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8th International Conference on Business, Economics,
Management and Marketing-ICBEMM 2019

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Table of Contents

10th Academic International Conference on Interdisciplinary Legal Studies-AICILS 2019	2
Integrated justice practice- Reaching the Excluded, Informing and Shaping Client Centred Practice and Enabling Interdisciplinary Practice to advance Human Rights: New evidence- based approaches.	6
DR. ELIZABETH (LIZ) CURRAN	6
Spirituality and Its Influence towards Islamic Leadership Effectiveness: Empirical Evidence among Malay Leaders in Sarawak, Malaysia	6
DR. JATI KASUMA BIN ALI AND AHMAD FAIZUL BENJAMIN	6
Plea Bargaining in India and the United States: A Comparative Study	7
MR. DIVYADITYA KOTHARI AND MR. SWAPNIL KOTHARI.....	7
Analysing Non-digital Platform Providers’ Strategies in Developing Digital Platform Capabilities	7
DR. CHUNG-LIN TSAI.....	7
The Impact of Brexit on the British Pound/Euro Exchange rate	8
MR. ARTHUR KORUS AND MR. KAAAN CELEBI	8
Human Capital, Technological Spillover and Productivity of Manufacturing Sector: A Comparative Analysis of Pakistan and India	8
DR. TAHIR MAHMOOD	8
Do Corporate Leaders Support the Public during Natural Disaster in Asia? What is the communities opinion?	9
MRS. ELIZABETH BERNARDO.....	9
Entrepreneurial Typology in a Developing Economy : The Case of Jordan.....	10
DR. SAYED AHMED KIRAN MIR ZAFARULLAH KHAN	10
Academics’ HRM adoption: Human Resource Management in Business Schools	10
DR. KHALIL AHMED CHANNA PROFESSOR DR NIAZ AHMED BHUTTO.....	10
Coexistence of Cryptocurrencies and Central Bank Issued Fiat Currencies : A Systematic Literature Review .	11
MRS. JULIA LUTZ.....	11
The Legal protection of Foreign Investment companies in UAE	12
DR. WALAA-ELDEEN IBRAHIM	12
The Limits of the Royal Prerogative: The Constitutional Principles Governing Ministerial Power over employment in Antigua and Barbuda	12
DR. NSAKA SESEPKEIU	12
Equity Crowdfunding: A solution for supporting Innovation and Startups in 21st Century	13
MR. ABHISHEK MISHRA.....	13
The analysis of the special cases of accession under the Civil Code.....	14
MRS. ADELINA VRANCIANU	14
An evidentiary framework using Bitcoin and Smart Contracts in a manner that constitutes a signed written agreement in commercial transactions.....	15
DR. CRAIG WRIGHT	15
An evidentiary framework using Bitcoin that constitutes a signed written agreement	15
DR. CRAIG WRIGHT	15

Ineffectiveness of the Indonesian Legal Instruments against the Import of Used Clothes in Batam City, Indonesia	16
DR. ELZA SYARIEF AND DR. RINA SHAHRIYANI SHAHRULLAH.....	16
Execution of Electronic Monitoring in Slovak Criminal Justice	17
DR. LIBOR KLIMEK.....	17
The Role of Algerian Law in Promoting International Cooperation to Combat Administrative Corruption Crimes	17
DR. OUARDA LAYACHI NONE.....	17
Indonesian Economic Law Reform : Protecting Social Enterprise and Meeting Sustainable Development Goals	18
MS. SONIA CANDRA DEWI.....	18
Issues and Prospects of Quality Higher Education: A Comparative Study between Public and Private Universities in Bangladesh	19
MR. AMINUR RAHMAN AND MR. MOHAMMED THANVIR AHMED CHOWDHURY	19
Coworking in Mid-Sized Cities: A Pathway to Local Economic Development	19
DR. AUDREY JAMAL	19
Ideological Rhapsody: Thinking the Concealed Crux of Human Behaviour	20
DR. MARTIN PETLACH	20
Initiatives of Women's Involvement in Military and Civil Organization on Preventing Family Bomber through Cooperation with Neighboring Countries	21
DR. PUJO WIDODO DR. TRI LEGIONOSUKO, RECTOR, AND DR. YUSUF, LECTURER.....	21
Perception of Environmental Degradation and Family Volume in Indigenous Community: A Study on Malnichara Eco Park in Bangladesh	22
MR. MUHAMMAD NAZIM UDDIN CHOWDHURY.....	22
Fear and Paranoia in the Workplace and Perceived Factors That Affect Organizational Cohesiveness	22
MS. ANDREA PAYNE.....	22
Optimizing the Role of Grassroot Communities to Eradicate Terrorism in Indonesia	23
MS. AULIA AKMALINA DR. PUJO WIDODO, LECTURER.....	23
Constructing Narratives through Story Telling: A Study of Refugees in Estonia	24
MR. AMINUL ISLAM	24
How to Respond to Contemporary Global Security Threats? Restoring Rule of Law through the Proportionality Principle	24
MR. YOUNG (MAXWELL) JOO.....	24
Artificial Intelligence and International Law: An Analytical Study	25
MR. SHUBHAM SINGH.....	25
A Complex Network Analysis of Actor Impact on Human Capital Development in Highly Competitive Industrial Space: Evidence from a Developing Country	26
MR. ALEX BOADI DANKYI KONG YUSHENG, PROFESSOR & DEAN ; EVANS TAKYI ANKOMAH-ASARE, PHD STUDENT; AND ASABEA ADDO ANTOINETTE, MASTERS STUDENT	26
Listener	27
PROF. KAREN KRESSENBERG	27
List of Session Chairs	27

Staff	27
MS. SAMANTHA SINTES-BARBER.....	27
CONFERENCE COMMITTEE MEMBERS	28

1-DB01-6587**INTEGRATED JUSTICE PRACTICE- REACHING THE EXCLUDED, INFORMING AND SHAPING CLIENT CENTRED PRACTICE AND ENABLING INTERDISCIPLINARY PRACTICE TO ADVANCE HUMAN RIGHTS: NEW EVIDENCE- BASED APPROACHES.**DR. ELIZABETH (LIZ) CURRAN¹

This presentation will be of interest to academics, research scholars, practitioners and educators. It explores strategies for increasing interdisciplinary practice that incorporates justice in an integrated way, as a realm often left out of interdisciplinary/multidisciplinary practices to better advance human rights adherence and protection.

The paper will report on findings from recent embedded longitudinal research of new service approaches in two evaluative studies by the author in Australia. The latest is the 'Invisible Hurdles Project' (with colleague Pamela Taylor-Barnett) targeted at excluded youth (Report Launch in November 2018) and the other, a study in Bendigo targeting children with disabilities and their parents in a health setting with different professions (Medical, allied health, social work, teachers and lawyers) working together to utilise justice to improve human rights, social and health impacts.

Each Study reveals ways of advancing the human rights of the poorest populations. The data, reveals how mindful engagement, capacity, collaboration, reach and empowerment are all factors in transforming practice. Some of the implications that follow for broader service delivery and policy setting will also be explored in this interactive session. The methodologies of the longitudinal studies used a participatory action research and impact and 'realist' evaluation framework and a multi-method approach (triangulated) to test and verify the results across the tools. The studies included qualitative and quantitative data collection with a range of tools with a social research dimension, unpacking complexity and systemic issues at play.

The paper will demonstrate how an integrated justice practice in different service delivery settings, can work with an array different groups of people experiencing disadvantage. Other issues emerging including changes in practice, facilitative factors enabling interdisciplinarity and collaboration, ethical practice, trends, practical challenges encountered, and solutions will be flagged. There will be time for discussion with conference participants. The findings of these two studies will be presented as the findings have universal applications across different disciplines and for different jurisdictions.

2-BZ02-6653**SPIRITUALITY AND ITS INFLUENCE TOWARDS ISLAMIC LEADERSHIP EFFECTIVENESS: EMPIRICAL EVIDENCE AMONG MALAY LEADERS IN SARAWAK, MALAYSIA**DR. JATI KASUMA BIN ALI² AND AHMAD FAIZUL BENJAMIN

Presently, Islamic conception has turn out to be more noticeable in the growth of society and it is no longer become unfamiliar among the world community. Spirituality is being measured in Islamic standpoint, as a result it will contribute specifically in the academic area where there is still lack of studies conducted in term of leadership in Islamic perspective. Conclusive

¹ Dr. Elizabeth (Liz) Curran, Associate Professor, Australian National University.

² Dr. Jati Kasuma bin Ali, Senior Lecturer, Universiti Teknologi Mara Sarawak.

Research Design by using Descriptive Research Quantitative Data Approach where the data were collected from Muslim employees working at uniform bodies. Most of the respondents from support group scheme of service and there are three uniform bodies involved in this research which as Malaysia Royal Customs Department, Malaysia Royal Police and Malaysia Royal Navy. The Pearson's correlation analysis shows that belief, ritual, and repentance have positive relationship and high correlation towards leadership effectiveness with Pearson correlation value of 0.678, 0.612, and 0.770 respectively. Standardized coefficients of beta value show that Taubat (Repentance) is the most influenced factor towards the leadership effectiveness of the Muslim workers at uniform bodies. The researcher would also have interested to recommend future research using a qualitative approach to explore the phenomenon that could address the problems or issues in a real context of Malaysian Muslim workers related to spiritual and leadership effectiveness areas.

3-DB05-6817

PLEA BARGAINING IN INDIA AND THE UNITED STATES: A COMPARATIVE STUDY

MR. DIVYADITYA KOTHARI³ AND MR. SWAPNIL KOTHARI⁴

The Indian Criminal Justice system has witnessed a major ground-breaking upturn in 2005, when the system of Plea Bargaining was introduced through the Criminal Procedure (Amendment) Act, 2005. It is an adaptation from the United States, where it had been in use since the early 19th century to speed up the trials, increase conviction rates and reduce the thrust on the Judiciary with excessive ending cases. India adopted this technique with the same intentions but in a more improvised and effective manner. The paper emphasizes the many rules, India has brought about to reduce unnecessary plea bargaining and making it more constitutional. It also discusses the power of the victim to veto the proceedings of plea bargaining. After a thorough study of the rules regarding plea bargaining in India and the United States, the researcher has reached the conclusion that the system in India is more constitutional and secures the rights of both the accused and the victim.

5-BZ22-7110

ANALYSING NON-DIGITAL PLATFORM PROVIDERS' STRATEGIES IN DEVELOPING DIGITAL PLATFORM CAPABILITIES

DR. CHUNG-LIN TSAI⁵

Advances in digital technologies, e.g. broadband Internet connections, cloud services and handheld devices, have facilitated the development of digital platforms supporting the creation of cloud-based applications. For example, Apple has developed its iOS into a digital platform and has released application development tools on the Internet to underpin third-party developers in creating applications. Since digital technologies have increased efficiency in information diffusion and in communications, a large number of firms have utilised such

³ Mr. Divyaditya Kothari, Director, Renaissance University.

⁴ Mr. Swapnil Kothari, Chancellor, Renaissance University.

⁵ Dr. Chung-Lin Tsai, Assistant Professor, National Chung Cheng University.

technological advances to shape their products or services into digital platforms. Not surprisingly, digital platforms have played an important role in today economy. Taken the advantages of digital platforms into account, non-digital platform providers have paid attention to upgrading their platforms into digital ones. However, little research has concentrated on analysing such a development process and this requires further investigation. To explore this issue, this research makes use of a case study approach. The case study findings suggest that the couple mode of open innovation could be a useful strategy, which can underpin non-digital platform providers in developing their digital platform capabilities. Accordingly, the coupled mode of open innovation can be regarded as a strategy that can help traditional platform providers improve their platform technologies and foster related platform ecosystems. The outcome of this research has made contributions to the concepts of open innovation and platforms and has provided platform practitioners with useful guidelines.

Keywords: Digital platform, network effects, open innovation

6-BZ11-6622

THE IMPACT OF BREXIT ON THE BRITISH POUND/EURO EXCHANGE RATE

MR. ARTHUR KORUS⁶ AND MR. KAAAN CELEBI⁷

Using event-study techniques we investigate the impact of Brexit-related events on the spot exchange rate of the British pound against the euro. We want to find out whether Brexit-related news, including the Brexit referendum itself, has an impact on the Pound sterling/Euro exchange rate. By splitting our Brexit-related events into ‘good’ Brexit news and ‘bad’ Brexit news, we find an impact of Brexit news on the British pound/Euro exchange rate. Bad Brexit news is associated with a depreciation of the British pound against the euro whereas ‘good’ Brexit news appreciates the Pound sterling against the euro. Furthermore, our empirical results suggest that market participants display a delayed reaction to bad and good Brexit news, respectively. Additionally, it seems that the impact of bad Brexit news on the spot exchange rate of the British pound against the euro is more persistent than the effect of good Brexit news.

8-BZ06-6999

HUMAN CAPITAL, TECHNOLOGICAL SPILLOVER AND PRODUCTIVITY OF MANUFACTURING SECTOR: A COMPARATIVE ANALYSIS OF PAKISTAN AND INDIA

DR. TAHIR MAHMOOD⁸

The most important macroeconomic goal of a developing country is the achievement of accelerated and sustained economic growth. In pursuance of this creditable objective, identification of the variables which are capable of accelerating growth, is needed. Total factor productivity is one of the contributory factors for economic growth. TFP is measured as residual using the Growth Accounting approach. The Solow’s residual accounts for the portion of output which could not be explained by the growth of inputs. Increased productivity level is a requisite to attain higher level of output for the same level of input. In India and Pakistan research has been done for exploring the role of human capital in increasing the productivity but the role of technological spillovers is not much addressed especially in Pakistan. This is

⁶ Mr. Arthur Korus, Research Assistant, European Institute for International Economic Relations.

⁷ Mr. Kaan Celebi, Lecturer, Frankfurt University of Applied Sciences.

⁸ Dr. Tahir Mahmood, Associate Professor, University of Veterinary and Animal Sciences.

therefore needed to investigate the impact of technological spillover along with human capital on manufacturing productivity in both countries.

This study investigates the impact of human capital and technological spillovers on manufacturing productivity in Pakistan and India using time series data from 1980-2014. Johanson's Co-integration Approach and Vector Error Correction Model (VECM) were employed to investigate the long run and short run relationship among the variables. The results reveal the existence of long run relationship among Human Capital, Research & Development Expenditure and TFP variable. The estimated results of the models show the positive and significant influence of human capital and technological spillover on manufacturing productivity for both countries. The positive and significant coefficients imply that investment in human capital, R & D Expenditure and Technical Cooperation Grants resulted in increased productivity. So there is need to devise the policies for the development of human capital and enhancing Research & Development expenditure over the time.

Keywords: Human Capital, Productivity, Technological Spillover, and VECM

9-BZ07-7043

DO CORPORATE LEADERS SUPPORT THE PUBLIC DURING NATURAL DISASTER IN ASIA? WHAT IS THE COMMUNITIES OPINION?

MRS. ELIZABETH BERNARDO⁹

The recent natural devastations of the Asian region including the earthquakes in Indonesia and Japan, super typhoon in Philippines and Bangladesh and flood in India compel the corporate world to think of how to integrate their responses to natural disaster with their corporate social responsibility (CSR). The corporates' response to the natural disasters can be defined as the initiative taken by their management to provide immediate assistance to their employees, their families and to the community in which they operate, and to minimize the impact of the disaster by working with government, NGO and public to re-establish normality.[1] However, past studies claim that only those corporations with effective leadership have succeeded in handling disaster crisis efficiently with limited losses and a better chance for the sustainability of their business.[2] But, many business leaders were criticized by the public for their poor disaster relief assistance which sometimes ended-up as just an evacuation policy.[3] Efficient leadership is essential for a business to implement disaster response effectively during the difficult circumstances and never is their leadership tested more than when the corporates begin to work with governments, communities, and the public during such situations.[4] In such a context, the public's trust in the corporate's response to disaster is the main factor that assesses its reputation and market sustainability in a disaster affected country. Therefore, the success of a business enterprise in competently navigating their social responsibilities during the time of a disaster is dependent on the ability of its leaders in meeting firm responsibilities at par with the expectation and satisfaction of the public. In the context of a prevailing research gap to assess public views on how leadership and its influence on a corporate's response to disasters, this research aims to examine disaster victims' perception on the relationship between a leader's role and business corporations' efficacy in responding to natural disasters. The sample consisted of 100 Asians, purposely selected from four disaster affected Asian countries. This study supports corporations to assess their leadership styles to prepare themselves efficiently to respond to disasters whilst considering the expectations of their stakeholders. Since

⁹ Mrs. Elizabeth Bernardo, Student, New York Institute of Technology (NYIT).

theoretical frameworks related to this area are limited in our curriculum, this study will provide literature for MBA students to do future research in this field.

Keywords: Disaster management, Warning system, Business preparedness, Community preparedness, Corporate performance, Collective initiatives, Relief to mitigation, Vulnerability, Sustainability, Resilience, and Corporate social responsibility.

10-BZ03-6814

ENTREPRENEURIAL TYPOLOGY IN A DEVELOPING ECONOMY : THE CASE OF JORDAN

DR. SAYED AHMED¹⁰ **KIRAN MIR ZAFARULLAH KHAN**

Kilby (1971) writes: “The search for the source of dynamic entrepreneurial performance has much in common with hunting the heffalump”. The concept of entrepreneurship is a controversial issue in economic and management literature. One paradigm suggests that entrepreneurial formation results from the interaction of social and cultural forces, whereas McClelland's theory (1961) was based on economic growth. In developing economies, there is serious debate between development economists on the question of whether there is a capital gap or entrepreneurial deficiency in these economies. The objective of this study is to participate in closing the gap and to contribute effectively to the body of knowledge on entrepreneurship and particularly in a developing economy (Jordan). Based on comprehensive interview guidelines, pertinent data were collected from 40 manufacturing firms operating in the Jordanian economy. The research findings have theoretical and policy implications. The economic reward and financial gain were cited by the vast majority of entrepreneurs as the main motive for setting up their businesses. The study has identified entrepreneurial deficiency and entrepreneurial gap in Jordan, as manifested in the fact that firms were managed in a personalized way. The study goes further giving evidence that the motivation of entrepreneurs for going into business can not be explained only by economic forces but is rather an interaction of a variety of forces.

11-BZ13-6956

ACADEMICS' HRM ADOPTION: HUMAN RESOURCE MANAGEMENT IN BUSINESS SCHOOLS

DR. KHALIL AHMED CHANNA¹¹ **PROFESSOR DR NIAZ AHMED BHUTTO**

Increased profile and proliferation of western management ideas and practices caused scholarly debates around adoption and value of new management ideas and their promotion in different cultures and settings. Extant literature highlights that people management theories, with their genesis in the west, are not suitable in the developing country context.

This qualitative abductive study explores Human Resource Management (HRM) adoption by investigating the influence of academics social position. Qualitative data that was obtained through triangulation of 15 in-depth interviews, observations and document sources that were analysed through tenants of grounded theory approach.

The traditional focus of research on HRM adoption and diffusion in the developing countries context has been on the influence of institutional and organisational factors at the

¹⁰ Dr. Sayed Ahmed, Associate Professor, Ajman University.

¹¹ Dr. Khalil Ahmed Channa, Assistant Professor, Sukkur IBA University.

organisational and group level. Emphasis on institutional and organisational factors, at group or organisational level, has overlooked the potential issues arising during the adoption process, resulting from the gap between social legitimacy, environmental influences, and the influence of actors' social positioning. This study looks into the influence of the actors' social position as a context by drawing upon field theorist's concept of social position.

This study aims to gain insight into the influence of social position on HRM academics' adoption. The major contribution of this study is a theorising model on HRM academics' adoption. It examines which capital resource is very sought after and how it plays a role in developing HRM academics' dispositions, which in turn provides them with the drive and motivation to adopt western HRM ideas and knowledge.

This study employed theoretical and analytical tools based on Bourdieu's theory of practices and social position, Rogers's and Tarde's theorising of adoption, and findings of empirical studies of macro institutions, cultural sensitive views, and institutional factors' framework in the diffusion of HRM. Theorising model emerged out of this study empirically contributes to the understanding of management and think tanks in business schools, business organisations, educators, HRM practitioners, and relevant government and regulatory bodies in understanding role and influence of HRM academics in its adoption to other actors and sectors.

Keywords: HRM Adoption, Social Position, HRM academics

12-BZ17-7089

COEXISTENCE OF CRYPTOCURRENCIES AND CENTRAL BANK ISSUED FIAT CURRENCIES : A SYSTEMATIC LITERATURE REVIEW

MRS. JULIA LUTZ¹²

Since the amount of simultaneously circulating cryptocurrencies is increasing rapidly worldwide, this study aims to question the effects on competition between privately issued cryptocurrencies and central bank issued fiat currencies by postulating a coexistence theory despite extreme scenarios. This systematic literature review provides a comprehensive, detailed overview and analysis of the relevant contributions on currency competition and coexistence and develops a theoretical framework of the main ideas and functions of cryptocurrencies as well as a brief summary of the currency approach. Furthermore, it categorises current findings in finance literature into major categories to introduce further research on coexistence. To proof a lack of research, we conducted a systematic literature review to outline previous research and highlight its gaps. We find that the literature reveals convergence towards the hypothesis of a lack of research in coexistence and competition concerning the inter-market situation of privately issued cryptocurrencies and central bank issued fiat currencies.

Keywords: Digital Currency, Cryptocurrency, Bitcoin, Fiat Currency, Currency Coexistence, Parallel Currency, Currency Competition, Literature Review

¹² Mrs. Julia Lutz, Phd Student, Heinrich-Heine University Duesseldorf.

13-BZ19-7072**THE LEGAL PROTECTION OF FOREIGN INVESTMENT COMPANIES IN UAE**DR. WALAA-ELDEEN IBRAHIM¹³

UAE, is considered one of the main countries in the middle east region that form a hub attracts businessmen from all over the world to invest their monies in its emirates. The Emirati government takes all procedures to encourage foreign investors to penetrate the Gulf market through its lands, not only in oil investments, but in all potential economic activities. Therefore, the government concerns with paving and coping with all the obstacles that may hamper the foreign investor in going through the Emirati market, it might be said that the issuance of Federal law by decree no: 19 of 2018 for Foreign Direct Investment, is one of the main steps in encouraging the flow of foreign investment to the Emirati market.

Law of Direct Foreign Investment, is one of multi steps that the government had taken in the last years to encourage investors, which draws a legal protection for the foreign direct investor activities in UAE, to frame a legal protection for investors. This protection includes safeguards and advantages in parallel with obligations which these activities must comply with. The paper shall concern with disclosure and illustrating the particulars and implications of this protections through replying the following questions:

- 1- What is the meaning of foreign investment in UAE Laws?
- 2- What are the legal forms of the foreign investment company?
- 3- What are the advantages of the FICs?
- 4- What are the safeguards of the FICs?
- 5- What are the obligations of the FICs?
- 6- What are the sanctions regarding FICs' violations?

Keywords: FDI, Legal protection, Foreign investment companies.

14-DB23-7027**THE LIMITS OF THE ROYAL PREROGATIVE: THE CONSTITUTIONAL PRINCIPLES GOVERNING MINISTERIAL POWER OVER EMPLOYMENT IN ANTIGUA AND BARBUDA**DR. NSAKA SESEPKEKIU¹⁴

Antigua and Barbuda is a constitutional monarchy with Queen Elizabeth II of the United Kingdom as its head of State and the Queen's Privy Council being its highest court of jurisdiction. Its constitutional arrangements represent a codification of an inherited Westminster model as interpreted by the inheritors of its colonial legacy. The public service in Antigua and Barbuda is composed of employees on private, public and quasi-public employment contracts. Employment in Antigua and Barbuda is governed form main sources, the Antigua and Barbuda Constitution, the Civil Service Regulations, the Antigua and Barbuda Labour Code and the common law established by the courts of jurisdiction. The separation of powers which exists within the country's constitutional system serves to prevent abuses of the people, particularly political opponents, by elected officials who are appointed to be Ministers within Cabinet. It is a trite fact in Antigua and Barbuda that both Ministers and Cabinet are involved in formation and dissolution of employment relationships. This paper seeks to examine and establish the limits of Ministerial and cabinet authority in employment law within

¹³ Dr. Walaa-Eldeen Ibrahim, Assistant Professor, Zayed University.

¹⁴ Dr. Nsaka Sesepekekiu, Research Officer, Financial Services Regulatory Commission.

Antigua and Barbuda and to further establish that the Cabinet often acts ultra vires its constitutional executive authority in relation the employment of persons within Antigua and Barbuda. The paper shall examine a number of situations which have been adjudicated by the Courts and other which are merely common practice which have become acceptable parts of Antigua and Barbuda employment practices. The present author seeks to establish that the Cabinet of Antigua and Barbuda is constitutionally barred from involvement in hiring, firing or transfer of any person in Antigua and Barbuda whether private or public sector.
Keywords: Employment Law, Constitutional Law

15-DB17-7010

EQUITY CROWDFUNDING: A SOLUTION FOR SUPPORTING INNOVATION AND STARTUPS IN 21ST CENTURY

MR. ABHISHEK MISHRA¹⁵

The paper will seek to look at the availability of funding for companies at various stages of growth (especially startup companies) in India, Singapore and USA. Studies have shown that seed funding, at the initial stage, is slowly becoming difficult more so in the third world countries like India. Primary reasons for this slowdown include the high amount of risk and uncertainty involved in investing in a fledgling company. The situation has exacerbated after the 2008 global financial crisis.

Recently, internet has thrown open doors to a new type of funding to fill this void i.e. Equity Crowdfunding. It seeks to bridge the much needed funding gap that existed at the initial stage of any company. It attempts to capitalize on the penetration of internet and thus seeks seed funding in startup companies from masses through online participation in return for a stake in the company in the form of shares. Internet will act as the primary intermediary between the investee company and the investor.

The concept though interesting suffers from some fundamental issues. The paper will seek to analyze such issues with main focus on problems surrounding risks of internet. These internet risks include breach or theft of personal sensitive data of parties, integrity of the internet platform in providing accurate, current and complete information of the investee company to the investor, nature of continuing responsibilities of the internet platform after successful completion of funding and whether such internet platform will be subject to municipal laws of the country of investor. The last issue becomes more perplexing due to twin issues a) the high number of small (financially illiterate) investors that may invest in a high-risk startup company and, b) the 'democratic nature' of internet allowing investors to transcend territorial boundaries while investing.

The above is an overview of the high risks involved in Equity Crowdfunding. Interestingly, there exists a steep information asymmetry between the investor and the investee company as the internet platform acts as the primary source of information. To limit a possible opportunistic behavior by companies management, therefore, recent legislations on the subject like Title III of JOBS Act of USA (wef May 16, 2016) and the Financial Services and Markets Act 2000 of UK have tried to lay down criteria for companies which can opt for equity crowdfunding and the maximum amount that can be raised from small investors. On the other hand, they also lay down strict qualification for interested investors as well because firstly such new companies have a high risk of failing, secondly, these investments in unlisted private companies may remain locked up for a long time providing no liquidity or exit routes for the

¹⁵ Mr. Abhishek Mishra, Assistant Professor, OP Jindal Global University.

investors and lastly, the 'financially unsophisticated' investors may get carried away and invest huge capital in companies with a bleak future.

In spite of the myriad issues involved, Equity crowdfunding does try to empower small investors while facilitating access to much needed capital to support small companies and drive innovation. My paper will analyze the issues involved at length and will adopt a mix of descriptive and prescriptive model in its analysis to come to a conclusion by suggesting a model for third world countries like India where this new phenomena can give a much required spurt to the economy while generating new jobs for the youth and level playing field for entrepreneurs.

Keyword: Equity Crowdfunding, Crowdfunding, Startup, Company, Seed Capital, Fund Raising

16-DB20-7124

THE ANALYSIS OF THE SPECIAL CASES OF ACCESSION UNDER THE CIVIL CODE

MRS. ADELINA VRANCIANU¹⁶

Artificial immovable accession is a way of acquiring ownership. The Civil Code distinguishes between the assumption that the owner of the building himself carries out the work with foreign materials and the hypothesis in which a person does such works with his materials on the property owned by another person.

However, in practice, intermediate situations appear that do not fit into any of the traditional assumptions that may occur. The new Civil Code corrected this deficiency in the old regulation and presented the hypothesis in which the work was done on the property of another, using the materials of a third party. At the same time, the Civil Code also introduces a situation where there is another real right outside the property right. The rules on accession are extended to the owner of the superficies right or to another real right over the property of another, which allows him to acquire ownership of the work on that building.

This paper aims to detail the new regulations both from the theoretical perspective and from the jurisprudential perspective. Going forward, we will analyze what happens with the works of the real rights owners who do not allow the acquisition of property over the works on the real estate.

Notions such as autonomous works of a sustainable nature, bad faith will be developed from the perspective of the options set by the legal texts.

Finally, the hypothesis of the works added to the real estate by the holder of a real right over the property of another that does not allow him to acquire the ownership of the work will be analyzed.

Also, special cases of accession will also be analyzed from a comparative perspective of the Civil Codes of other Member States of the European Union. Common issues and differences of opinion will be highlighted.

The paper will also analyze the possibility for the author of the work to claim compensation for the work he has done, the future owner of the property right over the work done, as well as the type of the norm in the Civil Code to see if the parties are allowed to deviate from the established rules.

¹⁶ Mrs. Adelina Vrancianu, PhD, University of Bucharest.

17-DB19-7113**AN EVIDENTIARY FRAMEWORK USING BITCOIN AND SMART CONTRACTS IN A MANNER THAT CONSTITUTES A SIGNED WRITTEN AGREEMENT IN COMMERCIAL TRANSACTIONS**DR. CRAIG WRIGHT¹⁷

Certain commercial documents must be in a form prescribed by statute: thus, for instance, a bill of exchange must be an unconditional order, in writing, signed by the person giving it. Other rules, such as the Hague Visby Rules applying to bills of lading, simply presume the existence of a written document. To some, this would seem to preclude the use of many cryptographic systems, including Bitcoin leaving the use of Bitcoin (both for payment and in Smart Contracts) in business transactions to face legal challenges in the law of evidence. Established practices of engaging in business and of recording transactions are accepted by the law. Paper records are reliable because they can be authenticated, meet the requirements for signatures of the Statute of Frauds (1677) or can be supported using verbal evidence from the composer of the record. The comparative novelty of Bitcoin and Blockchain based structures when coupled with the naïveté of the legal profession and judiciary when faced with these, has led many to believe that the application to them of existing legal rules remains to be ascertained. Using the recent Court of Appeal decision in *Golden Ocean Group v. Salgaocar Mining Industries* [2012] confirming that the courts would treat a series of ongoing electronic communications both to be writing and signed documentation per the Statute of Frauds (1677) with cases such as *WS Tankship II BV v The Kwangju Bank Ltd* [2011], where the parties accepted that the word “signed” in the Statute of Frauds (in the judges words) “does not necessarily involve signature by an individual using pen and ink and that it suffices that the guarantor’s name is written or printed in the document” leads to the reasonable argument that a transaction made on a distributed ledger (such as Bitcoin) is made in writing. We further examine the insertion of the name of the bank in the header to a SWIFT message with the judgment in *Mehta v J Pereira Fernandes SA* [2006] and extend this into an investigation of the impact of an online digital ledger such as bitcoin to the requirements of EDI (Electronic Data Interchange) and Bills of Exchange within the UK. A framework of cases including *The Anemone* [1987] 1 Ll Rep 546; *Elpis Maritime Co Ltd v Marti Charting Co Inc* [1992] 1 AC 21 is compiled to construct an argument that transactions when formed correctly using Bitcoin constitute a signed written agreement.

Keywords: Smart Contracts, cryptocurrency, Bitcoin, Writing, Electronic Evidence**18-DB19A-7114****AN EVIDENTIARY FRAMEWORK USING BITCOIN THAT CONSTITUTES A SIGNED WRITTEN AGREEMENT**DR. CRAIG WRIGHT¹⁸

Bitcoin is a "crypto-currency", a form of digital or virtual currency using cryptography to control its creation and operation. The use of Bitcoin (both for payment and in Smart Contracts) in business transactions presents several legal challenges in the law of evidence. Established practices of engaging in business and of recording transactions are accepted by the law. Paper records are reliable because they can be authenticated, meet the requirements for signatures of

¹⁷ Dr. Craig Wright, PhD Student, University of Leicester.¹⁸ Dr. Craig Wright, PhD Student, University of Leicester.

the Statute of Frauds (1677) or can be supported using verbal evidence from the composer of the record. The comparative novelty of Bitcoin and Blockchain based structures when coupled with the naïveté of the legal profession and judiciary when faced with these, has led many to believe that the application to them of existing legal rules remains to be ascertained. Using the recent Court of Appeal decision in *Golden Ocean Group v. Salgaocar Mining Industries* [2012] confirming that the courts would treat a series of ongoing electronic communications both to be writing and signed documentation per the Statute of Frauds (1677) with cases such as *WS Tankship II BV v The Kwangju Bank Ltd* [2011], where the parties accepted that the word “signed” in the Statute of Frauds (in the judges words) “does not necessarily involve signature by an individual using pen and ink and that it suffices that the guarantor’s name is written or printed in the document” leads to the reasonable argument that a transaction made on a distributed ledger (such as Bitcoin) is made in writing. We further examine the insertion of the name of the bank in the header to a SWIFT message with the judgment in *Mehta v J Pereira Fernandes SA* [2006] and extend this into an investigation of the impact of an online digital ledger such as bitcoin to the requirements of EDI (Electronic Data Interchange) and Bills of Exchange within the UK.A framework of cases including *The Anemone* [1987] 1 Ll Rep 546; *Elpis Maritime Co Ltd v Marti Charting Co Inc* [1992] 1 AC 21 is compiled to construct an argument that transactions when formed correctly using Bitcoin constitute a signed written agreement.

Keywords: Bitcoin, law, signed contract, evidence

20-DB12-7080

INEFFECTIVENESS OF THE INDONESIAN LEGAL INSTRUMENTS AGAINST THE IMPORT OF USED CLOTHES IN BATAM CITY, INDONESIA

DR. ELZA SYARIEF¹⁹ AND DR. RINA SHAHRIYANI SHAHRULLAH²⁰

Article 47 (1) of Indonesian Law No.7 of 2014 on Trade stipulates that every importer shall import new goods. This provision is supported by the Regulation of Trade Ministry No. 51/M DAG/PER/7/2015 concerning Prohibition To Import Used Clothing. Article 2 of the Regulation states that “Used Clothing is prohibited to be imported into the area of Unitary State of the Republic of Indonesia”. It is further advanced by Article 3 of the Regulation that used clothings which enter the territory of Indonesia shall be destroyed. The main reason to prohibit the import of used clothes under the Regulation is that they have the potential dangerous to human health, therefore they are not safe for people. However, Batam City in the Riau Islands Province of Indonesia which is located near Singapore and Malaysia has become a haven for used clothes imported from overseas. Most market areas in Batam City, for example Jodoh Market, Aviari Market, Mustafa Market, and Simpang Nongsa sell the imported used clothes. Although it is clear that an import of used clothes is prohibited and sanctions are imposed on importers up to 5 (five) years of imprisonment and / or a maximum fine of Rp5,000,000,000 (five billion rupiah), the activities of selling imported used clothes in Batam City remain to exist. Based on the facts, this research questions why the Indonesian legal instruments against the imported used clothes are not effective in Batam City. To answer this question, the Theory of Legal Effectiveness is used as an analysis tool to evaluate the effectiveness of the legal instruments. Based on the theory, the effectiveness of legal instrument can be measured by the examination of five factors, namely legal substance, legal enforcers, supporting facilities for legal enforcement, society where a legal instrument to be implemented, and society’s legal

¹⁹ Dr. Elza Syarief, Senior Lecturer, Universitas Internasional Batam.

²⁰ Dr. Rina Shahriyani Shahrullah, Head of Posgraduate Study of Law, Universitas Internasional Batam.

culture. In order to obtain valid and actual data, it utilizes a socio-legal research by using depth interviews, observations and library research. All data is analyzed by using a qualitative approach to establish compelling arguments and sound conclusions.

Keywords: Trade Law, Used Clothes, Batam City, Indonesia

21-DB14-7075

EXECUTION OF ELECTRONIC MONITORING IN SLOVAK CRIMINAL JUSTICE

DR. LIBOR KLIMEK²¹

Electronic monitoring is a modern form of control of individuals in the enforcement of certain types of criminal sanctions. In principle, the legal regulation of electronic monitoring at European level almost does not exist. National law(s) of individual States regulate(s) which sanctions fall within its scope. Nowadays, this system is applicable in majority of European States, including the Slovak Republic. Recodification of Slovak national criminal law by the Criminal Code and the Criminal Procedure Code of 2005 introduced a system known as “Control by Technical Instruments”, in connection with the introduction of a new (at that time) criminal sanction – the house arrest. The purpose of this sanction is, first, to ensure that the enforcement of the decision imposing house arrest is being executed properly and, second, to obtain comprehensive information on its execution. On the one hand, the system had not been applicable in the practice immediately since 2005. On the other hand, in 2013 the Ministry of Justice of the Slovak Republic launched the project Electronic System for the Monitoring of Persons, which was co-financed by the European Union. As a result, the Slovak Republic adopted the Act No. 78/2015 Coll. on Control of the Enforcement of Certain Decisions by Technical Instruments. The contribution deals with execution of electronic monitoring in Slovak criminal justice. It is divided into three sections. The first section introduces the general background of this system. The second section analyses its principles and legal basis – Act No. 78/2015 Coll. on Control of the Enforcement of Certain Decisions by Technical Instruments, which regulates the technical instruments and conditions of their use in order to control the execution of certain decisions. The third sections is focused on execution of special instruments of electronic monitoring in the Slovak Republic, namely a personal identification device, a device to check presence at the place of enforcement of the decision (presence control device), a person’s positioning device, proximity warning device, an alcohol control device, a voice verification device for the presence of the inspected person and a device of probationary and mediation officer.

Keywords : electronic monitoring, Slovak Criminal Justice, Act No. 78/2015 Coll. on Control of the Enforcement of Certain Decisions by Technical Instruments, national instruments of electronic monitoring

22-DB22-7130

THE ROLE OF ALGERIAN LAW IN PROMOTING INTERNATIONAL COOPERATION TO COMBAT ADMINISTRATIVE CORRUPTION CRIMES

DR. OUARDA LAYACHI²² NONE

Abstract: The purpose of this research is to recognize the importance of the role of Algerian law in enhancing international cooperation to combat administrative corruption crimes.

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Corruption crimes in general and administrative corruption crimes in particular are of an international nature that exceed the borders of States. Smuggling money to safe international banks are clear evidence of funds that are in corruption for example. Many countries are working together to combat this phenomenon through the enactment and amendment of various criminal and penal legislation. In addition To modernize the financial, administrative and judicial control systems in the national level. In the legal and judicial field to confront and combat various aspects of administrative corruption.

Keywords: Algerian Law, Administrative Corruption Crimes

23-DB15-6743

INDONESIAN ECONOMIC LAW REFORM : PROTECTING SOCIAL ENTERPRISE AND MEETING SUSTAINABLE DEVELOPMENT GOALS

MS. SONIA CANDRA DEWI²³

Today, social enterprises are highly regarded in communities due to their positive impacts and role in aiding with the problems that are being faced in social environments. Many institutions, corporates, universities, and forms of media utilize social enterprises to describe a distinctive model of doing business that is inherently different from conventional business models. However, this usage does not mean that the public generally agrees and understands what the term “social enterprise” means. Despite public knowledge, the development of this type of social, value-based business is not getting the government's attention. The lack of certain laws and regulations overshadow social enterprises' existence and prohibit their advancement and development at the same rate as general companies. Despite the lack of government attention, social entrepreneurs actively support the government realize welfare equality in Indonesia. Moreover, the promotion of the activities of social enterprises is in line with the implementation of Sustainable Development Goals (SDGs) Number 17 . Policies and regulations in Indonesia have not given special attention to social entrepreneurship. Because it's definition has not been regulated in the Indonesian's law regulation, this paper examines the new concept of social entrepreneurship within the entrepreneurial field. In addition, this paper will attempt to describe and explain how several policies can be taken to improve the financial performance of Local Governments in order to increase local finance revenue. This revenue can then to finance social entrepreneurship in order to fulfil the SDGs recommended by the United Nations. The research presented examines the government rules that protect entrepreneurship through juridical analysis concentration on SDG No.17. The research particularly focuses on the partnership between the government as the state apparatus and the actors of social entrepreneurship in the role of the community development. This paper focuses on analyzing the development of social enterprises in Indonesia, their relationship to the law economic fields that have significant impacts on the community, and then compares the results with similar law economic developments abroad.

Keywords: Social Enterprise, Law, Social Environment, Regulation, Sustainable Development Goals

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24-DB08-7056

ISSUES AND PROSPECTS OF QUALITY HIGHER EDUCATION: A COMPARATIVE STUDY BETWEEN PUBLIC AND PRIVATE UNIVERSITIES IN BANGLADESH

MR. AMINUR RAHMAN²⁴ AND MR. MOHAMMED THANVIR AHMED CHOWDHURY²⁵

Public-private partnerships (PPPs) in higher education offer potential for overcoming critical challenges in developing the higher education subsector in Bangladesh. In past, there are many scholars who have studied on higher education and development separately. The comparative study between Public and private universities with regard to quality higher education are yet to discover by researchers. There are many indicators of development that has a bridge with higher education. Nonetheless, this study attempted to assess the issues in very specific to ensure quality in higher education level and its post impact. Hence, specific focus was on quality higher education and its link to development. Methodological triangulation was used for data collection and case studies were conducted for in-depth understanding. The results of the study show that the country Bangladesh is not far behind in the development sector. The facilities and budget among public and private universities are not equal but in against outcomes are almost same. Nonetheless, recognition of the institutions differs significantly in home and abroad and post study placement commonly based on institutional background.

Keywords: Public University, Private University, Quality Higher Education, Bangladesh.

26-BZ08-7024

COWORKING IN MID-SIZED CITIES: A PATHWAY TO LOCAL ECONOMIC DEVELOPMENT

DR. AUDREY JAMAL²⁶

Twenty-first century cities are facing increasingly complex environmental, economic and social challenges. In growth areas like Ontario, Canada, the provincial government has implemented a regional-scale plan to counter the negative impact of unchecked urban sprawl while also protecting the region's natural heritage. The Growth Plan for the Greater Golden Horseshoe aims to change the provincial planning paradigm by directing how and where residential and commercial growth can occur in cities. This plan, to create complete communities, enhance transit corridors and revitalize downtowns, includes eight standalone mid-sized cities that are outside of the legislatively protected Greenbelt area and the primary Greater Toronto Area commuter-shed.

The growth plan mandates that these mid-sized cities achieve employment and residential targets in newly created urban growth centres that are located in their respective downtowns. The downtowns of these cities were once thriving urban areas, however, through a twentieth century shift toward low-density, suburban development and an increase in commercial activity outside of the core, these downtowns declined. Now, with this mandate to intensify these ailing downtowns, through new jobs and residences, there is an opportunity to examine the strategies these mid-sized cities are using to achieve their density targets in an increasingly knowledge-based economy. Using an empirically-based, multi-city study, this research explores the role

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that coworking can play in downtown renewal and local economic development of mid-sized cities.

Beginning in the early 2000s, coworking emerged as a shared office space movement to support and attract knowledge and creative workers and related businesses in urban environments. Since the rise of coworking following the 2008 global economic crisis, and the subsequent increase in precarious employment, little attention has been given to how coworking spaces function in smaller urban centres. As such, this research asks: What role can coworking spaces play in fostering local economic development and urban revitalization in mid-sized cities?

Through 23 semi-structured interviews across seven mid-sized cities and 11 coworking spaces, this research highlights how coworking spaces can begin to contribute to downtown renewal, build the knowledge economy in smaller urban centres, and support regional planning in Ontario's mid-sized cities.

Findings illustrate that coworking spaces are helping support local economic development and cultivate knowledge industries in smaller urban areas. Coworking spaces mirror their global counterparts by catering to a new generation of entrepreneurs and knowledge workers. Moreover, coworking spaces in mid-sized cities have also emerged as an important urban ally. Through well-appointed downtown office spaces; carefully curated programming; stewardship of heritage buildings; and partnerships with local non-profit groups, business associations and universities, coworking spaces are actively contributing to urban renewal.

While this model of organizing labour is relatively new in mid-sized cities, the ability of coworking spaces to cultivate niche, knowledge-based industries, and retain affordable workspace in rapidly gentrifying downtowns, is worthy of further study and analysis.-
Keyword: Local economic development, entrepreneurship, innovation, urban renewal

27-DB18-7101

IDEOLOGICAL RHAPSODY: THINKING THE CONCEALED CRUX OF HUMAN BEHAVIOUR

DR. MARTIN PETLACH²⁷

The term ideology has experienced a significant upheaval in usage and understanding since its initial theoretical manifestation. Dating back to the 18th century, the roots of ideology were meant to emphasise the prestigious role of science. Consequently, however, ideology has turned into a societal *bête noire* thanks to Napoleon Bonaparte and his pejorative conception. A negative approach had been observed in the course of centuries in works of Marx and Engels, and theorists influenced by the two great world wars and the cold war, too. Notwithstanding the optimistic assumptions proposing the end of ideology by the 1990s, this paper argues that the crucial distinction between two basic ideological groups of liberals and conservatives, originating in the French Revolution, possesses a germane key concept even nowadays. Nevertheless, the reason may not be merely seen in a political perspective. The current application of neuroscientific methods has proved that conservatives differentiate from liberals considerably. Regardless of parental socialisation and genetics, preliminary studies have discovered that liberal and conservative brains are not the same and moreover, they operate on a disparate basis. Bearing in mind the data analysing brain regions, liberal brains are linked to easygoingness due to a greater volume of grey matter in anterior cingulate cortex, while conservative brains are more sensitive to fear which, according to the evidence, is caused by a

²⁷ Dr. Martin Petlach, Research Fellow, Mendel University.

greater volume of the right amygdala. These two groups of people, however, symbolise representative samples of which understanding may not only bring victory in the next general election, but be of assistance to business with product promotions, for instance. The fundamental dissimilarities amongst sundry examined brains may be misused then. Albeit in a brief manner, the paper considers the strengths and weaknesses of neuropolitical research in respect of liberal and conservative attitudes. The neuroethical question exemplifies the complexity of neuropolitics as a whole.

Keywords: Ideology, left-right scale, neuropolitics, brain

28-DB11-7022

INITIATIVES OF WOMEN'S INVOLVEMENT IN MILITARY AND CIVIL ORGANIZATION ON PREVENTING FAMILY BOMBER THROUGH COOPERATION WITH NEIGHBORING COUNTRIES

DR. PUJO WIDODO²⁸ DR. TRI LEGIONOSUKO, RECTOR, AND DR. YUSUF, LECTURER

Family suicide bombing influenced by Foreign Terrorists Fighters (FTF) happened in Surabaya, Indonesia at May 2018. This shows a new strategy of terrorists in expanding their scope of terror. They attract women and children to act as suicide bombers. Since the defeat of ISIS in Iraq and Syria, Abubakar Al-Baghdadi declared the importance of establishing terror as lone wolf and any kind of amaliyah in activists' home countries in order to support Islamic States domestically. A large number of FTF has already being deported, and some of them have safely made it into the home country, bringing extreme ideologies back to influence more people with them. These returnees also spread this ideology and coordinating with terrorist detainees in prison so they can spread the word to their family members at home to be jihadists. Indonesia is Southeast Asia's number one country populated with most moslem civilians, and along with other ASEAN countries they have fought a long journey to combat terrorism. They also share history of FTF's involvements in The Philippines' Marawi Jihadist movement. Through this history, Indonesia has come into conclusion that these FTF are returning to Indonesia's soil through sea and land transportation. These returnees are assuredly sustained with the dormant cells of ISIS' supporters after they came and transmitted the message.

Indonesia is building up military, civilian and law enforcer's power to strengthen the protection of national borders against this threat. However it also struggles to face obnoxious barriers such as difficulties in identifying dormant cells, lack of governmental budget for local government and military actors, constrained logistics in security patrols, and also hardships in surveillance of terrorists-detainee's communication.

This research showing visions to suggest a further amendment of terrorism acts to address the involvements of every national element to support counter-terrorism, counter-radicalization and deradicalization efforts. The research will be conducted through phenomenology approach in qualitative methods to seek for solution in terrorism and radicalization with defense and security theories, including the utilization of Operation, Intelligent process, Diplomacy and cooperation with neighboring countries. As the further solution, this research offering the involvement of women within civil and military organization to encounter the strategy development used by terrorist organizations involving women and children (family) suicide bomber.

Keywords: Cooperation, Counter-Terrorism, Counter-Radicalisation, Deradicalization, Diplomacy, Family Suicide Bombers, Foreign Terrorist Fighters, Strategy, Women

²⁸ Dr. Pujowidodo, Lecturer, Indonesia Defense University.

29-DB07-7057**PERCEPTION OF ENVIRONMENTAL DEGRADATION AND FAMILY VOLUME IN INDIGENOUS COMMUNITY: A STUDY ON MALNICHARA ECO PARK IN BANGLADESH**MR. MUHAMMAD NAZIM UDDIN CHOWDHURY²⁹

Environmental degradation is one of the biggest threats that are being looked at in the world today. Every habitat has its own space in the natural settings and some environmental living species require considerable areas to provide food, living space, and other special assets. There have studies mainly to understand the life style of indigenous people in Bangladesh. But there was no specific study on the insight of indigenous people to environmental degradation and family size. The research aim was to analyze indigenous people's perception to environmental degradation and family size and how they consider the relation between environmental degradation and family size. In this study, data was collected by individual interviews using a questionnaire from married men and women. Respondents were those who are living in households in Khasia village and who are married at the time of survey. To understand the perception of family size and environmental degradation, focus group discussion was conducted taking five married males and married females separately. That's why this study on perception of family size and environmental degradation in Malnichara explored and analyzed the relation. Moreover it may help some important implications to upgrade the livelihood of indigenous people and preservation of forest area.

Keywords: Environmental Degradation, Family Volume, Indigenous Community, Bangladesh**30-BZ09-6990****FEAR AND PARANOIA IN THE WORKPLACE AND PERCEIVED FACTORS THAT AFFECT ORGANIATIONAL COHESIVENESS**MS. ANDREA PAYNE³⁰

Fear and paranoia have long been examined in the workplace, along with employees' perceptions of the economic crisis with ethnic minorities being examined. A study was carried out on three Italian corporations companies compromising 679 employees' workers to indicate the importance of perceived low employability workplace bullying, and economic crisis fear. Two additional field studies that included two minority groups (Latino/Hispanic and Asian Americans offered practical support. Self-esteem attenuated a connection between perception of ethnic discrimination and paranoia. Behavioral suggestions due tp paranoia and anticipated ethnic discrimination in the workplace cause a concerted collapse of pride and negative emotional consequences. The coping theory is another transactional process demonstrated in cognition is a perceived motive of ethnic minorities and paranoia in the workplace. Individuals' cognitive appraisals of their encounters of situations are explored to examine the significance of their wellbeing. Paranoia is defined with cognitive appraisals as a continuous process of emotions, changing as cognitive appraisals of a subjective experience of emotions are added or revised. Emotion and cognition are often intertwined, and the boundary blurs between the two processes. Current research appraisals are components of paranoia associated with a threat to social status and self-consciousness. Perceived ethnic discrimination is relevant to cognitive

²⁹ Mr. Muhammad Nazim Uddin Chowdhury, Assistant Professor, North East University Bangladesh.

³⁰ Ms. Andrea Payne, Student, Pepperdine University.

assessments of social distinctiveness and a danger of social status. Discrimination in ethnic groups is due to the perception among the different ethnic groups. Negative feelings determine the distinctive, and how the sense of paranoia is developed. Social status is examined as a threat and perceived as ethnic discrimination by ethnic minorities. Rejection from social status as perceived ethnic discrimination can escalate into paranoia. Fear is demonstrated in a proposed theoretical model to acknowledge how individuals who doubt their employability and company solidity will perceive the crisis to be more threatening and destabilizing. These key findings demonstrate how fear and paranoia have implications for perceptions of the workplace and how ethnic background, social support, and job stress can affect organization cohesiveness and lead to distrust and workplace withdrawal. This paper concludes by proposing that fear and paranoia are embedded in workplace perceptions of individuals, leading to negative perceptions.

Keywords: Fear, Paranoia, Economic Crisis, Ethnic Discrimination, Workplace Withdrawn

31-DB10-6830

OPTIMIZING THE ROLE OF GRASSROOT COMMUNITIES TO ERADICATE TERRORISM IN INDONESIA

MS. AULIA AKMALINA³¹ DR. PUJO WIDODO, LECTURER

The development of terrorism and radicalism within Indonesian society affords the new phase of significance. This development constantly posing threats to human security, whether locally, regionally or globally. Indonesia is a home for highest rate of Moslem population. It is widely known as well that Indonesia also have high vulnerability to terrorism occurrence. Through the recent terrorism activity in Surabaya by May 2018, it needs to be acknowledge that Indonesia is experiencing significant development of terrorism since 2002. One of the biggest factor is the movement of Islamic States operation to the Southeast Asia since their lost in Middle East against the West. With its potentials of weak border controls and high rate of illicit activities, Indonesia needs to recognize about the threat possessed by international terrorism. Indonesia regularly revisits its level of threat, and international terrorism always be on top priority. This indicates how international terrorism is hardly being tackled. It is also understandable that tackling international terrorism is not solely single person's work. However this threat have not yet achieving good helps from grassroots community. Indonesia is one of the most rapidly growing country in terms of grassroots community. By optimizing the use of grassroots community, Indonesia will be possible of posing hindrance towards the growth of such threat. This research will be done in qualitative method, using positive peace concept and recognizing Countering Violent Extremism Strategy (CVE) for theoretical explanation. Using one of the most recognizable grassroots community in Indonesia, this research is pursuing the use and its efforts on handling terrorism and radicalism. This research seeks to understand the possibility on helping grassroots community to achieve prominent attention from stakeholders and be recognized for further development. By the support of stakeholders, the use of grassroots community will be considered as a very helpful hands to the government in synchronizing the grand strategy. Through this top-down and bottom-up strategy, hopes of tackling international terrorism can be maintained high.

Keywords: grassroots communities, Indonesia, international terrorism, optimizing, threats.

³¹ Ms. Aulia Akmalina, Magister Student, Indonesia Defense University.

32-DB06-6773**CONSTRUCTING NARRATIVES THROUGH STORY TELLING: A STUDY OF REFUGEES IN ESTONIA**MR. AMINUL ISLAM³²

Very little investigation is done on refugees in Estonia and their construction of narratives in a new society. Refugees portray their memories of their own country while in exile in order to create their present individuality in a new land and to adapt with a new culture. This paper attempts to investigate refugees placed at refugee accommodation center and to analyze their present and past memories and stories for associating them with their coping mechanism. Using qualitative methods such as in-depth interviews, this paper brings out the argument that, in spite of being displaced from their homeland, refugees portray their country of origin via idyllic stories; family and community life are emphasized with the contrast of individualism. This paper argues that specific narratives can produce doubly marginalized people, while at the same time, stories and memories from the past are significant for developing agency, so as to establish counter narratives.

33-DB21-7079**HOW TO RESPOND TO CONTEMPORARY GLOBAL SECURITY THREATS? RESTORING RULE OF LAW THROUGH THE PROPORTIONALITY PRINCIPLE**MR. YOUNG (MAXWELL) JOO³³

We live in an era of unprecedented threats to peace and security of the international community. Terrorism challenges the conventional understanding of actors under international law, resort to cyber weapons falls outside the existing legal paradigm governing use of force, and employment of unconventional weapons, including drones, threatens the very application of law when regulating use of force under international law. However, the greatest disturbance to the existing law of war is the highlighted reliance on political arguments in legitimizing and legalizing use of force. Behind this threat to the rule of law lies the proportionality principle. “Proportionality” is both a general principle of public international law and a legal term with many distinct meanings in different bodies of public international law. There is a general concept of proportionality drawn from law and ethics, but it takes many different forms depending on the particular subject matter. Proportionality plays an important general role in international law of war. This general statement of the concept of proportionality in the law and ethics of war takes specific forms in the two broad subdivisions of the law and ethics of war – Jus ad Bellum and Jus in Bello and treating them as distinct in both law and ethics has a long intellectual pedigree.

However, despite these legal significances, proportionality has been employed as a primary vehicle threatening the existing legal paradigm. This problem is further manipulated by construing new threats to international security and use of force by novel means under the traditional law of war: As new security threats fail to conform to the legal rubrics of existing dichotomy of Jus ad Bellum and Jus in Bello, it has enabled actors to manipulate this grey-area of law threatening the very existence and application of rule of law in situations of conflicts and war.

³² Mr. Aminul Islam, Lecturer and Head of Curricula, Estonian Entrepreneurship University of Applied Sciences.

³³ Mr. Young (Maxwell) Joo, SJD, Washington College of Law.

Therefore, this paper seeks to propose the following in order to restore rule of law in the realm of law of war against the emergence of hybrid threats and warfare: First, it will discuss reinforce the legal nature of proportionality preventing subjugation to political argument; Second, it will demonstrate that existing law of war is not static but legally flexible in successfully addressing new threats; and finally, it will propose new theoretical understanding of law of war in both conventional and unconventional situations as to guarantee rule of law in law of war.

Law and legal regimes become vulnerable when peace and security are threatened, creating an environment accepting political arguments to trump rule of law. However, legal resilience at its fundamental level is realized by restoring the legality and objectivity to the principle governing the law: restoring proportionality will become the resilience in countering the legal challenges posed by these new hybrid threats, warfare, and most importantly the political argument driving these threats.

Keywords: Rule of Law, Law of War, Just War Theory, Proportionality, Political Argument, Democracy, Security, Contemporary Threat

34-DB16-7046

ARTIFICIAL INTELLIGENCE AND INTERNATIONAL LAW: AN ANALYTICAL STUDY

MR. SHUBHAM SINGH³⁴

In recent times, the expedited development of artificial intelligence has been a major concern to a number of scientists, engineers, philosophers and the public at large. Eventually, in the near future, the super intelligent artificial intelligence machines can create an experiential threat to the mankind. It is practical to believe that these artificially intelligent machines more capable than human beings can take over the human beings and end life. Many thinkers and experts in the field of artificial intelligence present contradictory perspective. It is anticipated that a fully autonomous artificial intelligence could be created by mid-21st century with intelligence of a human and by the second of the 21st century artificial intelligence with intellectual on par with human level will be in existence in all the domains of interest. Currently, one of the most pressing issues arising with respect to artificial intelligence is its usage for automation of lethal weapons in war which will radically change the nature of warfare as well as law enforcement and thus pose fundamental problems for the stability of the international peace. To endure these changes, states must endorse preventive security governance scheme based upon the precautionary principle of international law, and upon preceding cases where prevention brought stability to the world. This new scheme of global governance frameworks must be ingenious as the present models of governance will not be sufficient. According to the World Economic Forum that artificial intelligence will not only bring huge benefits but will also pose biggest threats to the world. Moreover, it is an area which seeks most urgent need for resourceful global governance. Even the expert scientists working on robotics and artificial intelligence have contended that the use of artificial intelligence in lethal weapons would be threatening to international peace and security.

In this paper I delve into the existing treaties that have been used as a preventive framework to institute new norms for prohibition or to restrain lethal weapons that had been considered to be threatening or destabilizing world peace. These treaties have successfully achieved the goals to curb militarization and gridlocked proliferation of lethal weapons with

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harmonious scheme of transparency and uniform regulations. As an outcome of my analysis, it is evident that there are momentous and far – reaching regulations in regards to militarization and lethal weapons. The pursuit towards disarmament and armament regulations have worked as an effective framework to safeguard world peace. The augmentation of the lethal autonomous weapons systems would critically imperil these forthcoming norm. This paper will analyze that in what circumstances lethal autonomous weapons systems will be troublesome for peace and security and come up propose substitute governance structures based upon principles of international law with sturdy precautionary frameworks.

Keywords: Artificial Intelligence, Autonomous weapons, international law

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A COMPLEX NETWORK ANALYSIS OF ACTOR IMPACT ON HUMAN CAPITAL DEVELOPMENT IN HIGHLY COMPETITIVE INDUSTRIAL SPACE: EVIDENCE FROM A DEVELOPING COUNTRY

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The paper focused on the human capital development capacity of complex interactive financial networks. Network principles were adopted to seek the underlying conditions that determine the human capital capacity of a financial institution as well as its capacity to sustain personnel development within competitively dense networks. The research focused on existing management structures hinged on the assumption that it influenced policy development, implementation, and worker engagements with the aim of increasing institutional performance within the competitive space. Using some core attributes, a network was developed to capture the interaction between members within an institution as well as their comparative impact on the general financial system of a developing economy. The management of the banks is the major policy and strategic decision makers and implementers. As major contributors to policy and its implementation, management aim at tapping into and adding to the human resource base development of their firms to gain competitive advantage. The social network analysis approach is employed in mapping the diverse source of flow of human capital assets (skills and knowledge) as well as to provide a deeper understanding of the full financial network and its interrelations. Treating management positions as nodes in this network allows for a comparison of their contributions within the process. In order to fully describe the financial network, cohesion, centrality and prestige measures of social networks were adopted. This was to enable both qualitative and quantitative measure of the influence of management team in the human capital development processes (replication, transfer, and diffusion) and the cohesiveness of the whole financial network as well as its egonets. Again the efficiency of the financial network in human capital flow was tested. The study revealed that there was efficiency in human capital flow from one actor to the other whiles the network remained relatively less dense. A major finding of the study was the confirmation of Multi-National banks controlling the human capital development of the country as a result of their presence in a number of countries either than the networked assessed country. The study revealed that the quality of one's connectivity have a higher impact on human capital development than mere quantity of connectivity. It was further revealed that the structural position of a management member within a flow of human capital system has a positive correlation with human capital development capability of that actor. It was therefore concluded that the human capital base of management team influences

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the human capital development processes in Banks and the strategic placement of a new member of management into the financial network will have a positive or negative influence on that actors human capital development potentials.

Keywords: Human Capital, Network, Financial systems, Centrality Measures, cohesion measures

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