subject matter.

**Findings** – Localised knowledge systems and practices –have evolved in rural niches closely tied to resident communities and their associated livelihood patterns. The remoteness of such communities from central authority makes such innovation less apparent and lacking the needed support. Non-technical innovation, is not adequately aided by current policy regimes, regulatory, institutional as well as infrastructural frameworks. Hence in the absence of policy intervention, there is the risk of several missed opportunities.

**Research limitations/implications** – language barrier: difficulties in translation from local language to English, distrust of local authorities of outsiders.

**Practical implications** – In the absence of policy intervention, there is the risk of several missed opportunities in benefitting from the vital localised knowledge systems and practices which have evolved in rural niches.

**Originality/Value** – The attributes of social innovation are attuned with solving several of the environmental issues confronting contemporary societies which current systems are not addressing.

**Keywords:** climate variability, forest management, social innovation, grassroots, indigenous knowledge

## THE LEGITIMACY OF JUDICIAL INTERVENTION INTO COMMERCIAL CONTRACTUAL RELATIONSHIP IN CLASSICAL, RELATIONAL AND SOCIAL CONTRACT LAW THEORIES

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### Abstract

**Purpose** – to analyze the fundamental provisions of classical, relational and social contract law theories, with particular emphasis on rules legitimizing the judicial intervention into the commercial contractual relationship.

**Methodology** – theoretical methods (historical, analytic and systematic) had been applied in the research.

**Findings** – the author of the article analyzes the fundamental provisions of chosen contract law theories and finds that it is essential to understand the substance of these theories and to choose, what is more, to define clearly main guidelines which are used for reasoning of contract freedom limitation. Such conclusion is made taking into the consideration the differences of separate contract law theories and the importance of the theoretical reasoning of legal system, which also ensures efficient functioning of it.

**Research limitations** – the research has been limited to the analysis of fundamental and characteristic provisions of classical, relational and social contract law theories and their provisions on judicial intervention into commercial contractual relationships.

**Practical implications** – the findings of the research can be applied by legislators passing laws applied to commercial contractual relationships, judges invoking solving

commercial disputes, as well, by the businessmen evaluating possible outcomes of disputes arising regarding commercial contracts concluded by them.

**Originality/Value** – to the knowledge of the author, classical, relational and social contract law theories and their provisions on judicial intervention in the commercial contractual relations have not been consistently analyzed and compared by Lithuanian scholars. Relatively some attention has been attracted by fundamental value of classical contract law - freedom of contract and its limitations, particular aspects of which have been analyzed by J. Gumbis, G. Šulija, R. Lazauskaitė, S. Drazdauskas, A. Jakaitė. However, these scholars have not analyzed the provisions of classical contract law theory coherently. The researches of E. Klimas and V. Jurgaitis, also D. Ambrasienė, S. Cirtautienė, A. Dambrauskaitė, S. Selelionytė - Drukteinienė, A. Tikniūtė have to be mentioned, as relational and social contract law theories, albeit sparsely, have been discussed.

**Keywords:** commercial contractual relationship, businessman, contract law theory, judicial intervention.

**Research type:** general review.

## MASS MEDIA AND RELIGION IN LITHUANIA: DISCRIMINATORY REPRESENTATIONS OF NEW RELIGIONS

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### Abstract

**Purpose** – The aim of this research was to analyze how mass media in Lithuania constructs social meanings about new religions: what are the messages, how they are created and what main ideas are told by media agents about new religions.

**Design/methodology/approach** – The research was conducted in 2013. It analyzed representations of various new religions in the Lithuanian mass media. During the research the most popular Lithuanian daily newspaper “Lietuvos rytas” and online news portal “Delfi.lt” were analyzed, the data was collected for the period 2000-2013. In total 335 articles about new religions were found in mentioned media channels. Publications were analyzed using the methods of quantitative and qualitative content analysis.

**Findings** – Results from this empirical research confirmed, that analyzed Lithuanian media tended to portray religious minorities negatively and presented them as “others”. Journalists often used misleading information and expressed their own subjective opinion about religious minorities. Also analyzed publications showed the main aim of the media to create sensational news in every story that would attract its consumers. The social meanings of religious minorities constructed by the media became more real than in objectively existing world. For majority of individuals, the image of religious media’s constructed image of religious minorities is the most important source

of information about these religious groups. Consequently, individuals think about the surrounding world using these constructed social meanings and behave according to them.

**Research limitations/implications** – It could be useful to analyze other Lithuanian media channels, like television and radio broadcasts. Also it is very important to make interviews with media agents (editors, journalists) about religion theme in media.

**Practical implications** – This research shows that religious discrimination, even ideas of religious homophobia, still exists in Lithuanian society. The findings of this research could be one of the reasons to grope manifestations of religious discrimination.

**Originality/Value** – This research shows the important and little researched topic in Lithuania: religious representations in media. Mass media has the power to construct various ideas and meaning about various religions, religious leaders. In Lithuania, where Roman Catholics is the dominant religious community, new religions usually are understand as strange and harmful. And mass media helps to maintain this attitude with sensational headings and misleading information about new religions. So, this research gives a little look at the problematic aspects of religion and media in Lithuania and shows manifestations of religious discrimination.

**Keywords:** mass media, new religions, discrimination, social constructionism.

**Research type:** research paper.

## THE IMPORTANCE OF BUSINESS CONTINUITY TOOLS APPLICATION IN BUSINESS ENTITIES: CASE STUDY OF TRADING COMPANIES

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### Abstract

**Purpose** – to analyze and assess peculiarities of business continuity planning in shopping mall “X” of emergency management. As well as make suggestions for activity improvement.

**Methodology** – by theoretical presumptions to define applied scientific literature’s, legislation’s and other document’s analyze method. A case of business continuity tools application in business entities was accomplished by using comparative study and interview methods of Lithuanian and foreign emergency management plans (thereinafter - EMP). 8 respondents working in an investigative shopping mall “X” were chosen for interview. A selection of informants was determined by their job position in the shopping mall.

**Findings** – by analyzing topic on the theoretical level was found that business continuity planning is not only a foresight of strategies and procedures during economic

crisis, technical failure, disturbance of logistics, a loss of control on human resources, organizational prestige and goodwill maintenance cases. At the same time this is ability to ensure continuous organization functioning during or after disaster. This process is ensured by EMP on which basis potential risks and their impact on the organization’s activities are evaluated. The most important part (component) of continuity is preparedness. A relevant preparedness to act in a disaster consists of EMP, methodical organization of trainings’ and exercises.

Lithuanian EMP was analyzed and evaluated. Semi structured interview was also done. Conclusion is that investigated Lithuanian shopping mall is not prepared enough to act in extreme situations. EMP was confirmed, but filled in irresponsibly. Interviewees’ replies show that preparedness of trading company is not evaluated as important activity. The mentioned plan has weaknesses. The threat types are not detailed enough. There is no standard operating procedures on how to act in different extreme situations. Lithuanian EMP was compared with foreign country EMP. The latter plan contents were more detailed filled, clear and understandable.

In short employees know elementary actions related extreme situations management. Nevertheless, their knowledge is insufficient for major accidents management.

**Research limitations/implications** – data collected in this research paper was obtained after having analyzed single business entity in Lithuania and one in foreign country. Gathered data cannot be applied for all existing business entities in Lithuania universally. It required more detailed investigation.

**Practical implications** – referring to theoretical and practical investigation premises, some suggestions are done to business entities. Thanks to them, business entities will be able to evaluate their preparedness for extreme situations and improve the actions.

**Value** – the paper discloses what kind of business continuity tools organizations apply while taking disaster risk and impact reduction policy and how plans developed on theoretical level act in practice.

**Keywords:** extreme situation, emergency management, business entity, safety.

**Research type:** research paper.

## THE NEW APPROACH TO THE WEIGHT MANAGEMENT: INTERRELATEDNESS OF INTUITIVE EATING, ADLERIAN LIFESTYLE AND BODY MASS INDEX AMONG LITHUANIAN FEMALE COMPUTER USERS

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### Abstract

**Purpose** – to evaluate the importance of Intuitive Eating for healthy Body Mass Index (BMI) in Lithuanian female computer users sample and explore the Adlerian personality attributes that might be related to the Intuitive Eating.

**Design/methodology/approach** – The study consisted of 724 Lithuanian woman with normal or increased BMI who completed online instruments that included the Lithuanian version of the Basic Adlerian Scales of Interpersonal Success - Adult form (BASIS-A) Inventory, Lithuanian version of Intuitive Eating Scale-2 (IES-2) and questions that assessed height, weight, and behavioral variables such as healthy eating and weight controlling activities.

**Findings** – The results indicated the significant negative relation between Intuitive Eating and BMI. Almost all the subscales of Intuitive eating were positively related to healthy eating and negatively to weight controlling behaviour. Eating for physical rather than emotional reasons and Reliance on the Hunger and Satiety feelings were found as more significant in the prognostic model of BMI than healthy eating. Some of the Adlerian personality attributes including Belonging/Social Interest, Going Along,

Striving for perfection and Softness were positively related to Intuitive Eating. However two personality attributes including Being Cautious and Harshness had an inverse relation with Intuitive Eating scale.

**Research limitations/implications** – Although the online data collection procedures are supported in the scientific literature, the same study with pen and pencil data collection in groups would increase the possibility to generalize the findings. Men should be included in the research sample too in order to explore the gender differences in relation to Intuitive Eating in Lithuania sample. Moreover the longitudinal study would be of benefit for the possibility to predict the weight change in relation to various behaviours.

**Practical implications** – Intuitive Eating seems to be a good choice for women struggling with weight issue. However more attention to the healthy eating behaviour should be paid. Moreover consultant would benefit with the evaluation of the personality dynamic that might increase the possibility of successful weight management.

**Originality/Value** – Additional value of this study included support for the new instrument (EIS-2) to measure Intuitive eating in Lithuanian sample.

**Keywords:** Intuitive Eating, Adlerian Lifestyle, BASIS-A, Healthy eating, Weight control, Body Mass Index

**Research type:** research paper.

## THE INFLUENCE OF *SOFT LAW* INSTRUMENTS UPON TERMINATION OF LONG-TERM CONTRACTS

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### Abstract

**Purpose** – to analyze the regulation provided by the soft law instruments (mainly the forthcoming UNIDROIT Principles of 2016 and DCFR) concerning the rules for the termination of the long-term contract. The author of this paper examines the doctrine of the just cause to terminate the long-term contract.

**Design/methodology/approach** – the comparative and the systematic analysis methods are use in this paper.

**Findings** – general contract law provisions incorporated into modern soft law instruments are not entirely suitable for the regulation of the long-term contractual relations, especially for the termination of the long-term contracts.

**Research limitations/implications** – basically, this study is limited to the studies and preparatory works of the International Institute for the Unification of Private Law that are aimed to by the year 2016 systematically change the content of the UNIDROIT principles in a way that they would be suitable for the long-term contracts. The content of the forthcoming UNIDROIT provisions is not clear yet.

**Practical implications** – this study could be the basis for the future development of the Civil Code of the Republic of Lithuania, i.e. when changing (supplementing) the general contract law provisions so that they were appropriate to regulate the long-term contracts and in particular their termination.



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**Originality/Value** – the new initiatives of the International Institute for the Unification of Private Law have not been yet analyzed neither by foreign legal scholars nor by Lithuanian legal researchers.

**Keywords:** long-term contracts, termination of the long-term contracts, just cause, the UNIDROIT Principles, irreparable loss of trust and confidence.

**Research type:** research paper.

## CREATIVITY – A SKILL OF THE 21<sup>ST</sup> CENTURY

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### Abstract

**Purpose** – The purpose of the workshop is to give practical exercises for stimulating creativity.

**Design/methodology/approach** – practical activities for brain stimulation based on Dietrich’s (2004) four types of creativity.

**Practical implications** – activities can be tailored to personal taste and used by creative professionals, academics, business people to boost creativity. Creativity has become one of the most demanded skills/talents in business, in academia and in creative industries. Our education curriculum is based on developing cognitive and deliberate creativity, leaving spontaneous and emotional creativity outside the agenda. This workshop is designed to cover all 4 creativity types defined by Dietrich (2004) by combining theory and practical activities and exercises that can be used to stimulate different brain centers involved in creative processes.

**Originality/Value** – different practical and ready to use activities to stimulate all brain centers taking part in 4 types of creativity.

**Keywords:** creativity, brain stimulation, creativity workshop.

**Research type:** creative workshop.

## GENDER IN LEADERSHIP WITHIN CULTURAL CONTEXT

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### **Abstract**

#### **Purpose**

After conducting exhaustive (cross-) cultural and leadership literature review, the author aims to: 1) draw conclusions from existing literature regarding gender and leadership process within cultural context; 2) propose a conceptual frame of gender inclusion into leader perception model within cultural context.

#### **Design/methodology/approach**

Literature review was conducted, focusing on literature addressing leadership, culture and gender issues in management/organizational studies.

#### **Findings**

Findings indicate, that regardless extensive body of literature on leadership and culture in organizational setting, there is a lack of theoretical insights regarding the effects of gender and culture on leader perception process.

#### **Research limitations/implications**

Literature review focused on organizational and management literature. By doing so, some valuable research or literature source could have been missed.

#### **Practical implications**

Ideas proposed, could contribute to the advancement of leadership theory. It can make contribution to leadership development programs and as a tool in management decision-making process within organizational setting.



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**Originality/Value**

The presentation provides overviews of a large body of literature from the fields of gender, leadership and culture. Further more, the conceptual ideas are further connected in a conceptual frame, providing bases for starting an empirical research.

**Keywords:** NA

**Research type:** conference presentation

## POPULATION AGING AND ITS IMPACT AREAS

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### Abstract

**Purpose** of this paper is to analyze the features of population and its impact areas. More specifically, the paper analyses how changing demographic characteristics as life expectancy, birth rates, median age affect various areas of public life.

**Design/methodology/approach.** The theoretical study is based on a literature analysis, data structuring, comparing and evaluation methods.

**Findings.** Significant demographic changes are globally recorded in the world. Provided future forecasts signals striking changes in the structure of the population. It is often emphasized that the population pyramid in the future will no longer be similar to a pyramid, especially in Europe. On the one hand, aging of the population is identified as an achievement of civilization on the other hand this phenomenon raises new challenges. Analysis shows that the demographic population aging affects different areas of public life: economic growth, health care and social security systems, labour force, employment, retirement and other processes. Population ageing increases the demand of health care specialist, affects people incomes, savings, and highlights the importance of knowledge transfer. Demographic aging affects each of these areas distinctively, so this paper aims not only to identify impact areas but also to further assess the impact features.

**Research limitations/implications.** Prepared paper is based on a purely theoretical analysis, but it is necessary to carry out more detailed empirical researches and in

practice evaluate the population aging impact on health care, pension systems, labor, and other important areas of public life.

**Practical implications.** The aging population is receiving an increased attention of various researchers. This aspect is discussed in scientific discourse, performed at theoretical and empirical researches. Considering the limitations of existing analysis and the lack of a systematic approach, this paper concentrates on various impact areas and presents a comprehensive approach.

**Originality/Value.** The paper provides an overview of demographic changes, indicators of population ageing and its impact areas, so obtained results could be useful solving problems associated with aging.

**Keywords:** demographic changes, population aging, age management.

**Research type:** general review.

## PROBLEMS OF CUSTOMS LEGAL REGULATION IN INTERNATIONAL TRADE BETWEEN THE EUROPEAN UNION, RUSSIA AND CHINA: ANALYSIS OF LITHUANIAN JUDICIAL PRACTICE SINCE 2010

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### Abstract

**Purpose** – the aim of this article is: (i) to overview the level of the problems and obstacles of international trade between the Republic of Lithuania, as the EU Member State and the BRICS group of countries (Russia, China) according to the case-law of the Republic of Lithuania in disputes relating to customs decisions and actions (for the period from 2010-01-01 to 2015-01-01) and (ii) to present proposals for development of the regulatory regime for import customs duties.

**Design/methodology/approach** – analysis of relevant issues is based both on theoretical (analysis and synthesis, systematic) and in particular empirical methods (statistical analysis of data, analysis of documents, generalization of professional experience, in particular – practice of the courts of Lithuanian Republic in disputes with customs authorities). The article consists of an introduction, three chapters and conclusions.

**Findings** – for more than ten years (since 2004) the Republic of Lithuania is a member of EU and is realizing its economic and trade relations with other foreign countries, and regulating customs duties according to the requirements of the EU common foreign trade policy (Common Commercial Policy). After accession to the EU, more than 20 percent of Lithuanian foreign trade consisted of trade transactions with the

Russian Federation, which, despite of some fluctuations, had an overall trend to grow (increase) (Bernatonytė, 2011; Slavickienė A., Jatkūnaitė D, 2006). In addition, from 2009 to 2014 Lithuania consistently increased its foreign trade (both imports and exports) with the other country of the rapidly growing economic BRICS region of the world, i.e. China.

On the other hand, the analysis on practical problems of the foreign trade with these particular countries which have arisen in Lithuania since 2010, justifies that most legal problems of customs regulation are caused by legal matters relating to the tariff classification of imported goods (inadequate requirements for the evidence to support appropriate classification of goods), determining of the customs origin of goods and proper application of anti-dumping customs duties (while regulating trade with China), as well as clearly not defined importance of separate individual sources of law in the field of customs which could be binding for the settlement of disputes (e. g. legal significance of documents accepted by World Customs Organization). These customs duties application problems should be solved in the future, in order to develop international trade with the referred BRICS countries.

**Research limitations/implications** – the analysis is limited to a certain period of time (yrs. 2010 – 2014) and is based on the practice of the Lithuanian Supreme Administrative Court in cases related to the activities of customs and taxation with customs duties in Lithuania. The scope of the research consists of the situations, when the goods from the third countries (BRICS countries – Russia and China) were imported into Republic of Lithuania. Taxation of export operations and specifics of their taxation with customs duties in third countries (Russia and China) were not analyzed in this article.

**Practical implications** – based on the context of international economic law, the provisions of the EU customs legislation and their application in the practice of courts the article identifies the problems of taxation of international trade with BRICS countries (Russia and China) on the national level (from the perspective of Lithuania). The article also presents opportunities to improve customs duties regulation regime applied to the international trade with Russia and China in the Republic of Lithuania, as a Member State of the European Union and determine what legal measures should be taken to ensure a free, fair and open international terms of trade with these particular countries.

**Originality/Value** – from a legal point of view, experience of Lithuania's integration into the EU since 2004 and the related general legal issues (e.g. such as prospects of legal regulation of customs policy after the entry to the EU) was immediately dealt with a variety of authors (Radžiukynas, 2005; Raišutis, 2005; Povilauskienė, 2006; Slavickienė, Jatkūnaitė; 2006 and others). However, the literature and the national legal doctrine in the last five years (yrs. 2010 – 2014) almost completely lacks the studies directed to legal regulation of foreign trade in Lithuania after the entry to the EU (unlike the studies related to the implementation of the EU common international trade policy and Common

Customs Tariff in general). Issues related to the legal regulation of foreign trade in the modern global economy (*inter alia* customs regulatory issues and challenges) and the related transformations of legal system of the Republic of Lithuania are not consistent, as comprehensive and scientific work in this area remains only fragmentary (for example, Lithuanian case law (cases of customs disputes) is generally not analyzed and none of their summaries or generalizations was prepared and presented to the public and community of legal practitioners and scholars.

In this respect, the article provides new insights on this area of legal regulation and on the basis of national courts practice in customs cases since 2010 evaluates international trade regulation system between the Lithuanian Republic as the Member State of the EU and BRICS countries (Russia, China) and describes what customs regulatory instruments should be to ensure attractive trade regime with these foreign partners.

**Keywords:** international trade, customs law, BRICS countries, international trade agreements, Common Trade Policy.

**Research type:** research paper

## COLLECTIVE ACTIVITIES IMPLEMENTATION IN PUBLIC SPHERE: INTERRELATION BETWEEN PARTICIPATION AND E-PARTICIPATION

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### Abstract

**Purpose** – To identify and evaluate communicative aspects of e-participation and its structure as a way to overcome particular barriers for the effective collective activities implementation.

**Design/methodology/approach** – Contemporary activities and projects of various governmental and non-governmental organizations most effectively are implemented by collective activities and actions, active citizens (and their groups) engagement and participation of all who are concerned. Effective implementation of the Third sector activities’ is determined by interaction between various citizens’ groups and features of participation; strength of communication and co-operation connection between all who are concerned and realization of their taken roles in particular stages of participation process. Research of participation reveals what barriers can affect particular activities, communication and co-operation between involved participants. E-participation, presented as a way to overcome these particular barriers, is based on the postmodernism theoretical approach and analyzed as a) modern technology and b) global structure of communication. Third sector’s initiatives and projects are based on conception of collective activities, which are performed in modern public sphere.

**Findings** – Most of the contemporary initiatives and projects, based on participation of citizens (and their groups) and various organizations are implemented by using

information and communication technologies, that is by e-participation, which represents particular participation processes in modern public sphere. Although public sphere provides versatile communication and co-operation of all who are involved, with regard to the particular Third sector projects, related to decision making processes, public affairs and publicity of important issues, there are noticeable particular barriers which are influencing the effectiveness of these projects’ implementation.

**Research limitations/implications** – The research of interrelation between participation and e-participation against the barriers which are affecting the Third sector activities’ implementation is based on selected theoretical e-participation research approaches and method forms, conception of participation and collective activities’ realization in contemporary public sphere.

**Practical implications** – Determined e-participation structure, which is involved in to the Third sector activities, related to decision making processes, public affairs and publicity of important issues specifies practical implication of e-participation as a way to overcome particular barriers, encourage participation and ensure effective implementation of the-above mentioned Third sector activities.

**Originality/Value** – E-participation is presented as a way to overcome particular barriers which determine the effectiveness of a) the Third sector’s initiatives and projects implementation (related to decision making processes, public affairs and publicity of important issues) and b) communication and co-operation between those who are involved.

**Keywords:** third sector, collective activities, e-participation, participation, public sphere.

**Research type:** viewpoint, conceptual paper, general review.

## CONSTITUTIONAL CONTENT OF THE RIGHT TO RESISTANCE AS ONE OF THE MEANS OF THE STATE DEFENSE

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### Abstract.

**Purpose** – State independence or territorial integrity and constitutional order may be defended not only by the use of the armed forces, or *inter alia*, the military service. The idea of resistance (Lat. *resistentia*) against godless or tyrannical, unjust and unlawful reigning power is pervading from antiquity and the early European (cultural) history. The period of the emergence of constitutional states marked the emergence of the resistance right. The occupation of Lithuania in 1940, as well as the events in Ukraine call for more detailed analysis of constitutional content of the right to resistance, the understanding of which would help to establish the necessary conditions (at least *de jure*) to exercise this right. Therefore, while analysing the constitutional contents of the resistance right (in terms of Article 3, part 2 of the Constitution of Lithuania) the attempt will be made to answer a few questions: who are the holders (subjects) of the resistance right; what is the target of resistance or addressees of resistance; when the resistance right occurs and how it can (must) be implemented?

**Design/methodology/approach** – the qualitative research methodology was used in the study. The document analysis method was applied to the analysis of the instruments of the highest legal power – constitutions, in order to obtain data on the constitutional contents of the right to resistance. The *comparative method* reflects the similarities and differences of the current versions of constitutional provisions of different countries, as

well as the comparison with the Lithuanian constitutional regulation, while analysing the prerequisites of the legal implementation of the resistance right. One of the main *methods of systematic analysis* helped determine the constitutional content of the resistance right as one of the measures of the state defence.

**Findings** – the right to resistance must serve only the preservation of the existing constitutional order, the country's independence or territorial integrity. It is therefore unacceptable to establish similar illegal government instead of another illegal government, only with different features than the previous one. Resistance is possible against anyone – regardless of who performs it (aggressor, invader, coup “from the top” or “from the bottom”) – elimination of the constitutional order, state existence *per se*, but not violation of individual norms of the constitution. Therefore, the resistance right is a last resort.

Decision of a citizen or a nation to take the resistance (in terms of Article 3, part 2 of the Lithuanian Constitution) is “existential” because during the decision-making there is no control authorities for its justice; the subject willing to resist moves along a thin line between, on the one hand, the risk of charges of counter-revolution, if resistance is not successful, and on the other hand, the violation of the existing legal order, at the risk of incorrect assessment.

Finally, it can be stated that the constitutional right to resistance (as one of the state defence measures) acts as a justifiable basis which makes impossible the legal consequences of tort of civil law or offences of criminal law. However, the right to resistance guaranteed by constitution only has such effect when the constitutional order is restored at the end of the resistance, because this right does not guarantee success and in the same way does not exclude the risk of defeat to any of the participating parties.

**Research limitations/implications** – given that the right to resistance is a natural right, and that constitutions do not contain the imperative for the legislator to specify in detail the right to resistance, therefore the study only analyses the constitutions of Lithuania and several other countries (Argentina, the Czech Republic, Estonia, Greece, Portugal, Slovakia, Hungary, Germany) *expressis verbis* establishing the right to resist. However, the Lithuanian legal system stands out because the right to resistance is specified in detail in ordinal regulation, which will be also analysed in the study.

**Practical implications** – in case of a military threat or danger of the coup, the results of the study could be used when making a decision by each citizen to implement the right to resistance, because only after the analysis of the content of this constitutional right it is possible to reduce the threat of its misinterpretation and incorrect implementation.

**Originality/Value** – the detailed analysis of the constitutional content of the right to resistance has not been found in the legal works of the Lithuanian scholars, except for

Šileikis, E. (2005), but authors of other countries have been analysing this right: Heinemann, J. (2003), Kloepfer, M. (2010), Herzog, R. (2012), Höfling, W. (2013), etc.

The originality of research is in that for the first time from the comparative aspect it analyses the constitutional content of the right to resistance, it *inter alia* evaluates the constitutional and ordinal legal regulation of resistance in Lithuania. The findings of research could be valuable for understanding and determining what are the constitutional requirements for the legal implementation of the right to resistance, and, simultaneously, for helping to preserve the current constitutional rule of law, the state's independence or territorial integrity.

**Keywords:** the Right to Resistance, State Defense, the independence, territorial integrity, and constitutional order of the State.

**Research type:** general review.

## REQUIREMENTS OF CONFIDENTIALITY IN PUBLIC PROCUREMENT

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**Purpose** – to analyse the requirements of confidentiality in public procurement.

**Methodology** – document analysis; systematic analysis; comparison; generalization.

**Findings** – confidentiality requirements in public procurement, established in the laws of the Republic of Lithuania and in the directives of European Union, are composed of two elements: the concept of confidential information and the obligation not to disclose information forwarded to contracting authority by economic operators which they have designated as confidential. Principle of competition requires the confidential information forwarded in public procurement procedures and litigation not to be disclosed, because the security of confidential information helps to ensure competition in public procurement.

However, the duty not to disclose confidential information is not absolute – its content and limits should be determined *inter alia* by combining the duty of confidentiality with other public procurement principles, especially the principle of transparency, which obliges to ensure transparency, and the principle of effectiveness, which requires to ensure the effective implementation of suppliers' rights to defense.

In case of doubt if some information should be considered as confidential, the concept of confidential information should be interpreted as narrowly as possible by giving more importance to the principle of transparency, i.e. to the disclosure of such information. The principle of transparency determines that the necessary information should be disclosed, and the legal regulation of public procurement should be interpreted

so as to allow the greatest possible opportunity to ensure the principle of transparency. In addition, the litigation in public procurement consists also of the public interest, which requires the court to be active and, when necessary, to collect evidence on own initiative.

Meanwhile, the principle of effectiveness is one of the factors that determine the limits of confidentiality requirements. In order to guarantee the right to an effective defense, the court should investigate all facts related to the case. The court should ascertain whether a procurement procedure was carried out legally and without prejudice to public procurement law and other laws. The disclosure of information obtained in public procurement procedures could be justified if the applicant reasonably indicates systematic violations of public procurement procedures. One of the means to ensure the legality of public procurement procedures is the review of all information related to procurement procedures. Only after verifying all related information (the contracting authority's decisions and the documents of suppliers, including the confidential information) it is possible to discover any violations of law that would otherwise never be determined.

**Research limitations** – the research is limited to the analysis of scientific sources of the Republic of Lithuania and European Union, also in part of the United Kingdom. Moreover, the research is mostly oriented to the analysis of public procurement disputes (both pre-trial and judicial).

**Practical implications** – research on the topic is particularly relevant in today's public procurement practice. From a practical point of view, it is essential to formulate and lay down precise rules of confidentiality requirements of the application of public procurement rules, as well as accurately as possible to determine the limits of the confidential information of suppliers. On the one hand, the findings of research would allow contracting authorities to determine exactly what information mentioned in suppliers' bid may be reasonably regarded as a confidential information. On the other hand, the findings of research would allow suppliers to defend their rights both in pre-trial disputes and judicial litigation by arguing that the contracting authority has adopted groundless decisions. Public procurement consists also of public interest, therefore the clearer requirements of the confidentiality in public procurement would allow to ensure both fair competition and lawful procedures, also would prevent discrimination or protectionism and, ultimately, would contribute to the further reduction of corruption in public procurement.

**Originality/Value** – currently there is not much scientific literature in the Republic of Lithuania, which would be orientated exclusively to the confidentiality requirements of the procurement procedures. Certain authors have analyzed the confidential information concept. Other authors have analyzed the confidentiality requirements in public procurement in the aspect of the principle of transparency. Due to the specificity of this



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research and the lack of scientific literature, the topic of research has a scientific novelty and relevance.

**Keywords:** public procurement; confidential information; the principle of transparency; the principle of effectiveness; fair competition.

**Research type:** research paper.

## COMPARATIVE ASPECTS OF JUDICIAL REVIEW OVER AGREED AMOUNTS

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### Abstract

**Purpose** – in this article on the basis of comparative analysis different models of judicial review are examined and assessed in order to reveal particular critical aspects or advantages.

**Methodology** – in this research theoretical methods (comparative, analytical and systemic) are being applied.

**Findings** – legalization of penalty clauses in terms of flexible judicial review, in contrast to their ban in terms of strict judicial review, ensures best both the equilibrium between the protection of legal interests that is necessary in respect of weaker parties and freedom of contract needed by the stronger commercial parties. However, in the jurisdictions where the flexible judicial review with reduction power over unreasonably excessive sums, as a safeguard for protecting legal interests of weaker parties, is established the evaluative criteria should not be applied in the same fashion for both non-professionals and professionals operating in the scope of their activity. For this reason in Lithuanian Republic legal certainty and freedom of contract in the context of commercial contractual relations could be strengthened by making an exception of the reduction power in respect of businessmen with relatively equal bargaining power, which would basically allow to differentiate the regime of judicial review on the basis of parties' professional capabilities.

**Research limitations** – author of this article studies models of judicial review that are based on either invalidation or reduction of penalty clauses by limiting his research to the examples of the US and some civil law countries, among which are, for instance, Belgium, Spain, Germany, Lithuania, however, not all of these examples are equally discussed due to some similarities in terms of regulation regarding penalty clauses.

**Practical implications** – this article initiates a discussion aimed at revealing, which model of judicial review over penalty clauses ensures best both the equilibrium between the protection of legal interests that is necessary in respect of weaker parties and freedom of contract needed by the stronger parties. It is also attempted to reveal in what way in Lithuanian Republic legal certainty and freedom of contract in the context of commercial contractual relations could be strengthened.

**Originality** – although in the foreign scientific literature various practical and theoretical aspects concerning liquidated damages and penalty clauses were analyzed, but this research focuses on revealing and assessing the advantages or disadvantages that depend on the implemented model of judicial review over penalty clauses, which can be either flexible or strict, in order to answer questions, such as which model allows best to balance the needs associated with protection of legal interests and freedom of contract, as well as how the judicial review model could be improved in Lithuanian Republic.

**Keywords** – penalty clause, liquidated damages, judicial review, reduction power.

**Research type** – general review.

## INDIVIDUAL OR COLLECTIVE RIGHTS? THE MEANING OF CULTURAL RIGHTS IN THE UN SYSTEM OF THE PROTECTION OF HUMAN RIGHTS

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### Abstract

**Purpose** – Cultural rights are the least understood and developed among the rights that have been guaranteed under international law. This seeming paradox is due to the complexity of the area and the fact that not much attention has been given to 2<sup>nd</sup> generation rights as a whole. In order to explain cultural rights author focuses on evolution in their understanding.

**Design/methodology/approach** – Author discusses the notion, function and importance of cultural rights. His research is based mainly on UN official documents such as ICESCR, corresponding General Comment no 21, 2007 Fribourg Declaration as well as ECHR jurisprudence.

**Findings** – Cultural rights stand as conceptual umbrella which covers other human rights. Author underlines that interpreting existing human rights treaty provisions through the lens of cultural rights serves as a catalyst for their better implementation.

**Research limitations/implications** – Cultural rights are not researched often. Culture as such lies more within domain of philosophers or anthropologists. Therefore, it is very unlikely to catch it in legal terms. Author tries to describe this notion by using

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<sup>1</sup> This research was financed by the National Science Centre (Poland) on the basis of a decision number DEC-2013/09/N/HS5/00522.

legal language which constitutes a conceptual challenge from the beginning of this research.

**Practical implications** – Technology development and other effects of globalisation permanently challenge contemporary systems of human rights protection. International community adapts to these challenges by constant development of standards. Cultural rights are quite modern but propitious tool of this process. Successful adaptation requires better understanding of its nature and potential support for better human rights protection it can provide.

**Originality/Value** – Author describes relation between cultural rights and other human rights. He focuses on the role cultural rights play in realisation of civil rights including freedom of expression but also sees their importance in safeguarding the sustainable development not only of vulnerable groups such is indigenous people but of human kind as a whole.

**Keywords:** cultural rights, collective human rights, ICESCR, right to take part in cultural life, rights of indigenous people international assistance, international solidarity, human rights

## THE TRANSFORMATION OF THE ENERGY SECTOR AND “CITIZEN ENERGY”: INSIGHTS FROM GERMANY WITH COMMENTS ON THE LITHUANIAN CONTEXT

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### Abstract

**Purpose** – Explore the extent to which the Energy Transition in Germany is a social transformation and comment on the Lithuanian context

**Design/methodology/approach** Interviews with German energy entrepreneurs and field notes

**Findings** The Energy Transition in Germany has been driven by “Citizen Energy”, but this is under threat from recent reforms which undermine the potential of “citizen energy” as a social transformation. There remain barriers to the growth of “Citizen Energy” in Lithuania.

**Research limitations/implications** It is, to an extent context-specific with limitations for generalizability

**Practical implications** Findings may be of use to the Lithuanian academic community and policy makers interested in energy policy

**Originality/Value** Energy entrepreneurship is a timely theme in view of concerns about climate change and energy security

**Keywords:** citizen energy, crowdsourcing, entrepreneurship, energy transition.

**Research type:** research paper

## CAMERA PHONE INFLUENCE ON PHOTOGRAPHY BUSINESS

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### Abstract

**Purpose** – The camera phone has become the dominant device of this millennium. Changing technology is shaping the new approach and way of life. It affects photography business. The average person believes that they can do just as good pictures as the photographer by using camera phones, even during important events, such as weddings. It is becoming worried about the future of the business of photography.

The purpose of this paper is to explore the impact of camera phones to photography business, in order to assess opportunities for the photographer's career.

**Design/methodology/approach** – The research objectives were achieved by conducting a literature review of peer-reviewed scientific publications on internet.

**Findings** – Camera phone has transformed photography of deliberately planned activities to spontaneous action who led to cultural transformation. People see reality through the lens and broadcast it live to the whole world. Photography is becoming more democratic, but it's value is falling. There are two main business prospects for the future of photography. Looking from the pessimistic side the cheaper equipment creates photography dye. More and more there are people who say "we can do just as well ourselves". There has never been such amount of photographs, but we forget that the paper is the ultimate photographic expression. Digit distorts the true expression of photography and in the future new technology can destroy our memories. Optimistic side says if you can't fight against something you must adjust. One of alternative could be

selfie customization to business. Camera phone photos of employees create the impression that there is a real people behind the brand. This creates a powerful emotional connection between the customer and the business. Why not start the photographer to take pictures of conveying the impression selfie and offer it as an alternative to business?

**Research limitations/implications** – The findings in this presentation are tentative and need to be confirmed by other researchers, including qualitative studies.

**Practical implications** – This presentation gives important insights for photographers on opportunities to take advantage of new mobile technologies in improving photography business. Photographers need to rethink their existing practices and offer something unusual.

**Originality/Value** – Little research has examined the opportunities for successful photography business involvement in new technologies development. This presentation helps to understand that photographers must develop new business strategies in order to survive.

**Keywords:** cameraphone, photography, iPhoneography, business, selfie, mobile technology.

**Research type:** general review.

## PRIVACY IN ONLINE SOCIAL NETWORKS AS LEGALLY PROTECTED VALUE

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### Abstract

**Purpose** – to analyze the privacy as legally protected value phenomena in online social networks.

**Design/methodology/approach** – in order to achieve the above mentioned purpose, the author introduces the history of the right to privacy, the distinction between privacy and data protection, describes the limits of the right of the protection of privacy, specifically referring to the protection of privacy in online social networks. The author uses the following methods: analysis of the scientific literature, examination of legislation, study of actual court decisions and comparison of US and European approaches to the protection of privacy.

**Findings** – the main findings of the article include the reflection of a constantly developing conception of privacy, the different continental approaches into the protection of privacy, the inevitable distinction between public and private information and characterization of the fundamental elements of privacy.

**Research limitations/implications** – the research mainly focuses on the examination of legal values in assessing the protection of privacy in online social networks and does not include any psychological, sociological and ethical aspects of the phenomena.



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**Practical implications** – the research analyses the key elements in defining privacy value, which might be practically used by the legislative bodies, as well as the each consumer and end-user of the online social network.

**Originality/Value** – the article reveals quit new, currently actual and little researched area in privacy studies – the legally protected key elements of the privacy in online social networks.

**Keywords:** privacy, online social networks, legislation requirements.

**Research type:** research paper, viewpoint, literature review.



## SOCIAL LEGAL TRANSFORMATION OF PAKISTAN

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### **Abstract**

Pakistan came into being in 1947. It struggled a lot during its initial days. It did not come to consensus to make a constitution until 1956 but later on military regime intervened. It is a drawback of Pakistan that laws and the constitution are not made indeed for its people rather they are made for the selfish elite who come into the power time to time without the support of the people. An unelected person cannot make a law for the betterment of the people he always do things for his own interest.

**Purpose** - To point out weaknesses and hindrances in the social legal transformation of Pakistan and to recommend changes and best possible ways to build a highly social legal transformed society.

**Design/methodology/approach** - The treatise is made taking into account the qualitative approach by looking into the historical prospect of social legal issues of Pakistan and to come to a conclusion to draw a better picture if followed the suggested steps.

**Findings** - The paper includes the review of the history and weaknesses in legal transformation and comprehensive suggested steps to be followed to overcome the weaknesses and deficiencies.

**Research limitations/implications** - The paper is limited to the social and legal aspects of the transformation in Pakistan and does not go into the deep details of politics and culture.

**Practical implications** - Suggested steps can be followed by the legislature to make amendments in laws and to make more suitable laws which is a necessity for the better social transformation of Pakistan.

**Originality/Value** - The research is a good piece and has an importance in its field and may help a lot in the development of the country and the region specially and the world at large generally.

**Keywords:** Islamic rulers of the sub-continent; British India and its laws; Constitution of Pakistan 1956,1962 and 1973.

**Research type:** The said research is a critical analysis on the development and transformation of Pakistan with respect to law and social justice.

## MATERIALITY EFFECT ON CONTEMPORARY SACRAL PUPPET

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### Abstract

**Purpose** – to analyze the origin of sacral puppets, their function, and possibility to use this information in creative work process. Main research question: Does materiality has an effect on functionality of sacral puppet?

**Design/methodology/approach** – qualitative approach: comparative analysis, partially structured interviews with artists.

**Findings** – ritual differences between sacral puppets are presented; revealed main materials for sacral puppets' construction; presented puppet's role in art; and revealed relation between puppet's materiality and functionality.

**Research limitations/implications** – references used for comparative analyses on sacral dolls is not an exhaustive list within the field.

**Practical implications** – understanding relation between materiality and functionality is crucial in executing the purpose of art.



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**Originality/Value** – executed research helps to reveal changes in contemporary society's values in search of a more comfortable life. With decrease of rites and magic value in daily life people themselves unwittingly become "puppets" of consumption circle. Research takes a look deeper in to this process.

**Keywords:** sacral puppet, materiality, functionality.

**Research type:** research paper.

## PUBLIC PROCUREMENT IN THE EUROPEAN UNION: THE DUTCH CASE

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### Abstract

**Purpose** – to analyze results of new public management impact on the Netherlands as one of European Union countries’ public procurement system.

**Design/methodology/approach.** Research study had been made at Radboud University Nijmegen, the Netherlands on 1<sup>st</sup>-30<sup>th</sup> of March of 2015. Analysis of relevant issues is based both on theoretical (analysis and synthesis, systematic, comparative) and empirical methods (analysis of documents).

**Findings.** The Netherlands was one of six founders (Belgium, France, Italy, Luxembourg and West Germany) of European Economic Community (EEC) on 1957, which later was called European Union (EU). Lithuania joined EU in 2004, so the experience and practice of this country is an example for others in government system and public procurement is appropriate and purposeful. The Government in the Republic of Lithuania wants to improve the management of the institutional capacity, to manage effectively budget funds, to improve public procurement for business and public sector.

**Research limitations/implications.** Research gives insight on changes in new management decisions of public procurement law in Lithuania and practice of their application since the entry of Lithuanian Republic to the EU.

**Practical implications.** The first International Public Procurement Conference was launched in 2004 in Fort Lauderdale, Florida, the United States of America. The second

one – in 2006, in Rome, Italy and the third one was held in Amsterdam, the Netherlands, in August 28-30 of 2008. By 2010, all EU countries should be installed electronic public procurement systems and at least 50 percent of public procurement should be made in this way. For a membership of different countries, procurer’s participation is essential for EU and the Republic of Lithuania’s domestic economy because of safe competition in all EU. It is an actual problem to evaluate current situation in the field of public procurement and to identify the most faced problems. The practice of public procurement is quite new in the public sector, however it is worldwide known about the complicated regulation, coordination and control of this process. Using survey research, the author examines the relationship between procurement planning and accountability of Dutch government procurement systems. There was found a significant positive relationship between procurement planning and accountable local government procurement systems. The international research have given offers for management, policy making, future research and efficient accountable government operations in Lithuania.

**Originality/Value.** The presentation is orientated into the theoretical and practical legal problems of the public procurement, which are not discussed in the Lithuanian legal doctrine and specific academic management literature since all the main analysis has been done before preparations to enter the EU or immediately after the entry to the Union. It is necessary to promote to society to get interested into the problem of transparency in public procurement stressing that successful fight against this problem of transparency depends on the wish of society to resist it. Anti-corruption education, complex implementation of principles of effectiveness, efficiency and transparency is able to concentrate public and private sectors and civil society in seeking to simplify and improve public procurement procedures through the implementation of the electronic tools.

**Keywords:** procurement, e.procurement, transparency, management.

**Research type:** research and literature review.

## VALUES AND HABITS OF YOUNG JOB SEEKERS: CASE OF MYKOLAS ROMERIS UNIVERSITY'S STUDENTS AND RECENT GRADUATES

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### Abstract

**Purpose** – There are several country level challenges in the Baltic States; one of them is youth unemployment. For example, in Lithuania, the youth unemployment rate is still high. In December 2014, it was 16.5% (Eurostat, 2015). This situation has various causes. The research will help to explore values and habits of young job seekers on example of Mykolas Romeris University's students and recent graduates.

**Design/methodology/approach** – The research is explorative and observational by design. Literature review, statistical data interpretation, synthesis and comparison, survey. Population of the research is tertiary education institutions' students and recent graduates in Lithuanian in age from 18 to 24 years (inclusive). The sample is Mykolas Romeris University's students and recent graduates in Lithuanian in age from 18 to 24 years (inclusive).

**Findings** – Towards the Baltic States' transition to the knowledge-based economy, some local young people are emigrating, because of unsuitable for them vacant working places on the labor market. One of the reason is mismatch on the labor market. There is surplus of some specialties job seekers, so they cannot find the suitable job according to their background. Another reason is organizations unrecognition of young job seekers peculiarities i.e. they cannot attract young job seekers and meet their requirements; nevertheless, it is possible, if organizations know these peculiarities.

Based on the survey’s preliminary results it is clear that Mykolas Romeris University’s students and recent graduates are not totally attracted by job provided by public sector. All respondents are already working as well as would like to work for a private organization. The most probable field that the respondents would like to work in is financial and insurance service. Screening job advertisements respondents whereas consider applying for an offered position find the most important the part with information on offers for employee (e.g. motivational salary, active work environment, etc.). Respondents are classical generation Y representatives as the mostly important for them information in the job advertisements offers part to consider applying for an offered position are professional development possibilities, career/professional growth possibilities and fast career/professional growth possibilities, insurance, salary and salary that partly depends on the working results and the most important - learning opportunities. The most popular tools searching for a job for all respondents are Job search engines on advertisements’ portals (like cv.lt, cvmarket.lt, ss.lt, etc.). Considering about an employer for respondents organization’s positive employer brand, social responsibility and position in different kind of recognized ratings are quite equally important, however the general positive employer brand is a little bit more important than other two aspects. The respondents are quite strictly focused on the personal gains from the employer, as they are mostly interested on job and job learning opportunities, career programs and benefits that can provide employer for them, but the least value employer’s social sponsorship activity as well as respect for stakeholder interests. Most probably, the respondents do not consider themselves as a stakeholder of an employer.

**Research limitations/implications** – This research reflects only preliminary results, as it is a part of a broader research. This pilot research presents only values and habits of one-university students and recent graduates as job seekers. In addition, the author has used statistically weak in representation purposive sample for the survey.

**Practical implications** – the findings help to Lithuanian employers to adapt their job advertisement more successful, when their goal is to attract mostly young specialists. The employers has an opportunity to adapt their organizational environment and human resource management activities to the peculiarities of the youngest generation employees. Lithuanian public sector organizations could revise their employer brand focusing on young job seekers peculiarities. In some cases, it will help to attractive for local youth and ensure their employment in Lithuania.

**Originality/Value** – This research defines special characteristics of Mykolas Romeris University's students and recent graduates as job seekers. This research connects organizational and state level issues helping to define possible causes of them and manifests shared interests of both parties. The research shows other possible solutions for organizations to help impact the youth unemployment reduction in the country.



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**Keywords:** Generation Y, Youth Employment, Employer Brand, Public Administrative Organizations.

**Research type:** research paper.

## SOCIALLY RESPONSIBLE CONSUMPTION – REALITY OR FICTION?

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### Abstract

**Purpose** – to disclose the attitude of society on the importance of socially responsible consumption in choosing food products.

**Design/methodology/approach** – analysis and synthesis of scientific literature, representative survey.

**Findings** – though socially responsible consumption is characterized as an individual's self-conscious awareness about the consequence of consumption on both oneself and environment, “today” and “tomorrow”, but representative survey highlighted that the determinant factors in choosing food products remain the cost, quality and safety of food (individual reasons) and its’ impact on health today rather than the social issue or results in future. The wave of socially responsible consumption is gradually growing in Lithuania.

**Practical implications** – the frequent surveys are increasing public interest and spreading knowledge in the responsible consumption matters for not only the individual, but and social scope.

**Originality/Value** – the attitude of society on the importance of socially responsible consumption in choosing food products is disclosed. Only socially responsible consumers can contribute to improvements in the food sector and encourage the business to become socially responsible to society and environment.

**Keywords:** socially responsible consumption, food products.

**Research type:** case study.

## PROMOTION OF THE ENTREPRENEURSHIP IN THE CONTEXT OF FEMALE EMPLOYEES AND FEMALE ENTREPRENEURS

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### Abstract

**Purpose** – to examine the characteristics of female employees and female entrepreneurs in the context of women entrepreneurship, analyze, what factors encourage and promote women entrepreneurship and give recommendations on the improvement of public policy for the promotion of women entrepreneurship.

**Design/methodology/approach** – there had been used scientific literature deduction (drawing conclusions from the available information), analysis (obtained data analyzed separately), analogy (comparison of data with each other), generalization (the main features complex generalization), induction (from individual elements went to a general conclusion), comparison methods. Quantitative research method had been applied by questioning female employees and female entrepreneurs in various cities of Lithuania. Research was carried out using questionnaire, which was filled by 258 female employees and female entrepreneurs.

**Findings** – after analyzing the theoretical aspects of female employees and female entrepreneurs in the context of women entrepreneurship, there were introduced the factors, that encourage and promote women entrepreneurship. As the results of qualitative research showed, those factors differ between female employees and female entrepreneurs.

**Research limitations/implications** – the research is limited to questioning female employees and female entrepreneurs in Lithuania, nevertheless it is sufficient for satisfying the purpose of the research and producing the recommendations on the improvement of public policy for the promotion of women entrepreneurship.

**Practical implications** – women entrepreneurship is a new area for scientific research. The differences between female employees and female entrepreneurs in the context of the factors, that encourage and promote women entrepreneurship are not analyzed. Quantitative research of Lithuanian female employees and female entrepreneurs and recommendations on the improvement of public policy for the promotion of women entrepreneurship reflect the practical implications.

**Originality/Value** –this research suggests that existing public policy instruments fail to promote women entrepreneurship. It suggests instrument recommendations for facilitating the promotion of women entrepreneurship through public policy.

**Keywords (3-5):** female employee, female entrepreneur, women entrepreneurship.

**Research type:** research paper.

## INFLUENCE OF TAX BURDEN ON COUNTRIES' FINANCIAL STABILITY

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### Abstract

**Purpose** – To develop a theoretical model to determine the impact of tax burden level on states financial stability and to test it empirically. Several objectives were set in order to achieve the goal: to analyze scientific literature sources on concepts of state's financial stability and tax burden targeting the integration of the various approaches; empirically investigate impact of tax burden on state's financial stability in the member states of OECD;

**Design/methodology/approach** – First, the state of financial stability and the concept of tax burden are explored. The literature analysis is done by using systematic analysis, comparison, analogy, deduction and aggregation methods. Second, empirical investigation of impact of tax burden on state's financial stability in the member states of

OECD is achieved by using statistical method's like standardization, cluster analysis, correlation/regression analysis;

**Findings** – The stability of financial systems in identified clusters of low, medium and high tax burden shifted differently in the period of 2000-2012. This was mainly determined by local national financial and economic crisis. Higher financial state's stability was observed in clusters of high and medium tax burden level than in cluster of low tax burden. Correlation and regression analysis revealed weak relationship between overall tax burden and states financial stability, but more detailed analysis showed a statistically significant relationship between the data of low tax burden cluster states. However, identification of a single type of dependence and effects of overall tax burden on state's financial stability was unsuccessful. Financial stability of the public sector revealed strongest relationship with variety of tax burden types. On the other hand, the assessment of the state's financial stability factors in association with the variety of tax burden types distinguished stability of financial system. Two types of tax burden – business income tax and personal income tax - recorded strongest relation with factors of economic stability, other types of tax burden oriented towards customers with financial system factors.

**Research limitations/implications** – Because of the research sample, which is restricted for Economic Cooperation and Development member countries as defined in the 2000 - 2012 year study period, the research results may lack generalizability. Due to the complex nature of the phenomenon under investigation, it is difficult to identify all the critical factors and to assess all the interrelationships. In order to provide a more generalized conclusions it would be useful to expand the number of countries and dimensions analyzed.

**Keywords:** tax burden, financial stability, OECD countries.

**Research type:** research paper.

## MANAGERS BIG FIVE PERSONALITY TRAITS AND COMPETENCE ASSESSMENT LINKAGE FEATURES

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### Abstract

**Purpose** – Identify an interface between the Big Five personality factors model and considered manager’s competencies.

**Design/methodology/approach** – Quantitative research by using two questionnaires was implemented: Big Five questionnaire and Manager's competency assessment questionnaire. Big Five questionnaire comprises 132 statements, five I (first) and ten II (second) order scales and lies scale. Manager's competency assessment questionnaire was drawn up on the basis of the results of the work of managers.

**Findings** – Big Five Personality Factors associated with the considered shift manager competencies in particular spots. Results based on 70 samples of shift managers from 1 organization reveal that Extraversion positively correlated with Initiative, Supervisory abilities, motivating others competencies and overall supervisor rating.

Agreeableness was positively correlate with Conflict management, Stress management and Cooperation competencies. Openness to Experience was positively correlate with Initiative, Decision quality competencies. Conscientiousness was positively correlate with Productivity, Responsibility, Planning, Customer focus, Organizational, Results Orientation competencies. Emotion Stability was positively correlate with Stress management, Customer focus, Decision quality and Conflict management competencies. As self-report measures, personality measures scale scores can be influenced by social desirable responding. Response bias continues to be the most frequently cited criticism of personality testing for personnel selection. In this study examining the link social desirability to Big –Five model of personality and to shift manager’s competencies. Was found that social desirability in fact related to real individual differences in Emotional Stability, Conscientiousness, Agreeableness and Extraversion. Social desirability was positively correlate with Initiative, Results Orientation. Customer focus competencies. Social desirability influence predictive validity of this factors.

**Research limitations/implications** – Although the results of this research identified that some Big Five factors are associated with certain professional criteria, but subjectivity assumption suppose to be taken into account. This means that directors of the organizations who do the reqrutment may need outside help to avoid subjectivity. It is also valid for the evaluation of work performance. Situation leads to understanding that further research could analyze links between Big Five factors and objective work performance evaluation criteria more detailed.

As the work was limited competency model expressed in labor efficiency, other studies would be useful to explore how this test can predict other professional criteria: career and entrepreneurship, etc. It is helpful to carry out a study with more subjects and more representative sample. Whereas research presents work performance efficiency expressed only by competency model further research could investigate how the test can predict other professional criteria. For instance career and entrepreneurship, etc. It could also be useful to carry out a study with wider sample.

**Practical implications** – The research results can be applied in the recruitment process. Research presents analyses of the relationship between work performance and its indicators which may be valuable for reqrutment officer in order to predict retail, services work performance. In particularly it may be valuable for reqruting managers. Results of this work can provide us information about how much personality measurements are useful in providing managers work more efficiently. Moreover the results of this research can be also used for the evaluation of Big Five questionnaire validity

**Originality/Value** – One of the critical organization’s success factors – personnel reqrutment.



Nowadays personal workers' qualifications and requirement for every particular vacancy increasing simultaneously. Consequently, so competent and well-suited employee recruitment is becoming increasingly difficult. Accordingly we need more and more reliable screening methods and tools to predict the behavior of employees further assess whether the candidate will be an effective worker in the future. For this reason, studies that demonstrate the different methods of reliability and validity are crucial in addition to such a lack of research in our country. This research paper seeks to be an input to it.

**Keywords:** personality factors, Big Five personality factors, work performance, competences, personnel recruitment.

**Research type:** research paper.



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## MEDICAL TOURISTS' EXPECTATIONS WHEN CHOOSING LITHUANIA FOR HEALTH CARE SERVICES

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### Abstract

**Purpose** – Identify medical expectations of tourists choosing Lithuania as medical tourism country and to make comparative analysis with situation in Thailand. Medical tourism is one of the most promising fields of business in the world. International trade in medical services also has huge economic potential and gradually increasing outcome for the global economy (Bookman & Bookman, 2007). Major medical tourism destinations: Thailand, India, Singapore and Malaysia attracted more than 2.5 million medical travellers (United Nations Economic and Social Commission for Asia and the Pacific, 2008). Lithuania is among the major emerging markets in medical tourism that is increasing every year. This study showed that main factors of attracting tourist to Lithuania: fast service and exceptional patient care, the high-tech medical equipment, good prices both for medical and travel services. Comparing to Thailand situation, Lithuania is attractive to the most medical tourist, because of the good quality services

with affordable prices and location, while people choosing Thailand – mainly is affected by advertising. The main recommendation for attracting medical tourists to Lithuania is to initiate the advertising campaign to the targeted audiences.

**Design/methodology/approach** – The comparative analysis of scientific literature and empirical comparative quantitative research was executed for acquiring the expectations for medical tourists in Lithuania.

**Findings** – Overview of health and medical tourism situation in Lithuania and other emerging markets. This study showed that main factors of attracting tourist to Lithuania: fast service and exceptional patient care, the high-tech medical equipment, good prices both for medical and travel services and other. Comparative empirical analysis of medical tourist expectations in Lithuania and Thailand. Comparing to Thailand situation, Lithuania is attractive to the most medical tourist, because of the good quality services with affordable prices and location, while people choosing Thailand – mainly is affected by advertising. The main recommendation for attracting medical tourists to Lithuania is to initiate the advertising campaign to the targeted audiences.

**Research limitations/implications** –research is based rather small samples (Lithuania n=112, Thailand n=104) and on non-probability sampling techniques, which do not allow making generalizations (i.e., statistical inferences) from the sample to the population being studied. Therefore, it means that is adopted a pragmatic approach in research and can be resolved in further studies.

**Practical implications** – Identified the medical tourists’ expectations choosing Lithuania as medical tourism destination in order to build communication campaign to the target audiences of medical tourist in Lithuania

**Originality/Value** – Medical tourism is rather new topic in social research. There are few scientific papers focusing on medical tourism and their findings are rather fragmented. The great importance to investigate medical tourist expectation in Lithuania has raised because of increased demand of health services for tourist in the country and new image formation of Lithuania in the world.

**Keywords:** medical tourism, medical tourist expectations, customer decision factors, health services.

**Research type:** research paper.

## RESPONSIBILITY TO PROTECT AS A MATTER OF INTERNATIONAL SOLIDARITY

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### Abstract

**Purpose** – Responsibility to protect (R2P) is a relatively new international concept designed to deal with mass atrocities around the globe. It consists of three pillars: (1) the State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, (2) the international community has a responsibility to assist States in fulfilling this responsibility, (3) if a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations. There is a general compromise among international community on the customary nature of pillar I. The main struggle for R2P is to build such compromise for other 2 pillars especially on timely and decisive action by international community in case of state manifestly failing to protect its population. What R2P currently lacks is the world wide commitment to responding to mass atrocities. Author analyses this question from the perspective of international solidarity as the basis of such commitment.

**Design/methodology/approach** – Author seeks to answer the question about the

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roots and rationale of international solidarity in modern international relations. He evaluates the arguments on R2P II and III pillar from the perspective of states' motivation to implement it. Finally, he develops on interaction between international solidarity and R2P explaining their influence on each other and possible implications for combating atrocities.

**Findings** – Neither R2P nor international solidarity constitute international norms. However, author believes in their strong moral standing. Properly implemented they can supplement each other - international solidarity may serve as ethical foundation of R2P while R2P may be an exemplary visualisation of international solidarity.

**Research limitations/implications** – Author faces considerable difficulties while evaluating interaction between both concepts which are located rather in the sphere of moral commitments than obligations of legal nature. Proper assessment requires comparing values which each concept seeks to protect or establish.

**Practical implications** – Founding a common international ground for R2P will definitely help in shaping compatible approach towards mass atrocities around the world.

**Originality/Value** – The question of international solidarity is well discussed by international scholars. Its relation towards R2P has also been researched. However, author does not share the opinion that it can solely serve as R2P justification. R2P is a multi-layered concept and international solidarity can be understood as its element but not as a sole explanation

**Keywords:** responsibility to protect, international assistance, international solidarity, human rights

**Research type:** research paper.



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Is world really changing as fast as we think? Or is it event changing at all? Social transformations is a delicate topic for researchers. We invited young researchers to look at processes which cause social transformations (or prove the static of societal tradition) in their countries and share their findings.

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