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## Bridging Research and Practice: Using Article Analysis to Prepare Practitioners for Research-Informed Practice

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### Abstract:

**Research Question (RQ):** Could a critical analysis of a few relevant research articles prepare practitioners for designing a research-informed improvement of own practice?

**Purpose:** The purpose of the paper was to both explore and test whether a critical analysis of a few relevant research articles could prepare a practitioner for designing a research-informed improvement of own practice. The critical analysis of two articles was carried out on the topic relevant for the author's professional practice i.e. on developing researching professionals enrolled in the Professional Doctorate in Education (EdD) at a UK-based university.

**Method:** Some of the features of a systematic literature review were applied to a light version of literature search for relevant articles. The search was limited to social science and educational research databases ERIC (Education Resources Information Center), NFER (National Foundation for Educational Research) own bibliographic databases and CERUK (Current Educational Research in the UK) database to narrow the focus both on educational field and on English-speaking countries thus matching the author's workplace cultural embeddedness.

**Results:** The critical analysis of the chosen articles showed how important (a) alignment between research aims and design is, as well as (b) between presented evidence and claims/interpretations. Of particular importance is an insight that, in order to (c) avoid circular arguments, (d) data coding and analysis need to be written and presented more elaborately with (e) careful selection of the illustrative examples. This is even more important when aiming to use published work to support a research-informed improvement of own professional practice within the same field. Furthermore, for the research findings' trustworthiness and transferability into similar professional practices, (f) ethical considerations of insider's research need to be thoroughly explored and transparently presented.

**Organization:** Organisations with organisational culture which supports and values research could benefit from their employees' engagement in designing and carrying out research-informed improvements of own professional practice.

**Society:** The contribution to society is achieved through practitioners' application of critical frame to firstly analysing previously published work in their field and secondly to designing research-informed improvements of own professional practice.

**Originality:** The paper's originality lies in its format as it both explores and tests whether a critical analysis of a few relevant research articles could prepare a practitioner for designing a research-informed improvement of own practice. The author, in her role of educational practitioner, tests whether a critical analysis of two articles could provide her with reflective learning about what to consider when designing and carrying out a research-informed evaluation of her own professional practice.

**Limitations / further research:** The paper's scope was limited to a critical analysis of only two articles with a rather specific focus on developing researching professionals in the field of the Professional Doctorate in Education. Further research into additional factors aiding practitioners in

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their attempts to introduce research-informed improvements in their professional practices is needed.

**Keywords:** a research-informed practice, researching professionals, professional practice, professional doctorate in education, EdD.

## 1 Introduction

Professionals from diverse backgrounds and discipline affiliations usually engage in ongoing improvements of their own professional practice. Some practitioners find themselves improving their practices in practical/hands-on ways immediately when they identify a need for further development or upgrade of current practices. Yet, others long for more time and energy to get familiar with existing research findings in their fields in order to utilise them or even to design and carry out their own studies to better inform evidence-based improvements of professional practices. At the end of the 20<sup>th</sup> century, during the Teacher Training Agency Annual Conference in the UK, Hargreaves (1996), caused quite a controversial reaction while comparing the use of research to improve professional practice among different professions. He concluded his comparison with favouring medicine as a discipline where, he claimed, ‘professional decisions are based on the best available research evidence’ (as cited in Hemsley-Brown and Sharp, 2003, p.449). Furthermore, Hargreaves (1996) criticised especially teaching professionals for neither utilising research in their professional decisions (e.g. regarding pedagogy) nor carrying out their own studies. His call for better dissemination of research findings was addressed to educational researchers and to their accountability towards educational practitioners while his call for turning teaching profession into an evidence-based profession was addressed to educational practitioners and to their responsibility towards researching own professional practice.

In their study on the use of research to improve professional practice, Hemsley-Brown and Sharp (2003) discovered that although medical practitioners might make a greater use of research findings than teachers, there are still common barriers to research use in both fields. One of the striking findings is that there is an urgent need to create an organisational culture ‘which supports and values research’ (p.449). Besides the research-leaning organisational culture and support that comes with it, Watkins (2006) argues that educational practitioners’ motivation for doing research also needs to be present. Her study claims though that the motivation is present and that educational practitioners see researching their own practice as moving from ‘a state of knowing to a state of unknowing and back to a state of knowing again’ (p.16) which ultimately leads to seeing research as a form of professional learning. Yet, these benefits of a research-informed practice are still not outweighing lack of time, energy and above all, in the words of one of the practitioners, lack of knowing how ‘to actually actively go about it’ (Watkins, 2006, p.16) and where to start. In Watkins’ (2006) study on what teacher-

researchers think about doing research, a few practitioners thought that finding out ‘what other people are doing’ (p.14) could be a good starting point for developing a research-informed practice. Furthermore, according to them, ‘using the sort of critical frame model’ (p.14) while familiarising themselves with what others are doing prepares them rather well for designing their own studies i.e., for research-informed improvements of own practice. This paper thus both explores and tests *whether a critical analysis of a few relevant research articles could prepare a practitioner for designing a research-informed improvement of own practice*. The author is an educational practitioner leading the Professional Doctorate in Education (EdD) Research Community at a UK-based University. The professional doctorate students are themselves seasoned practitioners that embark on their doctoral journey with the aim of improving their own professional practices. During their doctoral journey, they move from being professionals (‘in a state of knowing’) via learning how to be researchers (‘in a state of unknowing’) to researching professionals (‘in a state of knowing again’). The author’s task and aspirations are to keep continuously improving the EdD programme’s features and learning support to aid students’ development as *researching professionals*. Hence, the topic of interest for the author’s research-informed practice is EdD students’ experience of *developing as researching professionals*. What follows are the sections that (a) briefly introduce theoretical underpinnings of the concept of researching professionals followed by (b) an overview of how search for and selection of two relevant articles was carried out, (c) a critical analysis of the chosen articles, (d) discussion/reflection on learning and (e) conclusion on whether a critical analysis of a few articles could support practitioners in designing their own studies and introducing research-based improvements into their practices.

## 2 Theoretical framework

The topic of developing researching professionals in a professional doctorate in education (EdD) programme is, after more than 100 years (Perry, 2012) since its inception at Harvard University in 1921, still under-researched (Lindsay *et al.*, 2018). Bourner, Bowden, and Laing (2001) emphasise developing *researching professionals* as the main aim of EdD programmes in contrast to PhD in education programmes focusing on developing *professional researchers*. In their chapter on ‘why do a (second) doctorate’, the two University of Cambridge EdD students, Ottewell and Lin (2016), who had acquired PhDs before they embarked on their EdD journey, explain their motivation for the decision. In their words, when they were ‘doctored’ first time around, they aimed for ‘disciplinary’ knowledge (Gibbons *et al.*, 1994) whereas their decision to enrol in the EdD programme was driven by their wish for ‘transdisciplinary’ knowledge generated through own professional practice improvement.

The question appears why it is worthwhile to explore how EdD students develop as researching professionals. Prior to answering this question, a question about why a professional doctorate (in education) *aims to develop ‘researching professionals’* needs to be addressed. It is argued that developing as ‘researching professional’ can be viewed as intrinsically worthwhile. On the

other hand, Lindsay *et al.*'s (2018) study on supporting EdD researching professionals reveals their real value not only for professional practice but also for wider society through building supportive relationships, resilience and making a difference. According to the study's findings, researching professionals enhance objective and forensic perspectives of their professional contexts thus bringing critical thinking into the workplace and offering an opportunity for the status quo to be challenged (Maxwell and Shanahan, 1997). Consequently, Lester (2004) concludes that the professional doctorates are founded on 'processes of thoughtful action, leading to advances in practice' (p.765). According to Butcher and Sieminski (2009), being 'professionals as insider-researchers investigating their own practice' is not an easy place to be (p.45). That is why exploring how EdD students experience developing as researching professionals with the aim of improving EdD programme features and learning support is not only justifiable but also urgently needed.

The topic has been so far researched mostly in English-speaking countries (USA, UK, Canada and Australia) with findings ranging from seeing development as researching professional as a learning and becoming process (Lindsay *et al.*, 2018), a transition process (Labaree, 2003) and even as a 'melding and hierarchical integration' of previously existing identities with newly formed ones (Buss *et al.*, 2014). Lindsay *et al.* combined three dimensions of learning as presented by Illeris (2002) with the metaphors of learning described by Sfard (1998), Wenger (1998) and Boud and Hager (2012) to create a framework consisting of learning as acquisition (cognitive), as participation (interpersonal) and as becoming (intrapersonal) for exploring how to support developmental needs of EdD students. However, they focused on general EdD students' developmental needs rather than only on their development as researching professionals. In his work, Labaree (2003) presents the idea that professionals learning to become researchers need to make transitions from normative to analytical perspectives, from personal to intellectual frameworks, and from experiential to theoretical points of view. He further states that 'like any student, [a practitioner engaged in doctoral study] is faced with the prospect of learning and learning means changing into someone different' (p.21). However, he does not offer any concrete ideas on how to support the above-mentioned transitions. Despite a wide spectrum of existing studies into the topic, there are not many that address directly the EdD doctoral students' experience of developing as researching professionals.

### **3 Method**

To support the author's research-informed improvement of own professional practice with a focus on how EdD students experience the process of developing as researching professionals, some of the features of a systematic literature review were employed. As the main aim of the paper is to explore whether a critical analysis of a few relevant research articles could prepare practitioners for designing a research-informed exploration of own practice, the mini literature search for relevant articles including the use of Boolean operators with the following key words:

“developing researching professionals OR researching practitioners” AND “professional doctorate in education OR EdD” was carried out.

The search was limited to social science and educational research databases ERIC (Education Resources Information Center), NFER (National Foundation for Educational Research) own bibliographic databases and CERUK (Current Educational Research in the UK) database to narrow the focus both on educational field and on English-speaking countries and thus match the author’s workplace cultural embeddedness. Only the publications between 2000 and 2024 were considered for the sake of capturing the 21<sup>st</sup> century development on the chosen topic. After filtering out theoretical papers, systematic literature reviews, opinion papers, unpublished conference papers, conference proceedings and theses as well as articles without abstracts, the refined search resulted in 116 research articles. The abstracts were then analysed, and the studies not carried out in English-speaking countries were discarded as well as articles not directly addressing development of researching professionals within the Professional Doctorate in Education i.e. EdD programme. The remaining 18 articles were further compared based on, firstly, their similarity in context to the author’s one and, secondly, on the methods they employed. An attempt to aim for diverse data collection methods resulted in the final choice of two articles.

Buss et al. (2014) and Taylor’s (2007) articles were selected due to their (a) focus on the topic, (b) research context and (c) research lens. They both address development of researching professionals through EdD programmes (in the USA and the UK). The USA-based study (Buss *et al.*, 2014) examines how one college develops *researching professionals* during their preparation in an EdD program, which is based on the Carnegie Project for the Education Doctorate (CPED) working principles and design features. The college was chosen as research context due to being one of the original 25 that have worked to re-envision and reclaim the EdD as the appropriate professional degree for educational leaders. The authors are affiliated with the college. The UK-based study (Taylor, 2007) investigates how learning to become a *researching professional* is understood by EdD students at a UK-based University. The author is affiliated with the University as the program leader for the Doctorate of Education (EdD), but not with any project and/or funding which partly mirrors the author’s situation. Buss *et al.* (2014) employed a mixed-method design combining survey of 32 students followed up by 18 structured interviews whereas Taylor (2007) opted for a case-study approach encompassing 12 semi-structured interviews.

The studies’ similar research foci, on one hand, and their differing research contexts, lenses, and methods on the other hand, make the articles valuable sources for informing the design of a research-informed exploration of own professional practice as an EdD programme’s doctoral educator. The following sections provide a critical analysis of both articles with respect to their research aims, framing of the studies, design, their argumentation and the alignment between presented evidence and interpretation of findings. These sections are followed by a reflective



account of the learning the critical analysis generated and how they could inform a research-informed improvement of own professional practice with a focus on how EdD students experience the process of developing as researching professionals.

## 4 Results

### 4.1 Research aims and framing of the studies

Taylor's article sets out clearly the aim of the study as investigating how learning to become a "researching professional" is understood by EdD students. She frames the study's wider context through arguing for the reason of the emergence of professional doctorates in the UK being due to "pressures to universities" (p.154) stemming from their marketisation and a need to offer several new routes in doctoral education. Servant-Miklos (2020) supports this view while arguing that in the last two decades, higher education institutions around the world often get pressurised by their governing bodies that are, in turn, pressurised by governments, to close the gap between education and the necessary 21<sup>st</sup> century labour skills (e.g., critical and analytical thinking skills, problem-solving skills etc.). Taylor further links market's need for labour skills for an enhanced future national economy directly to the shift of the UK universities' focus from pursuing "knowledge [...] for its own sake" (p.155) to professional doctorates-generated transferable skills. In framing the study with a causal relationship between the focus of societies on "fitness for purpose and cost effectiveness" (p.154) and the emergence of professional doctorates, Taylor overlooks a historical fact that, long before marketisation of higher education, first ever doctorates in the UK were actually professional doctorates (see Buchanan and Hérubel, 1995; Foskett, 2010). Taylor's framing of the study might send a misleading signal of a different quality and type of the knowledge created through professional doctorates. The signal has been reinforced by Taylor's quote of the U.K. Economic and Social Research Council (ESRC, 2005) *Postgraduate Training Guidelines*' requirement for consistency of professional doctorates' "standard in provision and quality with the traditional PhD" (Taylor, 2007, p.155). Furthermore, Taylor's article dedicates a large part of literature review to differences between traditional PhD and professional doctorates in general. Although the overall challenges share similarities due to professional doctorate students' experience of different cultures of learning – the university, the profession, and the workplace (Malfroy, 2003), an opportunity for framing the study with a more specific focus on professional doctorate in education has been missed. Even though the title of the article includes the phrase 'learning to become researching professionals', its literature review touches very briefly on how students experience learning and even more scarcely on the concept of identity-formation. A more elaborate presentation of the title's main topics in the literature review would be needed for its indication of a shift in EdD students' identity.

Buss et al. (2014) state the aim of the study to examine how one institution has attempted to develop researching professionals during their preparation in a CPED-based EdD program quite clearly. Their framing of the study includes a more specific focus on so-called "identity crisis"

of the EdD (p.138) manifested in its endeavour to distinguish itself from a more traditional PhD in education. Their literature review includes Shulman et al.'s (2006) critique of educational institutions for not striking a balance between “the practice of education and research in education” in EdD programmes. Furthermore, Shulman et al. suggest some specific features to distinguish an EdD from a PhD in education programme, one of them being employing signature pedagogies. This suggestion is utilised by Buss *et al.* (2014) to frame their study by specific CPED-based EdD programme's features such as (1) CPED framework consisting of six working principles for re-visioned EdD programmes and (2) signature pedagogies such as cycles of action research (CAR) and leader-scholar communities (LSC). Hence the framing of this USA-based study is more specific and more laser-focused than Taylor's study due to its close ties to the CPED framework and signature pedagogies. On the other hand, similarly to Taylor's study, Buss *et al.* emphasise distinctive professional doctorate programmes' location at the nexus of the profession, the workplace, and the university. However, they delve deeper into the multiple-layered location's connotation for EdD students' shifts in identity/ies. Despite their attempt to justify the tight focus on the EdD students' three different identities – learner, leader and action researcher - it remains unclear why these three were chosen while the identity of 'professional/practitioner' has been omitted.

#### **4.2 Design, conduct, argumentation and evidence-claim alignment**

Taylor's (2007) choice of a study design firmly situated within ‘a phenomenological and descriptive/interpretive paradigm using case study methodology’ (p.154) is fully aligned with the research aim to elicit the EdD students' understanding and perceptions of their learning to become *researching professionals*. Furthermore, a small-scale case study consisting of semi-structured interviews with 12 students enables a deeper look into lived experience of respondents. Taylor did briefly explore the study's limited scope and concluded that her study falls into a category of studies focusing on one particular context that might possibly lead, to, according to Bassey (2001), ‘fuzzy generalisations’ relevant to other contexts. Due to the article's word limits, it is understandable that the discussion of other similar research methods that could also align with the study's aim (e.g., unstructured interviews, focus groups etc.) was not included. Although voluntary participation was described, further details of sampling strategy were not offered particularly with regards to the achieved wider population representation in terms of gender, professional employment, length of time spent on the programme and age as illustrated in Table 2 (p.159). Apart from confidentiality and participants' permission to record the interviews, no other ethical considerations, e.g. potential risks of insider's research, were mentioned.

The research was conducted thoroughly with interviews being focused around three questions to provide a similar structure yet enriched by further questions to cater for individual responses. The questions asked included what being a student in the program meant to them; what students thought learning to research meant to them; and what they thought helped them to learn to

become a researching professional (Taylor, 2007, p. 158). The third question presupposes *becoming researching professionals* has happened. It does not leave much space for EdD students to express their doubts which may partly skew findings if they felt they had no choice but to confirm that they have become *researching professionals*. An open-coded framework developed through comparative method analysed all 12 transcribed interviews as one complete data set. This approach has its advantages and drawbacks, the former being easiness of pattern-discovery across the collected data and the latter one being also easiness of pattern-discovery across the collected data. One can argue that treating all 12 interviews as one complete data set rather than 12 separate data sets led to (consciously or unconsciously) coding predominantly for similarities in patterns. Identification of emerging categories and sub-categories as well as clustering and re-clustering led to the discovery of three ways of understanding learning to become a researching professional, namely *conformity*, *capability*, and *becoming and being*. Each of the themes has been illustrated by at least two illustrative extracts from the respondents' answers but the clarifying definitions of the three descriptors were not elaborated. Consequently, it is hard to see whether and how they were justified by the illustrative examples. For example, *conformity* is illustrated by a student's talk about gaining objectivity and distance from their own professional practice. Due to the lack of thorough elaboration of what the descriptor *conformity* means, the reader cannot necessarily draw immediately any obvious connection between *conformity* and objectivity/distance. Taylor's discussion is much richer than presented findings and as such disproportional due to the above-mentioned drawbacks. Consequently, further implications read as based on larger corpus of her work and not only on the presented study.

Buss *et al.* (2014) used a mixed-method approach justifying it by Greene's (2007) suggestion that mixed-method studies contribute to elaboration and enhancement of the overall interpretations and inferences. Both the quantitative and qualitative part of the study was described in detail. An online questionnaire of 32 EdD students assessing their perceptions of the three identities (learner, leader, and action researcher) was administered first followed by interviews of nine recent EdD graduates and nine students new to the programme. Sampling strategies for the survey was not explained. The survey consisted of 24 statements on three identities (pre-determined by the researchers) to be evaluated on a six-point Likert scale. The enclosed interview schedule lists nine to 11 questions for both graduates and new students. Although both the quantitative and qualitative data analysis processes were thoroughly described, how and whether the quantitative results informed the qualitative data collection was not discussed. The authors claim that three themes occurred in interviews (personal responses, factors influencing their perspectives and changes) but they resemble more nodes than themes as the interview schedule shows that the EdD students were directly asked about these topics so their presence could hardly be referred to as 'occurring' i.e. emerging. The themes are richly illustrated by numerous illustrative extracts from the interviews. The presented findings are well matched with the illustrative data, but this may be due to a circular argument indicating

that what the students were asked about is what the answers were about thus fitting the theme boxes neatly.

In the discussion sections, the authors argue for complementarity of the quantitative and qualitative findings and offer their interpretation of all three pre-determined identities (learner, leader, and action researcher) as being merged into a brand-new emerging identity of a scholarly and influential practitioner (SaIP). The authors explain this new identity through the principle of hierarchical integration which is the developmental phenomenon in which skills and/or identities develop separately but later integrate into a more complex entity. Again, in the form of a circular argument, the authors link their findings about identity as an action researcher to the contribution of the CPED-based action research approach in the studied EdD programme. Concluding comments heavily lean towards a praise of the CPED signature pedagogies including cycles of action research (CAR) and leader-scholar communities (LSC) without much evidence to justify such a promotional conclusion.

## 5 Discussion

The critical analysis of the chosen articles showed how important (a) alignment between research aims and design is, as well as (b) between presented evidence and claims/interpretations. Of particular importance is an insight that, in order to (c) avoid circular arguments, (d) data coding and analysis need to be written and presented more elaborately with (e) careful selection of the illustrative examples. This is even more important when aiming to use published work to support research-informed improvements of own professional practice within the same field. Furthermore, for the research findings' trustworthiness and transferability into similar professional practices, (f) ethical considerations of insider's research need to be thoroughly explored and transparently presented.

The question about whether *a critical analysis of a few relevant research articles could prepare practitioners for designing research-informed improvements of own practice* can be answered affirmatively. Firstly, the employment of 'the sort of critical frame' (Watkins, 2006, p.14) towards other researchers/practitioners' work brought insights into how to design a study, how to carry it out and above all, how to write/talk about it i.e. how to disseminate findings. Secondly, a critical analysis of previous research could be seen as a good starting point for designing own studies as it provides practitioners not only with a blueprint of how to design and carry out studies but also with a blueprint of how not to do it: (1) do not create causal relations where they might not exist (e.g. between market's need for labour skills and emergence of professional doctorates, Taylor, 2007); (2) do not overclaim evidence and thus fall into 'promotional' trap (Buss *et al.*, 2014); (3) do not ignore ethical considerations of insider's research and (4) do not ask presupposing questions that lead to fitting the pre-determined theme boxes neatly. All of these points, if taken into account, could lead to research-based improvements of professional practices or, as Hargreaves said, to 'professional decisions

[...] based on the best available research evidence’ (as cited in Hemsley-Brown and Sharp, 2003, p.449).

As a consequence of the critical analysis of the two articles on developing researching professionals, the author of the paper submitted a research proposal for carrying out two focus group-interviews with current and former EdD students at her workplace. The aim of the small-scale qualitative study is to explore the EdD students' best liked features of the Professional Doctorate in Education programme as well as the students' favourite type of learning support on their doctoral journeys. The submission of the proposal for a research-informed evaluation of own practice demonstrates that testing critical analysis of previous research as a starting point for designing studies for improving professional practices yielded fruit.

## 6 Conclusion

Watkins (2006) reported that practitioners are not certain about how ‘to actually actively go about [research]’ (p.16) and where to start. The critical analysis of a few relevant articles exploring the same professional practice proved to be a good starting point as it brought about insights about how to carry and how not to carry study into own practice. Practitioners' engagement in designing and carrying out research-informed improvements of own professional practice could bring benefits to organisations with organisational culture which supports and values research.

In this paper, the author, in her role of educational practitioner, tested whether a critical analysis of two articles could provide her with reflective learning about what to consider when designing and carrying out a research-informed evaluation of professional practice. The paper's scope was limited to a critical analysis of only two articles with a rather specific focus on developing researching professionals in the field of the Professional Doctorate in Education. Further research into additional factors aiding practitioners in their attempts to introduce research-informed improvements in their professional practices is certainly needed.

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### **Povzetek:**

#### **Premostitev raziskav in prakse: uporaba analize člankov za pripravo strokovnjakov na raziskovalno utemeljeno prakso**

**Raziskovalno vprašanje (RV):** Ali bi lahko kritična analiza nekaj relevantnih raziskovalnih člankov pripravila strokovnjake na izboljšavo lastne prakse na podlagi raziskav?

**Namen:** Namen prispevka je bil raziskati in preizkusiti, ali lahko kritična analiza nekaj relevantnih raziskovalnih člankov pripravi praktike na izboljšavo lastne prakse na podlagi raziskav. Kritična analiza dveh člankov je bila opravljena na temo relevantno za avtorjevo poklicno prakso a to je razvoj raziskovalnih strokovnjakov, vpisanih v program strokovnega doktorata na področju izobraževanja na univerzi v Veliki Britaniji.

**Metoda:** Nekateri značilnosti sistematičnega pregleda literature so bile uporabljene za lažjo različico iskanja literature za ustrezne članke. Iskanje je bilo omejeno na družbene vede in zbirke podatkov o izobraževalnih raziskavah ERIC, lastne bibliografske baze podatkov NFER in podatkovno bazo CERUK, da bi zožili fokus na izobraževalno področje in na angleško govoreče države, kar se ujema s kulturno vpetostjo avtorjeve poklicne prakse.

**Rezultati:** Kritična analiza izbranih člankov je pokazala, kako pomembna je (a) usklajenost med raziskovalnimi cilji in zasnovano raziskavo ter predvsem (b) med predstavljenimi dokazi in

trditvami/interpretacijami rezultatov. Posebej pomembno je spoznanje, da je treba, da bi se (c) izognili krožnim argumentom, (d) kodiranje in analizo podatkov napisati in predstaviti bolj dovršeno s (e) skrbnim izborom ilustrativnih primerov. To je še toliko bolj pomembno, če nameravamo z objavljenimi članki podpreti raziskovalno utemeljeno izboljšanje lastne strokovne prakse z istega področja. Poleg tega je treba za verodostojnost ugotovitev raziskave in prenosljivost v podobne strokovne prakse (f) temeljito raziskati in pregledno predstaviti etične vidike notranjih raziskav.

**Organizacija:** Organizacije z organizacijsko kulturo, ki podpira in ceni raziskave, bi lahko imele koristi, ko se njihovi zaposleni aktivno vključujejo v izboljševanje lastne strokovne prakse na podlagi raziskav.

**Družba:** Prispevek k družbi se lahko prepozna v uporabi kritičnega okvira s strani praktikov za najprej analizo objavljenih raziskav na njihovem področju in nato za izboljšave lastne strokovne prakse na podlagi analiziranih raziskav.

**Originalnost:** Izvirnost prispevka je v njegovem formatu, saj hkrati raziskuje in preizkuša, ali bi lahko kritična analiza nekaj relevantnih raziskovalnih člankov pripravila praktika na oblikovanje izboljšav lastne prakse na podlagi raziskav. Avtorica v vlogi izobraževalnega praktike preizkuša, ali jo kritična analiza dveh člankov lahko pripelje do reflektivnega spoznanje o tem, kaj je treba upoštevati pri snovanju in izvajanju raziskovalno utemeljene evalvacije strokovne prakse.

**Omejitve/nadaljnje raziskovanje:** Obseg prispevka je bil omejen na kritično analizo le dveh člankov s posebnim poudarkom le na razvoju raziskovalnih strokovnjakov na področju strokovnega doktorata v izobraževanju. Potrebne so nadaljnje raziskave dodatnih dejavnikov, ki praktikom lahko pomagajo pri uvajanju izboljšav na podlagi raziskav v svoje poklicne prakse.

**Ključne besede:** raziskovalno informirana praksa, raziskovalni strokovnjaki, strokovna praksa, strokovni doktorat v izobraževanju, EdD.

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# Social Responsibility of Higher Education Institutions and Sustainability Educational

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## Abstract:

**Research Question (RQ):** This paper focuses on: a) What are the main challenges and barriers universities face when attempting to fulfil their social responsibility, and b) What innovative approaches or best practices can be identified to overcome these obstacles and enhance their social impact. b) How do universities measure and report on their social responsibility initiatives, and what are the key indicators and metrics used to assess the effectiveness and impact of these programs? c) What are the key dimensions and components of social responsibility for universities, and how do they vary across different cultural and institutional contexts?

**Purpose:** The research purpose and goal of studying the social responsibility of universities is to understand better, assess, and improve the impact of these institutions on society, the environment, and their local communities. This study also aims to inspire positive change, promote accountability, and contribute to the broader goals of sustainability and ethical leadership in education.

**Method:** The method used is mainly the analytical approach, with conceptual analysis and examination of arguments. The research material focuses on various articles, reports, and relevant literature on the issue under consideration. The research material also includes the administration of 30 semi-structured interviews with lecturers who agreed to share their attitudes and perceptions on the issues.

**Results:** The findings indicate that institutions, on their part, must change their approach towards society, the philosophy of being only in the function of student preparation and scientific research, but take responsibility towards society.

**Organisation:** To maximise the impact of university research on managers, organisations, and practices, there is often a need for effective knowledge transfer mechanisms, such as research dissemination, industry-academia partnerships, and knowledge exchange programs. Universities, businesses, and policymakers often collaborate to facilitate the practical application of research findings and ensure that research is accessible and relevant to those who can benefit from it.

**Society:** The concept of social responsibility at universities, often referred to as the civic or public mission of universities, can have a significant research impact on society, social responsibility, and the environment. This concept emphasises that universities should actively engage with and contribute to their communities and the wider world.

**Originality:** The social responsibility of universities extends beyond education and research. It encompasses a commitment to contribute to the well-being of society and the environment. By embracing this concept, universities can enhance the impact of their research on these critical areas, fostering positive change and sustainability. For Albanian higher education, it is a challenge because it is necessary to intervene in the legal framework in force by drafting acts of criteria for their identification and measurable indicators.

**Limitations and further research:** It is necessary to undertake a more in-depth study with a more comprehensive approach, where data, considerations, and different actors involved in the role of universities in facing the challenges stemming from social problems and sustainability are highlighted.

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**Keywords:** social responsibility, higher education institutions, higher education, sustainability education, environment.

## 1 Introduction

Higher education institutions (HEIs) play a key role in shaping the future of societies. In addition to their traditional role as knowledge disseminators, they are increasingly recognised as key actors in promoting social responsibility and sustainable development.

The global changes that have taken place over the last few decades have had a clear impact on the education sector, particularly on higher education and its institutions. The university has gone through a series of reform processes aimed at new challenges such as globalisation, sustainability, knowledge society, innovation, technological development, and, in addition, increasing market concentration, which is part of the important factors affecting the identity of the university and its identity organisation (Vasilescu et al., 2010). Meanwhile, educational policy in the Albanian context has tried to address the universal problems of public education over the years (Council of Ministers, 2009), but there is still a need for more research in this area, even efforts to understand and examine how they affect society.

In this context, this study aimed to identify and understand the problems and difficulties faced by universities in fulfilling their social responsibilities. It examines the specific issues that prevent universities from addressing social, environmental, and community issues. By examining these issues, this study aims to gain a deeper understanding of the challenges and obstacles that universities must overcome in fulfilling their roles in society.

This research is important because, examining these issues, leads to a deeper understanding of the challenges and obstacles that universities must overcome in fulfilling their roles in society. By identifying these issues, research can also recommend policies and interventions to address them, ultimately leading to universities increasing their social impact and promoting a learning path to stability. Overall, research into the key issues and challenges universities face in fulfilling their social responsibilities leads to accountability, promoting good change, and achieving the overall goal of improving higher education.

The methodological approach will be based on a data triangulation approach, which we believe provides a perspective that gives good opportunities for all social issues in the university. Using this method, we will conduct qualitative interviews with university leaders and analyse institutional documents and research literature.

The social responsibility of universities is an integral part of the broader framework of sustainable development. As catalysts for change, universities have a unique ability to shape not only the knowledge and skills of future generations but also to actively contribute to building a more sustainable and just world.

This brief introduction sets the stage for a deeper exploration of the multifaceted relationship between higher education, social responsibility, and sustainable development.

## **2 Theoretical framework**

Although the existing literature suggests a growing emphasis on the social role of universities, there are still gaps in understanding the specific challenges and obstacles that prevent them from fulfilling their social responsibilities.

Focused on the European context, this review assesses the state of socially responsible universities. In the field of European higher education policy, according to research by Maassen and Stensaker (2010), universities are considered to have a dual role in European higher education policy studies: not only to provide good education but also to conduct research and promote innovation (Pee and Vululleh, 2020). The main idea is that the integration of these elements can increase a country's competitiveness, promote economic growth, and solve social problems.

Meanwhile, Berman (1990) highlights certain aspects of social responsibility education that need to be considered. These aspects include: i) developing an understanding of our interdependence through global education, multicultural education, environmental education, and systems analysis; ii) providing opportunities to become responsible members of the community through shared goals, shared decision-making, collective efforts, and recognition of community achievements; iii) providing opportunities for social contribution, including community service, student support, school services, and examples of individuals and organisations who can make a difference; iv) developing basic social skills, including cooperation, conflict management, monitoring others, and speaking up; v) developing basic skills of understanding and participation, such as organisational skills, consensus-building skills, group problem-solving skills, and long-term thinking skills; vi) an examination of the problems of the contemporary world, which includes research, critical thinking, dialogue, and negotiation.

Kouatli (2019) emphasises the importance of a participatory approach for the benefit of society. This includes encouraging stakeholders to participate in activities that contribute to economic, social, environmental, and educational benefits. The aim is to fulfil the needs of people at different levels and to carry out sustainable activities that will bring long-term results. According to Godonoga and Sborn (2023), universities are becoming more globally connected, and, as a result, social responsibility is becoming more important. It is essential to examine these challenges and develop targeted strategies and policies to enhance the contribution of universities to society. D'Adamo and Gastaldi (2023) argue that the COVID-19 pandemic has highlighted the importance of the social dimension, especially the third mission of universities. According to Giuffre and Ratto (2014), a university's social responsibility refers to "the university's ability to disseminate knowledge through the provision of training services and knowledge transfer while adhering to ethical principles and

sound governance. It also includes showing respect for the environment, engaging in social activity, and maintaining good relations with the public."

The literature shows that the topic of sustainability in higher education is increasingly important worldwide. Universities are integrating sustainability concepts into their policies, curricula, and field research. Wals and Leal Filho (2019) analysed international standards for community involvement in higher education and highlighted practices such as community involvement, leadership equity, and environmental safety. Leal Filho et al. (2019) delve into how European higher education institutions are navigating the landscape of social responsibility, particularly in terms of governance structures, community engagement initiatives, and ethical practices.

The literature highlights the complexity of integrating sustainability principles into higher education (Barth et al., 2015; Giesenbauer & Müller-Christ, 2020) and focuses on challenges such as organisational resistance to change, faculty involvement, and the need for a holistic sustainability framework within institutions (Lozano et al., 2016). In addition, discourses on various practices such as community participation, justice management, and environmental security shed light on universities' changes in society's education (Wiek et al., 2017). Previous studies support new solutions to address school accountability issues and highlight the importance of strategic initiatives. The identification and analysis of high-impact university models with social impact provides valuable information for institutions seeking strategic opportunities. Additionally, Mader and Araya-Castillo (2018) explore the process of making progress in universities, while Matten and Moon (2004) explore the practices universities use to promote sustainability at different levels, strategies, policies, and practices. Figueiró and Raufflet, (2015) show the possibilities to advance the sustainability of management education, while Peter Scott (2017) analyses the impact of globalisation on the structure and purpose of the brand of higher education.

In the context of Albania, the social responsibility of higher education institutions and sustainable development are very few. According to Mora et al. (2014), research in Albanian universities is still at an early stage, and more efforts are needed to make universities more socially responsible. In recent years, the Albanian higher education system has shown a growing tendency towards the social responsibility of universities. According to Article 1 of Law No. 80/2015 on Higher Education in the Republic of Albania, the mission of higher education is to contribute to economic, social, and cultural development at the national and regional levels, as well as to strengthen public and national institutions.

An important issue that needs to be addressed is the failure to effectively implement good laws in practice. As the European Commission's 2023 report states, although efforts to improve education and training have produced some positive results, further reforms are necessary. The report states that Albania's research, development, and innovation capacity remains extremely low (European Western Balkans, 2023). However, this remains a

challenge, as it is necessary to intervene in the existing legal framework by proposing criteria and measurable indicators for their identification.

The literature currently lacks a comprehensive understanding of the different dimensions and components of social responsibility, especially in different cultural and institutional settings. However, the economic aspect of social responsibility (Dragusha & Lugji, 2022; Qosja & Çabiri, 2023) is more developed. We believe that economic responsibility includes responsibilities related to profit-generating activities that maintain and strengthen the competitive advantage of the university, achieve a high level of operational efficiency, and ensure the success of the company. According to Thanasi and Kastrati (2021), there is no difference between public and private universities in terms of their situation. Organisational governance was identified as the domain with the highest score, while the environment domain received the lowest score. Meanwhile, Peshkopia (2014), argues that Eastern European universities face some social responsibility dilemmas in fulfilling their educational responsibilities. Recognising these variations is essential for designing culturally sensitive and adaptable social responsibility frameworks for Albanian universities.

With these approaches in mind, we believe that the construction of the questions will guide our study of HEIs. We aim to explore the challenges, best practices, measurement methodologies, and cultural differences in this field. Our research questions are as follows:

- What are the main challenges and barriers that universities face when trying to fulfil their social responsibility?
- What innovative approaches or best practices can be identified to overcome these barriers and enhance their social impact?
- How do universities measure and report on their social responsibility initiatives, and what are the key indicators and metrics used to assess their effectiveness and impact?
- What are the key dimensions and components of social responsibility for universities, and how do they differ in different cultural and institutional contexts?

Overall, it can be said that the literature shows a diverse impact of social responsibility in society concerning its context.

### **3 Method**

Data triangulation is a very effective way to ensure accuracy in the study of a phenomenon that has several data sources. A descriptive presentation of the entire research process is provided along with an illustrative Figure 1 for better understanding.

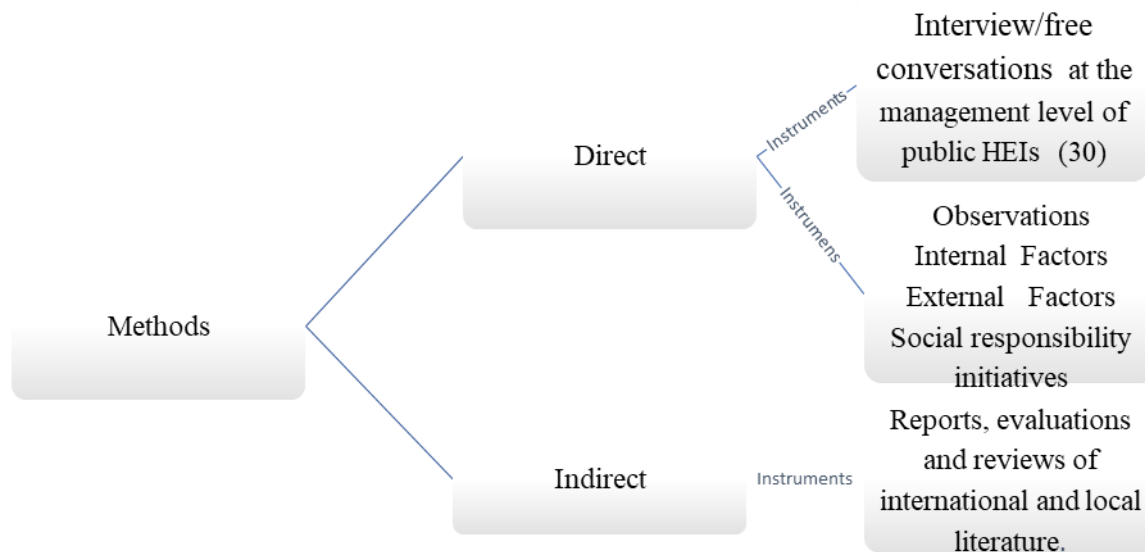


Figure 1. Research model

A qualitative design was adopted to fulfil the objectives of the study. Such a design is inherently exploratory, aimed at understanding the underlying reasons, opinions, and motivations within the research domain. It facilitates insight into the given problem and helps in formulating relevant research questions. In addition, qualitative research helps uncover trends of thought and delve deeper into complex issues. Data collection methods varied and used unstructured or semi-structured techniques such as open-ended interviews, individual interviews, and participant observation (DeFranco, 2011). As noted by the Albanian sociologist Dervishi (2003), who emphasised the effectiveness of open-ended interviews in gathering insider information, the semi-structured interviews conducted during the meeting with the participants were willingly engaging.

To ensure impartiality and balance, semi-structured interviews were carefully prepared to gather input from stakeholders. Thirty management-level participants were selected based on their roles within the university. The interviews aimed to elicit participants' perceptions, rationales, and attitudes towards social issues within the university context, with particular emphasis on identifying issues that hinder the achievement of social goals.

The main focus is the identification of problems in achieving the university's social goals. The data were analysed using thematic analysis to identify issues associated with the study through interviews. Thematic analysis served as the main approach to reviewing the collected data following the objectives of the study. This method facilitated the systematic identification and exploration of recurring themes within the interview responses. This process involved organising and synthesising these themes, providing a nuanced understanding of the challenges, innovative approaches, measurement strategies, and different dimensions of social responsibility that universities face.

Using existing data for analysis saves data collection time and ensures a high degree of reliability and validity because the data is obtained from official sources (Boslaugh, S., 2007). This study involved the analysis of secondary data based on a review of international literature, such as studies, reports, and evaluations, to explore the challenges and opportunities in educational processes related to social responsibility in education.

The literature review phase facilitated the compilation of existing reports and studies on this issue. This process was instrumental in formulating the main research questions and served as the basis for the analysis of the study results. The results of this analysis are incorporated into the entire work.

Another method used was the analysis of institutional documents, focusing on official university documents such as social policies, reports, and other published materials. By conducting a content analysis of these documents, we can understand the values, goals, and practices of these social entities. Based on these findings, we conducted interviews to better understand the university's practices and consistency. For a study to be robust, it is important to ensure that the data constructs, models, and findings are reliable and valid. To achieve this, we implemented rigorous measures such as detailed documentation of the research process, clear operational definitions, and intercoder reliability checks for thematic analysis. We also addressed validity concerns by using triangulation, which involved cross-referencing findings from different sources to confirm the study's conclusions.

The study used an analytical research model using systematic analysis of facts and information to derive specific conclusions. For a visual representation of the theoretical foundations of the research, a graphical representation of the theoretical model is presented (see Figure 2). The model encapsulates the relationships and interactions between key variables and clarifies the dynamics of the problem under investigation.



Figure 2. Observed factors

After collecting data from various sources, we moved on to the phase of data analysis and interpretation. We compared and contrasted the relationships and various contexts obtained through interviews and free interviews, the results of observations, and the values obtained through literature research in the field. I used triangulation to analyse and interpret the results, which helped the university gain a deep and comprehensive understanding of these social issues. Based on the analysis of the results, several proposals were presented.

Some limitations of the study include potential sampling bias, as some perspectives or stakeholders may be underrepresented. Furthermore, while qualitative research provides valuable insights, it may not capture the breadth of perspectives that quantitative methods do. Generalizability is limited due to the focus of the study on the Albanian higher education system. Despite the limitations of the study, it fulfils its purpose and calls for a deeper study of all the challenges that arise in this field.

## **4 Results**

### **4.1 Challenges and Barriers to Fulfilling Social Responsibility**

This study shows that universities face many difficulties in fulfilling their social responsibilities. These challenges relate to resource constraints, resistance to change, lack of knowledge, competitive advantage, regulatory challenges, organisational challenges, assessment barriers, the complexity of global business, and the struggle for management responsibility.

Universities face many problems and challenges in achieving their complex areas of responsibility, starting with complex issues in education and beyond. Capacity constraints, often in the form of financial constraints and a lack of human resources, represent a significant barrier to investment in responsible action. This financial pressure limits the pace of change, while a lack of expertise further complicates the development and implementation of relevant measures.

Resistance to change is rooted in the culture of the institution and the perspective of lecturers, which adds another layer of complexity. Creating an academic culture can hinder the transition to social responsibility and create friction when trying to follow non-traditional practices. Lecturer resistance stemming from apprehension about engaging with new content created additional challenges that required a balance between leadership and innovation. We think that these issues are more dependent on institutional awareness and their mentality as community or business institutions. A direct consequence of this is the lack of clarity in defining and implementing a culture of accountability and the need for clarity of purpose and success.

Laws and regulations pose challenges due to uncoordinated policies and strict rules that restrict innovation and limit the influence of specific social circumstances. Laws and



regulations pose challenges due to uncoordinated policies and strict rules that restrict innovation and limit the influence of specific social circumstances. The finding shows that this is driven by both the desire to establish robust relationships with local communities and the ambiguity of regulations that may vary depending on various social circumstances.

Measuring and measuring impact comes with its own set of challenges, from the lack of valid metrics to measure social impact to the difficulty of measuring impact over long periods. The issue of globalisation and diversity demonstrates the need for compromise, especially when dealing with international problems that require different cultures and international cooperation.

Inclusive governance and stakeholder engagement add complexity by requiring universities to address the challenge of achieving inclusive decision-making processes that include multiple perspectives. This situation requires a balance between the needs of society and the solution of global problems.

Overcoming these challenges requires a collaborative approach with both internal and external stakeholders. Setting a clear strategy, creating a culture of accountability, and advocating for political support is key to ensuring that universities fulfil their responsibilities in society. This collaborative approach proposes changes that have the potential to reshape the role of community universities and improve their social impact.

## **4.2 Measurement and Reporting of Social Responsibility**

In terms of how universities measure and report on social responsibility initiatives, the study identifies several indicators and metrics. These include sustainability reporting standards, community engagement metrics, education and research assessments, ethical governance indicators, diversity and inclusion measures, social impact assessments, health and well-being metrics, financial allocation assessments, stakeholder satisfaction measurements, participation in global initiatives, and recognition. innovations and best practices.

Addressing the second research objective, which focuses on how universities measure and report their social responsibility initiatives, the study reveals a diverse array of indicators and metrics used to assess the effectiveness and impact of these programs. The selection of these indicators is intricately linked to the specific goals and nature of each initiative. In conclusion, the study highlights the importance of establishing a clear methodology for data collection, analysis, and reporting in measuring and reporting on university social responsibility initiatives.

Regular review and updating of indicators based on evolving social, economic, and environmental contexts is considered essential for meaningful evaluation. In addition, disseminating information through annual sustainability reports or contributions to external sustainability rating systems improves communication of social responsibility efforts with

stakeholders and the wider public. This holistic approach ensures transparency and consistency in depicting the multifaceted impact of university social responsibility initiatives.

### **4.3 Key Dimensions and Components of Social Responsibility**

The results of the study offer insight into the multifaceted landscape of university social responsibility. Through comprehensive analysis, we identified various dimensions key to assessing institutional impact, including academic and research programmes, community engagement, ethical governance, diversity and inclusion, environmental sustainability, economic impact, global engagement, technology and innovation, stakeholder engagement, and civic responsibility. In particular, we recognised the importance of these aspects in shaping institutional strategies and practices, emphasising the need for adaptable approaches to effectively address different cultural and institutional contexts.

In our investigation of how universities quantify and report on their social responsibility initiatives, we discovered a diverse set of indicators forming the basis for evaluating this aspect. Ingeniously linked to the unique goals and characteristics inherent to each initiative, these metrics ranged from governance and diversity to community impact and environmental sustainability. In particular, sustainability reporting standards exemplified by the Global Reporting Initiative (GRI) have emerged as a comprehensive framework, including economic, environmental, and social dimensions, reflecting the multifaceted nature of university initiatives.

Our investigation focused on community involvement and established important variables including the variety of relationships and the rates of staff and student participation in outreach programmes. Fundamental pillars of social responsibility, research and education, were evaluated using metrics such as curricular integration of sustainability and quantifiable research outputs on these subjects.

Furthermore, ethical management, diversity and inclusion, and social impact assessment were identified as critical dimensions of universities' social responsibility. Ethical governance requires the creation of policies that support ethical behaviour and decision-making, promoting a culture of integrity and accountability. Likewise, valuing diversity and promoting inclusivity within the university environment is essential to creating vibrant and equitable academic communities. Social impact assessment requires universities to measure the tangible results of their activities on wider societal well-being, including the success of graduates in areas related to social responsibility.

Our study highlights the need for universities to adopt a systematic approach to data collection, analysis, and reporting. An iterative process of revising and updating indicators in response to changing contexts is critical to ensuring the relevance and effectiveness of social responsibility initiatives. In addition, transparently communicating these efforts through

sustainability reports and contributions to external rating systems increases transparency and reaffirms the institution's commitment to social responsibility.

Ultimately, while providing a comprehensive framework, the prioritisation and emphasis on these dimensions may vary depending on the cultural, social, and economic context. Tailoring initiatives to align with local values and needs is essential to ensuring relevance and effectiveness in different cultural and institutional contexts, highlighting the importance of contextual considerations when assessing universities' social responsibility.

#### **4.4 Social Responsibility in the Albanian Context Higher Education Context**

In response to these challenges, Albanian universities have demonstrated resilience and growth, with the sector expanding significantly and institutions becoming more internationally competitive through participation in the Bologna process. Despite progress, Albania faces ongoing economic developments, political changes, and social challenges that affect the strategic direction of higher education institutions. Financial constraints and limited resources create barriers to investment in social responsibility initiatives, while cultural diversity requires a different approach to inclusion. Moraes and Melo Neto (2018) emphasise that economic factors significantly influence the ability of universities to engage in socially responsible activities. Meanwhile, the interviewees said: *»Albanian universities have made progress in developing and globalising, but they still face social and economic constraints that limit their ability to fully engage in socially relevant projects. Barriers created by limited resources and cultural differences.«* Underscoring the importance of this are innovative approaches to promoting inclusion and sustainable development. HEIs must communicate these challenges effectively to cater for their long-term development and social support.

The respondents concur, saying that social responsibility is essential to universities' missions and social integrity. *«Social responsibility is fundamental to the mission and integrity of universities in society. In addition to preparing students to become successful professionals, universities have a moral and social obligation to contribute to community development and solve societal challenges. Funding is a critical factor in enabling universities to fulfil their social responsibilities. Lack of financial resources can limit the social responsibility programmes and projects that universities can offer, making it difficult to positively influence society. The need for large investments and financial support for universities is an important step in developing social responsibility and its positive impact on society.»* We believe that universities have a moral and ethical duty to address social issues and promote community development in addition to training students to become successful professionals. For universities to achieve their social obligations, funding is a crucial component. Universities may not be able to provide as many social responsibility courses and initiatives as they would want, which makes it more difficult to have a constructive impact on society. Developing social responsibility and its beneficial effects on society requires significant financial assistance and university investments.

Government policy plays an important role in shaping higher education programmes, particularly in terms of social responsibility, sustainability, and community engagement. An understanding of national and regional development priorities underpins institutional strategies and highlights the importance of aligning them with the wider socio-economic agenda. Community-led initiatives and partnerships with local stakeholders are becoming important strategies to meet local needs and promote sustainable development. One interviewee explained: *“University social responsibility policies are an important step to ensure that universities adapt to the needs and challenges of the 21<sup>st</sup> century. However, university policies still struggle to engage with communities and take action towards needs and interests.”* Universities support education and scientific research through projects and special projects created for this purpose.

Engagement of youth, especially that of university students, is a driving force behind societal progress and responsible citizenship. Tinkler and Tinkler (2019) argue that universities, as social institutions, have a responsibility to actively engage with their communities. Student engagement is consistent with the perspective of Milem, Chang, and Antonio (2019), who argue emphasi positive impact of diversity on campus. As they point out, universities play a key role in shaping the future cohort of professionals and conscientious citizens. By providing high-quality education and practical training and cultivating a dynamic learning environment conducive to personal and professional growth, universities equip students to participate actively in society. Several interviewees further emphasised the idea that universities can promote students' awareness and involvement in various areas of social responsibility and encourage their involvement in initiatives and projects that positively impact the local community and society as a whole. *“Universities need to actively include students in the development of society, as this helps shape responsible citizens. Universities must foster an engaged culture and give students an exceptional education to empower them to make significant contributions to their communities. Students who are encouraged to take part in civic duty initiatives develop empathy and a sense of civic obligation, which better prepares them to deal with difficult local and global situations.”* Through such an approach, universities not only educate a professionally competent generation but also instil a sense of responsibility and mindfulness, ready to contribute to the social development and well-being of society.

The study explores international collaboration for advancing science and education, as well as the social responsibility of universities. It suggests that universities should advance social ideals, build knowledge networks, and create local and global projects. Regarding this issue, a significant part of the respondents stated that universities should be leaders in promoting social values and in cooperation with international partners in the exchange of ideas and experiences. Below, we present the professor's statement: *“Social responsibility and international cooperation are essential. This cooperation can bring great benefits for all parties involved, including new knowledge, increased professional skills, and the creation of opportunities for joint projects that have a great impact locally and internationally. They are*

*the engine of social and cultural development.*” Collaboration with international partners and participation in global networks provide opportunities to address common challenges and promote social responsibility programs. Incorporating social responsibility into the academic curriculum equips students with the skills and mindsets they need to engage meaningfully in the public sphere. Marginson (2016a) discusses the contribution of research to the public good, emphasizing the importance of global knowledge networks. However, balancing global initiatives with local priorities requires careful consideration to avoid potential pitfalls, as pointed out by Cowen, Fleming, and Berman (2019). They emphasise the need for historical and contemporary perspectives to understand the role of universities in the public sphere. We believe that global collaboration, as previously mentioned, offers avenues for positive social impact.

Although the challenges are diverse, higher education institutions worldwide face common obstacles in pursuing social responsibility. Addressing this complexity requires a holistic approach that involves collaboration between university leadership, faculty, students, and external stakeholders. Respondents suggest: *“Institutions must change their thinking from an exclusive focus on student training and scientific research to actively taking responsibility for society. They should increase their public involvement by initiating programmes aimed at training and conducting research with individuals who lack direct education or professional ties to higher education. This includes forging links with civil society as well as public and private partners to create and strengthen lasting collaborative relationships that benefit society as a whole.”* The statement reflects a call for universities and academic institutions to expand their roles beyond the traditional roles of student training and scientific research and urges them to engage actively in social responsibility. The survey shows that respondents acknowledge the growing role of educational institutions in society. By adopting a broader mandate for public participation, dialogue, and collaborative problem-solving, universities can better fulfil their social responsibilities and contribute to positive social change.

Furthermore, there is an urgent need to go beyond traditional measures and evaluate universities based on their actual impact on society rather than their actual contribution to social welfare. More than half of the respondents agree that if until now the social impact of universities was measured only by the product that universities were able to offer on the labour market, the time has come for these institutions to be evaluated based on well-defined standards as part of their institutional accreditation and social responsibility criteria and the real impact of their activities in society.

This paradigm shift in assessment criteria highlights the need for higher education institutions to demonstrate their commitment to meaningful social impact and sustainable development.

## 5 Discussion

### 5.1 Discussion on Challenges in Fulfilling Social Responsibility

The results of the study provide insight into the many obstacles that universities face in fulfilling their social responsibility mission. These difficulties are closely related to the complex environment of universities, reflecting external circumstances, systemic problems, and the complicated dynamics of the academic sphere. The issue of social responsibility at universities, which was identified in the study, follows the previous study at the university.

It is widely recognised that the promotion of social responsibility initiatives in universities is hampered by a lack of funding, resistance to change, regulatory barriers, measurement difficulties, global engagement, and governance concerns. These difficulties highlight the necessity of strategic leadership, policy advocacy, and stakeholder engagement to successfully negotiate the complicated terrain of higher education.

The research findings reveal the multifaceted challenges universities face in fulfilling their mission of social responsibility, which are deeply connected to the university environment. These challenges include resource constraints, resistance to change, regulatory barriers, measurement complexity, global engagement, and governance issues. These challenges underscore the need for strategic leadership, policy advocacy, and stakeholder engagement to effectively navigate the complex landscape of university social responsibility.

The study supports research findings and provides theoretical underpinnings for understanding the complexity inherent in the promotion of social responsibility within higher education institutions. The study draws on insights from scholarly work and improves our understanding of the complexities involved in promoting social responsibility within higher education institutions. In addition, it highlights the importance of evidence-based strategies and collaborative approaches in addressing these issues and advancing the societal role of universities.

Addressing the challenges outlined in the study requires a multifaceted approach that includes collaboration between university leaders, faculty, students, and external stakeholders. Universities play a key role in solving societal problems and promoting sustainable development. By prioritising social responsibility and adopting innovative practices, universities can maximise their impact and contribute positively to society. Achieving meaningful change, however, will require a concerted effort to overcome resistance to change, overcome regulatory barriers, and promote inclusive governance structures.

The discussions highlighted the multifaceted nature of the challenges facing universities in fulfilling their social responsibility obligations. These challenges ranged from economic constraints to regulatory hurdles and cultural diversity, reflecting the complex landscape of higher education institutions. Measurement strategies emphasised the importance of

comprehensive assessment frameworks, global standards, and stakeholder satisfaction metrics to transparently communicate universities' societal impact. Key dimensions of social responsibility emphasise the universality of principles such as community engagement and ethical governance while acknowledging contextual differences in prioritisation and implementation.

Although the discussions did not explicitly formulate hypotheses, they provided valuable insights into the complexities of social responsibility in universities. The findings supported the idea that social responsibility is indeed multifaceted and context-dependent, requiring tailored approaches to solving problems and making effective use of opportunities. The discussions were thus in line with the understanding that universities play a key role in societal development and need to adopt a more socially responsible approach.

The discussion presented a comprehensive analysis of social responsibility in universities and highlighted both challenges and opportunities. From my perspective, it is clear that solving these challenges requires joint efforts and strategic initiatives from various stakeholders. Additionally, the emphasis on adaptability and context sensitivity resonates strongly, indicating the importance of tailoring social responsibility initiatives to local needs and priorities. Overall, the discussions highlighted the transformative potential of universities that can meaningfully contribute to societal values when they actively embrace their social responsibility commitments.

## **5.2 Measurement and Reporting of Social Responsibility Initiatives**

The diverse set of indicators and metrics for measuring social responsibility initiatives shows the complexity of the evaluation process. The importance of sustainability reporting standards, community engagement, and stakeholder satisfaction underscores the need for universities to transparently communicate their social impact. Regularly updating indicators based on evolving contexts ensures ongoing relevance and meaningful assessment. The complexity of measuring and reporting social responsibility initiatives at universities is evident from the diverse range of indicators and metrics identified in the study. This academic discussion will delve into the implications and scientific perspectives of the identified dimensions.

Based on the research results, we found that the evaluation of social responsibility programmes in higher education is complex and requires a wide range of metrics and indicators. These include sustainability reporting standards, community engagement measures, research and education assessments, governance ethics measures, diversity and inclusion initiatives, social impact assessments, financial distribution assessments, stakeholder satisfaction measures, involvement in international projects, and knowledge of new ideas and methods.

Transparency and accountability were found to be essential for universities to transparently report on their social impact, as evidenced by sustainability reporting criteria, stakeholder satisfaction, and community involvement. These metrics provide comparability and accountability in line with academia and the Global Reporting Initiative (GRI). Community engagement measures should include qualitative elements to fully reflect the extent of their impact on local communities. Based on the findings, we believe that ethical governance metrics emphasise transparency, accountability, and integrity in higher education institutions. Diversity and inclusion initiatives should be considered when evaluating long-term implications and societal change. Estimates of financial distribution must be cautious to ensure efficiency and sustainability.

Universities must lead international projects to solve common problems and advance society. For society to progress, innovation and best practices must be embraced. This scholarly discourse underscores the congruence of these dimensions with broader discourses in higher education and social responsibility and highlights the importance of considering these metrics for a comprehensive assessment of the social impact of institutions.

### **5.3 Key Dimensions and Components of Social Responsibility for Universities**

The discussion highlights the key dimensions and components of social responsibility in universities, emphasising their universal importance while acknowledging contextual variations. Academic programmes, community engagement, and ethical governance are identified as universally important aspects of social responsibility. However, their prioritisation may differ across contexts, necessitating adaptable strategies. The critical role of community engagement in societal development is emphasised, aligning with the literature on the civic role of universities.

Based on the findings, the results underscore the intricate interplay between universal principles and contextual variations in university social responsibility. While certain principles, such as academic programmes, community engagement, and ethical governance, are deemed universally important, their prioritisation may vary based on local values, needs, and circumstances. This variability emphasises the need for adaptable strategies that can effectively address the specific context of each institution. Moreover, the emphasis on community engagement highlights the significant role universities play in societal development by actively involving themselves with their communities. The implications of interdisciplinary approaches suggest a holistic perspective in managing and measuring social impacts, aligning with the interconnected nature of social, environmental, and economic aspects.

The discussion supports the understanding that social responsibility in universities is indeed multifaceted and context-dependent. While certain principles hold universal importance, their implementation and prioritisation may vary based on local contexts. Thus, the need for



adaptable strategies to effectively address the diverse needs and values of different communities is acknowledged.

From the interview's perspective, the emphasis on adaptable strategies aligned with local values and needs resonates strongly. It underscores the importance of universities being responsive to the unique contexts in which they operate, ensuring that their social responsibility initiatives are relevant and impactful. Additionally, the recognition of community engagement as a critical aspect highlights the importance of universities actively engaging with their surroundings to foster positive societal change.

Based on the discussion It is advised that academic institutions create flexible plans for carrying out social responsibility programmes in light of the discussion of the essential elements and aspects of social responsibility in higher education. To effectively address complex societal challenges, these strategies should include many key actions, such as: thoroughly understanding local contexts; prioritising key dimensions based on the particulars of each context; implementing interdisciplinary approaches; actively involving local communities in project planning and implementation; fostering collaboration with external stakeholders to leverage resources and expertise; and establishing robust measurement and evaluation mechanisms for continuous improvement. Universities can effectively traverse the challenges of meeting their social responsibility duties while making significant contributions to their communities and society at large by implementing these suggested strategies.

Overall, the discussion provides valuable insights into the nuanced nature of university social responsibility and the importance of contextually relevant approaches to fulfilling this role effectively.

#### **5.4 Social Responsibility Challenges and Opportunities for Albanian Universities**

The discussion explores the responsibilities of universities in Albania, highlighting both challenges and opportunities. It highlights the need for a comprehensive approach to address challenges and leverage opportunities in higher education. Economic constraints and cultural diversity are identified as significant challenges, potentially hindering the allocation of resources for comprehensive social responsibility initiatives. Balancing global initiatives with local priorities is crucial. The "third mission" of higher education in Albania requires a paradigm shift in societal perception and institutional approaches towards social responsibility. The analysis suggests that social responsibility is a multifaceted and context-dependent concept, requiring nuanced approaches for implementation. Albanian higher education institutions must reorganise their mission and adopt a more socially responsible approach.

The discussion focuses on the potential problems that Albanian universities have when it comes to their social responsibility aspects. It also emphasises the paucity of research in this field and names legislative difficulties, cultural diversity, and financial limitations as major

obstacles. It also emphasises how crucial it is to get students involved, collaborate internationally, and connect with the community as possible means of making a beneficial effect on society.

The study explores the nuances of Albania's higher education system and highlights the need for a fundamental change in institutional and cultural attitudes towards social responsibility. Global cooperation, student involvement, and community engagement create potential, but cultural diversity and economic limitations often pose problems. The debate also touches on the legislative system's vagueness about social responsibility and the revolutionary struggle.

Although the debate is in line with the general objective of comprehending the difficulties, approaches to assessment, and aspects of social responsibility in higher education, it does not specifically provide any hypotheses. It acknowledges that social responsibility is complex and context-specific, necessitating the use of sophisticated strategies in its execution.

To solve the issues and take advantage of the potential found in Albania's higher education scene, I believe that flexibility and context awareness are essential. Developing effective social responsibility projects that are adapted to the local environment requires a comprehensive strategy that includes stakeholders from all disciplines. Furthermore, universities have the power to significantly improve society, underscoring the significance of making social responsibility a central component of their purpose.

Some of the recommendations provided by the discussions were:

It is suggested that further study be done on the roles that universities play in Albania, with an emphasis on how they could advance social development in areas like labour practices, environmental protection, and human skills. This study would contribute to addressing the existing gaps in Albanian higher education's knowledge of social responsibility and offer insightful information for practice and policy.

To establish an atmosphere that allows universities to successfully carry out their social obligations, institutions and legislators ought to give top priority to resolving legal uncertainties, cultural diversity, and financial limitations. This might entail the strategic allocation of resources, the promotion of inclusive behaviours, and the clarification of social responsibility-related regulatory frameworks.

Academic institutions ought to be actively involved in their local communities, assign students to participate in social responsibility projects, and look for national and international partnerships. These initiatives have the potential to improve universities' social influence and promote constructive social change.

The way that Albanian higher education views social responsibility and the institutional commitment to it has to be revolutionised. Institutions must restructure their missions and

take a more socially conscious stance, stressing the significance of judging institutions according to clear norms and guidelines for social responsibility. To do this, it would be necessary to expand public participation and fortify enduring partnerships to better match higher education with societal demands.

In general, it is advised to take a complete strategy that takes advantage of possibilities and tackles the difficulties that have been recognised.

## **6 Conclusion**

Universities face numerous challenges in fulfilling social responsibility, including resource constraints, resistance to change, political barriers, engagement difficulties, measurement barriers, the complexities of globalization, struggles for inclusive governance, and balancing local and global responsibilities.

A comprehensive collaborative strategy involving university management, faculty, students and external stakeholders is critical to overcoming the challenges of fulfilling social responsibility.

Universities must establish a clear methodology for data collection, analysis and reporting in social responsibility initiatives, and regularly review and update indicators based on social, economic and environmental contexts for meaningful evaluation.

Social responsibility initiatives must be tailored to cultural, social and economic contexts to ensure relevance and effectiveness and to ensure alignment with local community values and needs.

Addressing the challenges of fulfilling social responsibility requires collaboration between university leadership, faculty, students and stakeholders. Strategies include clear policies, fostering a culture of social responsibility and community engagement. Institutions should be judged on social and real contributions, not just academic achievements.

The study highlights the need for a comprehensive approach to social responsibility in Albanian universities, highlighting the challenges they face and the importance of localized strategies, government support, community collaboration, faculty involvement and interdisciplinary approaches.

The study provides empirical evidence on the integration of social responsibility in Albanian universities, emphasizing context-specific strategies and a holistic approach. It emphasizes the need for universities to evaluate societal impact beyond traditional academic metrics, thereby promoting a shift towards university social responsibility.

The study underscores the importance of government support and clear policies in promoting social responsibility initiatives, emphasizing community collaboration and youth mobilization for sustainable development.

The research highlights the need for further investigation of the challenges faced by universities in different regions and countries, as well as the effectiveness of social responsibility strategies in different cultural contexts. It also highlights the role of future research that should explore case studies, comparative studies and longitudinal studies.

I declare that I have no conflict of interest in this matter.

I declare that this scientific work has not been sponsored or funded under contracts with any organization or entity that may have a direct interest in the results of the research.

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## **Povzetek:**

### **Družbena odgovornost visokošolskih institucij in trajnostno izobraževanje**

**Raziskovalno vprašanje (RQ):** Kako univerze merijo in poročajo o svojih pobudah za družbeno odgovornost ter kateri so ključni kazalniki in metrike, ki se uporabljajo za oceno učinkovitosti in vpliva teh programov? Katere so ključne razsežnosti in sestavine družbene odgovornosti za univerze in kako se razlikujejo v različnih kulturnih in institucionalnih kontekstih?

**Namen:** Raziskovalni namen in cilj preučevanja družbene odgovornosti univerz je bolje razumeti, oceniti in izboljšati vpliv teh institucij na družbo, okolje in njihove lokalne skupnosti. Namen te študije je tudi spodbuditi pozitivne spremembe, spodbujati odgovornost ter prispevati k širšim ciljem trajnosti in etičnega vodenja v izobraževanju.

**Metoda:** Uporabljena metoda je predvsem analitični pristop s konceptualno analizo in preverjanjem argumentov. Raziskovalno gradivo se osredotoča na različne članke, poročila in ustrezno literaturo o obravnavanem vprašanju. Raziskovalno gradivo vključuje tudi izvedbo 30 polstrukturiranih intervjujev s predavatelji, ki so privolili, da bodo delili svoja stališča in dožemanje obravnavane problematike.

**Rezultati:** Ugotovitve kažejo, da morajo institucije s svoje strani spremeniti svoj pristop do družbe, filozofijo, da so le v funkciji priprave študentov in znanstvenega raziskovanja, ampak morajo prevzeti odgovornost do družbe.

**Organizacija:** V okviru projekta je bilo na voljo več informacij o tem, kako bi se zavodi lahko vključili v projekt. Za čim večji vpliv univerzitetnih raziskav na menedžerje, organizacije in prakse so pogosto potrebni učinkoviti mehanizmi prenosa znanja, kot so razširjanje raziskav, partnerstva med industrijo in akademsko sfero ter programi izmenjave znanja. Univerze, podjetja in oblikovalci politik pogosto sodelujejo, da bi olajšali praktično uporabo rezultatov raziskav in zagotovili, da so raziskave dostopne in pomembne za tiste, ki imajo od njih koristi.

**Družba:** Koncept družbene odgovornosti na univerzah, ki se pogosto imenuje državljansko ali javno poslanstvo univerz, lahko pomembno vpliva na družbo, družbeno odgovornost in okolje. Ta koncept poudarja, da morajo univerze aktivno sodelovati s svojimi skupnostmi in širšim svetom ter prispevati k njim.

**Originalnost:** Družbena odgovornost univerz presega področje izobraževanja in raziskovanja. Vključuje zavezanost k prispevanju k blaginji družbe in okolja. S sprejetjem tega koncepta lahko univerze povečajo vpliv svojih raziskav na ta kritična področja ter tako spodbujajo pozitivne spremembe in trajnost. Za albansko visoko šolstvo je to izziv, saj je treba poseči v veljavni pravni okvir s pripravo aktov z merili za njihovo opredelitev in merljivimi kazalniki.

**Omejitve/nadaljnje raziskovanje:** Potrebno je izvesti bolj poglobljeno študijo s celovitejšim pristopom, v kateri bodo izpostavljeni podatki, premisleki in različni akterji, vključeni v vlogo univerz pri soočanju z izzivi, ki izhajajo iz družbenih problemov in trajnosti.

**Ključne besede:** družbena odgovornost, visokošolske institucije, visokošolsko izobraževanje, trajnostno izobraževanje, okolje.

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## Food Marketing Regulations and Childhood Obesity Across America

An Analysis on the Effects of Food Marketing on Childhood Obesity and the (In)effectiveness of Laws & Regulatory Measures on Food Marketing in The United States and Brazil, in comparison with Chile

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### Abstract

**Research Question (RQ):** What is the impact of food marketing and advertising on childhood obesity?

**Purpose:** The purpose of this research is to analyze the existing regulatory measures and legislation on food marketing aimed at children, understand its effects and look for ways to reduce childhood obesity.

**Method:** This study adopts a comparative approach to the analysis of the current legislation and regulatory measures on food marketing enforced in Brazil, Chile and the United States. As well as, consulting multiple scholarly articles and scientific studies on the impact of food marketing and advertising on childhood obesity. This research also showcases the effectiveness of adequate regulation on child-oriented food marketing and advertisements in reducing the consumption of ultra-processed food by children, which, in turn, will lead to the decrease in childhood obesity.

**Results:** Regulations, such as the ones implemented in Chile, have shown to be effective when it comes to limiting the exposure of children to persuasive and manipulative food marketing. Consequently, causing a significant decrease in children's consumption of such food products, which, in turn, can lead to the decrease in childhood obesity.

**Organization:** This research can help governments and organizations find effective measures to create, improve as well as enforce legislation and regulations on child-oriented food marketing.

**Society:** People are susceptible to the influence and manipulation of persuasive marketing strategies. Thus, children, being the more easily influenced part of the population, are even more vulnerable to such tactics. This research paper helps further showcase this fact as well as the dangers posed by these marketing strategies, subsequently proposing options to counteract the impact of said damaging tactics.

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**Originality:** Unlike most others of its kind, this research brings a comparative approach when analyzing the effectiveness of regulations in Latin American countries and the United States when it comes to the marketing of ultra-processed food products directed at children.

**Limitations / further research:** Limitations faced were the lack of primary research sources and lack of in-depth research sources in this specific topic. Further research could expand the subject countries to include other Latin American countries, as well as European and Middle Eastern countries.

**Keywords:** child-oriented marketing, nutrition, law, regulations, food advertisement, childhood obesity, food labeling, comparative law.

## 1 Introduction

Children, due to their still ongoing psychological development, are particularly susceptible to marketing tactics employed by companies. This evident vulnerability is due to most children younger than six years old being unable to distinguish between an advertisement and a television program, as well as most children under the age of eight being unable to recognize the intrinsically persuasive nature of advertisement (American Psychological Association, 2010). That being said, this demographic is increasingly exposed to immense amounts of food marketing in the form of televised advertisements and branding through the use of cartoon mascots developed by companies as well as associating products with positive impressions as marketing strategies to promote unhealthy foods and beverages. In view of this and the aforementioned susceptibility of children, subjecting this demographic to such content has proven to be detrimental to their health as well as a significant factor in the increase of childhood obesity (American Psychological Association, 2010). Taking this into account, the inefficiency of the regulations and laws currently in effect within the United States of America and Brazil should also be brought to attention and will be discussed within this paper. Therefore, it is paramount that governments and organizations create, improve and enforce legislation and regulations prohibiting the marketing of these products being directly targeted towards children.

This research aims to examine what is the impact of food marketing and advertising on childhood obesity, and present ways to reduce it. In this paper it is argued that food marketing strategies aimed at children are inherently exploitative of this demographic's vulnerability, and should be policed by regulations and laws. The argument is structured as follows. The next section addresses the effects of child-oriented food marketing, which contributes to the development of unhealthy eating habits in children and thus the increase in rates of obesity. This analysis is supported by studies on the way child-appealing advertisements are used to create familiarity, brand recognition and positive associations with the advertising companies. Subsequently, the following section analyzes how front-of-package labeling was implemented in different countries, as a tool aimed at reducing the prevalence of obesity in the population and incentivizing the consumption of healthier food choices. Lastly, a comparison is made

between the existing laws and regulations aimed at policing child-oriented food marketing and food labeling in the United States and in Brazil, exploring the reasons for their ineffectiveness in each country's context.

## **2 Theoretical Framework**

### **2.1 The Effects of Child-Oriented Food Marketing and Childhood Obesity**

Children between the ages of eight and twelve are the ones exposed to the highest amount of food advertising content, suffering exposure to an average of 7,609 televised food advertisements per year (American Psychological Association, 2010). Children within this age bracket are at the stage of their psychological development where they are in the process of establishing their food preferences and habits, and this is also when children start gaining access to money in order to purchase food products of their own choosing. This alarming statistic presented by the American Psychological Association (APA), from a study developed by the Kaiser Family Foundation (2007), clearly demonstrates how disconcertingly high the amount of food advertising exposed to children is. Children, according to the APA, have a “remarkable ability to recall content from the ads to which they have been exposed” (2010), as well as a tendency of believing these ads to contain unbiased, factual information about the advertised product. Due to this fact, children are unable to perceive and understand the inherent and intentional persuasive content created as a marketing strategy to sell such products. Consequently, such exposure leads to this young demographic having their food preferences and habits influenced by the marketing of food companies, as they begin associating unhealthy foods to happiness as well as other positive emotions propagated by this type of media. Furthermore, these factors contribute to an increased consumption of highly addictive and caloric food products that provide little to no nutritional value, which is one of the direct causes behind the increase in rates of childhood obesity in the last decade.

By using content analysis in the children-oriented channels Disney, Nickelodeon and PBS, Dr. Susan Connor was able to examine and measure children's exposure to food advertisements from 9 a.m. to 1 p.m. The results were that the majority of food product commercials were fast-food advertisements—all of Disney's food advertisements marketed McDonald's, while 59% of ads on PBS and 46% on Nickelodeon advertised fast-food products—, while the other food commercials were for cereal, snack foods and frozen treats (2006, p. 1481). The foods marketed towards children in these ads all had high amounts of calories, fat, sugar and/or sodium. These advertisements clearly intend to influence children into asking their parents to buy the advertised food products, which is inherently exploitative of children's exacerbated susceptibility to such manipulation. Moreover, in order to enact that influence, companies use strategies that appeal to a young audience, the most pervasive one being the “fun appeal”, present in 82% of the commercials in the study. This was followed by “action appeal”, present in 57% of said commercials, and “taste appeal”—which was most prevalent in Nickelodeon's advertisements, making up 43% of them (Connor, 2006, p. 1481). The “fun appeal” “associated fun and happiness with a product and contained no significant reference to the specifics of the

product itself” (Connor, 2006, p. 1481). Meanwhile the “action appeal” “associated excitement or energy with a product”, by displaying children partaking in outside play or engaging in physical, high-energy activities alongside licensed characters (2006, p. 1481). Lastly, the “taste appeal” enticed children, in the case of the study, primarily with the promise of the advertised product’s sweetness (Connor, 2006, p. 1481). Thus, children are inconspicuously manipulated into favoring food products they associate with the appeals in the advertisements and opting for unhealthy food choices rather than nutritional ones, which contributes to the increasing prevalence of obesity in children.

Helen Dixon et al., in their study *The Effects of Television Advertisements for Junk Food versus Nutritious Food on Children’s Food Attitudes and Preferences*, employed the social cognitive theory to predict that children learn and emulate their eating behaviors not only from those modeled by “role models in their immediate social environment”, but also from patterns of behavior “symbolically modelled in mass media” (Dixon et al., 2007, p. 1313). In the study, 1,522 students were submitted to a pre-test and a post-test, before and after viewing the stimulus video produced for the experiment. The results from the study support the researchers’ hypothesis that “cumulative exposure to TV food advertising promotes beliefs and attitudes supportive of those foods most heavily represented in food advertising on children’s TV- fast foods, and sweet drinks” (Dixon et al., 2007, p. 1319). As the researchers had hypothesized, the study results showed that cumulative exposure to televised food commercials promoted more positive views towards fast food and food products containing high amounts of fat and/or sugar—referred to, in the study, as “junk food” (Dixon et al., 2007, p. 1319). Another conclusion from the study was that children exposed to those commercials were more likely to perceive junk food as a product that is more prevalently consumed by others in their demographic (Dixon et al., 2007, p. 1319). Additionally, the study also presented an increase in the self-reported frequency with which these participants would consume junk food (Dixon et al., 2007, p. 1319). Another finding in this study was that there is an abundance of junk food advertisements which directly target children, with colorful, animated and/or cartoonish themes and aesthetics. On the other hand, healthy food advertisements have a tendency to be mostly parent-oriented, and therefore, unlike junk food advertisements, the way health information is transmitted does not appeal to children (Dixon et al., 2007, p. 1321).

Branding—defined by the Cambridge Dictionary as “the act of giving a company a particular design or symbol in order to advertise its products and services”—is one marketing strategy, designed to create familiarity and build positive associations in regard to a brand and its products. When targeted at children, branding is usually implemented with the use of child-appelling licensed characters, usually animated or otherwise cartoonish, such as Ronald McDonald (McDonald’s), Chester Cheetah (Cheetos) and Tony the Tiger (Kellogg’s Frosted Flakes) (Connor, 2006, p. 1479). The focal point of such commercials is depicting fun, happiness and “coolness” as synonymous with the brand and its products (Connor, 2006, p. 1482). These are the impressions brands aim to create within the media, which, consequently, have a lasting effect on children's minds. However, within these advertisements, the product

itself is usually not the main focus. According to the data collected in Dr. Connor's study *Food-Related Advertising on Preschool Television: Building Brand Recognition in Young Viewers*, less than half of child-appealing advertisements depicted their products as the main focus of the ad (Connor, 2006, p. 1483). Dr. Connor concluded that fast food commercials "seemed to focus on building brand recognition through the use of licensed characters, logos, and slogans; advertisements seemed to be designed to build social or emotional associations with products or brands" (Connor, 2006, p. 1483). Their main intent is not to sell a specific product once, but to build familiarity and loyalty between the advertised brand and its target audience. These ads are designed to sell the idea that "people go to McDonald's for toys and fun, not fries, and people go to Chuck E. Cheese to play games and win things, not to eat pizza" (Connor, 2006, p. 1483). This is how companies achieve brand recognition among the still-developing, more easily influenced demographic. In reality, the scenes displayed in said commercials are not about promoting an active lifestyle or entertainment for children, despite depicting children having fun with licensed characters or participating in physical activities. This portrayal is promoted in order to achieve brand loyalty, making their target audience, in this case being both children and parents, associate the brand and its products with happiness, fun and wholesomeness. Taking this sense of connection developed between companies and children through the act of branding into account, it is evident that these factors directly influence this younger demographic's perceptions of products. Thus, building a contradicting narrative where unhealthy products are perceived as "good", incentivizing children to consume more of these products, disregarding their nutritional needs and health.

### 3 Method

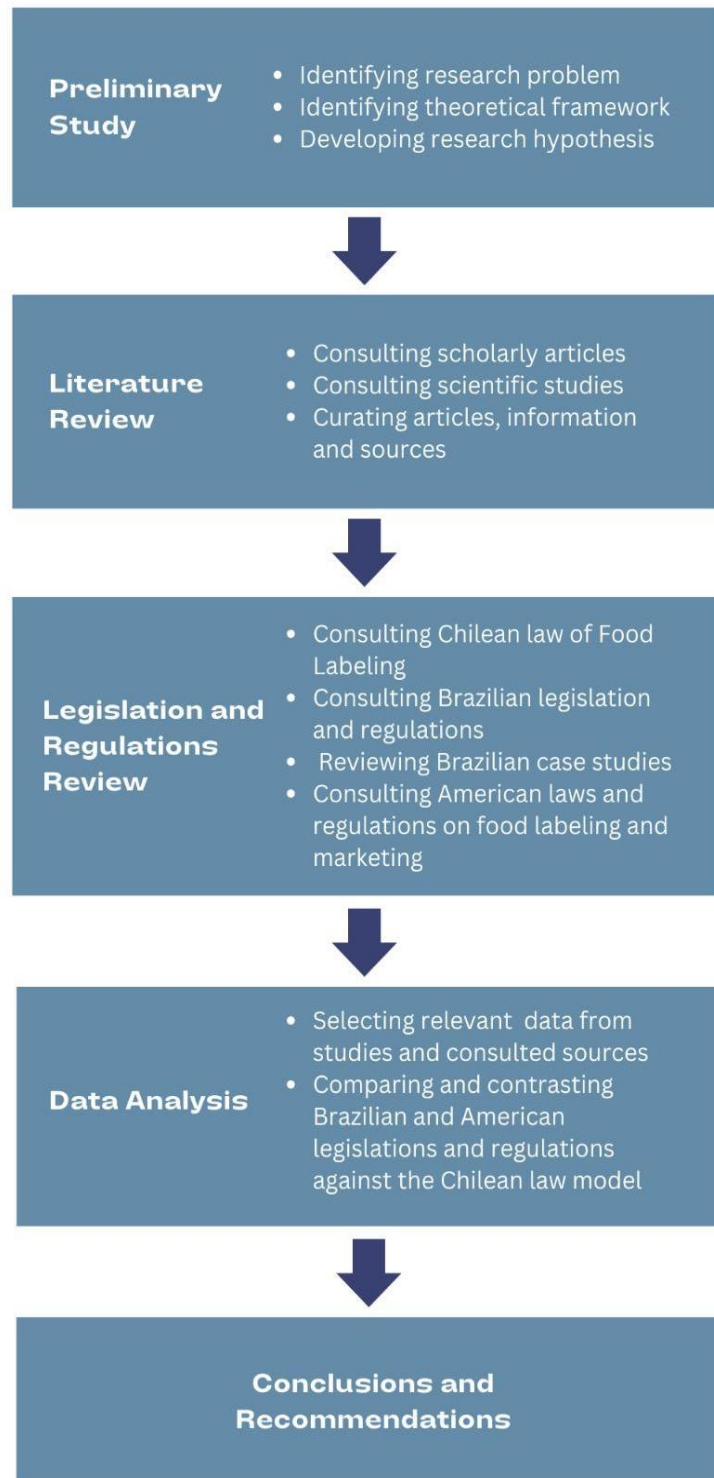
This research paper showcases the impact of food marketing and advertising on childhood obesity while also exploring existing regulatory measures and legislation on food marketing aimed at children. Thus, for this study, a quantitative approach was used, in order to prove and showcase the thesis in question. This method was the most fitting for the research at hand, since our hypothesis required the act of compiling several databases of records and information. This was followed by performing a meta-analysis on multiple prior studies, in order to identify statistical trends or patterns in the effect that food marketing and advertising have on the rate of childhood obesity.

The research (see Figure 1) involved extensive comparative analysis and examination of scientific studies conducted in the last two decades, scholarly articles, legislation and regulations from both Brazil and Chile as well as governmental policies implemented in the United States of America. Additionally, this paper also used data from international institutions such as the World Health Organization and the Pan American Health Organization, as well as reports from American Governmental Institutions such as the FDA, in conjunction with news articles produced between the years 2011 and 2019.

Said information was gathered by first selecting the subject countries, based on our familiarity with their official languages, coupled with prior knowledge of the respective effectiveness or

ineffectiveness of the approaches taken by each of those countries to combat child-oriented food marketing and childhood obesity. Then, regulations, legislations and policies from each of the subject countries were extensively analyzed, compared and contrasted, along with prior studies and scholarly articles, each analyzing the countries of interest individually.

In addition to this, there were several steps we took in order to ensure that all the data and studies used in the final research were accurate and showcased an authentic representation of the current social reality. We elected to use unbiased scientific studies independently conducted by researchers without a contingent interest in the final results. Additionally, we also made sure that said studies were not conducted by, nor endorsed by, any company with a vested monetary interest in the food industry as well as the marketing centered around said industry. Furthermore, all the data chosen for this study was taken from sources proven to be reputable by governmental and international organizations. Finally, we ensured to select the most recent literature available, which was produced in the last two decades, as data and studies taking a similar approach were scarce and seldom available.



*Figure 1.* Research model

## 4 Results and Discussion

### 4.1 Food Labeling Throughout the World

Alongside the marketing strategies used by companies to promote consumption of their food products, package labeling has been shown to influence people's food choices. Due to this fact, front-of-package labeling has become one of the key tools proposed by the World Health Organization (WHO), in collaboration with the Pan American Health Organization (PAHO), in order to regulate the nutritional information presented to the public. With the intent to encourage the consumption of healthier alternatives over foods high in sugar, fat and/or sodium, and ultra-processed ones. Front-of-package labeling (FOPL) consists of simplified warning labels, positioned at the front of the product packaging, which allow customers to easily identify if a food product contains high amounts of sugar, fats, sodium, and/or calories (Simões & Sales, 2019, p 116-117).

In some countries, these labels have been implemented as a voluntary system. Such is the case of New Zealand, where, in 2014, the Health Star Rating (HSR) was introduced. The HSR assigns food products a grade in "stars", given in half-star increments, with 0.5 being the most unhealthy food products, and 5 stars being the healthiest. However, due to its voluntary nature, it was observed, by Mhurchu et al., that after two years of its implementation in New Zealand, "approximately 5% of packaged food and non-alcoholic beverage products displayed HSR star rating labels" (Mhurchú et al., 2017). That is to say, a voluntary system, even one as comprehensive as the HSR, is ineffective, since the lack of a legal, enforceable requirement for companies to implement the system makes it so that only those who will benefit from the adoption of said system will use it. Thus, FOPL is turned into yet another marketing strategy for brands that adopt it, while the ones which opt not to adopt it remain unregulated.

Chile, on the other hand, is an example where front-of-package labeling was implemented by a law. Implemented in 2016, the Ley 20,606—also known as Ley de Etiquetados de Alimentos (Law of Food Labeling)—made the health measures enforceable, and their non-compliance sanctionable. The aforementioned law determines that any food product that contains high levels of calories, fats, sugars and/or sodium—with the possibility of other ingredients being included by regulations—must be labeled as such. Furthermore, it prohibits the distribution, commercialization, promotion and publicization of the aforementioned labeled "high in" products inside pre-school, primary or secondary education establishments. The advertisements for these products also cannot be targeted at youths under the age of fourteen. Commercials that make use of games, competitions, or other child-appealing attractions and advertisements unrelated to the promotion of the food product itself, aimed at children and young teens under fourteen years old are also prohibited. With aims to reduce obesity, especially in children, and promote healthier eating habits, this law has already demonstrated short-term effects in shifting the population's food choices towards healthier alternatives.

A 2021 study by Dr. Lindsey Smith Taillie, et al. titled *Changes in food purchases after the Chilean policies on food labeling, marketing, and sales in schools: a before and after study* examined the effects of the first—and least strict—phase of implementation of the Law of Food Labeling. Said study achieved this by comparing data collected in the time span of three years, one and a half years before and after the date the law was implemented. The study found that, in comparison with the counterfactual scenario if the law had not been implemented, the implementation of this law resulted in purchases and consumption of products high in calories, fats, sugar and sodium being reduced. This result was mostly driven by the decrease in purchase of “high in” food products and beverages—purchases of sodium were the most affected, as its consumption per person was lessened by 37% per day. Meanwhile the rates of ingesting and purchasing products high in sugars, calories and fats were respectively lessened by 27%, 24% and 16%. It’s worth noting that, while the purchase of “high in” products reduced noticeably, consumers in general still purchased products which were similar in nutritional composition, but not labeled as “high in”, rather than ceasing to consume such products. Therefore, it was shown that there was a decline in the overall consumption of fats, sugars, sodium and calories, but this reduction was not as marked as the reduction in the purchases of products specifically labeled “high in”. That being said, it’s expected that the positive effects of the law will become even more pronounced after the implementation of the increasingly strict phases two and three, the latter of which accompanies the prohibition of television advertising for all “high in” products, from 06:00 a.m. to 10:00 p.m.

By comparing the systems in both of these countries, it is clear that a self-regulatory, voluntary system is insufficient. Especially in regard to implementing significant changes in people’s lifestyles and consumption preferences due to only being adopted by companies who would profit from the system. Meanwhile, the legislation system adopted in Chile has had noticeable positive effects. Those of which have been documented and supported by studies, only two years after its implementation. Therefore, this is a model that should serve as a base and influence for future regulatory measures to be implemented by other countries in order to encourage healthier food choices and reduce obesity rates.

## **4.2 A Comparative Study on Existing American and Brazilian Legislations**

In the case of the United States of America (USA), the Federal Trade Commission (FTC)—the agency responsible for regulating food advertising in the USA—made a request in April of 2011 for public comments on its proposed set of voluntary principles for child-oriented food marketing (Joelving, 2011). This prompted the American Academy of Pediatrics (AAP) to respond with a public call for the banning of televised fast-food advertisements. Dr. Victor Strasburger, who wrote the AAP statement, declared that simply by “banning ads for fast food, one study says we could decrease obesity and overweight by 17 percent” (Joelving, 2011). While the AAP called for a complete ban on fast-food commercials, stating that voluntary guidelines would be insufficient, Dan Jaffe, the executive vice president of the Association of National Advertisers, claimed that “the guidelines would eliminate virtually all advertising presently directed toward kids under the age of 18” (Andrew Seidman, Washington Bureau,



2011). This debate is mirrored worldwide, placing agencies responsible for regulating health information and the food industry on opposing sides of the discussion, due to their contrasting interests. This ongoing debate, as well as the contrasting personal interests of all the parties involved, is one of the main reasons that in most cases there are insufficient implementations of regulations when it comes to food advertisements targeted at children. With this in mind, it is evident that food corporations and companies, whose main target audience is children, have capitalized and benefitted from this lack of regulations by continuously marketing their products to a young audience. This continued exploitation has contributed to the decline of children's overall nutritional and physical health, due to the previously mentioned effects of advertisements. The effects of such types of advertisements being spread world-wide are evident in the increased rates of obesity among children and adolescents between the ages of five to nineteen, going from 4% in 1975 to over 18% in 2016 according to the World Health Organization.

When it comes to the USA and its regulations on marketing, there is a process in place, known as the Central Hudson test, which is used to decide whether a regulation on commercial speech is constitutional (S. Thompson, 2016). The first part of the process is to determine whether the advertisement is misleading in nature and if it promotes actions that would not be considered to be within the law. If the advert passes the first test, the court moves on to the second step, which is to evaluate whether regulating commercial speech in this instance is within the government's legal competence. The third step in this test is to discern whether implementing a regulation will be effective. The fourth step is to establish if the regulation to be implemented is disproportionate to the purpose it was created for. It is within this fourth and final step where regulations tend to be overruled by the courts. The high rates of overruling within this final step are because, when the government tries to regulate freedom of speech, the courts lean towards setting a strict standard. Nonetheless, there is a lot of opposition when it comes to regulating freedom of speech within advertisements as well as a lot of resistance from the food industry, arguing that such regulations would be ineffective. However, similar regulations for the advertisement and marketing of alcohol and tobacco have been upheld in the past. These regulations on tobacco and alcohol have been proven to be effective, as the consumption of both these products have drastically reduced since the implementation of said regulatory measures.

Taking the previous regulation process discussed into account, it is important to mention one of the regulations for local school wellness policies released by the United States Department of Agriculture (USDA). In July 2016, the USDA released a policy mandating that any school district taking part in the federal school meals program has the legal obligation to update their school wellness policies. These schools were now required to address unhealthy food advertising to students. Additionally, a prohibition of advertisements of food and drinks that do not meet the nutritional standards, known as the "Smart Snacks in School", on school property was also put into effect. These standards are a series of regulations on a federal level that came to be after the implementation of the Healthy, Hunger-Free Kids Act of 2010. This

act required the USDA to establish nutrition standards for all the food products available to be purchased within schools. This rule, according to the USDA, “carefully balances science-based nutrition guidelines with practical and flexible solutions to promote healthier eating on campus” (United States Department of Agriculture, n.d.). This regulation employs and relies on recommendations provided by not only the Institute of Medicine, but also the healthy food and beverage products offerings available in the market, as well as the already existing voluntary standards implemented by schools around the USA.

It is also important to note that states have the power to establish laws serving as regulatory measures to supervise the types of products and content allowed to be advertised to children. In addition to this, the violations of such laws, usually prosecuted by the State Attorney General, or a separate commission responsible for monitoring advertisements, can result in serious sanctions and punitive measures as a consequence (V. Thompson, 2016). However, the issue with these is that state laws are confined to the state where they are enacted and are not required to be implemented throughout the whole country. Taking that into consideration, California and Louisiana are the only states who have enacted a change in advertising policies related to food and beverage products (Cantu-Pawlik, 2018). Furthermore, only eight municipalities within the USA have passed laws relating to regulating sugary drinks in kids’ meals at restaurants, such as Lafayette and Colorado in 2017 followed by Baltimore in 2018 (Cantu-Pawlik, 2018). There was also an excise tax, which required wholesale distributors to pay a total of one cent to two cents per ounce on sugary drinks, passed by six municipalities (Cantu-Pawlik, 2018). The intended effect of this legislation was to discourage the purchase and consumption of such products by the general public. Furthermore, the implementation of this tax increased the shelf price of such products, which in turn affected distributors’ and companies’ ability to sell sugary drinks at low prices in the market.

Nonetheless, even though such regulations and processes are a step forward in decreasing children’s consumption of “junk food” and the rates of childhood obesity, it is still not enough to bar corporations from having a strong influence within the media on a federal level. In the current day, as discussed beforehand, children are still bombarded daily with advertisements and other marketing tactics employed by these companies within the media. The overexposure to such content makes it so that, even if regulations such as the Healthy, Hunger-Free Kids Act are implemented during school hours, children are still susceptible to the adverse effects of the marketing of unhealthy foods on a daily basis. Additionally, the implementation of state laws, as well as laws followed by a few municipalities, while a positive progress, are very isolated and are not required to be enforced throughout the whole country. This restrictive nature of state laws makes it so only a few states reap the benefits of such laws improving overall health, while others continue to aggravate the issue, causing a continuous imbalance.

In the Brazilian context, the right to a healthy diet is considered, by the Federal Law No. 11,346/2006 (Lei Federal nº 11.346/2006), to be a human right. This guarantee has also been subsequently included in the Article 6 of the Constitution of the Federative Republic of Brazil

as a social right. When discussing consumer law, the Brazilian Consumer Protection Code (Código de Defesa do Consumidor), in its Art. 6 (III), defines the “adequate and clear information about different products and services, with correct specifications of quantity, characteristics, composition, quality, applicable taxes and pricing, as well as the risks they pose”, as a basic consumer right. Furthermore, it is reaffirmed in its Art. 31 that:

*The offer and the presentation of products and services must ensure to contain correct, clear, precise and overt information in Portuguese regarding the characteristics, qualities, quantity, composition, price, warranty, expiration and origin dates, among other pieces of information, as well as regarding any risks that the product or service may present to consumers' health and safety.*

That being said, the Brazilian population's right to a healthy diet and access to accurate information regarding consumer products has already been established independently. The following legal provisions develop a direct connection between these aforementioned rights and regulations in regard to the labeling and marketing of products targeted at children. The Consumer Protection Code determines that marketing and publicity must be, as dictated by Art. 36, “conveyed in such a way that consumers, easily and immediately, identify it as such”. In addition to this, the Art. 37 prohibits the circulation of “any misleading or abusive marketing”. This regulation defines the term ‘misleading’ as any type of advertised information or communication that is either completely or partially false, or that could lead consumers to have the wrong preconception regarding significant aspects of a product or service (Art. 37, para. 1). In the second paragraph, the regulation states that:

*Any advertisement with a discriminatory nature, which incites violence, or exploits fear or superstition, or takes advantage of children's lack of discernment and experience, or disrespects environmental values, or which may cause the consumer to behave in a way harmful to their health or safety, will be considered abusive.*

Furthermore, the Brazilian National Council of Children and Teenagers' Rights (Conselho Nacional dos Direitos da Criança e do Adolescente - CONANDA) published a policy ascertaining the abusiveness of advertising directed at children (Resolução CONANDA n° 163/2014). The policy went further on to say that these abusive advertisements aim to persuade children to buy a product or service by utilizing elements such as child-like language, especial effects and excessive colors, cartoon characters or celebrities which appeal to young audiences, distribution of child-appealing prizes or collectibles and the promotion of competitions or games.

When it comes to food labeling, ANVISA, Brazil's health regulatory agency, published and proposed the Policy No. 429/2020 of the Board of Directors (RDC n° 429/2020). Said policy came into effect on the 9th of October of 2022, 24 months after its original publication. This policy dictates the standards for food labeling, such as the information included on nutrition labels and front-of-package labeling, on a nationwide level. This can be observed within Art.

4, which states that “the disclosure of food nutrition labels is mandatory in the labeling of food products packaged in the absence of consumers, including beverages, ingredients, food additives...”. Another noteworthy article in this policy is Art. 18., which establishes that “front-of-package labeling is mandatory on labels of food products packaged in the absence of consumers, and which contain amounts of added sugars, saturated fats or sodium equal or higher than the limits established...”.

Similarly to the Healthy, Hunger-Free Kids Act in the USA, Brazil has the National School Food Program (Programa Nacional de Alimentação Escolar - PNAE), which was expanded by the Federal Law No. 11,947/2009 (Lei Federal nº 11.947/2009). This law, besides expanding the PNAE coverage to encompass all public primary education establishments, also presents standards for the types of food offered in school establishments during school hours. This federal law also establishes, as one of the principles of the "school diet", a healthy and balanced diet guideline as well as the inclusion of nutritional education within the school curriculum, in order to teach and encourage students to develop healthy eating habits. The aforementioned law goes on to determine that the elaboration of school menus must be done by a nutritionist—here, this word is used to mean the Brazilian professional with a Nutrition university degree, who in the USA would be called a "dietician".

Furthermore, in opposition to the reality of the USA, the unlawfulness of marketing aimed at children is being increasingly recognized by Brazilian authorities, public agencies and organizations for the protection of children’s rights and consumers' rights. Among the aforementioned authorities and public agencies are the Consumer Protection and Defense Program (PROCON) and even the Superior Court of Justice (Superior Tribunal de Justiça). An example of such a decision is the REsp 1613561, in which the Superior Court of Justice determined a commercial by the Brazilian brand Sadia to be abusive, and sentenced the brand to pay a fine of R\$ 428,000.00 reais. The decision was based on the aforementioned advertisement regulations in the Consumer Protection Code. The commercial targeted children, persuading them to buy highly caloric snacks, which contained stamps that could, upon the payment of R\$ 3.00, be exchanged for stuffed animals of the brand mascot dressed in sports clothes. This publicity campaign was developed with the intent of commemorating the Pan American Games. The report to PROCON was made by a nonprofit organization, which stated that the advert encouraged the consumption of highly caloric snacks by children, which could present harm to their health. The brand argued that, by selling the mascots dressed in sportswear, they were “promoting a healthy lifestyle” and encouraging children to participate in sports. This is one of the strategies that brands use in order to evade regulation and go unpunished after marketing their products to children. Although the final sentencing was in favor of protecting children from abusive marketing, it was only finalized in 2017, a decade after the fact. Thus, it was futile in its attempt to protect the children who were exposed to the commercial.

Therefore, while in the United States of America there is a lack of comprehensive, countrywide regulations, in Brazil there are several federal laws and regulations. However, these nationwide laws are, for the most part, unenforceable, and in cases where they are enforced, it is done in an inefficient manner, such as in the aforementioned example. When observing other legal systems and their regulations on an international level, Chile’s Law of Food Labeling, aimed at reducing rates of obesity, especially in children, is composed of comprehensive, efficient and enforceable regulations. This law was able to have short term effects, shifting the population’s purchasing behavior towards healthier alternatives in the span of two years. In the long term, it is expected that this law will have even more significant effects, encouraging healthier eating habits and preventing obesity. Thus, Chile has proven that it is possible to make drastic changes in the overall behavior and choices of the general population, and protect their youngest and most vulnerable members through a singular, comprehensive and concise nationwide law.

Table 1. Countries' Regulatory Measures in Comparison with the Chilean Model

Chile	United States of America	Brazil
Any food product that contains high levels of calories, fats, sugars and/or sodium— with the possibility of other ingredients being included by regulations—must be labeled as such.	No	Yes
Prohibition of the distribution, commercialization, promotion and publicization of “high in” products inside pre-school, primary or secondary education establishments.	Yes, but it's not enforced nationwide and their regulations do not encompass all "high in" products	Yes, but it's not enforced nationwide and it does not include all the aforementioned "high in" products
Advertisements for "high in" food products cannot be targeted at youths under the age of fourteen. Commercials that make use of games, competitions, or other child-appealing attractions and advertisements unrelated to the promotion of the food product itself, aimed at children and young teens under fourteen years old are also prohibited.	No	Yes, but the regulation is not enforced
Legislative measures are enforceable, and their non-compliance sanctionable	No	No
Prohibition of television advertising for all “high in” products, from 06:00 a.m. to 10:00 p.m.	No	No
Has a singular, comprehensive and concise nationwide law.	No	No

## 5 Conclusion

The susceptibility of children to food marketing and content showcased within the media is undoubtedly a concerning issue that has direct ties to the worryingly rising rates of childhood obesity within the last fifty years. As showcased within this study, the marketing and branding tactics employed by companies, such as the use of televised advertisements, the use of mascots as well as creating brand familiarity within a younger demographic, have detrimental effects on lifestyle choices made by children. This study also explored the different approaches to implementing front-of-package food labeling taken by different governments. The first approach being a voluntary system, as a means of self-regulation, and the second one being a legally mandated process. With the previous analysis, it was proven that self-regulation is insufficient as a way to police food labeling and marketing. Meanwhile, a straightforward and nationwide legislation system, similar to the Chilean model, is a significantly more effective alternative. Additionally, as was thoroughly explored in this analysis, it is apparent that within the USA and Brazil there are laws and regulations in place to monitor the circulation of nutritional information as well as restrictions on junk food marketing targeted towards children. However, as was demonstrated previously, while these regulations are a part of the legal system within these countries, they have proven to be inefficient. These laws were shown to be either isolated to singular states rather than the country as a whole, when it comes to the USA, or have little to no penalties as well as no way of being enforced, which is the case of the Brazilian laws. Taking this into consideration, the lack of effectiveness of these laws has facilitated the rise in the rates of childhood obesity. Nonetheless, as was proposed within this study, the implementation of laws and regulations such as the ones seen in Chile's legal system would be a solution to this growing epidemic. This law prohibits advertising and promoting "high in" food products to children under the age of fourteen and is enforced through the imposition of significant penalties if they are not followed. That being said, as was stated beforehand, these regulations have shown to be effective when it comes to limiting the exposure of children to persuasive and manipulative food marketing, consequently, causing a significant decrease in children's consumption of such food products, which will, in turn, lead to the decrease in childhood obesity.

This research faced limitations to its scope due to a lack of primary research sources and lack of in-depth research sources in the research topics. The studies which were available and possible to access were conducted around two decades ago, and newer literature, if conducted, was not made available. Furthermore, most of the studies found were focused on the United States of America, with few studies analyzing the Chilean or Brazilian models. In addition to this, throughout this research it became apparent that most widely publicized studies and information were either conducted, endorsed or sponsored by companies that are directly involved in the food industry. Unlike most others of its kind, this research combined previous studies in a comparative analysis that can be beneficial to all three countries, as it brings light to the success of the Chilean model. Additionally, this analysis can be used to help governments

and organizations find effective measures when creating, improving as well as enforcing legislation and regulations on child-oriented food marketing.

Thus, the conduction of further research could expand to encompass a larger number of countries of interest, such as other Latin American countries, as well as European and Middle Eastern countries. It could also approach alternatives for other countries in which the proposed regulatory measures are not optimally effective, adapting the proposed recommendations to the countries' reality. Additionally, future research could approach the prevalent lack of regulations in food deserts.

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## **Povzetek:**

### **Predpisi o trženju hrane in debelost otrok v Ameriki:**

### **Analiza učinkov trženja hrane na debelost pri otrocih ter (ne)učinkovitosti zakonov in regulativnih ukrepov na področju trženja hrane v Združenih državah Amerike in Braziliji v primerjavi s Čilom**

**Raziskovalno vprašanje (RQ):** Kakšen je vpliv trženja in oglaševanja hrane na debelost pri otrocih?

**Namen:** Namen te raziskave je analizirati obstoječe regulativne ukrepe in zakonodajo o trženju živil, namenjenih otrokom, razumeti njegove učinke in poiskati načine za zmanjšanje debelosti pri otrocih.

**Metoda:** V tej študiji je uporabljen primerjalni pristop k analizi veljavne zakonodaje in regulativnih ukrepov o trženju živil, uveljavljenih v Braziliji, Čilu in Združenih državah Amerike. Prav tako se je posvetovala s številnimi strokovnimi članki in znanstvenimi študijami o vplivu trženja in oglaševanja živil na debelost pri otrocih. Ta raziskava tudi kaže na učinkovitost ustrezne ureditve trženja in oglaševanja hrane, usmerjene v otroke, pri zmanjševanju uživanja ultra predelane hrane pri otrocih, kar bo posledično privedlo do zmanjšanja debelosti pri otrocih.

**Rezultati:** Predpisi, kakršni se izvajajo v Čilu, so se izkazali za učinkovite pri omejevanju izpostavljenosti otrok prepričljivemu in manipulativnemu trženju hrane. Posledično povzročajo znatno zmanjšanje porabe takšnih živilskih izdelkov pri otrocih, kar lahko privede do zmanjšanja debelosti pri otrocih.

**Organizacija:** Ta raziskava lahko pomaga vladam in organizacijam pri iskanju učinkovitih ukrepov za oblikovanje, izboljšanje ter uveljavljanje zakonodaje in predpisov o trženju živil, usmerjenih v otroke.

**Družba:** Ljudje so dovzetni za vpliv in manipulacijo prepričljivih tržnih strategij. Tako so otroci, ki so lažje vplivni del prebivalstva, še bolj ranljivi za takšne taktike. Ta raziskovalna naloga pomaga dodatno prikazati to dejstvo in nevarnosti, ki jih predstavljajo te tržne strategije, ter predlaga možnosti za preprečevanje vpliva omenjenih škodljivih taktik.

**Originalnost:** Za razliko od večine drugih tovrstnih raziskav ta prinaša primerjalni pristop pri analizi učinkovitosti predpisov v latinskoameriških državah in Združenih državah Amerike, ko gre za trženje ultra predelanih živilskih izdelkov, namenjenih otrokom.

**Omejitve / nadaljnje raziskave:** Omejitve, s katerimi smo se soočili, so bile pomanjkanje primarnih raziskovalnih virov in pomanjkanje poglobljenih raziskovalnih virov na to specifično temo. Nadaljnja raziskava bi lahko razširila obravnavane države na druge latinskoameriške države ter evropske in bližnjevzhodne države.

**Ključne besede:** trženje, usmerjeno v otroke, prehrana, pravo, predpisi, oglaševanje živil, debelost otrok, označevanje živil, primerjalno pravo.

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# Subjects of Public International Law and Non-State Actors – Time for Reflection

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## Abstract:

**Research Question (RQ):** Public international law is intended to, among other things, introduce an element of stability in international relations. It is created by the subjects of this law which are the holders of rights and obligations under this law. However, we can distinguish several entities which, despite a lack of international legal personality, influence international relations. The question arises as to whether the existence of these other entities does not weaken the actions of the classic subjects of public international law, namely states and international intergovernmental organisations?

**Purpose:** The purpose of this research was to define a catalogue of entities that, despite the lack of international legal personality, influence international relations.

**Method:** This study was based on scientific and popular scientific literature. The research method used in this study was a descriptive analysis and critical interpretation of recent trends in the area of international relations.

**Results:** The research results show that, in addition to the classic catalogue of entities such as states and international intergovernmental organisations, we can distinguish several other entities that influence international relations, such as international private companies, international non-governmental organisations, or international non-institutionalised forums for cooperation.

**Organization:** The research results, by distinguishing other (than classic ones) entities operating in international relations, may contribute to greater stability in international relations.

**Society:** The stability of international relations affects the security of nations and individuals.

**Originality:** The originality of this research is a critical approach to the existing catalogue of the subjects of public international law.

**Limitations / further research:** The research results may contribute to the debate on existing entities in public international law that influence international relations. Further research may even expand the traditional catalogue of subjects of public international law.

**Keywords:** subjects of public international law, states, international intergovernmental organisations, international relations, stability, predictability, diplomacy, trade and economic law.

## 1 Introduction

Public international law is intended to, among other things, introduce an element of stability in international relations. It is created by the subjects of this law which are the holders of rights and obligations under this law. It recognises a limited number of entities capable of bearing international responsibility, having international rights or obligations, and making international claims. The basic primary subjects of public international law are states. Other

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subjects of public international law are international intergovernmental organisations with an international legal personality. We can also distinguish insurgents recognised as belligerents and sui generis entities such as the Holy See or the Sovereign Military Hospitaller Order of Saint John of Jerusalem, of Rhodes and of Malta.

The text aimed to identify the catalogue of entities that, despite a lack of international legal personality, influence international relations.

## **2 Theoretical framework**

International economic law sensu largo may be understood as law (including soft law) that regulates international relations and is related to economic trade (Ziemblicki, 2014). Some of the entities referred to in this article are subjects of economic law. Trade and economic laws have increasingly influenced international relations. The catalogue of subjects of international economic law is much broader than that of public international law. In addition to states and international intergovernmental organisations, we can distinguish state-owned enterprises, international non-governmental organisations, international non-institutionalised forums for cooperation in economic relations (although not only economic), international cooperation agencies and international private companies (Herdegen, 2016).

The purpose of this study required the adoption of a research hypothesis that international relations are conducted not only between "traditional" subjects of public international law but also between other entities (diplomacy in the broad sense). Therefore, the question arises as to whether the existence of these other entities does not weaken the actions of the classic subjects of public international law, namely states and international intergovernmental organisations?

## **3 Method**

This study was based on scientific and popular scientific literature. The research method used in this study was a descriptive analysis and critical interpretation of recent trends in the area of international relations, supported by case studies. The research results may contribute to the debate on the existing entities that influence international relations. Further research may even result in expanding the traditional catalogue of the subjects of public international law. However, the following conclusions should be drawn. Some of the entities referred to in this article are subjects of economic law. The author did not discuss the sovereignty of these entities in the context of public international law. Rather, it is about showing the influence of these entities on "traditional" international relations. Trade and economic laws increasingly influence such relations.

## 4 Subjects of Public International Law

### 4.1 States

The international order is still primarily a system of coordination between the states. States are the most important subjects in international public law. The fundamental rights of states exist under an international legal order that can, like other legal orders, define the characteristics of its subjects. The basic features of these states include independence, sovereignty, equality, and peaceful coexistence. As states began to function as politically independent and sovereign entities, they realised that one of the most important attributes of state sovereignty was economic sovereignty (Herdegen, 2016).

Within their sovereignty, states act through legislative, executive, and judicial powers. At the international level, they participate in the creation of international law (this is why we say that international law is consensual law) and are members of international intergovernmental organisations and other forums for intergovernmental cooperation (Ranjeva and Cadoux, 1992). States may be parties to economic transactions, for example, trade in goods. Attributes of states include, among other things, *ius tractatum* (*ius contrahendi*) and *ius standi*, i.e. the ability to conclude international agreements and the ability to make claims, but also liability under international law (Ranjeva and Cadoux, 1992).

The UN General Assembly adopted a resolution of 3281 (XXIX) on 12 December 1974 which included the Charter of Economic Rights and Duties of States. According to Article 1 of the Charter: "Every State has the sovereign and inalienable right to choose its economic system as well as its political, social, and cultural systems in accordance with the will of its people, without outside interference, coercion, or threat in any form whatsoever". This Charter sets out the principles that states should guide in their economic, political, and other relations. They are: a) Sovereignty, territorial integrity, and political independence of States; b) Sovereign equality of all States; c) Non-aggression; d) Non-intervention; e) Mutual and equitable benefit; f) Peaceful coexistence; g) Equal rights and self-determination of peoples; h) Peaceful settlement of disputes; i) Remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for its normal development; j) Fulfilment in good faith of international obligations; k) Respect for human rights and fundamental freedoms; l) No attempt to seek hegemony and spheres of influence; m) Promotion of international social justice; n) International co-operation for development; o) Free access to and from the sea by landlocked countries within the framework of the above principles (Charter of Economic Rights and Duties of States, 1974).

However, public tasks are conducted not only by sovereign states but also at the international level (Delbrück, 2010). This applies particularly to the economic sphere and related matters. The state is entangled in a multi-layered system of governance in which partly competing and partly cooperating entities have public power and decision-making powers, which is difficult to reconcile with the traditional concept of a sovereign state (Delbrück, 2010). Particularly

due to economic integration, the state had to open up to the outside world and, as a result, had to expose itself to the resulting norms and de facto influences on the internal sphere (Delbrück, 2010).

#### **4.2 International Intergovernmental Organisations**

International intergovernmental organisations are, next to states, the most important actors in international relations. Although some have existed since the 19th century, most international organisations were established in the second half of the 20th century.

International organisations play an important regulatory role both by creating legally binding rules for their member states and by formulating non-binding standards and recommendations. They also constitute forums for international cooperation, consultation, and support. In addition to international organisations, there are many regional international economic organisations (Mik, 2019).

For the delegation of powers to an international organisation to be justified, states must first be willing to regulate the relevant matter based on international law. When a decision is made to regulate a particular issue in international law, the organisation can be useful for managing, enforcing and developing an international agreement/statute (Trachtman, 2016). An international organisation may have information and agenda-setting functions, perform adjudicative functions, or provide a forum for decision-making. The type of international organisation that will be useful, the desired structure, and the types of functions it will perform depend on the types of international legal rules that are deemed desirable (Trachtman, 2016).

The theoretical justification for international organisations is to reduce the transaction costs of international cooperation. Where the net gains from cooperation exceed the transaction costs of cooperation, we would expect to observe cooperation (Trachtman, 2016). Countries are expected to seek to maximise the net benefits of cooperation by using an institutional structure, from individual cooperation to organised cooperation, that maximises transaction benefits less transaction costs (Trachtman, 2016).

It cannot be determined with certainty whether an international organisation would have greater net transaction benefits than those that would result from a simple treaty. For the most part, the question of which would result in greater net benefits depends on the question of the structure of the international organisation (Trachtman, 2016). However, given the complexity of trade, especially when it seems useful to reduce non-tariff barriers, with many possibilities for uncertainty, it is certainly possible that the organisation could provide some useful functions (Trachtman, 2016).

Nineteenth-century constitutionalism in continental Europe aimed mainly at constraining - limiting the role of states, while modern constitutionalism often emphasises the empowering function of (state) constitutions (Peters, 2016). The question remains whether democracy

really requires strengthening the sovereignty of states and limiting the role of international organisations, or whether modern states can operate in and through international organisations while maintaining full sovereignty (Spryszak, 2017).

## 5 Non-State Actors

### 5.1 State-Owned Enterprises

States participate in economic relations directly but may also participate through state-owned enterprises (Dolzer and Schreuer, 2008). These types of entities owe their foundations mainly to considerations of specialisation and emergencies. "The purpose of establishing state-owned enterprises is to create community welfare, as well as meet the needs of the community in various existing sectors such as agriculture, fisheries, transportation, telecommunications, trade, electricity, and finance to construction" (Hendarto et al., 2020). Many state-owned enterprises exploit and sell natural resources such as oil and gas (Herdegen, 2016).

State-owned enterprises are usually legally and organisationally independent from state authorities and therefore can have rights and obligations on their behalf. State-owned enterprises, despite their legal autonomy, acting as an "extension" of the state and exercising public authority or possessing assets serving sovereign purposes, like the state itself, enjoy immunity from jurisdiction (Herdegen, 2016).

As a general rule, the actions of state-owned enterprises and their obligations do not entail state liability unless the corporate "veil" (state-owned enterprise) is established for the purpose of abuse. State-owned enterprises can only be held liable for state obligations if a rigid division between them leads to unfair results. Sometimes state-owned enterprises demand relief from their own "corporate" liability, arguing that the state has prevented them from fulfilling their obligations by imposing legal or administrative restrictions (e.g. export bans) (Dolzer and Schreuer, 2008).

This is a valid reason as long as a company like a private entity, operates with full autonomy from the state (Dolzer and Schreuer, 2008). However, if the state deliberately intervenes by releasing its own (state-owned) enterprise from contractual obligations, such an enterprise cannot count on the lack of consequences of this type of "concerted" state intervention (Dolzer and Schreuer, 2008).

According to Article 8 of provisions on the Responsibility of States for Internationally Wrongful Acts: "The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is, in fact, acting on the instructions of, or under the direction or control of, that State in carrying out the conduct" (Responsibility of States for Internationally Wrongful Acts, 2001). This provision constitutes an exception to the general principle that the actions of legally independent entities cannot be attributed to a state.



However, the mere fact that the state controls a given enterprise is not sufficient. This is a situation in which the state effectively controls a specific operational activity, and a specific act is a real part of such operational activity (Dolzer and Schreuer, 2008). The practice of international judicial authorities agrees that states "delegating" their actions to separate entities does not lead to the avoidance of state responsibility for violating an international treaty.

"State-owned enterprises can make investments in third States, and, therefore, they can become foreign investors too. In doing so, they may act commercially as non-state actors, or they may act under the colour of the constituent state. If, in that particular instance, it turns out that they are acting in the capacity of the State (as a sovereign), then they should be treated as such" (Badia, 2023).

Saudi Aramco, the largest state-owned oil company in Saudi Arabia, is an example of a state-owned enterprise that can play a role in shaping international relations. Mainly thanks to this company "the Kingdom of Saudi Arabia (KSA) has emerged as a major regional player and a significant global one because of its ability to influence the price of oils" (Ahmed et al., 2018; Czarny et al., 2009). However, it also emphasised the separation of the operational decision-making and financial structure of this company from the state intervention (Ahmed et al., 2018).

## **5.2 International Non-Institutionalised Forums for Cooperation**

In addition to international organisations, new forms of interstate cooperation have emerged in response to ongoing economic globalisation (Herdegen, 2016). Non-institutionalised forums for cooperation in international economic relations coordinate monetary and other economic policies, formulate standards (e.g. for the financial sector) or channel common interests without a strong institutional structure and without strictly binding mechanisms (Herdegen, 2016).

The most important informal platform for cooperation is the Group of Twenty (G20). The G20 is a forum for global economic "governance". The G20 emerged from the Group of Seven (G7), which brings together the seven most important Western industrialised countries: the US, Canada, France, Germany, Italy, Japan, and the UK. In 1997, G7 became the Group of Eight (G8) when Russia joined. Representatives of the European Union also participated in the G7/G8 meetings. In response to Russia's actions in the Crimean crisis, the G7 suspended Russia's participation.

Within the G20 process, a special place is reserved for the so-called finance path, which includes meetings of the ministers of finance and economy, presidents of central banks, deputy ministers, and negotiators appointed by relevant economic ministries. The financial track focuses mainly on economic, financial, monetary, and tax issues. The result of this

process is the broader "Communication", traditionally adopted by the G20 Heads of State and Government at the end of the summit.

### **5.3 International Interagency Cooperation**

International interagency cooperation - understood as cooperation between the national authorities of the participating countries - has an increasing impact on national legislation and administrative practice (Herdegen, 2016). The process of mutual exchange of information and cooperation between national authorities contributes to the "soft" harmonisation of administrative practices that go beyond legally binding standards.

The development of links between government officials from different jurisdictions - peer-to-peer, using informal, often non-binding agreements, and with limited oversight by foreign ministers - is increasingly recognised as an important element of modern international cooperation (Raustiala, 2002). The emergence of these supra-governmental networks demonstrates the state's resilience to the evolving international order (Raustiala, 2002). Moreover, the main factors underlying the shift to this intergovernmental network - globalisation, regulatory expansion and technological change - show little sign of easing. Therefore, the question of whether cooperation networks are really a "blueprint for the international architecture of the 21st century" or just a marginal phenomenon limited to a small number of technocratic areas is a fundamental question for both international theory and practice (Raustiala, 2002).

The impact of interagency cooperation on broader issues of international law, although unclear today, will become more pronounced in the coming years.

On the one hand, it can be said that interagency cooperation is largely based on the marginalisation of traditional multilateral organisations. It also appears to leave less and less significant or relevant space for international law (Raustiala, 2002).

On the other hand, it can be believed that interagency cooperation can support and complement international cooperation implemented within international organisations. Interagency cooperation can contribute to the effective implementation of international treaties (Raustiala, 2002).

Intergovernmental networks can fill gaps in the international regulatory system by enabling cooperation in situations of asymmetric regulatory powers, such as securities regulation, where internationalism cannot develop or is unlikely to provide sustainable solutions (Raustiala, 2002). Networks can also improve the negotiation of new treaties by supporting the convergence of ideas, policies and institutions (Raustiala, 2002). Networks can, of course, replace treaties if they provide government actors with a sufficient level of cooperation. The impact of the network on the negotiation of future treaties, whether the network will result in more or less of them, - therefore remains undetermined. However, like soft law, transgovernmentalism is an alternative and largely an extra-legal mode of cooperation. It can

be said that transgovernmental cooperation is a significant advance in international law that can complement internationalism rather than replace it. Dynamic interagency (intergovernmental) cooperation is important not only in itself but also for the effectiveness and evolution of international law and its institutions.

An example of international interagency cooperation is cooperation under the Artemis Program and the Artemis Accords (NASA, 2019). In particular, the latter, whose signatories are primarily space agencies in particular countries, can be characterised as a mechanism for the development of rules and norms regarding space exploration. These agreements may also be viewed as subsequent practices that may impact the interpretation of the Space Treaty of 1967 (Strzepek, 2022).

#### **5.4 International Non-Governmental Organisations**

The term "non-governmental organisation" is usually used in both a broader and narrower sense (Lewis, 2009). In the broadest sense, non-governmental organisations are privately constituted organisations - whether they are companies, professional, commercial and voluntary organisations, or charities - which may or may not make a profit (Lewis, 2009). A narrower definition, however, focuses on the idea that non-governmental organisations are organisations dedicated to promoting social, political or economic change - an agency that is primarily engaged in work related to the areas of development or humanitarian work at the local, national and international levels (Lewis, 2009). It can be assumed that non-governmental organisations are self-governing, private, and non-profit organisations whose goal is to implement a specific program, and so the above-mentioned term is to be understood in this text.

Early non-governmental organisations had the mission of promoting and protecting fundamental human rights or humanitarian standards in times of war (Herdegen, 2016). Currently, non-governmental organisations operate in almost all areas of international law, including international economic law. Non-governmental organisations are an important element of current international life. Although non-governmental organisations (with the exception of the International Committee of the Red Cross) do not have international legal personality, a significant number of them are highly visible and often influential actors on the international stage (Herdegen, 2016). Non-governmental organisations active in the area of international economic law include recognised economic non-governmental organisations such as the International Chamber of Commerce, the International Air Transport Association, the International Federation of Consulting Engineers, and international trade unions (Herdegen, 2016). In addition to these types of "genuine" economic organisations, non-governmental organisations operating in the context of environmental protection, human rights and the fight against corruption are also increasingly dealing with economic problems (Herdegen, 2016).

Non-governmental organisations also participate as observers in intergovernmental conferences, as well as in legal proceedings relating to human rights or environmental protection, often in the context of business activities. In particular, with regard to environmental standards, non-governmental organisations have become internationally renowned entities (Herdegen, 2016). For example, the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was developed on the initiative of non-governmental organisations (Herdegen, 2016). Non-governmental organisations also cooperate with private companies, trade unions, and other institutions.

Non-governmental organisations also play an important role in international justice. *Amicus curiae*, including non-governmental organisations, were allowed to appear, among others: before the International Criminal Tribunal for the former Yugoslavia, as well as before the Court of Justice of the EU, the European Court of Human Rights and the Inter-American Court of Human Rights (Wedgwood, 1999; Perkowski and Szadkowska, 2013). Interveners at the Court of Justice of the EU included industry associations such as the Federation of European Bearing Manufacturers Associations, as well as organisations representing more classic "public interest" groups (Wedgwood, 1999).

The new importance of non-governmental organisations is undeniable. Although NGOs do not have the legal powers of states - they cannot sue in the International Court of Justice, they do not have the right to vote in the UN General Assembly, they do not enjoy the protection of territorial integrity and political sovereignty - and therefore cannot be said to have full legal personality, nevertheless NGOs are real actors in international systems, influencing international outcomes by mobilising society and constraining states (Wedgwood, 1999).

It is also emphasised that despite their growing influence, there is a lack of comprehensive understanding of the scope and mechanisms by which non-governmental organisations (and other non-state actors) influence the policy-making process (Evans, 2023). Usually their contributions span from raising public awareness and holding governments responsible to providing innovative solutions. (Evans, 2023).

## **5.5 International Private Companies**

The international exchange of goods, services and payments relies mainly on transactions by private companies (Herdegen, 2016). They most often have the "citizenship" of the country in which they are registered or have their registered office (Herdegen, 2016).

Similar to non-governmental organisations, transnational companies are established under the state's domestic law. They also share the characteristics of planning and operating across national borders with international non-governmental organisations (Thürer, 1999). Transnational companies differ from non-governmental organisations in that they are not intended, or at least not intended primarily, to pursue a public purpose, but rather aim to make

a profit that can be divided among shareholders or reinvested in the corporation. Unlike non-governmental organisations, their inherent purpose is not to encourage or support state authorities in carrying out their functions under international law (Thürer, 1999). Instead, they tend to escape the control of states – home or host – and often compete with state authorities (Thürer, 1999). One may even ask whether, in line with the principle of the "rule of law", existing laws and institutions should be strengthened, and new mechanisms created to control their actions in a more fair, reliable and effective way.

It has been argued that much of the changing shape of the global economic system is shaped by transnational companies investing in specific geographic locations. It is noted that the importance of a transnational enterprise, especially very large global corporations, results from three basic features: 1. controlling business activities in more than one country; 2. the ability to exploit geographical differences between countries and regions (including government policies); 3. geographic flexibility, i.e. the ability to transfer resources and operations between locations on a global scale (Thürer, 1999).

From a legal point of view, it seems important that transnational companies are - to put it very simply - established in accordance with the laws of a given country. They are generally subject to the law and applicable conflicts of law rules. However, although they are embedded in the legal system and political culture of their host country, they are largely liberated from state control in their practical activities. This is because, on the one hand, states, by concluding binding international treaties or unilaterally shaping policies, have denationalised (privatised) their economies in many areas, especially when it comes to the processes of cross-border financing, production and distribution (Thürer, 1999). On the other hand, transnational companies are, by their very nature, difficult to control by a single political system (Thürer, 1999).

An example of a private company's involvement in the implementation of public tasks on an international scale is the support that IKEA offers the United Nations High Commissioner for Refugees, UN Refugee Agency, and World Bank in creating The Joint Data Centre on Forced Displacement. The Centre has been set up "to improve data on refugees so that governments and humanitarian organisations can make informed decisions about how best to meet their needs" (IKEA Foundation, 2023). Public-private partnerships are becoming increasingly visible and necessary to solve international problems, such as forced migration.

When it comes to private companies, we are entering a new era of relations between them and state governments. This is a result of technological progress and the use of AI by these companies. New regulations, designed mainly on the forum of international intergovernmental organisations, must ensure effective and horizontal protection of humans in connection with the development of AI. Private companies have a chance to contribute to the effective performance of public tasks related to this. However, in general much like citizens, non-state actors are concerned about the risks of AI and quite supportive of regulation; and

much like states, non-state actors are divided in the relative importance they assign innovation and protection in the regulation of AI (Tallberg et al., 2024).

## 6 Conclusion

The state remains undoubtedly the most significant force in creating the world economy, despite hyper-globalist rhetoric (Dicken, 2015). The state has always played a fundamental role in the economic development of all countries and in the globalisation process itself (Dicken, 2015). For example, the increased ease of crossing geographical distances made possible by transportation and communication technologies is of little use if there are political barriers to such movement (Dicken, 2015). An important fact that enables globalisation is therefore the gradual reduction of political barriers to the flow of goods, finance, and other services. Political barriers may escalate into conflicts (including armed conflicts). In such a situation, globalisation faces problems.

In fact, stronger states have used globalisation as a way to increase their power (Dicken, 2015). Economically strong countries have often defined and constituted international economic agreements and international organisations that supported and managed cross-border investments, created international economic connections, penetrated markets, and developed contemporary globalisation. In particular, advanced capitalist states use these political instruments to shape international economic decisions and policies in their interests. It is therefore worth remembering that, as a rule, states are and remain indispensable centres of power, including power in the world of international relations and international law. These are entities that have a monopoly of power and provide basic infrastructure in the current global public order, which is still largely noncentralised.

However, we also live in times of change. Globalisation has created new forces. A distinguishing feature is the emergence of new non-territorial actors, whose influence partially deterritorialises the concept of state sovereignty (Thürer, 1999). Globalisation brings with it a concept that is no longer limited to territorial control but extends to functions occurring in an overarching, non-territorial system (Thürer, 1999). The state is entangled in a multi-layered system of governance in which partly competing and partly cooperating entities have public power and decision-making powers, which is difficult to reconcile with the traditional concept of a sovereign state (Delbrück, 2010).

Traditional actors such as the state will certainly remain, but - in a process characterised by new, often ambiguous ideas and concepts and the initial, partly soft effects of new regulations - their appearance and functions have changed to some extent (Thürer, 1999). Other entities, such as specialised government agencies, often "replace" the state in international cooperation. This is due to the fact that in the era of increasingly complex international relations (also in the context of complex issues raised in the international area), specialised government agencies fit better into the process of conducting these international relations. State-owned and private enterprises influence international relations. When it comes to

private companies, we are entering a new era of relations between them and state governments. This is a result of technological progress and the use of AI by these companies. New regulations, designed mainly on the forum of international intergovernmental organisations, must ensure effective and horizontal protection of humans in connection with the development of AI. It is also worth repeating that public-private partnerships are becoming increasingly visible and necessary to solve international problems, such as for example forced migration.

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### **Povzetek:**

**Subjekti mednarodnega javnega prava in nedržavni akterji – čas za razmislek**

**Raziskovalno vprašanje (RQ):** Mednarodno javno pravo naj bi med drugim vneslo element stabilnosti v mednarodne odnose. Ustvarjajo jo subjekti tega zakona, ki so imetniki pravic in



obveznosti po tem zakonu. Vendar pa lahko ločimo več subjektov, ki kljub pomanjkanju mednarodne pravne osebnosti vplivajo na mednarodne odnose. Postavlja se vprašanje, ali obstoj teh drugih subjektov ne slabi delovanja klasičnih subjektov mednarodnega javnega prava, torej držav in mednarodnih medvladnih organizacij?

**Namen:** Namen te raziskave je bil opredeliti katalog subjektov, ki kljub pomanjkanju mednarodne pravne osebnosti vplivajo na mednarodne odnose.

**Metoda:** Študija je temeljila na znanstveni in poljudnoznanstveni literaturi. Raziskovalna metoda, uporabljena v študiji, je bila deskriptivna analiza in kritična interpretacija zadnjih trendov na področju mednarodnih odnosov.

**Rezultati:** Rezultati raziskave kažejo, da lahko poleg klasičnega kataloga subjektov, kot so države in mednarodne medvladne organizacije, ločimo več drugih subjektov, ki vplivajo na mednarodne odnose, kot so mednarodna zasebna podjetja, mednarodne nevladne organizacije ali mednarodne nevladne organizacije - institucionalizirani forumi za sodelovanje.

**Organizacija:** Rezultati raziskave lahko z razlikovanjem drugih (ne klasičnih) subjektov, ki delujejo v mednarodnih odnosih, prispevajo k večji stabilnosti v mednarodnih odnosih.

**Družba:** Stabilnost mednarodnih odnosov vpliva na varnost narodov in posameznikov.

**Originalnost:** Izvirnost te raziskave je kritičen pristop do obstoječega kataloga subjektov mednarodnega javnega prava.

**Omejitve/nadaljnje raziskave:** Rezultati raziskave lahko prispevajo k razpravi o obstoječih entitetah v mednarodnem javnem pravu, ki vplivajo na mednarodne odnose. Nadaljnje raziskave lahko celo razširijo tradicionalni katalog subjektov mednarodnega javnega prava.

**Ključne besede:** subjekti mednarodnega javnega prava, države, mednarodne medvladne organizacije, mednarodni odnosi, stabilnost, predvidljivost, diplomacija, trgovinsko in gospodarsko pravo.

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