

## Laws and Their Inaction with Socioterminology - The Case of Urban Terminology

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### Abstract

The introduction of new terminology into laws requires a change of mindset of institutions and law enforcement in general. The fact that for years we have learned to use a specific legal base and a specific planning language, becomes a barrier to accept and apply a new law. If a law appears to improve something, its radical terminological change becomes a barrier for further development as the written language should correspond to an actual physical action. It is important to understand and analyze the complex process of acceptance / rejection of terms or phrases and the emergence of new words. Certain words acquire general acceptability over time through the process of their use by academicians, administrators, policy makers etc. A failure of words leads to the increase of the cost at the expense of the Albanian citizens. The development and the draft of the laws should be supported by specific linguists and it should consider studies on socioterminology. The terminology, as a means of speech and transmission of special scientific and technical notions, is created depending directly on the development of science and technique. All the processes of the scientific – technical revolution are reflected in the creation of the new technology and the complicated processes of the previous terms' transformation.

**Keywords:** law, terminology, socioterminology, language, development

### Introduction

Terminology, just like language in general, alters, develops; the development of various areas of human activity conditions the continuous change and development of the system of terms. Thus, terminology, as a means of speech and transmission of special technical and scientific notions is created depending directly from science and technology's development. All the processes of technical and scientific revolution are reflected in the creation of new technology and the complicated processes of the previous terms' transformation.

Generally, in terminology, to a certain extent, the conscious action of specialists and linguists is clearly noticed. This conscious action stands on the work being done to select the terms, to select the means and the ways of creating terms, to establish the specification of their understanding, etc. All of this work aims to:

In all areas, every term should denominate only one specific notion and, vice versa, every notion should have a term as a denomination.

The term should accurately establish a specific notion by expressing its core and

To be short and simple.

### Terminological system

The work done with terminology has various contents which depend on the area of science or the relevant technique.

The simplest aspect is the creation of terms so as to complete the system of scientific denominations in the relevant area. For the creation of terms which are missing, we use:

- a) words of the general language or its dialects;
- b) words copied from foreign languages,

- c) borrowings, when it is not possible to use for the denomination of a native language word and
- d) new terms to create based on the word of the native language or on the way of the alteration of words' meanings known in the language, on the way of denomination passage, with the lexicon – semantic formation. The creation of terms, is generally a conscious linguistic activity and thus it is directed and undergoes adjustment.

The terminology adjustment of an area is the second aspect of the work with terminology and it stands in its cooperation and unification in accordance with the level of the knowledge achieved in that area. Because of this, we make the analyses of the notions' origin and, under this, we establish the directions and elaborate the principles on which we will work. The shortcomings we mostly encounter in terminology are:

- a) From a semantic viewpoint, the presence of multi meaning and synonymy.
- b) From a word formation structure viewpoint, terms not correctly created, which do not accurately give the scientific notion or terms with a broad structure and not convenient in use; and
- c. Towards the purity of terminology we notice foreign terms which have come without a criterion or necessity.

### **How to build a terminology**

To build a coordinated and unified terminology, we mainly work in two directions.

Firstly we outline a system of technical and scientific notions, we discover links between these notions, clarify their content through definitions and classify them, so as to allow the technical – scientific concepts to be seen in their development.

Secondly there is the analyses, the evaluation and selection of the terms which these notions denominate. Starting from the principle that terminology of every discipline should represent in itself a system of terms that correspond to the system of the notions of this discipline, in the analyses they make of this terminology, researchers notice to what extend the terms respond to the notions, to what extend the existing terms respond to the requirements each term should fulfill as a part of a certain terminological system from the perspective of a systemic character, accuracy and brevity.

On this regard we make:

A detailed study of the term's semantics aiming not to have two or more items for the same concept or to use a denomination for two or more notions;

A study of the term's structure; we review and select terms formed correctly, on the material of mother tongue, we fix terms which are not formed correctly and do not provide accurate scientific notion. Also we review, if possible, fix even the terms with a broad and inappropriate for use structure;

The study of word formation of the terminology system of that area which leads to the selection of the most specialized ways and models to express just in one meaning the special notion and to remove the various models which could be used. By the study of word formation we clarify the ways through which we make the completion of this terminology with new terms

No use of foreign terms which have entered with no criterion in our language and replace them with terms formed on the bases of mother tongue.

After the analyses of all these principles and work criterion we follow to analyze the terminology of different areas, the question arises: how a terminology is concretely developed and are there any factors which influence or have influenced in its current situation. Should we analyze the long list of written materials where we encounter terms, we would notice that apart from the dictionaries, we encounter terms sorted and explained in the state laws. When we talk about laws, we talk about common rules for a social group and these rules require to be followed, willingly or unwillingly. But what happens to the terms which are part of these laws? Or do the following terms and their use constitute a law in itself? Terminologists are brought to the fact that these terms, with the passing of a new law, simply show up and no one would need to know whether they are elaborated and studied according to the several criteria that are necessary to preserve the authenticity and identity of a language. To notice the development of a terminology we have chosen to see the development of an area as the one of town planning or urban planning and its laws so as to understand how this area's terminology is involved in the course of these changes.

## The legal framework of territorial planning in Albania

The current prevailing concept in Albania in terms of development of the territory is still far from modern concepts formulated and implemented in the European Union countries. Albanian legislation contains a set of laws which define rules for particular areas and issues related to the concept of space development, such as the environment and natural resources, including land protection; economic activity; cultural heritage; urban planning; public safety. Although some of these laws may include rules and advanced European models, seen in the whole and in interaction, in view of space development it fails in a coherent and comprehensive treatment of this concept.

However, now Albania has made its choice to integrate in the European Union and it is rapidly progressing on the path of alignment with "acquis communautaire". Through this difficult process and with the help of European Union, Albania will adopt the norms of other European countries and will contribute with its own voice in the development of the Union. The new Albanian law No. 10119 "On territorial planning" clearly recognizes the need for harmony with the European norms and the standards in planning. Moreover, the law includes two major guiding principles of territorial planning in the European Union:

- The principle of sustainable economic and social development, which provides for existing and future generations a high-quality environment, balanced and harmonious economic development, economic and social cohesion, the rational use of natural, human and material resources, development and preservation of natural and cultural heritage;
- The principle of transparency, which ensures that the planning instrument is developed and approved through an active information, accurate and timely, through consultation transparency and participation of the interested pairs and the public to protect their interests in the course of the planning process.

## Brief history of urban development in Albania

Albania has a complicated history of troubled spatial/urban planning dating from the last century (1950 and beyond), and which has experienced a dramatic transformation due to the change of the political and economic regime in 1990. Planning, by definition, is closely linked to the political, legal and administrative systems. As a result, the planning system has experienced a drastic transformation after the change of the political and economic regime in 1990, a change which was also accompanied with an important linguistic change.

Thus, in the 1945 – 1990s, Eastern Soviet architecture style and urban planning according to this style were dominant in all urban territories. The main instrument of "urban planning" at that time was "The regulatory Plan" for the towns or countries. Architecture, as well as the relevant terminology were extremely standardized and unified (the same models repeated all over the place) and very poor in the aspect of space quality. The terminology dictionary of architecture in Albanian and foreign language was published in 1978. Regulatory Plan was a very rigorous instrument which aimed to show the location of town buildings and their use. More than a planning instrument, it was an instrument for the government "to determine the distribution of its power in the territory", in support of section centralized policies. In the period of communism, Albanian urban planning also inherited urban structures of modern European architecture, the one of the Italian rationalism of MIAR (Movimento Italiano di Architettura Razionale). Besides various construction achievements, the country inherited by the Italian rationalism even a variety of urban plans and studies. Surprisingly the Italian influence in this sector, the terminology of the area preserved in itself thoroughly Albanian terms or created with Albanian suffixes or prefixes. This also thanks to the work done at the time by the Albanian Institute of Language and terminology for the preservation of the mother tongue. The Albanian architectural world of those years in addition to its national bed of modern architecture, recognized the modern phenomena which passed into architecture even the other countries of Eastern Europe.

The change started in 1993 when the Parliament approved law No. 7693 "On Urban Planning". This law has been changed three times during 1994 – 1997 and in 1998 the government approved a new law "On urban planning" (no. 8405) and consequently A Urban Planning Regulation (approved by the Council of Ministers). Both laws, in principle, aimed (39) to "establish general rules for the country and the architecture of the structures". The second law (changed over 10 times within a decade) brought some improvements compared to the first one, but yet it did not manage to advance in principle and recognize rapid changes which occurred at that time in the territory. Two important factors which this law did not take into account were:

- 1) The phenomenon of illegal construction in the suburbs spread quickly in all major urban centers along the west coast of Albania;
- 2) Transfer of property from state to private ownership.

However, the law for urban planning and the mentality of public officials connected to the planning and managing of the land, did not take notice of its effects for a long period of time. As the term “planning” is a concept which is intertwined with economic interests, environmental and social aspects, limiting the area, so as to make possible the study of it, has its own difficulties, from a linguistic and a technical viewpoint.

On 23 April 2009, the Albanian Parliament approved law no. 10119 “On Territorial Planning”. The law in itself is considered a framework law (44), (Framework laws give legal principles without attempting to be specific) whose implementation would thoroughly depend on bylaws and relevant regulations.

Since 2009, 7 bylaws have been prepared and at least 1 – 2 others are expected to be prepared. The law came fully into force on 30 September 2011. The new law, compared to the old one, brought a completely new concept in the way of planning, thus even a drastic change of the terminology of the area. This change came as a result of taking into account laws from different countries of the European community, for the elaboration of the new Albanian law. The new terms, along with the relevant concepts took so the state seal in Albania.

### **Basic concepts revolution**

Albania passed from the law of “Town Planning” to the law on “Territorial Planning”. The change of terms from “town” to “territorial” radically changes the spatial concept. If for the individual the town consisted of a border which they had to pass whenever they got into or out of it, now we no longer have a similar border because the concept has extended in various ways so as to create “urban areas” or “urbanized areas”. In this way we notice a sensitive approach between the town and the country as with this concept, the administrative services of the state theoretically do not recognize borders. I say theoretically because this terminology is practically difficult to conceive. An employee of the administration who has lived his entire life in the city, finds it difficult to provide a specialized service for that category of people who find it difficult to understand the realities of the cities because of the distance which has always kept them away and because the administration of the verbal form has always been more important than the administration through written documents. This is the evidence of how the change of terminology can be dangerous for the simple fact that it leaves “several fish without water” when it comes to immediate civilization.

It is a clearly accepted fact between actors, even institutionally, that law no. 10119, dating on 23.4.2009, “On territorial planning” 22, is a legal instrument, which does not only completely contrast from the previous legal instrument on town planning 23, but above all it forces you to move in unexplored conceptual and practical trajectories. These trajectories can be widely tested, but still really new to Albania, and moreover, not in accordance with the existing capacities. So, whether reform or not, one of the important steps of what is happening with spatial planning in Albania is changing the legal bases, passing from a law of “traditional town planning” (with rules about the setting and architecture of the buildings, and the protection of the legitimate interests related to private property), into a law which not only considers the constructions, but the whole territory, and it does not talk just about rules, but the “planning” and “development”. The changes which exist between the two legal bases of the territory and town planning, are evident since the first chapters of both relevant laws, where they introduce the aim, the objectives and the basic principles. The territory law is different from the town planning one as it enables planning not to stand alone in the “general rules for the building’s setting” on urban land, but to consider it with all its multi dimensional character and in all parts of the territory. Local planning instruments, proposed by the territory law should cover the entire administrative territory of the municipality or the relevant commune, despite the urban, rural, agricultural, natural character that this territory might have (article 27). Also, the territory law does not stop with the “planning”, but it pays significant attention to the “territory development” and its “control”.

An important conceptual step of the territory law, in contrast with the town planning law which states the preservation of legal interest regarding private property, is that it does not differentiate private and state land, but it sets rules for reasonable use of the land and it establishes the ways these rules should be applied. These rules aim to balance public and private interests and change the local authority from a follower of the private initiative to a leader of the development and establisher of the lines in which private initiative thrives and develops. Particular instruments of the development’s control come as a

way out of the form of land management only through acquisition and compensation. The law goes far beyond determining the framework for these instruments, meanwhile it just mentions as a definition the concept of "the right to development".

### **The pragmatic aspect of terminology development**

The right to development, though not sufficiently addressed in the law to understand why it is an important instrument and how it is used, is a key concept. It seems as if the law of the territory has been afraid to express loudly that the right to develop the territory, so to build, is established, granted or conditioned by the public interest, and the representative of the public interest is the local or central planning authority. It might be because during these 20 years of transition in Albania, there dominated the statement that "the property is mine and I can do what I want with it". At first glance, one might assume that the real rights to land are affected. In fact, the intensity of construction, as a practical indicator of the right to develop (Juergenmeyer et al., 2003), once the various institutions, under their authority in the territory, define or prohibit it to accomplish through a series of laws and principles, that is not a real, but a virtual right.

Article 1 of the Protocol of European Convention on Human Rights defines generally that "property can't be taken away except for public interests and in accordance with the conditions specified in the law and in the general principles of international law". Further, this definition is supplemented by the fact that "the foregoing shall not preclude the right to apply laws which control the way of property handling, in accordance with the general interests". So, according to this Convention, the choice for every country is open and in fact law no. 7850, dating 29.7.1994, "Civic Code", altered, in its article 160, delegates it to planning instruments and therefore the relevant law for space planning the right to regulate the actions of territorial development. So as long as in our legal bases (no. 10119) we formulate the meaning of "the right to development" = "construction intensity and land use", and also determine that planning authorities allow, deny or condition "the construction intensity" and "the kind of land use", then we have selected a variable, transferable "right to development" and subject to simultaneously market and public rules. So, even at this point, the territorial law should not have been complex to be linguistically and practically more accurate.

The new law has introduced the concept of "Territorial Registry" as one of the means to establish the foundations of sustainable development in the territory. The Registry, by law, is a multidimensional database in the geographic information system. This really technological way of keeping and administrating the information over the territory is obviously valuable in the process of territorial planning and development, but it is still far from the current logistic and human resources' capacities to apply it.

### **Conclusions**

The introduction of new terminology into law requires a change of mindset of institutions and law enforcement in general. The fact that for years we have learned to use a specific legal base and a specific planning language, becomes a barrier to accept and apply a new law. If a law appears to improve something; its radical terminological change becomes a barrier for further development as the written language should correspond to an actual physical action. A failure of words leads to the increase of the cost at the expense of the Albanian citizens.

The processes of science and technique globalization in various areas as the area of town planning which we analyzed up above, are ceaseless. So are the various terms which are introduced to the Albanian language. It is evident that their Albanisation and standardization cannot wait. One of the most important tasks, but even difficult, that has to do with the standardization of every terminology, is making use of well – defined and well – established terms. These terms should be used unanimously to all documents, be they legal, administrative or scientific.

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