CORPORATE SOCIAL RESPONSIBILITY AS AN EXPRESSION OF MISSING SOCIAL CAPITAL IN ALBANIA

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ABSTRACT

The corporate social responsibility is a new concept in Albania, because of the fact that we can not speak about the existence of the real corporations in the country. The purpose of this paper is to provide a theoretical view of the concept of corporate social responsibility and To explore the recognition and implementation of this concept in business firms in Albania. To illustrate the scope of this obligation we have taken into consideration the employability of persons with disabilities by medium and large business firms. Qualitative research methods such as literature review, analysis of legal acts and semi-structured interviews have been used. The key theories of corporate social responsibility are studied , as well as several observation reports that the organizations working in the field of disability in Albania have published regarding the right to employment. The fundamental legal acts of the European Union that regulate CSR concept are analyzed as well as Albanian legislation in this field. Half-structured interviews were conducted in the period January-2016 April 2017 in 43 business firms that have employed, tried to or are open to employ personswith disabilities across Albania. It is concluded that Albania has a legal framework that Addresses corporate social responsibility but they have not legally binding force. As provided for in the Employment Promotion Act, it is noticed a low applicability of the legal obligation that businesses have to employ a certain number of persons with disabilities. The low level of social responsibility of firms comes as a consequence of a low level of social capital in the community as long as business firms do not believe in the skills of workers with disability, moreover they think that they are doing a charityby their employment.

INTRODUCTION

Talking about corporate social responsibility still is considered an innovation in Albania. In Albania, debates on these levels are still embryonic and to adapt to the context of this paper, we will consider the social responsibilities of business firms as the existence of the real business corporations in the Albanian market is still in question. Initially, it should be said that two concepts of "social responsibility" and "social consciousness" are separate dimensions of corporate social engagement. While consciousness is a concept that is built entirely on social and moral basis, responsibility is of a purely legal nature. However, we emphasize that the value and impact of a firm is not limited to its size. This idea serves to a sustainable development of the Firm, especially those of medium and small size. Discussions about "corporate social responsibility" or "stakeholder protection" at their beginnings are considered to be illogical and ungrounded. By Interest Groups here we understand natural / legal persons that directly or indirectly influence or are influenced from the business activity of a company (Cioffi: 2005, p.46) The regulation of these reports has brought about the emergence of two basic theories of corporate governance that are the shareholder theory and stakeholder theory (traditionally a feature of German corporations). What does it mean that the "corporation has Responsibility"? Interest of the Capital has been and still is the increase of the added value and reduction of the workforce (Sofronov, Jameson, Amariglio&Madra,

2008, 367-384). WE agree that contractual relationships are the core of firms, not only with employees but also with creditors, suppliers, consumers, etc. On the other hand, firms can be seen as "machinery with side effects that implies the effect of the transaction on a third party that has not participated in the realization of this transaction" (Kean Birch, 2007,153-161). Beyond profit, do business firms have any responsibility? What are the dimensions of corporate social performance? A corporation is an artificial person and in that sense may have artificial responsibility, but this remains unclear. In this paper, Albania is taken chosen as a Case study where the social responsibilities of firms are still little known and little implemented. The low level of social responsibility of firms shows a low social capital of the community. To test the hypothesis, we take into account the employment of persons with disabilities from business firms in Albania. In order to complete theview , besides the main theories on corporate social responsibilities, we give an outline of the domestic and European legal framework regarding the legal obligation envisaged for business firms regarding the employment of persons with disabilities, as one of corporate social responsibilities.

LITERATURE

The first theories on social responsibility began to be developed in the second half of the twentieth century. Let's look at the treatments that different authors make to of this concept. Some theories say that if is "social responsibility" really exists, it belongs to individuals rather than corporations. This seems like a socialist doctrine and highlights the governingelement that should not have to do with these responsibilities, but only with the task of increasing the benefits of company. This approach has received criticism that has failed in its analysis and does not provide convincing arguments to support itself (M. Friedman: 1970, pp. 3-14). According to these theories, stakeholder management is a simple tool toward the main goal of maximizing profits of owners. On the other hand, "Multiple fiduciary " is discussed, which stipulates that executives or administrators have loyalty obligations towards the stakeholders, including partners / shareholders, and that the administration of these relationships is not optional but morally mandatory. But, despite the importance of addressing these mutually affected groups and individuals, the problem lies in the definition of what constitutes a "stakeholder group". In simple terms, Friedman's theory can be seen in two versions, the first is intending to serve all interest groups, while the second version is balancing their interests, which seems more acceptable. According to Friedman, there is a neo-kantian principle that treats interest groups as a goal rather than almost as tools. The central idea of this principle is that historically the process of value creation is mentioned as a set of relationships that maximize the good of a large number of persons; Or, as a result of a voluntary contractual process. Friedman concludes the argument in support of interest groups,: "Corporate Redefinition means the reconceptualization of ourselves and of the community we live in. We can not separate the idea of a moral context from the valuecreating activity of a business. If this happens, then we accept the Thesis that stops he debate. Economists do not have a certain theory to express the boundaries of the firm/corporation, as a set of exchanges, where the market is subject, to a certain extend, corporate's way of direction and its authority. Economists tend to see the corporation as a contractual link between owners who run the firm in their own interest and without having any other obligations to the community (Ruth V.Aguilera& Gregory Jackson, 2010, 485-556). It is thus seen as a means to achieve a goal, "corporate success" (M. Branco and L. Rodriguez: 2007, pp.1-11).

The interest groups' perspective has become an inevitable topic, classifying it in two theories. Modern theory states that corporations/firms have a great responsibility over parties affected

by their actions, and those parties are divided into two types of interest groups: Primary and Secondary (internal or external). The first are those without which the corporation can not survive, shareholders and employees. They guarantee the infrastructure and the market, whose respective rules should be respected. Secondary are those who are not engaged in corporate transactions and are not relevant to its existence, for example, the environment and the community. There are also such typologies that different authors call "silent" interest groups such as the environment (B. Aliu: 2015, p. 18). Partners / shareholders retain a special role in governance, but this role can be limited in cases where their activity conflicts with the public policies of the country where the firm exercises its activity. The theory is based on three main complementary principles, which are based on the well-governance of a corporation (but which can be adapted even in simpler forms of business firms). Firstly, corporations need to be governed by the principle of responsibility, in order to show that these socio-economic actors of the market undertake well-thought out, often long termactions. Secondly, corporate activity should be based on the principle of consultation. So, corporate governance, should have plurality of thoughts and consistency over time, derived from the implementation of the principle of responsibility. Third, the theory of corporate constitutionalism relies on the principle of appeal (S.Bottomley, 2007, pp. 53-76).

In analogy with the theory of social contract, today there seems to be a symbiotic relationship between the Firm and the country in which they exercisetheir economic activity, thus deriving direct or indirect obligations to the Firm. Thus, the social contract theory obliges these firms to take responsibility in the areas where they conduct their economic activity. The deviation from the implementation of the macro-contract corporation is almost impossible, because mostly in the area of corporate governance, the established legal standards are of a minimal and applicable standard. On the other hand, as mentioned above, there is a microsocial contract, which is the foundation for building relationships between the Firm and the community where they conduct their business.

According to corporate governance approaches, we also consider social capital in the productivity of a firm. Social capital has as its core pillars the norms of mutuality between citizens and social networks.

Civic norms are non-religious social norms that limit narrow-minded self-interest (Knack and Keefer 1997), expected co-operative behaviors (Fukuyama 1995), and place emphasis on collective interests rather than self interest (Coleman 1988). Social networks capture the horizontal societal relationships that exist in associations and organizations in the community that enable social inclusion (Coleman 1988) and cultivate "customs of cooperation, solidarity and public spirit" (Putnam 1993). Empirical data suggest that social institutions, such as the norms and networks among corporate leaders, have significant implications on charity donations. From an observation of over 12,000 firms from 42 countries over seven years, Ioannou and Serafeim (2012) provided great insights to show that national-level institutions, including political, employment, educational and culturalsystemshave A significant impact on CSR levels. A shortcoming of these preliminary on ground investigations is that they provide a small insight regarding the social impacts of local communities in CSR activities (Aguilera et al 2007, Brammer et al., 2012). Focusing on corporate engagement regarding CSR's positive activities, Marquis et al (2007, p. 937) predicted that "institutional social and normative community-level forces will affect the level of corporate social action". Focusing on corporate engagement regarding irresponsible or minimally responsible activities (eg, CSR negative activities), Campbell (2007, p.959) predicted that "corporations will be more likely to act in Socially responsible way if they act in an environment where normative calls

for such behavior are institutionalized. " We define community social capital as a manifestation of the effects of civic norms and social networks that derive from small size communities, geographicallyconnected , which are located around the area where the business firms are located. (Coleman. 1988, p 104) argues that " An especially important form of social capital is the norm that one must overcome his own interest and act according to the collective interest. " The research focused on community social capital has highlighted its function as a public good (eg, Coleman 1988; Putnam et al., 2000; Guiso et al.2004). These scholars argued that the social capital of the community spreads the impact it produces "not only for those who possess social capital but also to save persons in regions with a low level of social capital" and promotes "community cohesion and the flow of information to Community members who do not have high levels of personal capital "(Kwon et al., 2013, 981). Theoretically, firms can improve legitimacy and obtain favorable stakeholder responses by boosting positive CSR activities, reducing negative CSR activities, or doing both. Zyglidopoulos et al. (2012) found that firms respond to increased media attention by boosting positive CSR activities, but corporate CSR negative corporate activity is not systematically linked to the level of media attention.

We can say that the process of implementing good corporation/firm governance is the decision-making of the relevant structures of the company (Malltezi, A 2008,133-148). CSR implies the spirit of interpretation of the legislation, principles and norms of various legal disciplines. (Lisbon Treaty, 2008, Article 3) Equivalent or complementary terminology with CSR is the term "Corporations and Human Rights" or "Corporations and Social Policies". To be presented for discussion in the EU community, the first was the 2001 Communication "Promoting the European Framework for Corporate Social Responsibility", which addresses and sets standards for technical security, sustainable environmental management and respect for human rights. It referred to CSR as "voluntary engagement of the corporate into social and environmental matters during the exercise of their economic activity." Related to the Albanian reality, , it can be said that commercial legislation has been among the less-understood parts of jurisprudence and of Interest to the people. (Malltezi, 2009, 133-148).

RESULTS

The concept of social responsibility is quite new in Albania. Social responsibility of firms focuses mostly on charity and social activities. In general, it is acknowledged that the banking system and mobile phone companies in Albania reflect the trend of social responsibility. The applicability parameters of corporate social responsibility are minimal, in the sense that the policies pursued by companies for their implementation are optional and at their good will (OECD, 2002). The provisions of the Albanian Corporate Governance Code, (or Code of Business Practices, are not mandatory. Approved in 2011, the Code shows the will of firms to implement principles that are not mandatory by law. This Code, is an adaptation of the OECD guidelines. Another very important principle envisioned in the Corporate Governance Code is also Principle 1416. This last principle of the ranking but not of importance prescribes the obligation of the administrators to present a valuation analysis of the present and future corporate state to the address Of interest groups by creating a program for inclusion of them. The principle provides for the implementation of a corporate governance model through the implementation of its social responsibility, including in this process groups that are affected or affect the life of the corporation. Social Responsibility is one of the key pillars of the EU strategy, which seeks to promote a sustainable and inclusive economic development. This trend is also noticed in Albania, after the drafting of a national action plan for the period 2011-2014, shortly after the adoption of the 2011 CSR strategy by

the European Commission (CSR 2013 National Report, p. 8). There are several legal acts adopted or amended by the Albanian state in order to promote social responsibility of business firms. In the framework of good practices, firms should include in their annual reports the sustainability of their activity on behalf of interest groups. One of the main concerns in Albania today seems to be the gap between de jure and de facto equality with regard to employment.

In order to illustrate the social responsibility of firms in Albania as a compulsion of the legal obligation and the social obligation towards the community, we have analyzed the willingness of the business companies to employee workers with disabilities.

Persons with disabilities continue to be disadvantaged in the labor market. The reasons for disadvantaged position can be numerous. We can count lack of accessible education and vocational training, lack of adaptability, lack of support services, prejudice and discrimination. Discrimination continues to be one of the main obstacles to the realization of the rights of persons with disabilities in Albania, particularly the right to employment. In fact, interventions have not only been made in the fight against discrimination but also to make effective the functioning of social benefit schemes. As noticed in international experience, many states through the application of various incentive forms influence the orientation of persons with disabilities to the labor market. One of the reasons is the recent financial crisis that has led many states to re-evaluate the functioning of social schemes for persons with disabilities and guide them to the labor market (ADRF. 2012, Survey Report Employment of Persons With disabilities in Albania: p. 9). In Albania, since 1995, the the Act on Promotion of Employment is in force. Over the years, a number of sub-legal acts have been adopted, which consist of programs to promote the employment of persons with disabilities. However, employment of persons with disabilities in Albania continues to be a real challenge for the state and society. With the ratification of the UN Convention on the Rights of Persons with Disabilities in January 2013 by the Albanian State, the understanding and implementation of the rights of persons with disabilities becomes more widespread and requires a radical shift from the current approach to their right of employment. The compulsory quota provided for in the Act on the Promotion of Employment establishes the obligation to employ one person with disability if the company has more than 25 employees. The aim is to ensure the proportional representation of persons with disabilities in employment, given that the employment figures for persons with disabilities are several times lower than the figures for the employment of persons with no disabilities. The Law on Protection from Discrimination, on the other hand, does not contain certain obligations expressed in numbers of employees with disability but prohibits discrimination against them in the field of employment and at the same time imposes an obligation to ensure reasonable accommodation by the employer for persons, The denial of which constitutes discrimination. These two laws in co-ordination can support each other and give positive results in terms of disabilityemployment. What we can conclude is that the Act on Promotion of Employment is the main mechanism in hiring persons with disabilities. Although this law has a low level of implementation, it remains a first reference for employers regarding the employment of persons with disabilities. The results of this survey show that interviewed employers have information on equality issues in general and are aware of the importance of applying the principle of equality in the workplace (ADRF: 2012 Survey Report Employment of Persons with Disabilities in Albania , P.8). The majority of participants in the survey highlight that in recent years there is a growing attention towards the recognition of the rights of persons with disabilities and as a result it is reflected positively in the labor market. Asked about the knowledge of the Law on Protection against Discrimination and the Law on Promotionof Employment, the answers

reveal that knowledge of these laws is partial. The results show that no special measures were taken by the employers to raise awareness of the staff with regard to this law, either through organizing information sessions or trainings, and through closer cooperation with state institutions. Regarding the recognition of the obligations and responsibilities deriving from the Law on Protection from Discrimination, in 44% (n = 27) of cases it is evidenced that they are not recognized by employers. It should be emphasized that, even when it is stated that the law on protection against discrimination is well known, most employers fail to list the duties and responsibilities deriving from this law for them, while the rest lists them partially. All employers are of the opinion that the lack of accessible facilities for persons with disabilities in the workplace is a form of discrimination against them. It is noted that 58% (n = 14) of employers, institutions or companies that had employed persons with disabilities had adapted the working environments for employees with disability. All those who had adapted their workplaces, declared that the cost of different adjustments made by them, were small and did not amount to excessive burden, because of the nature of the disability of the employees, which were not severe. The results show that 21% (n = 5) of employers did not need to adapt their workplaces because they have chosen already almost accessible environments to work and 21% (n = 5) did not make to do workplace adjustments because the employees did not need that. Asked about the reasons for employing persons with disabilities, 75% (n = 18) of employers identify job skills of candidates as their reason and 21% (n = 5) of them, as a reason, defined the hiring as charity. They then list the legal obligation to employ persons with disabilities (ADRF 2012: Survey Report Employment of Persons with Disabilities in Albania, F. 15). However, it should be noted that during the interview it results that after the answers, in which the job skills of the persons with disabilities are evaluated as a primary employment reason, as a secondary cause charity or something implied is immediately ranked during the interview. Results show that 92% (n = 44) of employers do not have internal policies against discrimination in general (regulations, documents, guidelines). A small part of them declare that they carry out informative activities with staff on laws and policies, including those against discrimination, but in most of them employees in these activities are informed on issues related to the payroll system, remuneration calculations or vacation days. Large companies, mainly subsidiaries of foreign companies, have internal regulations or codes of conduct whereby employees are made aware of and are an integral part of the employment contracts they sign in. In these documents, employees are also familiarized with the concepts of discrimination in the workplace and the disciplinary measures that can be taken in such cases. It should be noted that such positive cases were rare in this observation. The practice of encouraging the candidates with disabilities to apply during the announcement of vacancies is not followed by employers. Only in very few cases employers have taken the initiative to promote employment in this form. From the State Labor Inspectorate, as the institution in charge of controlling the implementation of legislation in the field of employment, it results that more than half of business companies recognize the legal obligation and to accomplish that obligation, they announce job offers by encouraging jobseekers with disabilities to apply.

DISCUSSION

Despite the belief that social policies discourage economic growth, they are generally considered encouraging because they contribute to improving the quality of work, encouraging labor and industry movements and encouraging employment and production through increased consumption. Many organizations involved in promoting corporate governance emphasize the fact that its supporting pillars are corporate law compliance, transparency of the company's towards stakeholders and the general public.

However, the highest interest of the employee may not be the highest interest of the shareholder. For example, when employees of a corporation go on strike, this is not in the employer's interest. In this case, we aim to balance the interest groups.

The harmonization of European company law under Article 44 of the Treaty of the European Union brought a number of directives from the First Directive in 1968 to the Twelfth Directive in 1989 (Bachner, Schuster, Winner, 2009, p. 189) The European Union sees CSR as a positive contribution to the strategic goal set in Lisbon Treaty for the EU to become the most competitive and dynamic economy, capable of sustainable growth, with a higher and more efficient employment, guarantying social cohesion. It suggests an approach based on deepening cooperation, where all participating entities have an active role. The Union promotes scientific and technological progress, fights social exclusion and discrimination, promotes justice and social protection, equality between women and men, generational solidarity and the protection of children's rights. There seems to be a strong correlation between CSR and Firm's competitiveness in achieving sustainable development (COM, 2001, pp. 5-7) It should be noted that there is a fundamental expectation in all business firms, regardless of size, country and type of business, to take steps towards respecting human rights and CSR. But the concept and language of human rights can be difficult for persons who own, manage and work for small or medium-sized firms. The European Commission encourages the exchange and inclusion of good practices, increasingcapacities for small business firms and cooperation between large and small ones. Among the best practices or instruments are codes of conduct related to workers' rights, human rights, etc. Social Responsibility encourages societies to integrate social and environmental objectives, in their daily business activity and in interaction with the parties involved in the process (COM, 2001, pp. 5-6). It has been repeatedly stressed that CSR programs contribute to the sustainable development of the European Union. In addition, they have a positive impact on business management and competitiveness, taking into account, in particular, the globalization of trade, which means that business companies have their activities and responsibilities abroad, including developing countries. Furthermore, according to the EU, the ability to use CSR activities is related to the development of workers' skills. Meanwhile, in the 2011-2014 Commission strategy, CSR is defined as "actions taken by corporations beyond explicit legal obligations, in favor of society and the environment, which result in the creation of a better environment for the development of economic activity and their cooperation with their stakeholders" (COM, 2001, p.3) CSR is seen in two dimensions, the internal dimension which has to do with human resource management and the external dimension which has to do with the responsibility towards local community. We were focused on dimension which affects the area of human rights (COM, 2001, p.10). The first element of the internal dimension of the exercise of CSR is the principle of safety at work. The right to freedom and security puts obligation to the Firm to avoid activities which violate this right. The safety of a person must be understood in the context of physical liberty and can be interpreted in different ways, the responsibility of health protection from third parties. The second element of the internal dimension is taking measures to adapt the organizational chart when the company is subject to a structural change. Restructuring of firms derive concerns to all employees of the company (as one of the main groups of interest), for the closure of the firm or its branches can cause changes. The changes also mean loss of jobs or benefits to certain employees. This means not only employment and improving employees' knowledge, but also respect for their rights while providing an equitable and nondiscriminatory treatment in any of the grounds (COM, 2001, p. 9). Failure to respect this obligation from corporations derives in breach of labor legislation at national and community level, but also violates European Human Rights Convention, Article 14, on the prohibition of discrimination. the European Union and its Member States, as provided for in Article 151 of the Lisbon Treaty, taking into account basic social rights such as those set out in the European social Charter (1961) and the Community Charter of fundamental social rights of Workers (1989), have as their objectives the promotion of employment, improved living and working conditions, in order to facilitate their harmonization while maintaining the improvement, proper social protection, dialogue between management managers and workers, the development of human resources with the aim to maintain long term high employment rates, and the fight against social exclusion. the acts, which EU corporations should consider during the CSR exercise are The OECD Principles of Multinational Corporations, ILO Declaration on Social Policies and Principles that should govern Multinacionale13 corporations, as well as the UN Principles on Business and human Rights:

//www.oecd.org/corporate/mne/ (consulting,January 2016)

13http://www.ilo.org/empent/publications/WCMS_094386/lang--en/index. htm (consulting, January 2016)

14http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf (consulting, January 2016).

Given that management of Human Resource is the process of hiring employees' and developing their capacities so that they constitute an added value for company, this process is one of the permanent challenges of the business world.

CONCLUSIONS

Talking about corporate social responsibility is still aninnovation in Albania. Often CSR concept is regarded as ethical and moral issues and is associated with charitable and social activities, not inducing the concept from a legal standpoint. No company can claim to increase its value in the market if any of its stakeholders is not respected or mistreated. CSR is seen as a source of advantage and competitiveness, rather than agoal in itself. Corporate governance is not a formula contained in a specific law but a spirit, an attitude toward law as well as its understanding and implementation, and continuous improvements that it is subject to. Although the principles of corporate governance sufficiently reflected in the Albanian legislation, their misunderstanding, wrong application of the law, poor business ethics and attitude of business companies towards law enforcement and fair competition have left behind a week tradition of corporate governance. Albania, being a country with mainly small and medium size firms, shows low level of fulfilling the social responsibilities. social responsibilities of firms are under national legislation, but these provisions are not legally binding. Harmonization of domestic laws with EU laws has completed national legal frame. Social responsibility of firms that relates to employing persons with disabilities has slightly improved but state mechanisms still are not sufficient to achievesatisfactory levels. The lack of interpersonal trust between citizens and the reflection of this lack in the relationship of

of interpersonal trust between citizens and the reflection of this lack in the relationship of citizens with business firms also causes unfulfillment of corporate social responsibility towards jobseekers with disability. Therefore we can say that the low level of social capital in the community brings low level of fulfilling the social responsibility of business firms operating in the territory.

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