



LATIN AMERICAN

4TH INTERNATIONAL CONGRESS ON ECONOMIC AND MANAGEMENT SCIENCES

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ISBN - 978-625-367-021-4

WWW.IKSADAMERICA.ORG

4TH INTERNATIONAL LATIN AMERICAN CONGRESS ON ECONOMIC AND MANAGEMENT SCIENCES

March 13-15, 2023 / Rio de Janeiro, Brazil

EDITORS

Germán Martínez Prats

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IKSAD Publications - 2023©

Issued: 25.03.2023

ISBN: 978-625-367-021-4

CONGRESS TITLE

4th International Latin American Congress on Economic and Management
Sciences

DATE AND PLACE

March 13-15, 2023 / Rio de Janeiro, Brazil

ORGANIZATION

IKSAD INSTITUTE

Universidad Abierta y a Distancia UNAD,
Colombia Universidad Juárez Autónoma de Tabasco,
México Institute Of Economic Development And Social Research Violence and
Abuse Studies Platform

EDITORS

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Francisca Silva Hernández
Candelaria Guzmán Fernández
Tomas Francisco Morales Cárdenas

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RUSSIA, BRAZIL, COLOMBIA, KAZAKHISTAN

Total Accepted Article: 50

Total Rejected Papers: 9

Accepted Article (Türkiye): 10

Accepted Article (Other Countries): 40

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PTOHO GALLERY

Kaydediliyor... Hall-1 Emre Kahraman ekranını görüntülüyorsunuz Seçenekleri Görüntüle Görüntüle

TEMETTÜ

Temettü dağıtımı konusunda son yıllarda çalışmalar yapılmış olmakla birlikte çalışmamızda temettü oranlarına ilişkin son 5 yıllık veriler incelenecek, bu yıllara ait ilk 10 firma tespit edilerek temettü oranı en yüksek olan işletmeler listelenecektir.

Hall-1 Zeynep ELİTAŞ
Sesi aç

Hall-1 Observer
Hall-1 Observer

A. Talip PİLATIN
Hall-1 Emre Kahraman

Hall-1 Tunahan...
Hall-1 Tunahan Hacilima...

Sesi aç Videoyu Başlat Katılımcılar 9 Sohbet Ekran Paylaşımı Kaydı Duraklat/Durdur Ara Odalar Reaksiyonlar Uygulamalar Odadan

Kaydediliyor... hall-1 Mine SEÇİR ekranını görüntülüyorsunuz Seçenekleri Görüntüle Görüntüle

ETKİLEŞİM SİSTEMİ - Microsoft PowerPoint (Düzenlenilebilir)

Narsizm/Narcissism

It is characterized by a strong sense of superiority, dominance, self-centered behavior, closed to criticism, jealous, need for attention and admiration.

Güçlü bir üstünlük duygusu, hakimiyet, benmerkezci davranış, eleştiriye kapalı, kıskanç, dikkat ve hayranlık ihtiyacı gibi özelliklerle karakterizedir

Narcissus

Fiziksel açıdan çekici, zeki
Özel becerilere sahip
Kendine aşırı bağlı olma
Takdir görme isteği

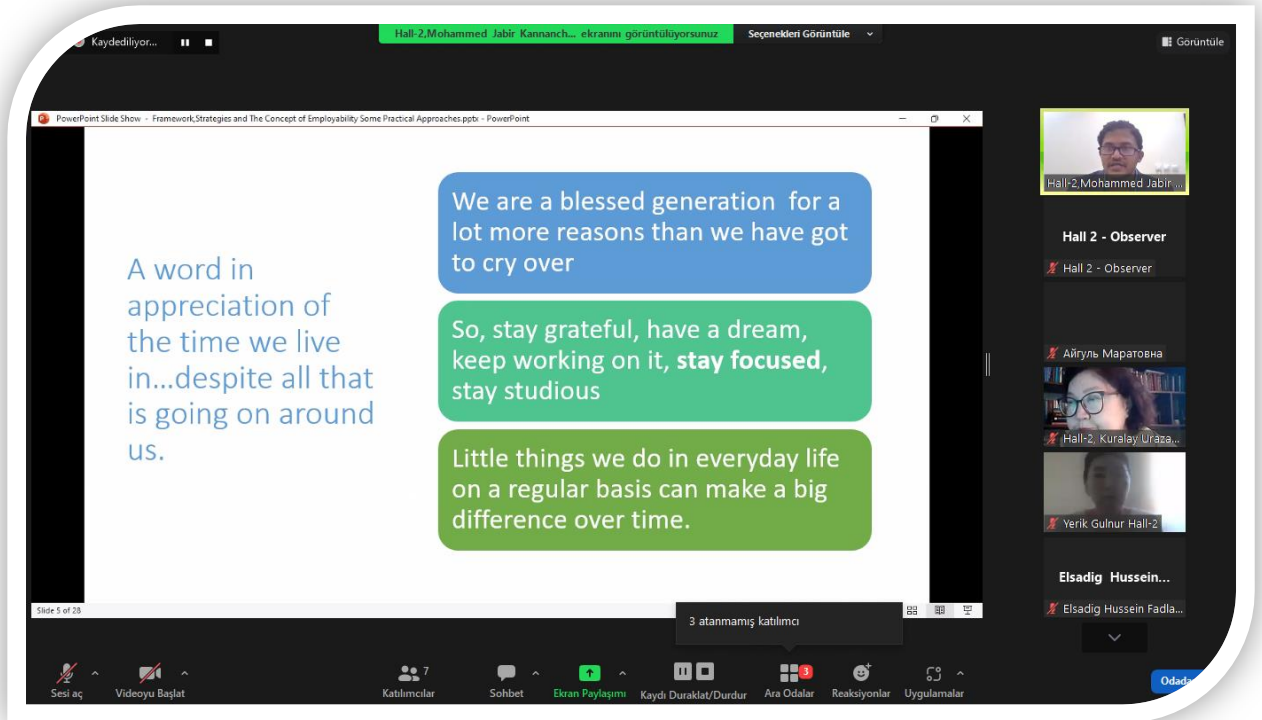
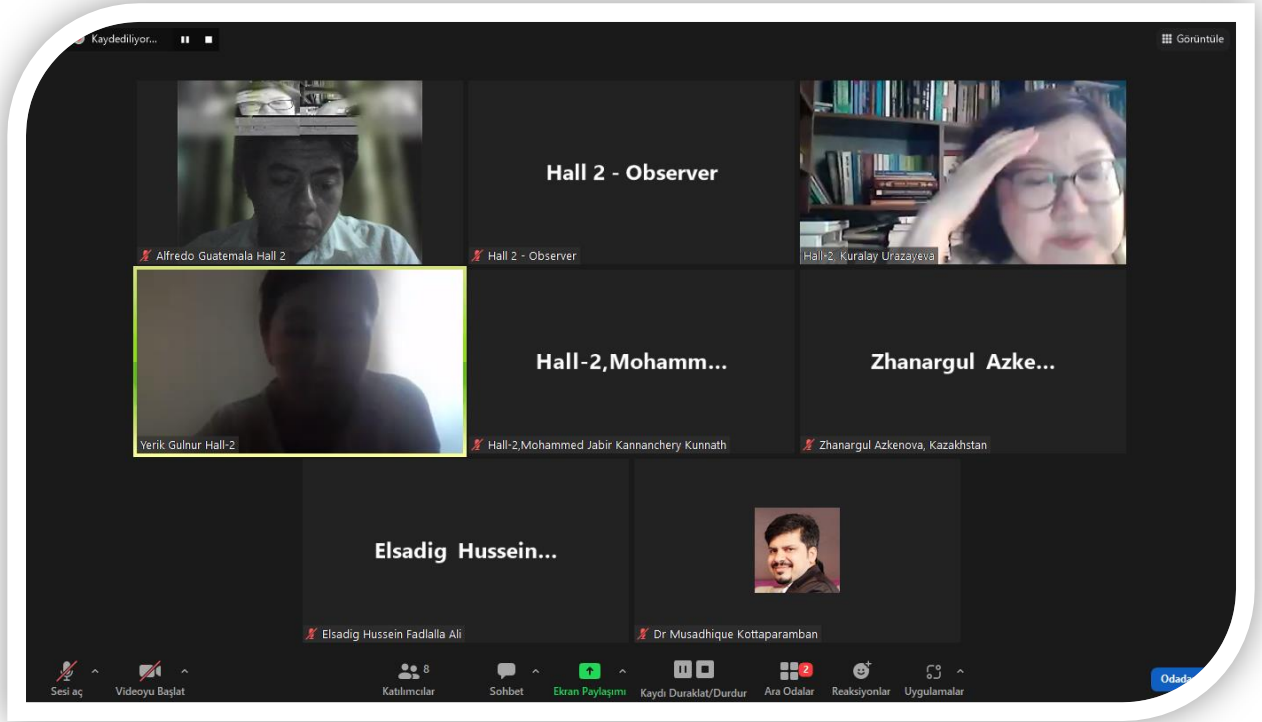
Not eklemek için tıklayın

3 atanmamış katılımcı

Hall-1 Zeynep ELİTAŞ
Hall-1 Observer
Hall-1 Observer
A. Talip PİLATIN
H1 GAMZE KUTLU TÜREDİ
hall-1 Mine SEÇİR

Sesi aç Videoyu Başlat Katılımcılar 10 Sohbet Ekran Paylaşımı Kaydı Duraklat/Durdur Ara Odalar Reaksiyonlar Uygulamalar Odadan

PTOHO GALLERY



PTOHO GALLERY

Kaydediliyor... | Hall-1, William Baldemar ekranını görüntülüyorsunuz | Seçenekleri Görüntüle | Görüntüle

ORIENTACIÓN AL MERCADO EN MIPYMES DEL SECTOR HOTELERO DEL ESTADO DE TABASCO, MÉXICO

M.A. WILLIAM BALDEMAR LOPEZ RODRIGUEZ
DRA. DEISY MARIA JERÓNIMO JIMÉNEZ
DRA. MARÍA DEL CARMEN ANCONA ALCOCER
MTRO. CESAR BARRERA OVANDO
UNIVERSIDAD JUÁREZ AUTÓNOMA DE TABASCO

H1 – Anderson...
H1 – Anderson CONTE
Hall-1 Observer
Cleunice Zanella
Cleunice Zanella
Hall-1, William Baldemar
Hall-1, Monica Consuelo...
Odadar

Kaydediliyor... | Andrea García ekranını görüntülüyorsunuz | Seçenekleri Görüntüle | Görüntüle

Impacto del Comercio Internacional en el Crecimiento Económico de México

UAG

Hall-1, Karla Go...
Hall-1, Karla Govea
Hall 2 - Observer
Hall 2 - Observer
H2-Ivonne GAYT...
H2-Ivonne GAYTAN
Hall-2, Lucio Domíng...
Andrea García
Hall-1, Monica Cons...

PTOHO GALLERY

Kaydediliyor... Andrea Garcia ekranını görüntüyorsunuz Secekenleri Görüntüle Görüntüle

Tratados y Acuerdos

Las acciones de la economía estadounidense han tenido un grave impacto en la economía. Toda la economía nacional, tanto en el sector exportador como en el no exportador, los exportadores a medida que aumenta la demanda, las cantidades correspondientes de importaciones y de ahí la moneda. Impacto de las fluctuaciones económicas en los Estados Unidos Mexicanos facilitará la creación de divisas y promoverá el crecimiento de lo contrario corre el riesgo de encontrar problemas.

UAG

Hall-1, Karla Go...
Hall-1, Karla Govea

Hall 2 - Observer
Hall 2 - Observer

H2-Ivonne GAYT...
H2-Ivonne GAYTAN

Hall-2, Lucio Doming...
Andrea Garcia

Hall-1, Monica Cons...

Sesi aç Videoyu Başlat Katılımcılar 8 Sohbet Ekran Paylaşımı Kaydı Duraklat/Durdur Ara Odalar Reaksiyonlar Uygulamalar Oda...

Kaydediliyor... Görüntüle

Hall 2 - Observer

H2-Ivonne GAYT...

Hall-2, Alejandr...

Hall-2, Lucio Dominguez Narez

Hall 2 - Observer

Hall-2, Gaby Gonzalez Galindo

Hall-2, Dra. Sandra Juarez Solis

H2-Ivonne GAYTAN

Hall-2, Alejandro Mustieles

Sesi aç Videoyu Başlat Katılımcılar 6 Sohbet Ekran Paylaşımı Kaydı Duraklat/Durdur Ara Odalar Reaksiyonlar Uygulamalar Oda...

PTOHO GALLERY

Kaydediliyor... H2-Ivonne GAYTAN ekranını görüntüyorsunuz Seçenekleri Görüntüle Görüntüle


**LA PROTECCIÓN DE
LOS DERECHOS
HUMANOS DE LOS
PUEBLOS INDÍGENAS:
CASO OGIEK CONTRA
KENIA**

**Protecting the Human Rights
of Indigenous Peoples: The
Ogiek v. Kenya Case**


PRESENTAN

Dra. Ivonne Adriana Gaytán Bertruy
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DE TABASCO



Hall-2, Gaby Go...
Hall-2, Gaby Gonzale...
Hall 2 - Observer
Hall 2 - Observer
Hall-2, Lucio Doming...
Hall-2, Dra. Sandra Ju...
H2-Ivonne GAYT...
H2-Ivonne GAYTAN
Hall-2, Alejandr...
Hall-2, Alejandro Mus...

Sesi aç Videoyu Başlat Katılımcılar 6 Sohbet Ekran Paylaşımı Kaydı Duraklat/Durdur Ara Odalar Reaksiyonlar Uygulamalar Oda...



Latin American Scientific Research Congresses

Latin American

International Congress on Economic and Management Sciences-IV

March 13-15, 2023 / Rio de Janeiro, Brazil

CONFERENCE PROGRAM

Online (with Video Conference) Presentation



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Latin American Scientific Research Congresses

-Opening Ceremony-

13.03.2023

RIO DE JANEIRO LOCAL TIME - 10⁰⁰ : 10³⁰

MEXICO LOCAL TIME - 07⁰⁰ : 07³⁰

ANKARA LOCAL TIME - 16⁰⁰ : 16³⁰

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Universidad Juárez Autónoma de Tabasco, México

Dr. Rafael Renteria RamosUniversidad

Nacional Abierta y a Distancia, Colombia



Latin American Scientific Research Congresses

ONLINE PRESENTATIONS

13.03.2023 / Hall-1, Session-1



RIO DE JANEIRO LOCAL TIME

08⁰⁰ : 10⁰⁰



ANKARA LOCAL TIME

14⁰⁰ : 16⁰⁰

HEAD OF SESSION: Assist. Prof. Dr. Abdulmuttalip Pilatin

Yunus Emre KAHRAMAN	Osmaniye Korkut Ata University, Türkiye	A RESEARCH ON DIVIDEND DISTRIBUTION OF ENTERPRISES: THE EXAMPLE OF BIST 100
Zeynep ELİTAŞ	Anatolia University, Türkiye	THE DETERMINANTS OF WELL-BEING ACROSS COUNTRIES
Zeynep ELİTAŞ	Anatolia University, Türkiye	WOMEN EMPLOYMENT IN TURKEY: LABOR MARKET REGULATIONS RESTRICTING LABOR FORCE PARTICIPATION
Assist. Prof. Dr. Abdulmuttalip Pilatin	Recep Tayyip Erdoğan University, Türkiye	THE RELATIONSHIP OF FOREIGN DIRECT INVESTMENT, FOSSIL ENERGY CONSUMPTION AND CARBON EMISSIONS IN EUROPEAN UNION COUNTRIES
Assist. Prof. Dr. Abdulmuttalip Pilatin	Recep Tayyip Erdoğan University, Türkiye	THE EFFECT OF BIG DATA ANALYTICS ON INTELLECTUAL CAPITAL AND INNOVATION PERFORMANCE IN THE BANKING SECTOR
Assist. Prof. Tunahan HACİMAMOĞLU	Recep Tayyip Erdoğan University, Türkiye	DOES WIND ENERGY AFFECT ECONOMIC GROWTH IN THE TOP WIND ENERGY CONSUMER COUNTRIES? NOVEL EVIDENCE FROM THE METHOD OF MOMENTS QUANTILE REGRESSION
Albina Chingiz HASHİMOVA	Azerbaijan State Academy Of Physical Education And Sport	CURRENT PROBLEMS OF FINANCIAL MANAGEMENT IN THE SPORTS SECTOR
Mine SEÇİR Serap ALTUNTAŞ	Bandırma Onyeddi Eylül University, Türkiye	DARK TRIAD AND WHISTLEBLOWING
Gamze KUTLU TÜREDİ Serap ALTUNTAŞ	Bandırma Onyeddi Eylül University, Türkiye	MUSHROOM MANAGEMENT APPROACH
Erhan ATAY	Trakya University Türkiye	GREEN ECONOMY IN THE CONTEXT OF RENEWABLE ENERGY AND GREEN EMPLOYMENT
Erhan ATAY	Trakya University Türkiye	"THE HYDROGEN ECONOMY POTENTIAL THROUGH HYDROGEN ENERGY AND BLACK SEA COUNTRIES"



Latin American Scientific Research Congresses

ONLINE PRESENTATIONS

13.03.2023 / Hall-2, Session-1



RIO DE JANEIRO LOCAL TIME

08⁰⁰ : 10⁰⁰



ANKARA LOCAL TIME

14⁰⁰ : 16⁰⁰

HEAD OF SESSION: Prof. Kuralay URAZAEYVA

Mohammed Jabir Kannanchery Kunnath Dr. Elsadig Hussein Fadlallah Ali Dr. Musadhique Kottaparamban	King Khalid University, Saudi Arabia	FRAMEWORK, STRATEGIES AND THE CONCEPT OF EMPLOYABILITY: SOME PRACTICAL APPROACHES
Chunhui Liu	Northeastern Federal University	RESEARCH ON THE MOTIVATION OF BUSINESS OPERATORS
Цзян Тао Jiang Tao Lecturer	Heilongjiang School of Medicine and Health	AN INTRODUCTION TO THE PROBLEMS FACED BY HUMAN RESOURCE MANAGEMENT IN SMES
Цзян Тао Jiang Tao Lecturer	Heilongjiang School of Medicine and Health	RESEARCH ON MODERN CORPORATE RECRUITMENT MANAGEMENT
Jing Zhang	Tohoku Federal University	DIRECTION OF HUMAN RESOURCE MANAGEMENT UNDER THE BIG DATA ENVIRONMENT
Prof. Kuralay URAZAEYVA Aigul YESSENTEIROVA	Gumilyov Eurasian National University Kazakhstan	ARGUMENTATION AND PERSUASION AS THE BASIS OF RHETORICAL SKILL IN STEPPE LAW
Alfredo Guatemala Mariano German Martínez Prats Candelaria Guzmán Fernández	Universidad Juárez Autónoma de Tabasco	IMPACT INVESTING FOR SOCIAL TECH STARTUPS
Andrea García Gorgonio	Universidad Autónoma de Guadalajara, México	IMPACT OF INTERNATIONAL TRADE ON MEXICO'S ECONOMIC GROWTH



Latin American Scientific Research Congresses

ONLINE PRESENTATIONS

13.03.2023 / Hall-1, Session-2



RIO DE JANEIRO LOCAL TIME

10³⁰ : 12³⁰



ANKARA LOCAL TIME

16³⁰ : 18³⁰

HEAD OF SESSION: David Morelos Barrera

MSc. Anderson Conte Dra. Cleunice Zanella	University of the Chapecó	IMPACTS OF INNOVATION ON ESG PRACTICES IN POULTRY FARMS
M.A. William Baldemar López Rodríguez Dra. Deisy María Jerónimo Jiménez Dra. María del Carmen Ancona Alcocer Mtro. Cesar Barreda Ovando	Universidad Juárez Autónoma de Tabasco	ORIENTACIÓN AL MERCADO EN MIPYMES DEL SECTOR HOTELERO DEL ESTADO DE TABASCO
David Morelos Barrera	Universidad Autónoma de Guadalajara	MARKETING EN LA CARRERA DE COMERCIO INTERNACIONAL
David Zuñiga de Dios Yazmin Isolda Álvarez García	Universidad Autónoma de Guadalajara	COMERCIO JUSTO Y DESARROLLO SOSTENIBLE
Andrea García Gorgonio Yazmin Isolda Álvarez García	Universidad Autónoma de Guadalajara Universidad Juárez Autónoma de Tabasco	IMPACTO DEL COMERCIO INTERNACIONAL EN EL CRECIMIENTO ECONÓMICO DE MÉXICO
Deisy María Jerónimo Jiménez William Baldemar López Rodríguez María del Carmen Ancona Alcocer	Universidad Tabasco	ANTIGUEDAD DE LAS MIPYMES Y SU RELACIÓN CON LA ESTRUCTURA ORGANIZACIONAL
Rafael Francisco Mayo Leyva Yazmin Isolda Álvarez García	Universidad Autónoma de Guadalajara. Universidad Juárez de Guadalajara	LA LOGISTICA Y LA CADENA DE SUMINISTRO EN EL COMERCIO INTERNACIONAL
Dulce Kristell Balladares Arias Yazmin Isolda Álvarez García	Universidad Guadalajara	LOS CINCO TRATADOS COMERCIALES MÁS IMPORTANTES PARA MÉXICO
Karla Isabel Govea Cuervo Yazmin Isolda Álvarez García	Universidad Autónoma de Guadalajara	NEARSHORING: EL ACERCAMIENTO DE LA PRODUCCIÓN AL TERRITORIO DE CONSUMO
Montserrat Daniela González Vázquez Crystell Aguilar Carballo Sharon Alheli García Rodríguez Ingrid Ortiz Hernández Yazmin Isolda Álvarez García	Universidad Autónoma de Guadalajara	COMERCIO ELECTRÓNICO
Mauricio Noel Mercado Juárez Kevin Alexis Oliva Vidal Tilo de Jesús Vázquez Méndez Yazmin Isolda Álvarez García	Universidad Juárez Autónoma de Tabasco	EL USO INDEBIDO DE LOS VESTIGIOS ARQUEOLÓGICOS EN EL ESTADO DE TABASCO



Latin American Scientific Research Congresses

ONLINE PRESENTATIONS

13.03.2023 / Hall-2, Session-2



RIO DE JANEIRO LOCAL TIME

10³⁰ : 12³⁰



ANKARA LOCAL TIME

16³⁰ : 18³⁰

**HEAD OF SESSION: Johan Josueph Velazquez Martinez,7
Dr. German Martinez Prats, Dr. Francisca Silvia Hernández,
Dr. Candelaria Guzmán Fernández**

Lucio Domínguez Nárez	Universidad Juárez Autónoma de Tabasco	JUDICIALIZACIÓN DE LA TRANSPARENCIA EN MÉXICO
Ma. Gabriela Gonzalez Galindo	Universidad Juárez Autónoma de Tabasco	LOS CRITERIOS CIENTÍFICOS DEL EXPEDIENTE CLÍNICO DESDE EL LENGUAJE JURÍDICO
Johan Josueph Velazquez Martinez Dr. German Martínez Prats Dr. Francisca Silvia Hernández Dr. Candelaria Guzmán Fernández	Universidad Juárez Autónoma de Tabasco	FALTA DE PLANEACIÓN PARA LA JUBILACIÓN
Johan Josueph Velazquez Martinez Dr. German Martínez Prats Dr. Francisca Silvia Hernández Dr. Candelaria Guzmán Fernández	Universidad Juárez Autónoma de Tabasco	MAL MANEJO DE TARJETAS DE CRÉDITO
Cinthia Odel López Hernández Francisca Silva Hernández Yazmín Isolda Álvarez García	Universidad Juárez Autónoma de Tabasco	LA CONCILIACIÓN EN LA RESOLUCIÓN DE CONFLICTOS ENTRE TITULARES DE MARCAS COLECTIVAS
Dra. Ivonne Adriana Gaytán Bertruy Dra. Enma Estela Hernández Domínguez	Universidad Juárez Autónoma de Tabasco	LA PROTECCIÓN INTERNACIONAL DE LOS DERECHOS HUMANOS DE LOS PUEBLOS INDÍGENAS: CASO OGIEK CONTRA KENIA
"Dr. Francisco Javier Jiménez Tecillo Dr. Alejandro Mustieles Ocaña Dra. Sandra Juárez Solís Mtro. William Baldemar López Rodríguez"	Universidad Juárez Autónoma de Tabasco	LA DESERCIÓN DE ESTUDIANTES BAJO LA MODALIDAD A DISTANCIA EN LA DIVISIÓN ACADÉMICA DE CIENCIAS ECONÓMICAS ADMINISTRATIVAS DE LA UNIVERSIDAD JUÁREZ AUTÓNOMA DE TABASCO (UJAT)
Dr. Alejandro Mustieles Ocaña Mtro. William Baldemar López Rodríguez Dr. Francisco Javier Jiménez Tecillo Dra. Sandra Juárez Solís	Universidad Juárez Autónoma de Tabasco	OFERTA DE PRODUCTOS ECOLÓGICOS EN SUPERMERCADOS DE LA CIUDAD DE VILLAHERMOSA, TABASCO, MÉXICO, DURANTE EL AÑO 2022
Juan Carlos Rabanales Morales Yazmin Isolda Álvarez García	Universidad Juárez Autónoma de Tabasco	¿LOS DERECHOS DE AUTOR ESTÁN POR ENCIMA DEL DERECHO A LA EDUCACIÓN?



Latin American Scientific Research Congresses

ONLINE PRESENTATIONS

14.03.2023 / Hall-1, Session-1



RIO DE JANEIRO LOCAL TIME

08⁰⁰ : 10⁰⁰



ANKARA LOCAL TIME

14⁰⁰ : 16⁰⁰

HEAD OF SESSION: Mónica Consuelo Rodríguez Torres

M.A. William Baldemar López Rodríguez Dra. Christian Ydette Cabra Vidal Dr. Alejandro Mustieles Ocaña Dr. Francisco Javier Jiménez Tecillo	Universidad Juárez Autónoma de Tabasco	ORIENTACIÓN AL APRENDIZAJE Y LA ORIENTACIÓN AL MERCADO EN PYMES DEL ESTADO DE TABASCO
Pedro Díaz Torres	Universidad Juárez Autónoma de Tabasco	LOS DERECHOS HUMANOS Y SU IMPORTANCIA SOCIAL
Eddy Jair Bautista Gomez Benjamin Manuel Ramirez Marin Gibran Elias De La Cruz Escalante	Universidad Juárez Autónoma de Tabasco	MATERNIDAD SUBROGADA
Zurisadai Sarmiento Arena Arturo Martínez de Escobar Fernández	Universidad Juárez Autónoma de Tabasco	BENCHMARK CRITERIA: UNA HERRAMIENTA DEL MARKETING SOCIAL EN PROGRAMAS DE INTERVENCIÓN SOCIAL
Mónica Consuelo Rodríguez Torres	Universidad Católica de Colombia	GASTO PÚBLICO SOCIAL Y REDUCCIÓN DE LA POBREZA EN AMÉRICA DEL SUR 2000 - 2019
Ángel Romero Valencia Yazmin Isolda Álvarez García	Universidad Juárez Autónoma de Tabasco	DERECHO Y USO MEDICINAL DEL CANNABIS EN MÉXICO
Karen Sofía Falcón Gutiérrez Yazmin Isolda Álvarez García	Universidad Juárez Autónoma de Tabasco	DESVENTAJAS DE LA EDUCACIÓN A DISTANCIA EN MÉXICO PARA LOS UNIVERSITARIOS DURANTE LA PANDEMIA 2019-2022
Luis Gustavo Mondragon Iduarte Yazmin Isolda Álvarez García	Universidad Juárez Autónoma de Tabasco	LA EXPORTACIÓN DE BARRILES DE PETRÓLEO DE MÉXICO A ESTADOS UNICOS
Ángel de Jesús Frías López	Universidad Juárez Autónoma de Tabasco	ABUSO DE AUTORIDAD DE LA POLICIA
Miguel Arturo Ocaña Hernández	Universidad Juárez Autónoma de Tabasco	EVANGELION Y SU RELACION CON LA FILOSOFIA
Francieli Diani Merlin Caresia Sady Mazzioni Mara Vogt Cristian Baú Dal Magro Caroline Keidann Soschinski	Universidade Comunitária da Região de Chapecó Brazil	MANAGEMENT CONTROL SYSTEM AND INNOVATION PROCESSES IN INDUSTRIAL COMPANIES

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A RESEARCH ON DIVIDEND DISTRIBUTION OF ENTERPRISES: THE
EXAMPLE OF BİST 100**

**İŞLETMELERİN TEMETTÜ DAĞITIMI ÜZERİNE BİR ARAŞTIRMA: BİST 100
ÖRNEĞİ**

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ÖZET

İşletmeler ülkemiz ve ülke ekonomisi için oldukça önemli bir yere sahiptir. İşletmelerin esas amacının; işletmenin piyasa değerini maksimize etmesi olarak karşımıza çıkmaktadır. Bununla birlikte halka açık şirketlerin temettü ile hisse senedi arasında çok değişik görüşler olmak ile birlikte pozitif bir ilişki olduğu söyleyenlerin ağırlıkta olduğu görülmektedir. Buna rağmen işletmelerin kaynak bulmaya zorlandıkları dönemlerde kar dağıtımını konusunda çokta istekli olmadıkları görülmektedir. Tasarruf yapmak isteyen bireylerin veya tasarrufun değerlendirmek isteyen kurumsal yatırımcıların son yıllarda Borsa İstanbul'a artan talepler doğrultusunda yatırım yapan şirket ya da bireysel kişilerin yatırım yaptıkları şirketlerin kar dağıtım politikalarıyla da yakından ilgilendiği ve geçmiş yıllardaki kar dağıtım verilerini yakından inceledikleri görülmektedir. Geçmiş yıllara oranla yatırım yapacak kurumlar ile bireysel yatırımcıların işletmelere ait bilançoları daha sıkı inceledikleri, şirketlerin hissedarlarına dağıtacağı karlılığın ne düzeyde olduğunu da incelemektedirler. Temettü dağıtımını konusunda son yıllarda çalışmalar yapılmış olmakla birlikte çalışmamızda temettü oranlarına ilişkin son 5 yıllık veriler incelenerek, bu yıllara ait ilk 10 firma tespit edilerek temettü oranı en yüksek olan işletmeler listelenmiştir.

Anahtar Kelime: İşletme, Temettü, Temettü Dağılımı, Borsa İstanbul

ABSTRACT

Businesses have a very important place for our country and the national economy. The main purpose of the enterprises is to maximize the market value of the enterprise. However, although there are many different opinions between dividends and stocks of publicly traded companies, it is seen that those who say that there is a positive relationship are predominant. Nevertheless, it is seen that enterprises are not very willing to distribute dividends in periods when they have difficulty in finding resources. It is seen that individuals who want to save or institutional investors who want to evaluate their savings are closely interested in the dividend distribution policies of the companies in which they invest in line with the increasing demand for Borsa Istanbul in recent years and closely examine the dividend distribution data of previous years.

Compared to the past years, investment institutions and individual investors examine the balance sheets of the companies more closely and examine the level of profitability that the companies will distribute to their shareholders. Although there have been studies on dividend distribution in recent years, in our study, the last 5 years of data on dividend ratios are

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analyzed and the top 10 companies for these years are identified and the companies with the highest dividend ratios are listed.

Keyword: Business, Dividend, Dividend Distribution, Borsa Istanbul

1. INTRODUCTION

Businesses have difficulty in finding resources in some periods, however, when borrowing costs are high, they want to keep the dividends in the business by not distributing them (Kuzu and Çelik 2020).

Businesses have a very important place for our country and the national economy. The main purpose of the enterprises is to maximize the market value of the enterprise. However, although there are many different opinions between dividends and stocks of publicly traded companies, it is seen that those who say that there is a positive relationship are predominant.

In its Dividend Guidelines, the Capital Markets Board (CMB) defines dividend as "the amount that may be distributed to shareholders and other persons included in the earnings over the net period earnings as of the transaction period and different sources that may be subject to earnings distribution within the policy established by the general assembly" (Capital Markets Board, 2018: 2).

In general terms, a dividend is a share of profit received from a firm.

Nevertheless, it is observed that enterprises are not very willing to distribute dividends in periods when they have difficulty in finding resources. In line with the increasing demand for Borsa Istanbul in recent years, it is seen that individuals who want to save or institutional investors who want to make use of their savings are closely interested in the profit distribution policies of the companies they invest in and closely examine the profit distribution data of previous years. Compared to the past years, the institutions and individual investors who will invest in the companies examine the balance sheets of the companies more closely and examine the level of profitability that the companies will distribute to their shareholders.

The distribution of dividends is still one of the most frequently studied and debated issues in the literature. However, it also brings together very different views.

After Modigliani and Miller's (1961) model showing that dividend policy does not affect the value of the company, various models have been developed to show that the assumptions in this study are not met in financial markets and therefore dividend policy can affect the value of the company.

In addition, although the bird-in-the-hand theory claims that companies that do not distribute dividends will be less valuable, from the investor's perspective in the Modigliani and Miller model, even if the company does not distribute dividends, it can still imitate the payment of dividends by selling some of its shares, so it can be thought that the value of the company

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does not depend on the dividend policy and that this claim is an illusion. In recent years, companies have also chosen not to distribute cash because of the higher cost of raising money. If the company distributes dividends, the investor receives cash and low-priced shares due to the decrease in the value of the company due to the cash outflow, while if dividends are not distributed, the investor can achieve the same result by selling some of the high-priced shares (Modigliani and Miller 1958).

2. LITERATURE

There are many studies on dividends in Turkey and internationally. Some of them are as follows;

Researcher	Year of Research	Results of the Study
Güenalp, Kadioğlu and Kılıç	2010	The study analyzed 321 cash dividend announcements of 83 companies in BIST between 2003 and 2007. The study concluded that there is a statistically negative relationship between the cash dividend per share ratio after cash dividends and cumulative extraordinary income and that cash dividends are information that can affect the price.
Mazgit	2013	He analyzed BIST Dividend 25 funds in terms of stock performance and dividends. As a result of the study, he concluded that institutional investors do not pay enough attention to the firms in the dividend index.
Lamb and Steel	2020	By analyzing the financial data of 25 companies in the BIST 30 Index between 2005-2019. The study analyzed the effects of dividend distribution on financial performance. He concluded that there is a significant relationship between stock return and earnings per share, dividend distribution ratio and return on equity, while there is no significant relationship between earnings before interest, tax, depreciation and amortization and dividend yield.
Karatas	2021	He analyzed the data of OECD countries between 2000-2019 with panel ARDL. As a result of the study, it is concluded that reducing taxes on dividend income will contribute positively to stock market volume.
Aksoy	2021	Dividends were analyzed in accordance with the Provisional Article 13 of the Turkish Commercial Code. As a result of the study, it is concluded that the regulation reduces financial risk, sourcing problems and liquidity shortage since it is stated that the distributable profit cannot be more than 25% as per the relevant article.

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Sarili and Gundogdu	2021	The study analyzed the data of BIST Dividend 25 Index for the years 2011-2019. As a result of the study, it was concluded that there is an anomaly for dividend paying companies.
Günay	2022	The performance of 19 companies in the BIST that have regularly distributed dividends in the last 5 years between 2018 and 2020 is analyzed with the ORESTA method with two superiority algorithms. He concluded that the three best performing companies are Akmerkez Gayrimenkul Yatırım Ortaklığı A.Ş., Bosh Fren Sistemleri Sanayi ve Ticaret A.Ş., Çelebi Yer Hizmetleri A.Ş., respectively.
Yilmaz and Gul	2022	He analyzed the performances of 12 industrial firms in the BIST Dividend 25 index by using SD and WASPAS method. As a result of the study, it was concluded that Ege Endüstri and Alkim Alkali Kimya ranked first.

3. Research

There are many studies on dividends in Turkey. Although there have been studies on dividend distribution in recent years, in our study, the last 5 years of data on dividend rates are analyzed from Kap.gov.tr, investing.com, and dividendhisseleri.com, and the top 10 companies for these years are identified and the companies with the highest dividend rates are listed.

Table 1. Dividend Percentages by Year (2018)

Company Name	Abbreviation	Dividend Percentages
Creditwest Faktoring A.Ş.	CRDFA	34,20
IS Investment Trust Inc.	ISYAT	17,80
Pergamon-Status	PSDTC	11,50
AKİŞ Gayrimenkul Yatırım Ortaklığı A.Ş.	AKSGY	11,10
IS Investment	ISMEN	10,90
Sinpas REIT	SNGYO	10,90
Panora Gayrimenkul Yatirim Ortakligi AS	PAGYO	9,80
Vestel Beyaz Eşya Sanayi ve Ticaret A.Ş.	VESBE	9,70
TUPRAS	TUPRS	9,50
Indeks Computer Systems Engineer	INDES	9,40

As can be seen in Table 1, when the dividend ratios by year are analyzed for 2018, Creditwest Faktoring A.Ş. ranks first with 34.2 percent, İş Yatırım Ortaklığı A.Ş. ranks second with 17.8 percent and Pergamon-Status ranks third with 11.50 percent. Percentage graphs of dividends are shown in Figure-1 below.

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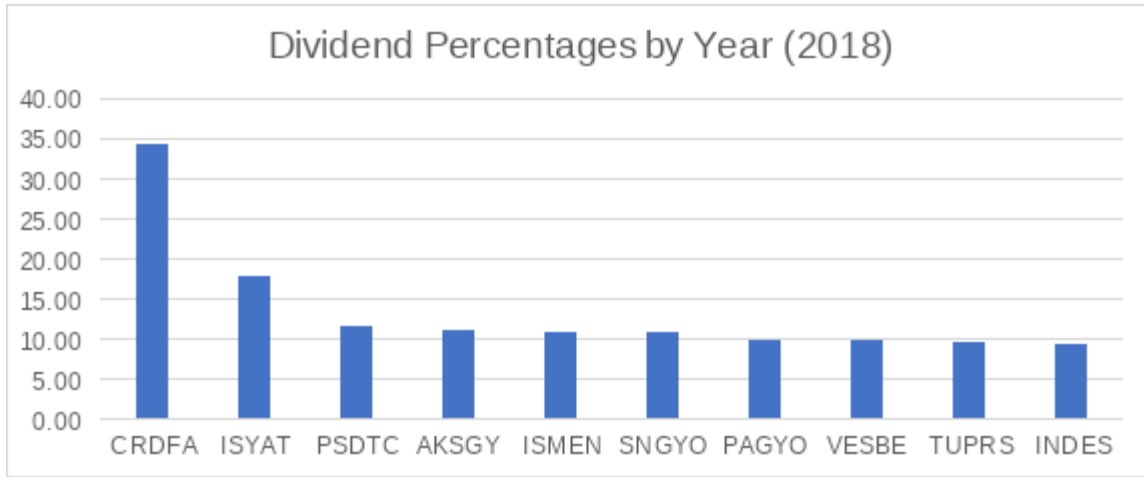


Figure-1

Table 2. Dividend Percentages by Year (2019)

Company Names	Abbreviation	Dividend Percentages
Pergamon-Status	PSDTC	26,90
İş Yatırım Ortaklığı A.Ş.	ISYAT	18,90
Vestel Beyaz Eşya Sanayi ve Ticaret A.Ş.	VESBE	15,90
Iskenderun Demir ve Çelik A.S.	ISDMR	15,50
Trabzon Port Management Inc.	TLMAN	15,30
Despec	DESPC	14,20
Erdemir	EREGL	14,00
Turk Tuborg	TBORG	13,40
Mardin Cement	OYAKC	12,60
Panora Gayrimenkul Yatirim Ortakligi AS	PAGYO	12,50

As seen in Table 2, when 2019 is analyzed according to dividend rates by year, Pergamon-Status A.Ş. ranks first with 26.90 percent, İş Yatırım Ortaklığı A.Ş. ranks second with 18.90 percent and Vestel Beyaz Eşya Sanayi ve Ticaret A.Ş. ranks third with 15.90 percent. Percentage graphs of dividends are presented in Figure-2 below.

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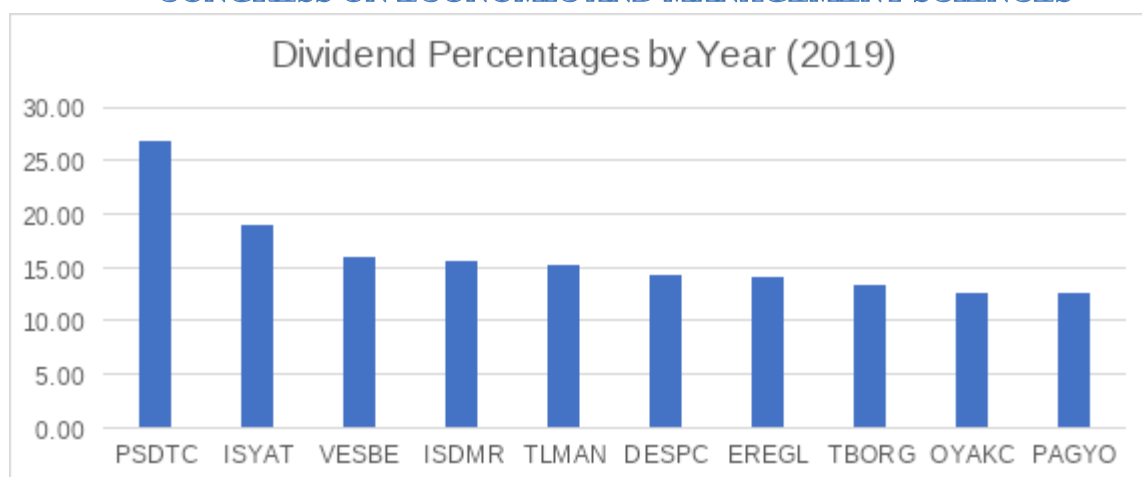


Figure-2

Table 3. Dividend Percentages by Year (2020)

Company Name	Abbreviation	Dividend Percentages
Halk Sigorta A.S.	HALKS	13,10
Panora Gayrimenkul Yatirim Ortakligi AS	PAGYO	12,80
İş Yatırım Ortaklığı A.Ş.	ISYAT	12,40
TOFAS	TOASO	11,20
Aksigorta A.S.	AKGRT	9,40
Anadolu Hayat Emeklilik Anonim Şirketi	ANHYT	9,40
IS Investment	ISMEN	8,90
Aksa	AKSA	8,90
Yeni Gimat Real Estate Investment Trust	YGGYO	8,00
Enerjisa	ENJSA	7,50

As seen in Table 3, when 2020 is analyzed according to dividend rates by year, Halk Sigorta A.Ş. ranks first with 12.10 percent, Panora Gayrimenkul Yatırım Ortaklığı A.Ş. ranks second with 12.80 percent and İş Yatırım Ortaklığı A.Ş. ranks third with 12.40 percent. Percentage graphs of dividends are shown in Figure-3 below.

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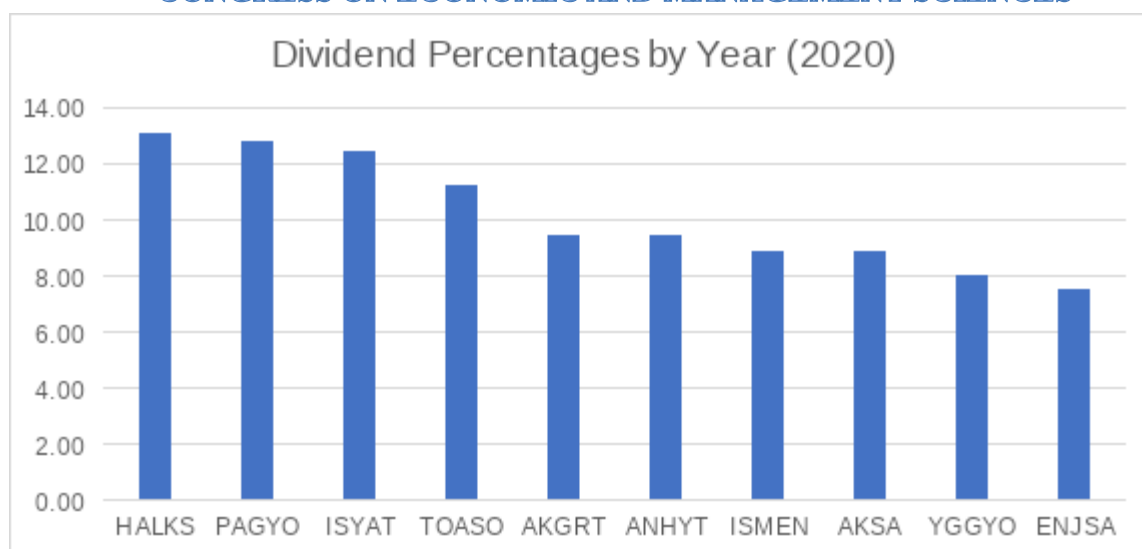


Figure-3

Table 4. Dividend Percentages by Year (2021)

Company Name	Abbreviation	Dividend Percentages
Vestel	VESTL	19,50
İskenderun Demir ve Çelik A.Ş.	ISDMR	14,30
Erdemir	EREGL	10,20
Aksigorta A.S.	AKGRT	9,30
Doğuş Otomotiv	DOAS	8,50
Vestel Beyaz Eşya Sanayi ve Ticaret A.Ş.	VESBE	7,50
TOFAS	TOASO	7,50
Anadolu Efes Brewery and Malt Industry	AEFES	6,70
Yeni Gimat Real Estate Investment Trust	YGGYO	6,70
Enerjisa	ENJSA	6,70

As seen in Table 4, when 2021 is analyzed according to dividend rates by year, Vestel A.Ş. ranks first with 19.50 percent, İskenderun Demir ve Çelik A.Ş. ranks second with 14.30 percent and Erdemir ranks third with 10.20 percent. The percentage graphs of dividends are shown in Figure-4 below.

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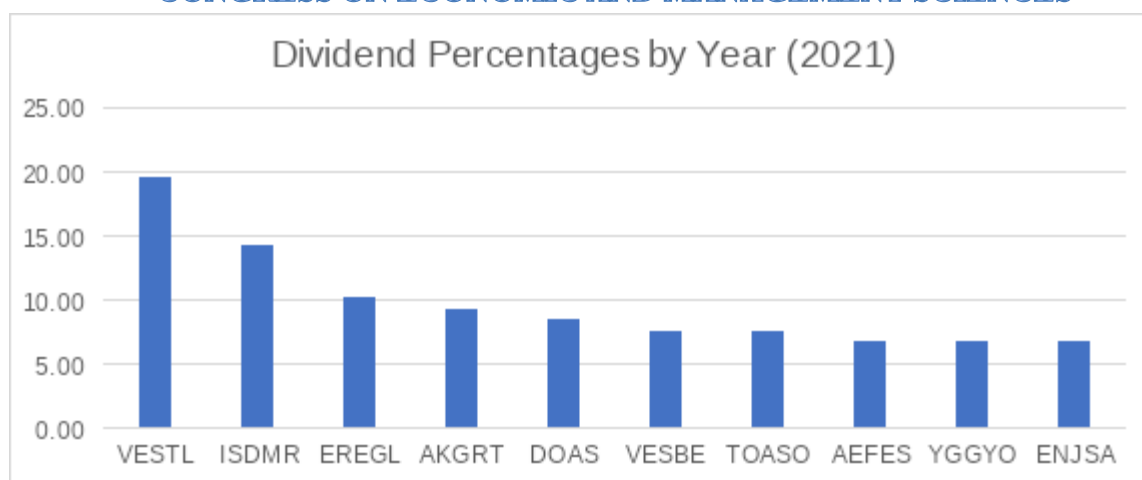


Figure-4

Table 5. Dividend Percentages by Year (2022)

Company Name	Abbreviation	Dividend Percentages
Erdemir	EREGL	11,00
Türk Telekom	TTKOM	10,20
Doğuş Otomotiv	DOAS	9,70
Iskenderun Demir ve Çelik A.S.	ISDMR	9,20
Başkent Natural Gas Distribution REIT	BASGZ	9,10
Türk Tuborg	TBORG	8,80
Anatolia Diagnostic and Biotechnology Products Research and Development	ANGEN	7,80
Aegean Ceramic	EGSER	7,60
Meditera Tıbbi Malzeme Sanayi ve Ticaret A.Ş.	MEDTR	7,60
Turkish Tractor	TTRAK	7,50

As seen in Table 5, when the dividend rates by year are analyzed for the year 2022, Erdemir ranks first with 11.00 percent, Türk Telekom ranks second with 10.20 percent and Doğuş Otomotiv ranks third with 9.70 percent. The percentage graphs of dividends are shown in Figure-5 below.

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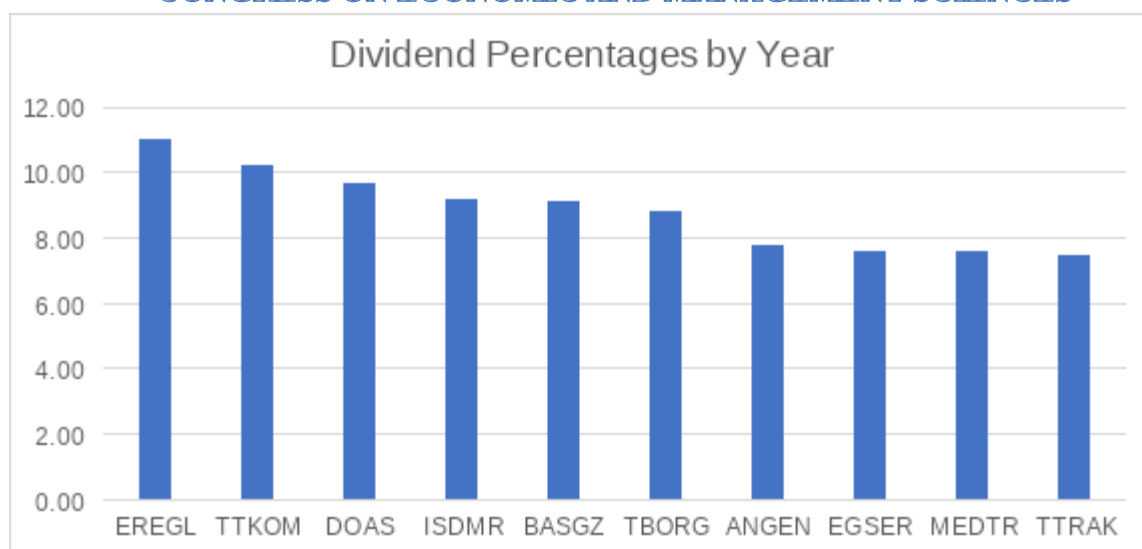


Figure-5

Table 6. Dividend Percentages by Year (Last 10 Years)

Company Name	Abbreviation	Dividend Percentages
İş Yatırım Ortaklığı A.Ş.	ISYAT	126,20
Creditwest Faktoring A.Ş.	CRDFA	83,60
Panora Gayrimenkul Yatırım Ortakligi AS	PAGYO	79,30
Pergamon-Status	PSDTC	75,10
Akmerkez REIT	AKMGY	72,80
IS Investment	ISMEN	72,70
Yeni Gimat Real Estate Investment Trust	YGGYO	69,60
Erdemir	EREGL	68,50
Iskenderun Demir ve Çelik A.S.	ISDMR	65,30
Aksa	AKSA	62,20

As seen in Table 6, when the last 10 years are analyzed in terms of dividend rates according to years, İş Yatırım Ortaklığı A.Ş. ranks first with 126.20 percent, Creditwest Faktoring A.Ş. ranks second with 83.60 percent and Panora Gayrimenkul Yatırım Ortakligi A.Ş. ranks third with 79.30 percent. Percentage graphs of dividends are shown in Figure-6 below.

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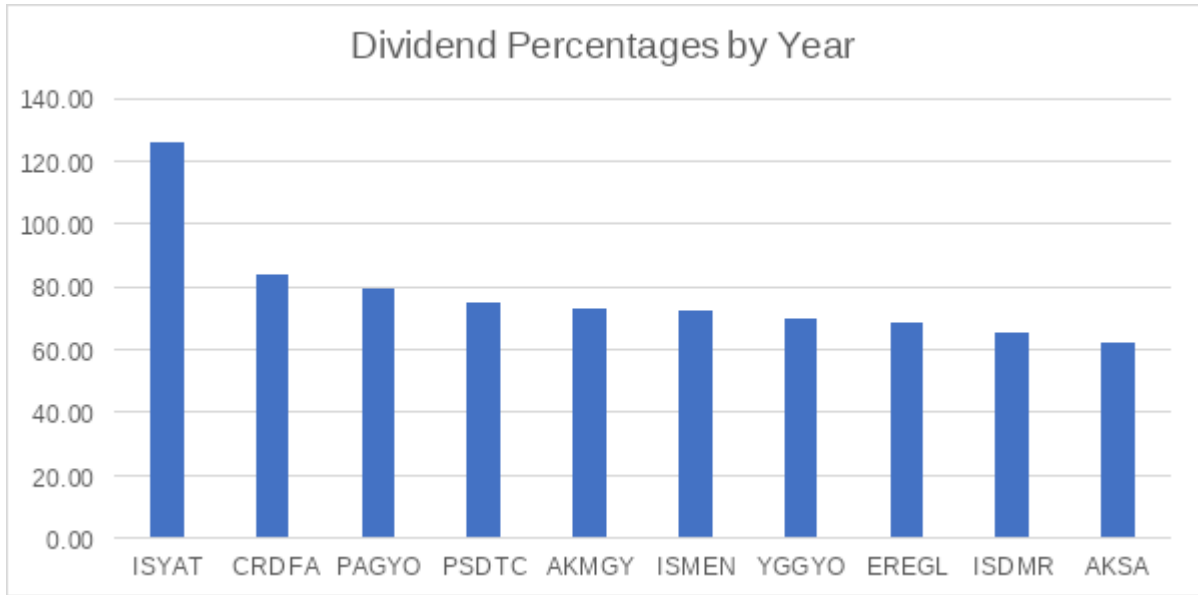


Figure-6

4. Conclusion

One of the biggest goals of businesses today is to maximize the value of the company. Publicly listed companies try many methods to increase their company value. Different views on dividend distribution continue to persist in the literature. Some of these views argue that it is better to distribute dividends, while others argue that it is better not to distribute dividends. In our study, the 10 companies with the highest dividend distributions between 2018 and 2022 are listed. In addition, the companies that have paid the highest dividends in the last 10 years are listed. In general, it is seen that Real Estate Investment Trusts companies find a place in the top 10.

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**4TH INTERNATIONAL LATIN AMERICAN
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THE DETERMINANTS OF WELL-BEING ACROSS COUNTRIES**

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ABSTRACT

There is no doubt in the literature that wealth, measured by GDP per capita, which is still an influential determinant, is not yet a sufficient indicator to measure well-being. The factors explaining life satisfaction which is a measure of a person's well-being is much deeper than thought and related with the issues such as standard of living, health opportunities, job satisfaction, and neighborhood safety. This study examines a potential causal relationship between these aspects and life satisfaction across countries using Pew Research Center's Global Attitudes Survey data on self-reported life satisfaction and based on self-reported life satisfaction surveys in OECD countries. The samples within each country were designed to be representative of the country's overall resident population. In order to determine the factors that explain well-being, our model needed a measure of life satisfaction across the globe that was not an aggregate of other economic factors together with the demographic factors. The results imply that, income level, health opportunities, employment status, and education are particularly significant determinants for life satisfaction with only some differences across countries. In this respect, the present study reveals that in order to maximize the well-being, policy makers may focus on health status and job satisfaction and neighborhood safety.

Keywords: Comparative Studies, Well-being, Wealth, Welfare.

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WOMEN EMPLOYMENT IN TURKEY: LABOR MARKET REGULATIONS
RESTRICTING LABOR FORCE PARTICIPATION**

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ABSTRACT

Social conditions of women have been improved over the past decades by means of arrangements to improve flexibility in the labor market, expanded education opportunities and employment oriented policies supporting the labor market competencies and a more intensive participation of women into labor markets. Despite evidence of increased awareness for equality, it seems that there is a long way to achieve from the point of women in case of a true and active labor force participation and labor market opportunities in Turkey. Women participation rate in employment is still quite low both in comparison with the men and in comparison with the counterparts in advanced economies. According to Turkish Statistical Institute (TUIK), female labor participation rate over 15 years of age is %33.8, while it is %70.8 for males in 2023. According to global gender report 2021 of World Economic Forum, Turkey has taken place at the 133th among 156 countries from the point of gender equality. Considering the related legislation of the country this is a dreadful statistic data. This is mainly the result of the patriarchal structure of the society and traditional gender roles giving the primary responsibilities of house work and child care to women. The purpose of this paper is to evaluate the place of women in Turkish labor market with a discussion of a treatment of women under Turkish labor legislation together with the help of TUIK data. It seems that there needs to be further legislative framework and institutional support for female employment.

Keywords: Women's Employment, Labor Law, Employment, Female Labor Force Participation, Labor Legislation.

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THE EFFECT OF BIG DATA ANALYTICS ON INTELLECTUAL CAPITAL AND
INNOVATION PERFORMANCE IN THE BANKING SECTOR**

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ABSTRACT

In recent years, the importance of big data for businesses has begun to be understood more. It is argued that businesses that can use big data efficiently are more advantageous in terms of increasing their performance. At this point, it is very important to process big data and achieve outputs from it. Because how and where big data will be used is as important as having big data. Despite its advantages to businesses and its impact on performance, big data is still a relatively new field. Considering the importance of banks for the economy, the size of the number of customers and the variety of products, the importance of big data for the sector emerges. Big data is very important especially for financial institutions and banks. It is seen as interesting for banks in terms of innovative service, application, new business models, new markets, risk analysis and ideas.

In general, the banking sector is one of the sectors that has the most interest in applying big data analytics in its operations and generates the most revenue from this business. Data from customers can be used to learn about risks, scoring, service delivery and spending behavior. In addition, banks can better categorize their customers according to demographic, economic and social criteria. In order to reach the data set of this study, commercial banks across Turkey were chosen as the study population. In this context, face-to-face simple random sampling method was used in obtaining the questionnaires. The data set was obtained from all organizational and administrative unit employees of banks operating in Turkey and having a certain size. In order to ensure homogeneity, the analyzes were applied to bank personnel operating in 7 different regions in Turkey. The model of the study is based on human capital, structural capital, relational capital, big data usage and innovation performance variables. According to the results of the study, the R2 value showing the explanatory power of the model is 65%. The results show that human capital and relational capital are effective on innovation performance. It also shows that big data analytics affects the innovation performance of banks by having an effect on human capital

Keywords: Big Data, Intellectual Capital, Innovation Performance, Bank

ÖZET

Son yıllarda büyük verinin işletmeler için önemi daha çok anlaşılmaya başlanmıştır. Büyük veriyi verimli kullanabilen işletmelerin performanslarını artırma noktasında daha avantajlı oldukları savunulmaktadır. Bu noktada büyük veriyi işlemek ve ondan çıktılar elde etmeyi başarmak oldukça önemlidir. Çünkü büyük veriye sahip olmak kadar büyük verinin nasıl ve nerede kullanılacağı da önemlidir. İşletmelere avantajları ve performans

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açısından etkisine rağmen büyük veri henüz yeni sayılan bir alandır. Bankaların ekonomi için önemi, müşteri sayısının büyüklüğü ve ürün çeşitliliği düşünülünce büyük verinin sektör açısından önemi ortaya çıkmaktadır. Özellikle finans kurumları ve bankalar açısından büyük veri oldukça önemlidir. Bankalar açısından inovatif hizmet, uygulama, yeni iş modelleri, yeni pazarlar, risk analizi ve fikirler açısından ilgi çekici olarak görülmektedir.

Genel olarak bankacılık sektörü, faaliyetlerinde büyük veri analitiğini uygulamaya en çok ilgi duyan ve bu işten en fazla gelir sağlayan sektörlerden biridir. Müşterilerden elde edilen veriler, riskleri, skorlamayı, hizmet alma şekillerini ve harcama davranışlarını öğrenmek için kullanılabilir. Ayrıca bankalar bu sayede müşterilerini demografik, ekonomik ve sosyal kriterlere göre daha iyi kategorize edebilir. Bu çalışmanın veri setine ulaşmak için Türkiye genelindeki ticari bankalar çalışma evreni olarak seçilmiştir. Bu kapsamda anketlerin elde edilmesinde yüz yüze basit tesadüfi örnekleme yöntemi kullanılmıştır. Veri seti, Türkiye’de faaliyet gösteren ve belirli büyüklüğe sahip olan bankalar bünyesindeki tüm organizasyonel ve idari birim çalışanlarından elde edilmiştir. Homojenliğin sağlanabilmesi için analizler Türkiye’deki 7 farklı bölgede faaliyet gösteren banka personeline uygulanmıştır. Çalışmanın modeli insan sermayesi, yapısal sermaye, ilişkisel sermaye, büyük veri kullanımı ve inovasyon performansı değişkenleri üzerine kurulmuştur. Çalışma sonuçlarına göre modelin açıklama gücünü gösteren R^2 değeri %65’tir. Sonuçlar inovasyon performansı üzerinde insan sermayesi ve ilişkisel sermayenin etkili olduğunu göstermektedir. Ayrıca büyük veri analitiğinin insan sermayesi üzerinde etkili olarak bankaların inovasyon performanslarını etkilediğini göstermektedir.

Anahtar Kelimeler: Büyük Veri, Entellektüel Sermaye, İnovasyon Performansı, Banka,

1. INTRODUCTION

Like businesses, banks operate with an integration of both tangible and intangible resources. In addition, financial institutions, by their nature, work with more knowledge and intellectual intensity. Because financial institutions do not manufacture a physical product, they need more intangibles than physical needs to provide services, sustainability, and profitability. For this reason, they are expected to give more importance to non-physical resources rather than physical resources (Ghasemaghahi and Calic, 2020). Human capital, data-based knowledge, intellectual capital, systems, technology and other supporting off-balance sheet items are also very important for banks operating in a service-based activity (Gul et al., 2021). The resource-based view states that an institution's intangible resources are more important for sustainable performance (Eisenhardt and Schoonhoven, 1996).

Today, resources based on knowledge and technology are replacing traditional factors of production (Al-Musali and Ismail, 2014). Intellectual capital gains more importance especially in the banking sector, which provides more services and where intangible assets are important. Intellectual capital (IC), which is among intangible assets, is gaining more and more importance in the knowledge economy (Mouritsen and Bukh; 2015).

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Information is important in terms of the continuity of growth as well as its contribution to progress in different fields. World Bank (1998: 1) “Knowledge is like light. Weightless and abstract, it can easily navigate the world, brightening the lives of people everywhere”.

Factors such as the development of technology, globalization, artificial intelligence, information and financial technology increase the importance of intellectual capital. Businesses with a good intellectual capital level can make a difference compared to their competitors or similar ones (El-Bannany, 2008: 495). For this reason, it can be expected that enterprises and sectors with high intellectual capital levels will be more productive and profitable than others.

At this point, big data is considered to be very important for the banking sector. The banking sector is a sector that is open to the big data application sector and includes high volume and diversified data. Banks can analyze the expectations, demands and risks of their customers much more easily by using big data belonging to the market and especially their customers. This situation became clearer in 2020 and later, when the Covid-19 pandemic emerged (Bartik et al., 2020). The pandemic has created an environment for increased competition in the banking market, as in all sectors, and for banks that can use more technological, innovative and big data to become more advantageous than others (Kuckertz et al., 2020). Therefore, banks are increasingly using big data to gain new information and make more accurate, less risky and more profitable decisions by forecasting (Ardito et al., 2019). Acquiring new knowledge through the discovery and use of big data leads to new innovations that improve the performance of these organizations (Ghasemaghahi and Calic, 2020). The importance of big data analytics applications cannot be denied in order for banks to make more accurate financial decisions, give loans to less risky customers, and work more efficiently and effectively (Al-Khatib, 2022; Hung et al., 2020). Big data enables businesses to access new and unique information by using the information they have. At this point, it is an important requirement for the solutions used for credit trend forecasting to use big data processing and analysis techniques.

2. RESEARCH MODEL AND HYPOTHESES

Human capital allows businesses to take advantage of new knowledge by making the best use of their staff's skills in solving different problems, new knowledge, ideas and working methods to reach unique innovations (Ali et al., 2021). There are studies on the role of human capital in increasing the innovation performance of enterprises related to intellectual capital and innovation studies (Agostini et al., 2017). These studies showed the positive role that human capital plays in innovation performance (Ali et al., 2021; Lo et al., 2020). These studies were mostly carried out in the manufacturing sectors. It is important whether this effect differs as the sectors change.

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From this point of view, the research model is as shown in Figure 1.

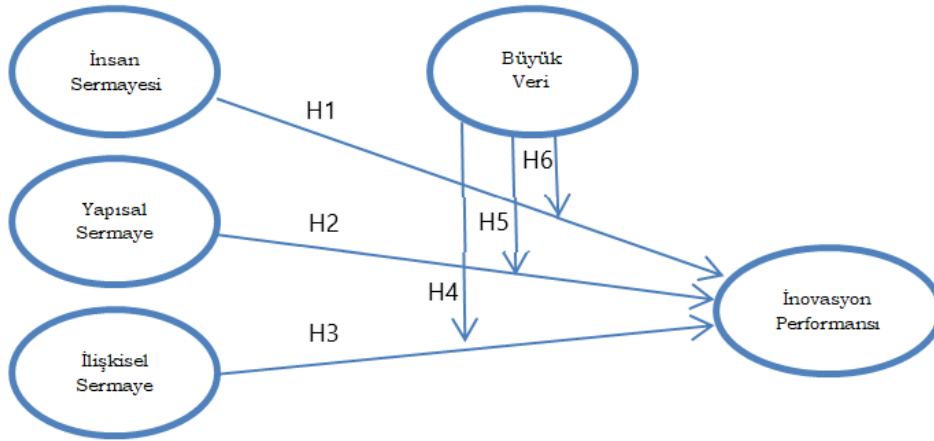


Figure 1. Araştırma Modeli

In this context, the following hypotheses have been developed by taking into account the results of the study (Al-Khatib, 2022), which is the only study found in the banking sector, which is the service sector, together with the previous literature.

Hypothesis 1: Bank's human capital (HC) positively affects innovation performance

Hypothesis 2: Structural capital (SC) of banks positively affects innovation performance

Hypothesis 3: Banks' relational capital (RC) positively affects innovation performance

Hypothesis 4: Banks' big data analytics (BDA) governs the relationship between innovation capital (HC) and innovation performance (IP)

Hypothesis 5: Banks' big data analytics (BDA) governs the relationship between structural capital (SC) and innovation performance (IP)

Hypothesis 6: Banks' big data analytics (BDA) governs the relationship between relational capital (RC) and innovation performance (IP)

3. DATA SET and VARIABLES

In order to reach the data set of the study, commercial banks throughout Turkey were chosen as the study population. In general, the banking sector is one of the sectors that are most interested in applying big data analytics in their operations and generating the highest income from this business (statista, 2020). Data from customers can be used to learn about risks, scoring, service delivery and spending behavior. In addition, banks can thus better categorize their customers according to demographic, economic and social criteria (Al-Dmour et al., 2021).

In this study, it adopts quantitative-deductive causal method and cross-sectional approach, consistent with its hypotheses. This approach is based on testing theories rather than building them. Therefore, the relationships between different structures are tested in order to better understand the underlying causes of the relationships between variables (Sekaran & Bougie, 2016). In addition, data were collected through one-time sampling.

A scale (questionnaire) was developed to achieve the aims of the study and to examine the relationships between the variables. For this purpose, survey questions were created by

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examining published studies on intellectual capital, innovation performance and big data analytics. Questionnaire items were developed using a five-point Likert scale representing the lowest value (1) and the highest value (5). The questionnaire consists of four parts: The first part contains general information about bank personnel. Chapter 2 establishes the adopted elements related to intellectual capital (human capital, structural capital, and relational capital) (Li et al., 2019; Oliveira et al. 2020).

The third section includes questions about the use of big data (Al-Kassar & Singh, 2019), while the fourth section includes questions about innovation performance (Al-Khatib, 2022).

Face-to-face simple random sampling method was used in the distribution of the questionnaire. The data set was obtained from all organizational and administrative unit employees of banks operating in Turkey and having a certain size. Analyzes to ensure homogeneity A total of 418 surveys were conducted to bank personnel operating in 7 different regions in Turkey.

4. RESULTS

Since the goodness of fit values obtained as a result of the modifications made in the study model were within the recommended values, no error term was removed from the model. The relevant results are shown in table 1.

Table 1. Goodness of Fit Values of the Research Model

Criteria	Results	Acceptable Fit
χ^2/df	3,120	if $n > 200$ $0 < \chi^2/df \leq 5$
GFI	,851	$,80 \leq GFI \leq 1$
RMSEA	,071	$0 \leq RMSEA \leq ,08$
CFI	,930	$,90 \leq CFI \leq 1$
TLI	,919	$,90 \leq TLI \leq 1$
AGFI	,816	$,80 < AGFI \leq 1$

In the tests performed to determine the reliability of the structural equation model, it is required that the mean variance extracted (AVE) value of the dimension is greater than 0.50 (Fornell and Larcker, 1981) and the CR value of the dimension is greater than 0.70 (Hair et al., 2014).

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Table 2. AVE and CR Values of the Structural Model

Variables	Composite Reliability (CR)	Average Extracted (AVE)	Variance
HC	0,881	0,597	
SC	0,901	0,648	
RC	0,903	0,611	
BDA	0,938	0,719	
IP	0,908	0,577	

CR > ,70 and AVE > ,50

As seen in Table 2, the AVE and CR values of the dimensions meet these conditions. The results of confirmatory factor analysis and reliability tests required for SEM to be used in this study show that it is suitable for analysis with SEM. In this framework, the analyzes were made with the AMOS program. The results of the structural hypotheses regarding the relationship between the variables are shown in Table 3.

Tablo 3. Hypothesis Results

Hipotezler	R ²	B1	Std.E.	P	Sonuç
H ₁ IP <--- İnsan Sermayesi		,162	,061	,005** *	Kabul
H ₂ IP <--- Yapısal Sermaye		,015	,063	,829	Red
H ₃ IP <--- İlişkisel Sermaye	,647	,244	,076	,000** *	Kabul
H ₄ IP <--- Büyük Veri X İnsan Sermayesi		,146	,021	,086*	Kabul
H ₅ IP <--- Büyük Veri X Yapısal Sermaye		-	,063	,318	Red
H ₆ IP <--- Büyük Veri X İlişkisel Sermaye		-	,028	,045 ,365	Red

***, **, * indicate significance levels of 0.01, .0.05 and 0.10, respectively, p < 0.05, (B1: Standardized Regression Weights)

According to the R2 value, which shows the explanatory power of the model, it is seen that the variables explain the research model by 64.7%.

According to the results of the structural equation model, H1 and H3 hypotheses, which measure the effect of Human Capital and Relational Capital variables on innovation performance, were accepted, while H2, which measures the effect of Structural Capital on innovation performance, were rejected. It has been concluded that two of the three variables

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have a significant and positive effect on the innovation performance of banks. When the use of big data in banks came into play, the H4 hypothesis, which only measures the effect of Human Capital on the innovation performance of banks, was accepted, and H5 and H6, which measured the effect of structural and relational capital, were rejected.

5. RESULTS

This study aims to investigate the effect of intellectual capital components (human capital, structural capital and relational capital) on innovation performance in the Turkish commercial banking sector and to determine the regulatory role of big data analytics between intellectual capital and innovation components. The Turkish banking sector is one of the leading sectors of the economy. The banking sector stands out with its various innovative financial services and new innovations that focus on knowledge production (Al-Abdullat and Dababneh, 2018). Therefore, the importance of innovation in this sector attracts the attention of administrative practitioners and researchers.

The empirical results show that the components of intellectual capital (human capital, structural capital and relational capital) and big data analytics explain 64.7% of the variance in innovation performance. The results of the research show that the variables of Human Capital and Relational Capital are effective on innovation performance. It has been concluded that Structural Capital has no effect on the innovation performance of banks. When the use of big data in banks came into play, it was understood that only Human Capital had an effect on the innovation performance of banks. In the case of big data use, structural capital has no effect on innovation performance. Normally, it has been understood that relational capital, which positively affects the innovation performance of banks, has no effect when the regulatory effect of Big Data is taken into account.

According to the important results of the study, H1 was accepted as human capital and relational capital had a statistically significant effect on innovation performance. In previous studies, the same conclusions were reached that the relationship between human capital and some other relational capital and innovation performance was positive. Cabrilo and Dahms (2020), Lo et al. (2020), Rehman et al. (2021), and Suseno et al. (2020) confirm that human capital, as an intangible asset, plays an important role in increasing organizational capabilities for innovation through individuals' learning, training, and use of knowledge. According to Prajogo and Oke (2016), human capital is considered as one of the organizational capabilities that can be used for solving various administrative and technical problems as well as leveraging new knowledge and using it to create innovation.

One of the important features of the study is that it is one of the few studies in the literature that examines the components of intellectual capital and their relationship with innovation performance by associating them with the existence of big data analytics. The study also contributes to the literature by providing new causal explanations for the factors affecting innovation performance, how big data analytics can be an important component in increasing the effectiveness of organizations' responses to environmental changes, and how big data analytics can change the innovation landscape in organizations.

In this respect, it is thought that the study will contribute to researchers and experts in the field of innovation and big data that can help them better understand the relationships between the structures in the study model. It is also thought that the study will contribute to a better understanding of how to leverage components of intellectual capital to improve innovation performance by using technical and organizational practices related to big data, such as the use and analysis of databases to prepare future perspectives for customers.

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THE RELATIONSHIP OF FOREIGN DIRECT INVESTMENT, FOSSIL
ENERGY CONSUMPTION AND CARBON EMISSIONS IN EUROPEAN
UNION COUNTRIES**

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ABSTRACT

Foreign direct investments play an important role in the development of countries. In addition, foreign direct investments may have some negative environmental effects. Increasing foreign direct investments sometimes affect technology use and sometimes energy consumption, leading to environmental consequences. Carbon emission rates are expected to increase as a result of fossil energy consumption. The legal restrictions of the countries and the technology used can cause the use of fossil energy and carbon emission rates to be at different levels. There are many studies on this subject in the literature. However, in this study, countries that pay more attention to fossil energy and carbon emissions and that have joined the green memorandum of understanding as of 2019 are discussed. This agreement aims to minimize the effects of the global climate crisis. In this study, the relationship between fossil energy consumption, carbon emission rate and foreign direct investment in 27 European Union countries for the period 2006 – 2021 was examined. While fossil energy consumption and carbon emission rate were used as dependent variables in the study, foreign direct investments were used as independent variables. In addition, variables such as population density, export, openness, gross domestic product, electricity consumption were also used in the study. These data were obtained from the EUROSTAT system, which shares the data of EU countries. Balanced panel data method was used in empirical analysis. Evidence on the effects of FDI in EU countries on fossil energy consumption and carbon emissions has been obtained in the research findings. It is thought that the findings of the study will contribute to the development of environmental sensitivity for policy makers, industrialists and researchers.

Keywords: Fossil Energy, Carbon Emission, Foreign Direct Investment, Environment, EU

ÖZET

Doğrudan yabancı yatırımlar ülkelerin kalkınmalarında önemli bir rol oynamaktadır. Bunun yanı sıra doğrudan yabancı yatırımların çevresel açıdan bazı olumsuz etkileri de olabilmektedir. Artan doğrudan yabancı yatırımlar bazen teknoloji kullanımını bazen de enerji tüketimini etkileyerek çevresel sonuçlara yol açmaktadır. Fosil enerji tüketimi sonucunda karbon emisyon oranlarının da artması beklenir. Ülkelerin yasal sınırlamaları ve kullanılan teknoloji fosil enerji kullanımı ile karbon emisyon oranlarının farklı düzeylerde olabilmesine neden olabiliyor. Bununla ilgili literatürde yapılan çok sayıda çalışma vardır. Fakat bu çalışmada fosil enerji ve karbon salınımına daha çok dikkat eden ve 2019 yılı itibariyle yeşil mutabakat anlaşmasına katılan ülkeler ele alınmıştır. Bu mutabakat dünya genelinde yaşanmakta olan iklim krizinin etkilerini en aza

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indirmeyi amaçlar. Bu çalışmada, 2006 – 2021 dönemi için 27 Avrupa Birliği ülkesinde fosil enerji tüketimi, karbon emisyon oranı ve doğrudan yabancı yatırımlar arasındaki ilişki incelenmiştir. Çalışmada bağımlı değişken olarak fosil enerji tüketimi ve karbon emisyon oranı kullanılırken bağımsız değişken olarak doğrudan yabancı yatırımlar kullanılmıştır. Ayrıca çalışmada nüfus yoğunluğu, ihracat, dışa açıklık, gayri safi yurtiçi hasıla, elektrik tüketimi gibi değişkenler de kullanılmıştır. Bu veriler AB ülkelerine ait verileri paylaşan EUROSTAT sisteminden elde edilmiştir. Ampirik analizlerde dengeli panel veri yöntemi kullanılmıştır. Araştırma bulgularında AB ülkelerinde doğrudan yabancı yatırımların fosil enerji tüketimi ve karbon emisyonu üzerindeki etkilerine dair kanıtlar elde edilmiştir. Çalışma bulgularının politika yapıcılar, sanayiciler, çevresel duyarlılığın gelişmesi açısından ve araştırmacılar için katkı sağlayacağı düşünülmektedir.

Anahtar Kelimeler: Fosil Enerji, Karbon Emisyonu, Doğrudan Yabancı Yatırım, Çevre, Avrupa Birliği

INTRODUCTION

Foreign direct investments play an important role in the development of countries. In addition, foreign direct investments may also have some negative environmental effects. Increasing foreign direct investments sometimes affect technology use and sometimes energy consumption, leading to environmental consequences. Carbon emission rates are expected to increase as a result of fossil energy consumption. The legal restrictions of the countries and the technology used can cause the use of fossil energy and carbon emission rates to be at different levels. There are many studies on this subject in the literature. If FDIs enable the development of technology and reduce carbon emissions, the Pollution Halo Hypothesis is valid. If FDIs cause an increase in carbon emissions, the Pollution Paradise Hypothesis is valid (Işık, 2019).

In recent years, the debates between environmental pollution and economic development have become more evident in the European Union countries as well as in the world. The carbon emission caused by the use of fossil fuels is causing more and more harm to nature every day (Hotunoğlu and Tekeli, 2007). Especially in the last 20 years, air pollution and global warming issues have started to be discussed more among both researchers and politicians (Akın, 2014). In this context, the Kyoto Protocol signed in 1997 is an important threshold point in this regard. Countries that have signed this protocol have decided to reduce the emission of carbon dioxide and other gases that cause the greenhouse effect. The most important purpose of this protocol is to ensure that the temperatures, which are thought to increase with global warming, remain at normal levels and that the climatic conditions continue in their natural state (Kiviyiro and Arminen, 2014). With the increase in global warming and global awareness on this issue, statistical research on carbon emissions has increased.

With the adoption of the Paris Climate Agreement in 2015, EU countries have set two goals:

- 1- Keeping the global temperature increase below 1.5°C and adapting to the effects of climate change.
- 2- It is to determine how the Green European Union Consensus is implemented and to what extent these practices can affect the EU's climate goals in 2050.

The European Union (EU), not only as a climate policy; At the same time, he announced the European Green Deal, which he designed as an economic transformation

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program, on 11 December 2019. This Agreement also indirectly affects the countries with which EU countries have trade relations.

According to the world carbon emission ranking, China ranks first in the world with the highest carbon emissions, while the USA ranks second. The carbon emission of the USA is even higher than the total emission of the European Union countries. However, according to the reports of the Global Carbon Project, while India, one of the carbon emission giants, shows the biggest increase with 5%, there are significant increases in China and the USA. On the other hand, European Union countries reduced their carbon emissions by 1.8%. This clearly shows that the member states of the European Union are more sensitive to carbon emissions. EU countries have been developing environmental and energy policies within the scope of combating climate change since 1972. Until the 2000s, these policies were formed in line with the understanding of sustainable development. Since 2010, EU countries have started to adopt the green economy model in their environmental and energy policies (European Commission, 2014). Although EU countries are more sensitive to carbon emissions, the trends among EU member states differ (Küçük & Dural, 2022).

2. RESEARCH STRUCTURE and HYPOTHESES

In this study, countries that are more sensitive to fossil energy and carbon emissions and that have joined the Kyoto Protocol, the Paris Climate Agreement in 2015 and the green memorandum of understanding as of 2019 are discussed. This agreement aims to minimize the effects of the global climate crisis. In this study, the relationship between fossil energy consumption, carbon emission rate and foreign direct investment in 27 European Union countries for the period 2006 – 2021 was examined. While fossil energy consumption and carbon emission rate were used as dependent variables in the study, foreign direct investments were used as independent variables. In addition, variables such as openness, population density, exports, imports, gross domestic product, electricity consumption were also used in the study. These data were obtained from the EUROSTAT system, which shares the data of EU countries. Balanced panel data method was used in empirical analysis.

Accordingly, some tests were carried out on the micro panel ($N > T$), which was created from the data of 27 EU countries, in the 16-year period including the years 2006-2021.

In order to determine whether there is a heteroscedasticity problem in the models, the Adjusted Wald Test; Bhargava, Franzini, and Narendranathan's Durbin-Watson and Baltagi-Wu local best invariant test (1982) was applied to determine whether there is an autocorrelation problem. Pesaran (2004) test was used to determine whether there is a correlation between units (horizontal section dependency) in the models.

Considering the studies in the literature, the effect of gender diversity on the financial performance of banks is discussed. In this context, the following hypotheses have been developed. Based on this, the following hypotheses have been developed:

H1: In EU countries, the use of fossil energy is positively related to the inflow of foreign direct investments.

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H2: In EU countries, the carbon emission rate is negatively correlated with the inflow of foreign direct investment.

H3: In EU countries, carbon emission rate is negatively correlated with fossil energy use.

3. RESEARCH MODEL

The data set of 27 EU member states was used in the study. The study is based on 16-year data of countries for the period 2006-2021. The data are used as annual data. Analyzes were made in STATA using the panel data method. All data were obtained from EUROSTAT, the statistical institution of EU countries.

In the study, 2 dependent variables showing CARBON and FOSSIL fuel level, with foreign direct investment (FDI), gross national product (GDP), electricity consumption per capita (ELECTCONS), trade openness (TRADEO), exports (IMPORT), imports (EXPORT) and population density (POPULATION) variables were used.

In order to test the hypotheses determined in the research, 2 models were developed as follows.

Model 1

$$\text{FOSSIL}_{i,t} = \beta_{0i} + \beta_1 \text{FDI}_{i,t} + \beta_2 \text{GDP}_{i,t} + \beta_3 \text{ELECTCONS}_{i,t} + \beta_4 \text{TO}_{i,t} + \beta_5 \text{IMPORT}_{i,t} + \beta_6 \text{EXPORT}_{i,t} + \beta_7 \text{POPULATION}_{i,t} + \varepsilon_{i,t}$$

Model 2

$$\text{CARBON}_{i,t} = \beta_{0i} + \beta_1 \text{FOSSIL}_{i,t} + \beta_2 \text{FDI}_{i,t} + \beta_3 \text{GDP}_{i,t} + \beta_4 \text{ELECTCONS}_{i,t} + \beta_5 \text{TO}_{i,t} + \beta_6 \text{IMPORT}_{i,t} + \beta_7 \text{EXPORT}_{i,t} + \beta_8 \text{POPULATION}_{i,t} + \varepsilon_{i,t}$$

4. RESULTS and CONCLUSION

The study was carried out in the fixed effects model. Appropriate tests were carried out when deciding on this. The Hausman (1978) Test is used to decide which is the optimal model when choosing between the fixed and random effects model. The main hypothesis of the test in question is “There is no correlation between explanatory variables and unit (time) effect.” while the alternative hypothesis is established as “Explanatory variables and unit (time) effect are correlated”. If the H0 hypothesis cannot be rejected, it is concluded that the difference between the parameter estimators of the fixed-effects model and the random-effects model will be very small, and both estimators are consistent, but the random-effects estimator is more efficient. If the H0 hypothesis is rejected, it is concluded that the difference between the parameter estimators will be large and the random effects estimator is inconsistent with the fixed effects estimator (Tatoğlu, 2018: 187).

The results of the study were made with the Driscoll Kray test, which is one of the durable estimators.

Accordingly, according to Model 1, FDI and fossil fuel consumption are positively and significantly related. In other words, as FDI increases, the use of fossil fuels increases.

Import and Population and fossil fuel use are positively and significantly related. There is a negative and significant relationship between GDP, exports, electricity consumption and fossil fuel consumption. In other words, fossil fuel decreases as GDP, exports, and electricity consumption increase.

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Table 1. Analysis Results

Independent Variables	Model 1 (FOSSIL)	Model 2 (CARBON)
FOSSIL	-	14 2.4 17 ** * [12. 85]
Log.FDI	0.055*** [3.62]	- 0.7 50 ** * [- 3.5 7]
GDP	-0.012** [-2.22]	0.3 57 ** * [12. 84]
Log.ELECT	- 0.056*** [-3.68]	1.0 37 [0.5 7]
TRADEO	0.012 [1.35]	3.3 93 ** [2.1 2]

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Log.IMPORT	0.155*** [5.87]	- 25. 82 5* ** [- 3.8 0]
Log.EXPORT	- 0.085*** [-6.54]	17. 12 4* ** [2.5 8]
POPULATION	0.001*** [9.86]	- 0.0 44 ** * [- 14. 69]
Dummy	0.007* [1.81]	2.0 26 [1. 11]
_cons	0.565*** [12.30]	3.6 42 * [2. 70]
Effect	Fixed	Fix ed
R ²	0.26	0.5 9
# of observations	432	43 2
F	1954.59	12 03

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		6.1
		2
<hr/>		
Prob. > F	0.000***	0.0 00 ** *

Note: ***, ** and * denote the significance level of 0.01, 0.05 and 0.10, respectively. The values in [] brackets indicate the t value.

According to Model 2, fossil fuel consumption and carbon emissions are positively and significantly related. In other words, as fossil fuel consumption increases, the carbon emission rate increases. A negative and significant relationship was found between FDI and carbon emissions. In other words, as FDI increases in EU countries, carbon emissions decrease. The sensitivity and legal practices of EU countries on carbon emissions have an impact on this.

Import and Population and fossil fuel use are positively and significantly related. There is a positive and significant relationship between GDP, trade openness and exports and carbon emissions. In other words, as GDP, trade openness and exports increase, carbon emissions increase.

It is thought that the findings of the study will contribute to the development of policy makers, industrialists, environmental awareness and researchers. In the study, EU countries, the majority of which are in the developed country class, are discussed. The study can be developed by classifying these countries according to their income levels.

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**DOES WIND ENERGY AFFECT ECONOMIC GROWTH IN THE TOP WIND
ENERGY CONSUMER COUNTRIES? NOVEL EVIDENCE FROM THE METHOD
OF MOMENTS QUANTILE REGRESSION**

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ABSTRACT

A remarkable portion of the studies on energy focuses on the relationship between renewable energy consumption and economic growth because of the key role of renewable energy in the sustainable growth and the protection of environmental quality. On the other hand, it can be seen that the effect of wind energy, the most widely used one of the renewable energy sources, on economic growth has not been sufficiently studied. Differing from the majority of previous studies, the present study examines the relationship between wind energy and economic growth in the top wind energy consumer countries like China, the United States, Germany, India, England, Spain, the Netherlands, and Denmark. Covering the period of 1999–2021, the present study employs the novel Method of Moments Quantile Regression (MMQR) approach introduced by Machado and Silva (2019) for coefficient estimation. Given the estimation results obtained from MMQR, it was determined that wind energy had a positive and significant effect on economic growth at all quantiles. Hence, it can be concluded that wind energy had an effect boosting the economic performance in the top wind energy consumer countries. Moreover, given the results obtained from the panel Dumitrescu–Hurlin causality test, the validity of the feedback hypothesis, which states that there is a bidirectional causality relationship between wind energy and economic growth, was confirmed. In other words, economic growth and wind energy can act as complementary to each other and policies reducing the use of wind energy might decrease economic performance.

Keywords: Sustainable Growth, Wind Energy Consumption, Method of Moments Quantile Regression

INTRODUCTION

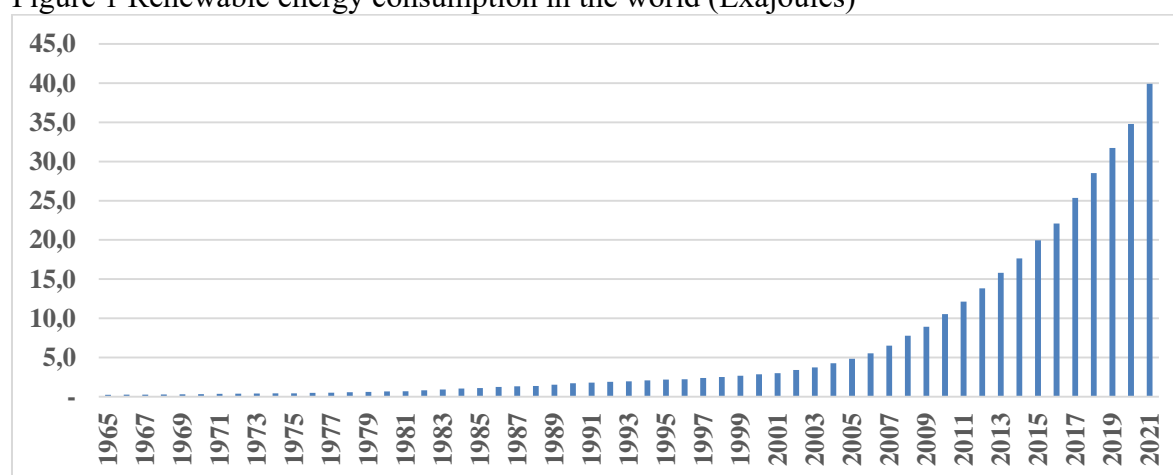
Energy is an irreplaceable source to meet human needs and conduct economic and social activities in various fields ranging between production, consumption, infrastructure, transportation, and housing (Jiang et al., 2022). Energy consumption and, consequently, energy demand increase on daily basis due to globalization, changes in production and consumption relationships, increasing industrialization activities, higher growth objectives, technological advancements, and population growth (Magazzino et al., 2021). On the other side, an increase in energy demand also leads to some concerns. Fossil fuels, the first one of them, are exhaustible sources and are not distributed evenly throughout the world (Nguyen

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and Le, 2022). Hence, some countries are rich in this source, whereas some countries have limited energy sources. This situation damages the energy supply security and might cause macroeconomic instability, especially by making foreign-dependent countries vulnerable to external shocks (Forte et al., 2018). The second concern is that almost 80% of total energy consumption is met using fossil fuels, which are considered non-renewable energy, nowadays (British Petroleum (BP), 2022). On the other hand, the problems such as global warming, climate change, environmental pollution, etc. originate from fossil fuel consumption. Hence, it can be stated that fossil fuel consumption threatens economic and environmental sustainability (Farhidi, 2022). The third concern is that fossil fuel consumption has direct and indirect negative impacts on human health through air and water (Anser et al., 2020). Due to these concerns, many countries search for alternative and clean sources.

As a clean source, the renewable energy sources mainly consist of solar, wind, geothermal, hydroelectric, and biomass energies (Olabi and Abdelkareem, 2022). Figure 1 illustrates the situation of total renewable energy consumption in the world from 1965 to 2021.

Figure 1 Renewable energy consumption in the world (Exajoules)



Source: BP statistical review of world energy, 2022.

As seen in Figure 1, there was no remarkable increase in the renewable energy consumption from 1965 to the early 2000s. However, global renewable energy consumption significantly increased since the 2000s due to the factors such as environmental concerns, sustainable development objectives, demand for clean and alternative energy sources, and decreases in energy establishment costs thanks to technological advancements. For instance, renewable energy consumption, which was approximately 3 exajoules in the year 2000, increased to roughly 40 exajoules as of the year 2021. Table 1 shows the renewable energy generation by source in 2020 and 2021 years.

Table 1 Renewable energy generation by source in the world

Terawatt-hours (TWh)	2020	2021
Wind	1596.43	1861.94
Solar	846.23	1032.50
Other Renewables	703.92	762.78
Total	3146.57	3657.22

Source: BP statistical review of world energy, 2022.

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As stated in Table 1, wind and solar energies make the highest contribution to renewable energy production, respectively. In the years 2020 and 2021, almost 50% of renewable energy generation was performed using wind energy (1596.43 TWh and 1861.94 TWh, respectively), followed by solar energy having a share of 26% in the year 2020 and 28% in the year 2021. Furthermore, the growth rate of wind energy in the year 2021 was roundly 17%. In conclusion, it can be stated that wind energy is an important component of the renewable energy generation and it should be studied more comprehensively due to its potential.

Within this context, the advantages offered by the wind energy can be expressed as follows (Sadorsky, 2021). Since wind energy doesn't cause any harmful gas or pollutant release, it protects the environmental quality. No additional fuel is required to produce electricity by using wind energy. By using wind turbines, electricity can be generated not only in terrestrial wind farms but also from those located on seas or oceans. Wind turbines occupy small spaces and the land can be used also for animal husbandry and agricultural purposes. On the other hand, there also are certain disadvantages such as noise and visual pollution due to wind turbines, effects on birds flyways, bird deaths, and instability in production due to climatic factors. Table 2 represents the top wind energy consumer countries between 2000 and 2021.

Table 2 Top wind energy consumer countries

Countries (Exajoules)	2000	2005	2010	2015	2020	2021	The share of 2021 (%)
China	0.01	0.02	0.49	1.80	4.41	6.18	35.20
The United States	0.06	0.19	0.96	1.87	3.23	3.61	20.60
Germany	0.10	0.29	0.39	0.78	1.25	1.11	6.30
India	0.02	0.06	0.19	0.32	0.57	0.64	3.70
England	0.01	0.03	0.10	0.39	0.71	0.61	3.50
Spain	0.05	0.22	0.44	0.48	0.53	0.59	3.30
The Netherlands	0.01	0.02	0.04	0.07	0.15	0.17	1.00
Denmark	0.05	0.07	0.08	0.14	0.15	0.15	0.90
Total	0.30	0.89	2.69	5.84	11.00	13.05	74.50
World	0.33	1.08	3.46	8.06	15.09	17.54	100

Source: BP statistical review of world energy, 2022.

As seen in Table 2, approximately 74.50% of the total wind energy consumption is made by China, the United States, Germany, India, England, Spain, the Netherlands, and Denmark. In this field, as of the year 2021, China has the share of 35.20%, followed by the USA (20.60%), Germany (6.30%), India (3.70%), England (3.50%), Spain (3.30%), the Netherlands (1.00%), and Denmark (0.90%), which have relatively low shares.

The present study investigates the following hypothesis regarding the relationship between wind energy (WIND) and economic growth (GDP):

H₁: WIND increases GDP.

H_{2A}: WIND Granger causes GDP.

H_{2B}: GDP Granger causes WIND.

In the literature, only few studies test the hypotheses given above. Furthermore, to the best of our knowledge, the present study is one of the very first studies examining those theories for

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the top renewable energy consumer countries. In the present study, the relationships between wind energy and economic growth in the top renewable energy consumer countries like China, the United States, Germany, India, England, Spain, the Netherlands, and Denmark for the period 1991–2021. The novelties of the present study and its contributions to the literature on the energy-economic growth relationship can be explained as follows. The first of them is that, in the literature on energy economics, the studies generally analyzed the relationships between total energy consumption and economic growth or those between total renewable energy consumption and economic growth. Hence, the potential effects of sub-renewable energy types such as wind, solar, geothermal, hydroelectric, and biomass on economic growth are ignored. It causes holistic policy conclusions for renewable energy sources and ineffective policy implications on sub-renewable energy types. The second one is that the present study uses a novel and more consistent test methods for the relationship between wind energy and economic growth, rather than classical estimation methods. Thus, more robust and reliable results are achieved. The third one is that, rather than countries having a specific geographic vicinity or having similar economic performance, the countries leading the wind energy consumption were preferred. Hence, the potential relationships between wind energy and economic growth can be more accurately assessed.

The remaining sections of the present study were organized as follows. The second section summarizes the literature review, whereas the third section explains the data and model. The fourth section includes the methodology and the fifth section presents the empirical results. Finally, the sixth section includes the conclusions and policy recommendations.

LITERATURE REVIEW

The study carried out by Kraft and Kraft (1978) examining the relationship between energy consumption and economic growth pioneers the literature on energy consumption–economic growth. After this study, many researchers (see, e.g., Akarca and Long, 1980; Eden and Hwang, 1984; Masih and Masih, 1996; Sun, 1998; Asafu–Adjaye, 2000; Apergis and Payne, 2010; Pao and Fu, 2013; Inglesi–Lotz, 2016; Destek and Sinha, 2020; Wang et al. 2022; Peçe et al., 2023) using different test methods for various countries and country groups studied the relationship between energy consumption and economic growth and those between renewable energy consumption and economic growth. In most of those studies, within the causality methodology, the relationship between energy consumption (renewable energy consumption) and economic growth was analyzed using four alternative hypotheses. Those hypotheses are the growth hypothesis, the conservation hypothesis, the feedback hypothesis, and the neutrality hypothesis (Bhattacharya et al., 2016).

If there is a unilateral causality from energy consumption to economic growth, then the growth hypothesis is valid. The growth hypothesis claims that the economy is dependent upon energy and, consequently, energy-saving practices would negatively affect the economic growth (Sebri, 2015). On the contrary, if there is a unilateral causality from economic growth to energy consumption, then the conservation hypothesis would be valid. In this hypothesis, it is supposed that energy-saving had no or very low effects on economic growth (Apergis and Payne, 2012). In case of a bilateral causality between economic growth and energy consumption, the feedback hypothesis is confirmed. In this hypothesis, there is a potential descriptiveness between the relevant variables (Alper and Oguz, 2016). Finally, if there is no causal relationship between economic growth and renewable energy, then the neutrality

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hypothesis would be verified. In this hypothesis, it is emphasized that energy saving has an insignificant effect on economic growth (Omri, 2014). Literature on the causal relationship between renewable energy consumption (REC) and economic growth (GDP) is summarized as follows.

Some of the studies confirming the growth hypothesis are provided below. Bilgili (2015) investigated the relationship between REC and GDP in the USA for the period 1981–2013 by employing the wavelet coherence approach and confirmed the growth hypothesis claiming that there was a unilateral causal relationship from REC to GDP. Hamit–Haggar (2016) examined the relationship between REC and GDP by using the bootstrap-corrected Granger causality test for 11 Sub-Saharan African countries for the period 1971–2007. The results confirmed the growth hypothesis claiming that there was a unilateral causal relationship from REC to GDP. Destek and Aslan (2017) examined the causal relationship between REC and GDP for 17 emerging countries for the period 1980–2012. Given the bootstrap panel causality results, the validity of the growth hypothesis was confirmed. Using the Dumitrescu–Hurlin causality test, Alvarado et al. (2021) found a causal relationship from REC to GDP in 27 OPEC countries for the period 1985–2015.

Some of the studies confirming the validity of the conservation hypothesis are as follows. Sadorsky (2009) investigated the relationship between REC and GDP in 18 emerging countries for the period 1994–2003 and concluded that the conservation hypothesis was valid. Tiwari (2011) analyzed the relationship between REC and GDP in India for the period 1960–2009 by using the structural VAR approach. At the end of the analysis, it was confirmed that the conservation hypothesis claiming a unilateral causal relationship from GDP to REC was confirmed. Gyamfi et al. (2020) found that there was a unilateral causal relationship from GDP to REC in E7 countries (China, Turkey, Russia, India, Indonesia, Brazil, and Mexico) for the period 1990–2018. Rahman and Velayutham (2020) investigated the relationship between REC and GDP in 5 South Asian Countries for the period 1990–2014. Given the Dumitrescu–Hurlin panel causality test results, it was determined that there was a unilateral causal relationship from GDP to REC.

Some of the studies supporting the feedback hypothesis are as follows. Apergis and Payne (2010) analyzed the relationship between REC and GDP for 20 OECD countries for the period 1985–2005. The panel VECM results supported the validity of the feedback hypothesis. Tugcu et al. (2012) analyzed the relationship between REC and GDP for BRICS countries for the period 1992–2012 by using the Hatemi–J bootstrap causality test and they found evidence supporting the feedback hypothesis between the relevant variables for England and Japan. Using the VEC method, Pao and Fu (2013) examined the relationship between REC and GDP for Brazil for the period 1980–2010. The results they achieved confirmed the validity of the feedback hypothesis claiming a bilateral causal relationship between REC and GDP. Shahbaz et al. (2015) tested the relationship between REC and GDP for Pakistan for the period 1972Q1–2011Q4. The results obtained from the VEC method verified the validity of the feedback hypothesis claiming a bilateral causal relationship between REC and GDP. Magazzino et al. (2022) analyzed the relationship between REC and GDP in 5 Scandinavian countries for the period 1990–2018 and the findings suggested a bilateral causal relationship between those variables. Hieu and Mai (2023) investigated the relationship between REC and GDP in 80 developing countries for the period 1990–2020.

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Given the Dumitrescu-Hurlin causality test results, the validity of the feedback hypothesis assuming a bilateral causal relationship between REC and GDP was confirmed.

Some of the studies confirming the validity of the neutrality hypothesis are presented below. Payne (2009) investigated the relationship between REC and GDP in the United States for the period 1949–2006 by using the Toda–Yamamoto causality test and they revealed that the neutrality hypothesis was verified. Menegaki (2011) studied the relationship between REC and GDP in 27 European countries for the period 1997–2007 and concluded that the neutrality hypothesis was valid. Bhattacharya et al. (2016) examined the relationship between REC and GDP in the top 38 countries in the Renewable Energy Country Attractive Index for the period 1991–2012. Given the Dumitrescu–Hurlin causality test results, no significant relationship was found between these variables.

While the relationship between total renewable energy consumption and economic growth was comprehensively studied in the literature, only few studies examined the relationship of wind energy consumption, which has an important share in the total renewable energy consumption, with economic growth. Moreover, it can be seen that there was no consensus among these few studies about the relationship between wind energy consumption and economic growth. These studies are summarized below.

Ewing et al. (2007) used the monthly data of the United States for the period 2001–2005 and examined the effects of disaggregated energy consumption and employment on the industrial output. They found that, given the generalized variance decomposition results, wind energy consumption had a positive effect on industrial output. Ohler and Fetters (2014) investigated the relationships between six renewable energy sources and economic growth in 20 OECD countries for the period 1990–2008. The fully modified OLS results revealed that wind energy positively affected the economic growth. Given the panel Granger causality results, it was determined that there was a unilateral causal relationship from economic growth to wind energy. Armeanu et al. (2017) found no significant causal relationship between wind energy and economic growth in 28 European Union countries for the period 2003–2014. The findings confirmed the validity of the neutrality hypothesis. Mikulić et al. (2018) investigated the effects of wind energy plant establishment on the Croatian economy for the period 2007–2016. Analysis results corroborated the conservative hypothesis. Using the index decomposition analysis approach, Sadorsky (2021) analyzed the driving factors of wind energy consumption in the top 17 wind energy consumer countries. Analysis results revealed that the renewable energy share and the energy intensity were the biggest drivers in the increase of wind energy consumption. Using the GMM method, Apaydın and Koç (2022) investigated the effects of wind energy generation on economic growth in 60 countries for the period 1990–2017. The results showed that wind energy positively affected the economic growth and the growth hypothesis was valid. Doğan et al. (2022) examined the effects of wind and geothermal energy consumption on economic growth in Germany, Iceland, Italy, Japan, Mexico, New Zealand, Portugal, Turkey, and the United States for the period 2016M1–2020M11. The coefficient estimation results revealed that wind energy negatively affected the economic growth. Dumitrescu–Hurlin causality test results confirmed the growth hypothesis claiming that there is a unilateral causal relationship from wind energy consumption to economic growth.

DATA AND MODEL

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In the present study, the relationship between wind energy consumption and economic growth were investigated for the top 8 wind energy consumer countries (China, the United States, Germany, India, England, Spain, the Netherlands, and Denmark) given in the British Petroleum (2021) official statistics. In this study covering the period 1999–2021, economic growth (GDP) was represented by GDP per capita data. Capital (CAP) was represented by gross fixed capital formation, and labor force (LAB) was represented by labor force participation rate data. The data for GDP, CAP, and LAB were obtained from the World Development Indicators (WDI) database of the World Bank (WDI, 2023). Finally, wind energy (WIND) that was the main variable was represented by wind energy consumption data. The data for WIND was extracted from the official website of British Petroleum (BP, 2022). In the analysis, all the variables were examined using logarithmic values. Descriptions of variables are shown in Table 3.

Table 3 Description of variables

Symbol	Variable	Description	Unit	Source
GDP	Economic growth	GDP per capita	Constant 2015 US\$	WDI
CAP	Capital	Gross fixed capital formation	% of GDP	WDI
LAB	Labor	Labor force participation rate	% of total population	WDI
WIND	Wind energy	Wind energy consumption	Exajoules	BP

The relationship between wind energy and economic growth was empirically analyzed using the Cobb–Douglas type production function. The estimation model was expanded with wind energy variable and shown in Equation (1):

$$\ln \text{GDP}_{it} = \alpha_0 + \alpha_1 \ln \text{CAP}_{it} + \alpha_2 \ln \text{LAB}_{it} + \alpha_3 \ln \text{WIND}_{it} + \varepsilon_{it} \quad (1)$$

Considering the CAP and LAB as the main determinants of production, CAP and LAB are important and irreplaceable variables for economic growth. Therefore, in Equation (1), the coefficients α_1 ($\alpha_1 = \frac{\partial \text{GDP}}{\partial \text{CAP}} > 0$) and α_2 ($\alpha_2 = \frac{\partial \text{GDP}}{\partial \text{LAB}} > 0$) are expected to be positive and statistically significant. In this regard, the energy consumption is one of the critical components of production process and economic activities (Apergis and Payne, 2012; Wolde-Rufael, 2009). Therefore, coefficient α_3 of the wind energy (WIND), the main variable within the context of renewable energy, is expected to be statistically significant and positive ($\alpha_3 = \frac{\partial \text{GDP}}{\partial \text{WIND}} > 0$). Table 4 reports the summary of statistics.

Table 4 Summary statistics

Variables	Obs.	Mean	Std. Dev.	Min.	Max.	Skew.	Kurt.	J–B
GDP	184	9.94	1.31	6.61	11.033	–1.38	3.38	59.46 ^a
CAP	184	3.15	0.27	2.75	3.796	0.96	2.90	28.36 ^a
LAB	184	4.12	0.09	3.80	4.345	–0.52	4.23	19.84 ^a
WIND	184	–1.77	1.59	–5.29	1.821	–0.07	2.42	2.72

Notes: The values are natural logarithm-transformed variables. a indicates significance at 1% level.

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In Table 4, the mean values of GDP, CAP, LAB, and WIND are 9.94, 3.15, 4.12, and -1.77 respectively. The variables of GDP, LAB, and WIND display negative skewness except for CAP. CAP is positively skewed. WIND has the lightest tails owing to its very low kurtosis. Moreover, WIND is the most volatile variable due to its high standard deviation. Jarque–Bera (J–B) normality test verifies that GDP, CAP, and LAB data are not normally distributed except for WIND data.

METHODOLOGY

The test methods applied for the empirical analysis of the relationship between wind energy consumption and economic growth in the top 8 wind energy consumer countries are summarized as follows.

- Pesaran’s (2015) CD test was applied for cross-sectional dependency (CSD) problem,
- Slope homogeneity was tested using Pesaran and Yamagata’s (2008) Delta ($\tilde{\Delta}$) test and Adjusted Delta ($\tilde{\Delta}_{adj}$) tests,
- The stationarity characteristics of the variables were controlled using Pesaran’s (2007) Cross-sectionally IPS (CIPS) panel unit root test,
- The cointegration relationship between the variables was estimated utilizing Westerlund’s (2007) error-correction-based panel cointegration test,
- Coefficient estimation was performed using the novel Method of Moments Quantile Regression (MMQR) approach introduced by Machado and Silva (2019),
- The robustness of coefficient estimation results was tested using Fully Modified OLS (FMOLS), Dynamic OLS (DOLS), and Fixed Effect OLS (FE–OLS) with Driscoll–Kraay standard errors,
- The causal relationship between the variables was determined using the panel Granger non-causality test developed by Dumitrescu and Hurlin (2012).

Since the interaction and dependency between the countries increasingly continue, CSD should be tested in order to obtain reliable results in panel data analysis. Otherwise, the results might be spurious (Nazlioglu et al., 2011). For this reason, the existence of CSD was tested using the CD test. Slope homogeneity was tested using $\tilde{\Delta}$ and $\tilde{\Delta}_{adj}$ tests.

The stationarity characteristics of the variables were analyzed using the CIPS panel unit root test. CIPS test regards CSD and slope heterogeneity and can be used regardless of time (T) and cross-section (N) dimension size. This test, with Cross-sectionally ADF (CADF) test statistics, can control the individual stationarity for each N in the panel. Furthermore, it also investigates the stationarity for the whole panel by making use of the CIPS test statistic calculated as the average of individual CADF test statistics (Pesaran, 2007). In case that the

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absolute value of the test statistics is higher than the critical value, then the null hypothesis “panel has a unit root” is rejected.

Whether the variables CAP, LAB, WIND, and GDP are cointegrated or not was estimated using Westerlund’s (2007) error–correction–based panel cointegration test. The error–correction–based panel cointegration test offers a more robust test statistic in comparison to the traditional panel cointegration tests. It is robust against the issue of CSD and considers the slope heterogeneity. Moreover, the test has good small sample properties and uses the bootstrap method. This test has four statistics (G_t , G_a , P_t , P_a). P_t and P_a are named as the panel statistics, while G_t and G_a are called as the group mean statistics. P_t and P_a tests the alternative hypothesis that the panel is cointegrated as a whole, whereas G_t and G_a tests the alternative hypothesis that at least one cross section is cointegrated.

Long–term coefficient estimation was performed using the novel Method of Moments Quantile Regression (MMQR) approach introduced by Machado and Silva (2019). The advantages of MMQR approach are listed below.

- i) MMQR is a suitable method for determining the covariance effects under conditional heterogeneity.
- ii) The endogenous properties of independent variables can be reasonably achieved thanks to this approach.
- iii) It is reliable even when the individual effects distort the panel data model.
- iv) It provides robust results with linear model and even with non-linear model.
- v) It has location and scale functionalities.
- vi) Since the classical regression approaches consider the average effect in estimating the relationship between dependent variable and independent variable, they provide information about a partial aspect of the relationship. On the other hand, MMQR estimates the relationship between variables for each quantile. Thus, rather than a partial one, a more detailed analysis of the relationship can be achieved. MMQR estimation equation is presented in Equation (2):

$$Q_Y(\tau/X_{it}) = (\alpha_i + \delta_i q(\tau)) + X'_{it}\beta + Z'_{it}\gamma q(\tau) \quad (2)$$

In Equation (2), X_{it} refers to the vector of the explanatory variables capital (CAP), labor (LAB), and wind energy (WIND). $Q_Y(\tau/X_{it})$ represents the quantile distribution (Y_{it}) of the economic growth (GDP) which is the dependent variable.

EMPIRICAL RESULTS

CD test was used in determining the CSD. In this parallel, the stationarity characteristics of the variables were investigated using the CIPS unit root test. CD and CIPS unit root test results are presented in Table 5.

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Table 5 Results of CD and CIPS unit root tests

Variables	CD test	CIPS unit root test	
		Level	1 st difference
GDP	25.363 ^a	-1.578	-2.768 ^a
CAP	25.357 ^a	-1.697	-3.619 ^a
LAB	25.375 ^a	-0.650	-3.356 ^a
WIND	22.037 ^a	-2.272	-4.075 ^a

Note: a represents significance at 1% level.

As seen in the CD test results presented in Table 5, the null hypothesis assuming that there was no CSD for all the variables was rejected at the significance level of 1%. Thus, it was determined that there was CSD. The existence of CSD means that any shock in any variable in the countries China, the United States, Germany, India, England, Spain, the Netherlands, and Denmark would be effective on the other countries through various mechanisms. Besides that, given the CIPS panel unit root test results at the level, the null hypothesis assuming that the panel has unit root could not be rejected for any of the variables and it was determined that all the variables have unit root at the level. Then, regarding the first differences of the variables, it was found that all the variables were stationary at the significance level of 1%. Table 6 represents the slope homogeneity test results.

Table 6 Results of slope homogeneity tests

GDP= f (CAP, LAB, WIND)	Test statistic	p-value
$\tilde{\Delta}$ test	17.873 ^a	0.000
$\tilde{\Delta}_{adj}$ test	20.204 ^a	0.000

Note: a represents significance at 1% level.

Given the $\tilde{\Delta}$ and $\tilde{\Delta}_{adj}$ test statistics in Table 6, the null hypothesis assuming that the panel was homogeneous was rejected at the significance level of 1% and it was determined that the model was heterogeneous. This finding suggests that the slope parameter differed among the cross-sections. In other words, the model has a heterogeneous distribution. After testing the CSD, unit root, and slope homogeneity, the error correction panel cointegration test investigated the long-term relationships and the results are shown in Table 7.

Table 7 Panel cointegration test results

	Value	Z value	p-value
G_t	0.900	3.999	0.110
G_a	2.912 ^a	3.238	0.000
P_t	2.363	7.377	0.660
P_a	2.614 ^c	4.345	0.060

Note: a and c represent significance at 1% and 10% levels, respectively.

In Table 7, the null hypothesis claiming that there was no cointegration relationship between the variables according to the G_a and P_a test statistics was rejected at the significance levels of 1% and 10%, respectively. Accordingly, it was revealed that the variables (GDP, CAP, LAB, and WIND) moved together in the long-run and, in other words, they were cointegrated. After determining the cointegration relationship, the analysis was continued by estimating the long-term coefficient. Table 8 reports the results of panel quantile estimation.

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Table 8 Results of panel quantile estimation (MMQR)

Variables	Quantiles								
	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
CAP	0.463 ^a	0.464 ^a	0.464 ^a	0.465 ^a	0.466 ^a	0.468 ^a	0.470 ^a	0.470 ^a	0.471 ^a
LAB	-1.612 ^a	-1.656 ^a	-1.699 ^a	-1.780 ^a	-1.849 ^a	-1.966 ^a	-2.054 ^a	-2.116 ^a	-2.176 ^a
WIND	0.124 ^a	0.123 ^a	0.123 ^a	0.122 ^a	0.121 ^a	0.119 ^a	0.118 ^a	0.117 ^a	0.116 ^a

Note: a represents significance at 1% level.

As seen in MMQR results shown in Table 8, it was determined that capital (CAP) was positive and significant for economic growth at all quantiles, whereas labor (LAB) was negative and significant for economic growth at all quantiles. The effect of wind energy (WIND), the main variable, on economic growth was found to be positive and significant at all quantiles. Accordingly, 1% increase in CAP causes increases in economic growth by 0.463% (0.1), 0.464% (0.2), 0.464% (0.3), 0.465% (0.4), 0.466% (0.5), 0.468% (0.6), 0.470% (0.7), 0.470% (0.8), and 0.471% (0.9). On the other hand, a 1% increase in LAB causes decreases in economic growth by -1.612% (0.1), -1.656% (0.2), -1.699% (0.3), -1.780% (0.4), -1.849% (0.5), -1.966% (0.6), -2.054% (0.7), -2.116% (0.8), and -2.176% (0.9). Finally, a 1% increase in WIND causes increases in economic growth by 0.124% (0.1), 0.123% (0.2), 0.123% (0.3), 0.122% (0.4), 0.121% (0.5), 0.119% (0.6), 0.118% (0.7), 0.117% (0.8), and 0.116% (0.9). The results achieved suggest that wind energy supports the economic growth. The findings achieved in the present study that wind energy enhances the economic growth are consistent with the findings of Ewing et al. (2007) for the United States, Ohler and Fetters (2017) for 20 OECD Countries, and Apaydın and Koç (2022) for 60 countries. On the other hand, the findings conflict with the finding indicating that wind energy diminishes economic growth revealed by Dogan et al. (2022). FMOLS, DOLS and FE-OLS panel estimations were utilized for robustness. Table 9 illustrates the results of panel estimation.

Table 9 Results of panel estimation

Variables	FMOLS	DOLS	FE-OLS (D-K S.E.)
CAP	0.429 ^a	1.207 ^a	0.407 ^b
LAB	-1.888 ^a	-3.450 ^a	-1.105 ^a
WIND	0.087 ^a	0.098 ^a	0.174 ^a

Note: a and b represent significance at 1% and 5% levels, respectively.

As seen in FMOLS, DOLS, and FE-OLS panel estimations presented in Table 9, the effect of CAP on economic growth was positive and significant, whereas that of LAB on economic growth was negative and significant. Accordingly, 1% increase in CAP causes increases in economic growth by 0.429% (FMOLS), 1.207% (DOLS), and 0.407% (FE-OLS). On the other hand, 1% increase in LAB causes decreases in economic growth -1.888% (FMOLS), -3.450% (DOLS), and -1.105% (FE-OLS). It was found that the effect of WIND, the main variable, on economic growth was positive and significant. Accordingly, 1% increase in WIND increased the economic growth by 0.087% (FMOLS), 0.098% (DOLS), and 0.174% (FE-OLS). The results obtained from FMOLS, DOLS, and FE-OLS panel estimations are in parallel with the MMQR results. In other words, they corroborate the MMQR results. After the long-term coefficient estimation, the causal relationships between GDP and CAP, LAB, and WIND were investigated using the Dumitrescu and Hurlin's (2012) panel Granger non-causality test. Table 10 demonstrates the results of panel Granger non-causality test.

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Table 10 Results of panel Granger non-causality test

Null hypothesis	W-stat.	Z-stat.	p-value	Decision
CAP does not homogenously cause GDP	3.297	1.084	0.278	CAP↔GDP
GDP does not homogenously cause CAP	3.087	0.859	0.390	
LAB does not homogenously cause GDP	7.857	5.970	2.364	LAB ↔ GDP
GDP does not homogenously cause LAB	7.062	5.118	3.077	
WIND does not homogenously cause GDP	4.481 ^b	2.353	0.018	WIND↔GDP
GDP does not homogenously cause WIND	5.196 ^a	3.119	0.001	

Notes: a and b represent significance at 1% and 5% levels, respectively. ↔ indicates that there is no causality between variables. ↔ indicates bidirectional causality.

As seen in Table 10, the null hypothesis that “CAP does not homogenously cause GDP” and “GDP does not homogenously cause CAP” was not rejected at any level of significance. Hence, no causal relationship was found between GDP and CAP. Similarly, the null hypothesis that “LAB does not homogenously cause GDP” and “GDP does not homogenously cause LAB” couldn’t be rejected at any significance level. Accordingly, no causal relationship was found between GDP and LAB. On the other hand, the null hypotheses that “WIND does not homogenously cause GDP” and “GDP does not homogenously cause WIND” were rejected at the significance level of 5% and 1%, respectively. Therefore, it was determined that there were causal relationships from WIND to GDP and from GDP to WIND. These findings confirm the validity of the feedback hypothesis emphasizing that there is a bilateral causal relationship between WIND and GDP. The findings confirming the validity of the feedback hypothesis are in line with the findings presented by Apergis and Payne (2010) for 20 OECD countries, Tugcu et al. (2012) for BRICS, Pao and Fu (2013) for Brazil, Shahbaz et al. (2015) for Pakistan, and Magazzino et al. (2022) for 5 Scandinavian countries.

CONCLUSIONS AND POLICY RECOMMENDATIONS

The importance of energy sources for sustainable and stable economic growth increases every day. In this sense, the relationship between economic growth and energy draws more interest from policymakers and academics, especially in the recent period. Besides that, examining the relevant literature, it can be realized that most of the studies focus on the effects of total energy and total renewable energy parameters on economic growth. Differing from most of the other studies, the present study aims to contribute to the literature by analyzing the effect of wind energy, which has an important position among renewable energy sources for the top wind energy consumer countries, on the economic growth. In the present study examining the period 1999–2021, the empirical relationships were analyzed using the novel estimation methods such as error-correction-based panel cointegration test and MMQR estimator. The panel cointegration test results showed that there was a significant long-term relationship between capital, labor, and wind energy and economic growth. The results obtained from MMQR estimation suggest that wind energy positively affected the economic growth at all quantiles. In other words, wind energy plays a key role in increasing the economic performance of the top wind energy consumer countries. Similarly, FMOLS, DOLS, and FE-OLS estimation results used for robustness and comparison revealed that wind energy positively affected the economic growth. Moreover, given the Dumitrescu–Hurlin causality test results, it was found that there was a bilateral causal relationship between wind energy and economic growth. Furthermore, the validity of the feedback hypothesis was confirmed for the top wind energy consumer countries. MMQR results show that capital has a positive effect

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on economic growth whereas labor has a negative effect. It can be stated that the fact that the top wind energy consumer countries cover mostly capital-rich countries is effective in the negative impact of the labor force on economic growth or the inability to reach any causal relationship between the labor force and economic growth. Within the scope of results, this study offers some policy recommendations as bellows:

- Since the results revealed that wind energy increased the economic growth, policy makers should prioritize increasing the renewable energy sources, such as wind energy, in total energy consumption.
- Since the feedback hypothesis is valid for the relationship between wind energy and economic growth, governments should prioritize the policies supporting both sustainable growth and sustainable energy sources such as wind energy while designing growth and energy policies.
- To benefit from renewable energy sources such as wind energy at low costs, infrastructural, R&D, and technological investments in this field should be accelerated. These investments might help countries to achieve the goal of achieving the sustainable economic growth.
- Determining the industries allowing for more effective and productive use of wind energy and encouraging these industries might provide a driving factor for economic growth and development.
- In conclusion, popularization of low-carbon and environment friendly renewable energy sources such as wind energy could facilitate achieving the objectives of sustainable growth and zero emission.

The present study has some limitations. The first limitation is that the wind energy consumption data of the countries begin with the year 1999. The second limitation is that many economic, politic, socioeconomic, and financial variables effecting the economic growth were ignored and not included in the model. Future studies should examine the effects of solar, geothermal, hydroelectric, and biomass energy on the economic growth through non-linear and asymmetric test methods.

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**4TH INTERNATIONAL LATIN AMERICAN
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CURRENT PROBLEMS OF FINANCIAL MANAGEMENT IN THE SPORTS
SECTOR**

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ABSTRACT

One of the most important tasks facing every sports organization or company that produces sports goods, services and information is the task of successful business implementation. How to ensure the fulfillment of such a complex and multifaceted task in a competitive and dynamically changing market, a rapidly changing conjuncture and changes within a sports organization?

Many years of work experience of many sports organizations and companies show that it is possible to conduct business successfully under certain conditions. One of the most important conditions is the qualified management of the sports organization based on the constant collection and analysis of information about the target markets and consumers, with the subsequent adjustment of the activities of the sports organization in the areas of personnel, sales, advertising and other policies.

The methods and sources of financing sports organizations in our country and abroad are very diverse: financial resources for the development of physical education and sports are allocated by state bodies, trade unions, off-budget funds, municipalities and educational structures.

In addition, funds for physical education and sports come from international sports, charity, scientific and other organizations, as well as individual patrons and sponsors. Many sports clubs and organizations carry out their entrepreneurial activities: they publish newspapers, magazines, information booklets, issue souvenirs, badges, pennants and other products with sports symbols, sell rights to television and radio broadcasts of competitions and interviews, transfer or buy athletes. , other commercial activities are carried out

Keywords: financing of sports, financial problems, sponsorship in sports, financial business, financing of sports organizations.

1. EFFECTIVE MANAGEMENT OF SPORTS BUSINESS

This method of managing a sports organization is called marketing management. Effective business management begins with the formulation of goals to be achieved by the sports organization in the near future. The most common goals include:

- * minimum cost of manufactured goods and services;
- * "survival" of the firm in the competitive struggle;
- * maximum quality of sold goods and services;
- * maximum profit and commodity turnover;
- * increasing the sales volume;
- * maximizing the market value of the sports organization;
- * remembering the brand of the sports organization.

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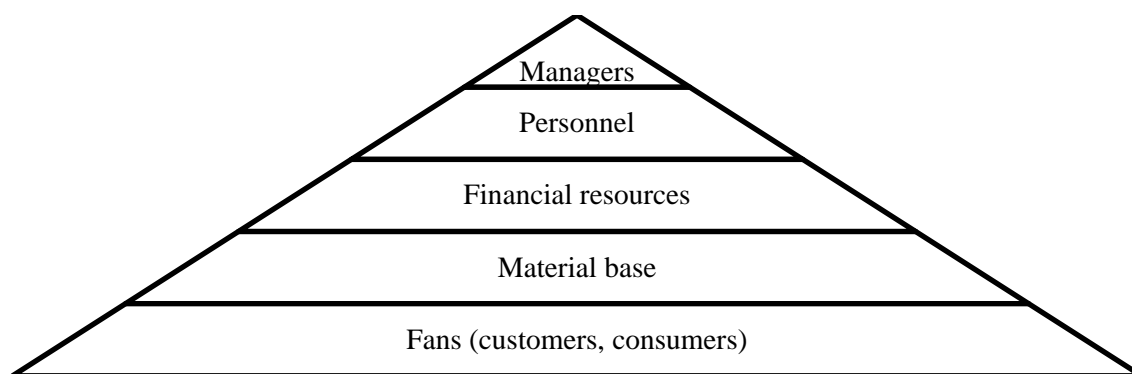
The efficiency criteria of the sports organization mentioned in the list are not homogeneous due to economic, psychological and physical education-sports content. Some criteria are mutually complementary (for example, increasing sales volumes and profit maximization), while others are in conflict with each other (such that maximizing quality is contrary to cost minimization and the cost of goods and services produced). Therefore, it is necessary to carefully analyze the goals of the sports organization and try to eliminate the contradictions. In this case, it is necessary to determine the price limit at which it will operate between maximizing the quality of the produced product and minimizing the costs of the sports organization. This will help smooth out the conflict and determine the "price - quality" ratio more accurately.

It is also useful for sports business organizers at the stage of formulating goals, as well as to reflect the economic, organizational and other regulatory restrictions that will hinder the development of entrepreneurial activity and increase competitiveness. Such limitations include a limited number of financial resources, a limited selection of the location of the sports organization, the size of the area that makes it difficult to expand the range of services provided, lack of qualified personnel, etc. belongs to.

It is clear that the set goals can be achieved only if there is appropriate personnel potential, material and financial resources, as well as a contingent of consumers, fans and customers. In addition, there must be a clear correspondence between the set goals and the resources to achieve them: inadequacy of goals and means will only lead to misunderstandings and disappointments.

The model of an effective sports organization can be presented in the most general form in the form of a pyramid (Figure 1).

Figure 1. The structure of the sports organization



At the base of the pyramid are the consumers and fans of the sports organization, which form the foundation of the entire business. As is known, the strength and longevity of the entire structure depends on the reliability of the foundation. The required reliability is ensured by satisfying the demands and interests of fans and customers, their trust and good attitude towards the sports organization.

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The material base and financial resources of a sports organization play no small role for a successful business. It is very difficult to do without these important components, although it is possible at certain stages of economic activity. A sports organization without a personal financial base and insufficient funds is forced to live in debt, which has a negative impact on its entire business. The most likely result of this mode of activity of a sports organization is bankruptcy and exit from the market.

In order for this not to happen, the sports organization must have enough material and financial assets that are the basis for all other business operations (advertisements, competition and training activities, payment of wages and bonuses to staff, implementation of transfer activities, etc.).

In the hierarchy of values of a sports organization, personnel, which is the basis for creating and increasing the financial, material and customer base, stands higher. The saying "Personnel solves everything" is correct, because the "core", "human capital" of a sports organization is formed by people with high intellectual potential and professional qualities. Discipline, professionalism, creativity, activity and culture of the employees depend on the success or failure of the sports organization's business.

This factor is especially important in professional sports, which depends on the talent, preparation and will of athletes and coaches, the image of the organization, income, the number of fans, partners and customers.

At the top of the pyramid of a sports organization are managers, that is, people who carry out business management. Management is the process of planning, forecasting, organization and control necessary to achieve the goals of a sports organization. Needless to say, the work of managers is a concentrated expression of mental labor, knowledge and skills; The well-being of the sports organization depends to a greater extent on the professional qualities of the managers.

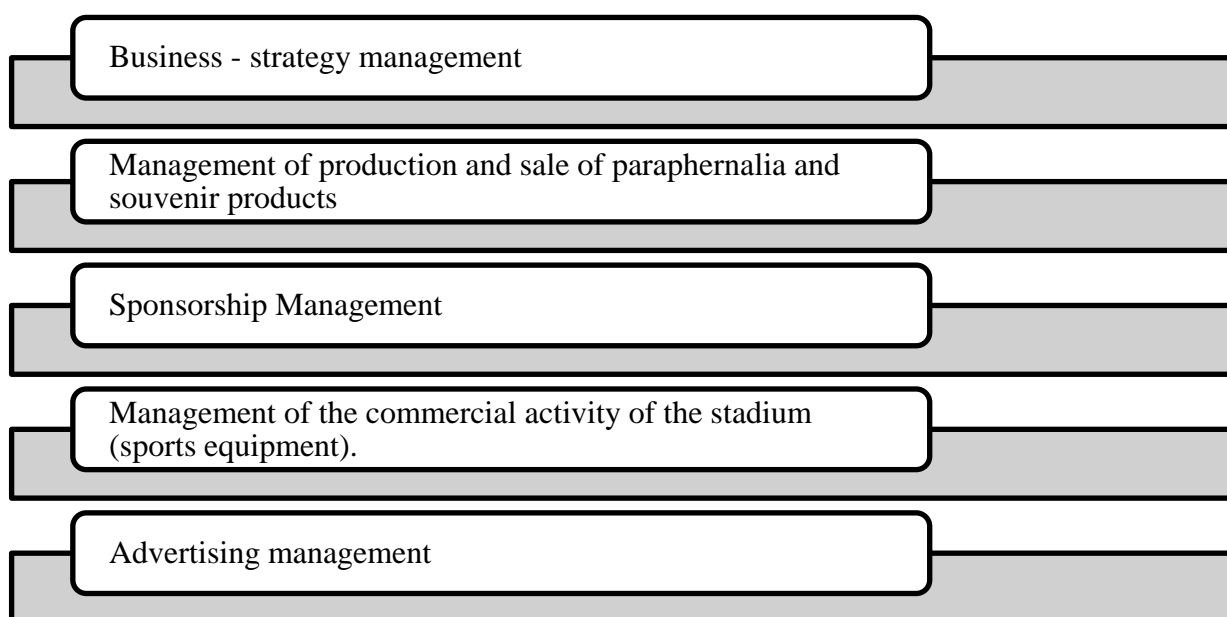
An effective organization is a sports organization that combines all the above-mentioned components for successful entrepreneurial activity. However, this situation, although necessary, is not a sufficient condition for business to flourish. A sports organization should build its daily activities on the basis of long-term and short-term planning, act according to changing market conditions and conjuncture, make timely adjustments to its price, personnel, financial and other policies. Only flexibility, creativity, high adaptability to the external environment will provide an opportunity to prevent stagnation in work, to introduce timely innovations to the management, organizational and marketing activities of a sports organization.

2. MARKETING AND BUSINESS PROJECT MANAGEMENT

In the financial system of the sports club, marketing activities and business project management, which are carried out in parallel with the holding of sports events, occupy an important place. The management of the sports organization should best manage the trade in stadiums and sports facilities, the production and sale of paraphernalia and souvenir products, commercial internet projects, the operation of the club's cafes and restaurants, and other business projects that provide additional income for the sports organization (Figure 2).

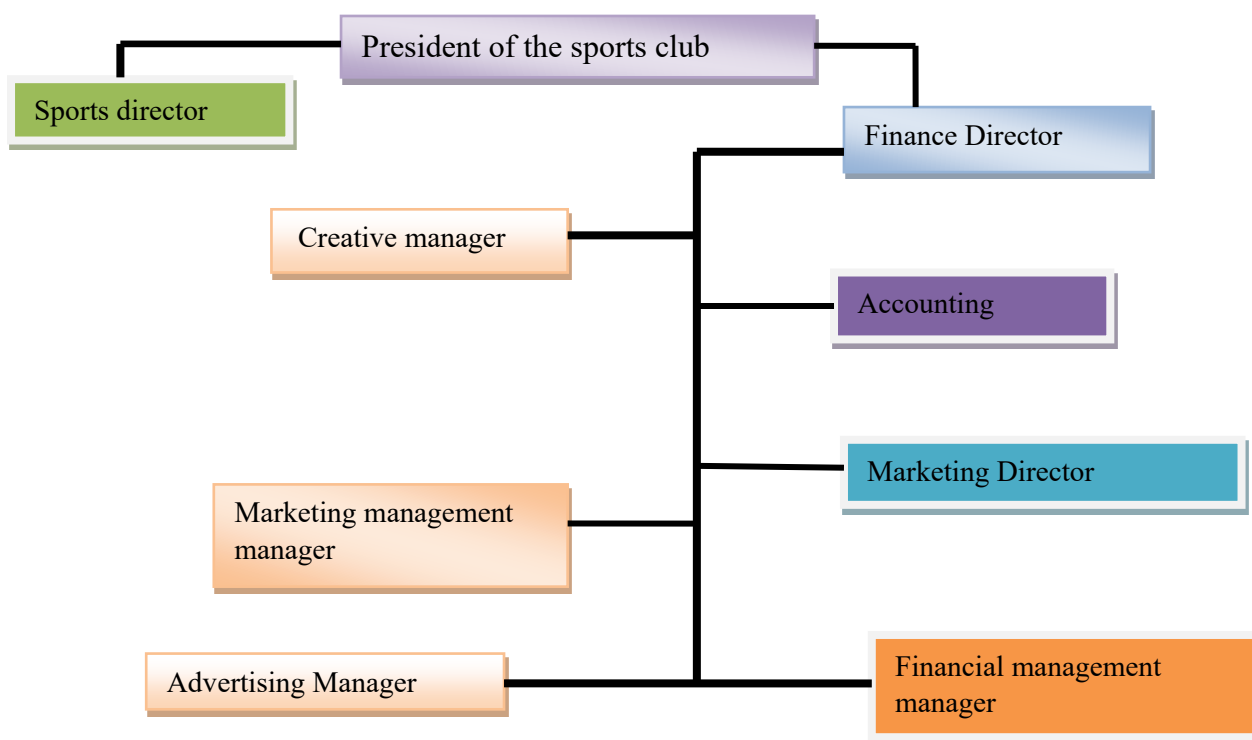
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Figure 2. Scheme of marketing management in a sports organization



In modern business practice, sports organizations use a wide range of merchandising tools (merchandising, in a narrow sense, is understood as a system of actions aimed at creating a positive image of something: store, goods, interior, which encourage the buyer to buy this or that product). These tools, when managed skillfully, bring significant income to the organizers of such entrepreneurial activities. Currently, in the structure of the corporate management of the sports organization, there are relevant staff positions (vice-presidents, directors and managers in selected directions). The tasks of these employees include the development and implementation of projects for attracting additional financial resources to the budget of the sports organization (Figure 3).

Figure 3. Marketing and financial management service within a sports organization



As a rule, a creative manager who creates business ideas for the financial management of a sports organization offers new, non-traditional methods for attracting additional financial resources. Staging and directing of sports events, its music, color and pyrotechnic accompaniment to the position of creative manager, cheerleaders (cheerleading, in English "cheerleading", "cheer" - an appreciative call and "lead" - to manage - is a sport that combines elements of spectacular sports (dances, includes gymnastics, acrobatics), attraction of pop artists, etc. The manager of work with fans manages the process of attracting new sports fans, maintains the existing contingent, implements trade programs of paraphernalia and souvenir products, interacts with foreign commercial organizations.

The work with advertisers is carried out by the advertising manager. His job responsibilities include prospecting for clients and liaising with businesses and organizations that require effective advertising support. The ticketing manager is responsible for the sports club's ticketing programs. Its powers, as a rule, include price formation, internet-commerce for tickets and subscriptions, service to VIP-customers.

Let's present the activity and interaction of the structural units of the financial management and project management department with an example.

In cooperation with the sports club's marketers, the creative manager came up with the idea of attracting new fans through the implementation of the program "Children are our future. We are together with the club forever".

As we know, consumption preferences in sports are still developing in childhood. By choosing a club once, fans become loyal to their favorite team for life, living for its successes and failures. Taking into account this situation, the managers of the club liked the idea of

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attracting club fans from among children and teenagers, and influenced the targeted contingents in the following directions:

a) Sports toys

According to the business idea of the club managers, the trade should include toys stylized with the symbols of the club (for example, figures of football players dressed in the uniform of the club, children's books about sports with images of football players, board games, etc.);

b) Computer games

In order to popularize this sport and attract additional fans to the developers of computer games, the managers of the sports club use the corporate colors of the club, advertising, surnames of players and coaches, etc. in the appropriate simulators. they offer to use;

c) Mobile phones.

In order to attract additional fans, polyphonic service companies are suggested to include in the list of sold tunes the anthem of the sports club or the beats of the fan instruments. The proposed events indirectly influence the choices of future sports fans, helping them decide on their favorite team or club.

Another direction implements the "Maximum comfort for VIP-customers" program, which pays special attention to the creation of comfortable and convenient conditions, the most efficient and influential fans.

3. TAX MANAGEMENT IN SPORT FINANCIAL MANAGEMENT

One of the main tasks of a financial manager in sports organizations is to maximize profits and minimize costs. Tax payments, i.e. mandatory payments to all levels of budgets, both at home and abroad, are certainly included in expenditure and are also subject to certain reductions. A fair question may arise here: if the percentage of profit tax, value added tax, property and other taxes is precisely regulated by legislation, how can tax payments be reduced? Such reasoning is completely logical for an outsider who is not devoted to the intricacies and peculiarities of the tax legislation of this or that region or state.

In fact, the collection of tax norms and rules is a rather voluminous document, which not only stipulates the amount of taxes paid, but also certain concessions for taxpayers, which sometimes significantly lighten the tax burden or even completely exempt it.

The same can be said about customs duties.

In connection with the mentioned cases, the financial manager should take into account the following factors when paying taxes to all levels of budgets:

1. Features of state tax and customs legislation.

In many states, including our country, the state tax legislation provides certain tax and customs benefits for sports organizations and individual athletes.

Such concessions are expressed in the accounts of the investments made, in the reduction of profit tax rates, in the cancellation or reduction of value added taxes. This measure allows to significantly reduce the price of socially important sports goods and services for all segments of the population. Because many athletes get a lot of prizes and valuable gifts (for example, in the form of prestigious cars) when they go abroad. In most cases, the National Olympic Committee also pays the prize-winners of the biggest competitions. Athletes undoubtedly wonder if they should pay taxes, and if so, how much they should pay. Of

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course, a financial manager should know about all legislative benefits in the tax field and should be able to apply this knowledge in practice. Thus, the financial manager can save a large amount of money for the sports organization, individual athletes and coaches by his competent actions.

2. Features of foreign tax legislation.

Local athletes and coaches who perform or work under contract outside the country must pay taxes in the countries where they earn their income. The question arises, should they pay taxes again after returning home or not? In fact, the issue of double taxation is raised here. Azerbaijan has signed relevant agreements with a number of countries to eliminate double taxation. The purpose of such agreements is to arrange tax payments and their fair distribution.

There are two main ways to solve the problem of double taxation. The first method envisages the complete exemption from taxes of an athlete or a sports organization that already pays taxes in one of the states that is a party to the treaty on the elimination of double taxation. The tax exemption system is used in the Netherlands, Austria, Switzerland, France, Norway and Russia if there is an appropriate agreement. A second approach to regulating taxes and payments is that if an athlete (or a sports organization) has paid taxes abroad, the payments abroad will be taken into account when paying taxes at home.

Thus, if an athlete in a foreign country has paid more than domestic fees, he is completely exempt from taxes; if the foreign payments are less than the domestic payments, then the difference in the home country is paid by the athlete. This system is called "tax credit" and is applied in the USA, Japan, Ireland, Greece and a number of other countries.

3. Features of local tax legislation

In many parts of different countries, provinces, autonomous regions and municipalities have been given the right to apply local taxes and levies in their territories, as well as to determine discounts on these payments for separate categories of legal and natural persons. For example, in France, municipal authorities apply tax exemptions for sports and entertainment events, giving sports organizations the right to install buffets and advertisements in stadiums for free. For example, in Russia, financial resources are given to sports organizations in individual provinces on the condition that they pay taxes in installments, and other tax benefits are provided for payments to local budgets.

4. Features of offshore business

The legislation of some countries of the world envisages the creation of a favorable business regime, which provides for the full or partial exemption of subjects registered in their separate territories from paying taxes. Such areas with tax benefits have received the name "offshore zones" (in English, "off-shore" means to be far from the coast), because the latter, as a rule, constitute island territories. Companies registered in offshore zones may not be taxed at all (especially in Ireland and Liberia) or may be subject to a small flat rate (general) tax (Liechtenstein, Switzerland, Isle of Man, etc.).

It can be quite profitable for a sports organization to open its own branch (or bank account) in an offshore zone. Such benefits include:

- tax payments are reduced, which makes it possible to ensure a large income of the sports organization;
- accounting reports are simplified or completely abolished;

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- it is possible not to show the names of offshore company owners.

In recent years, such business conditions of offshore companies have attracted more and more participants. Currently, about half of international capital migration in one form or another goes through offshore companies.

It is clear that the use of offshore schemes to minimize taxes may be appropriate for sports organizations, especially if they operate with significant manat and foreign currency assets in their home countries and abroad.

4. SPONSORSHIP AND ATTRACTION OF SPONSORS

The term "sponsor" ("sponsorship") comes from the English word "sponsor", which can be translated as "support", "subsidy".

In the modern sense, sponsorship means financial support from everyone in exchange for certain services, more often in the form of advertising, a unique form of "barter advertising". At this time, the advertising customer does not pay for the advertisement directly, but provides equipment, sportswear, shoes, gifts, other goods or services in exchange for a certain form of advertising.

In this sense, sponsorship should be distinguished from patronage, as the latter means financial, material or other assistance without any reciprocal conditions.

Sponsorship in sports plays an important role for both sports organizations and manufacturing companies. Companies acting as sponsors in sports, as a rule, solve the following issues for themselves:

- * they create a positive image for their company; if the firm has managed to create a good reputation for itself, it also changes the typology of consumer behavior to some extent: other things being equal (price, product quality), buyers acquire the goods of the firm engaged in patronage and sponsorship;

- * they keep their old business partners. This happens for the following reasons:

- first, if the producing firms know that their partners are sponsoring, then they reasonably believe that they are engaged in a solvent enterprise;

- secondly, if a partner becomes a sponsor, he cares not only about his profits, but also about public benefits.

These cases naturally retain old business partners (as well as regular customers or customers of the company);

- * reveals and uses new business opportunities. This happens because the sponsor makes the company more recognizable to potential partners, customers and investors who turn to the sponsor with new business proposals;

- * develops morale and unity within the company itself. Thanks to sponsorship in the company, a healthier moral climate is established, which helps to increase labor productivity;

- * supports individual athletes, coaches, club or national teams, thereby promoting physical education and sport in general.

In addition, the sponsor - the company often pays many times its costs for supporting sports teams or sports in general. Thus, the insurance company "John Hancock Insurance

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Company" has acquired the right to Olympic sponsorship worth 24 million dollars. Due to this, he was able to participate in the Winter Olympic Games in Lillehammer in 1992 and the Summer Olympic Games in Atlanta in 1996.

The company ran a campaign to boost sales, where the reward for employees who achieved better sales promotion results was a trip to the winter games in Lillehammer. Due to such competition, the profit of "J. Hancock" increased by 50 million US dollars.

Thus, sponsorship can be considered as part of the company's policy aimed at increasing profits. At the same time, the actual capital of the company cannot be considered only in a narrow sense: only as assets measured by monetary (money) indicators. The capital of any producer of goods or services includes tangible and monetary assets as well as "intangible" assets such as reputation, good name, customers, fame. Therefore, many companies gain fame and good name for themselves through sponsorship. The reputation of the company is not only a desirable element for business, but also directly affects the capitalization of the firm, its monetary valuation by the market. If the company's shares are actively traded on the stock exchange or over-the-counter market, then reputation is definitely taken into account in their total value: "positive reputation" increases the company's valuation by investors, and "negative reputation" on the contrary, lowers the company's valuation by investors.

Accordingly, these assessments and sentiments of investors are reflected in the quotations of the company's shares: a high business reputation of the company enriches the owners of its securities, while a low sentiment impoverishes.

It should also be noted that the popularity of sponsorship among firms in certain industries is due to the fact that other types of advertising are prohibited by law.

Profit maximization is undoubtedly the most important task of any commercial firm. At the same time, the implementation of this task is significantly simplified when creating the necessary conditions for increasing sales volumes. Such conditions include, in particular, sponsorship:

- consumers are more willing to buy the goods of well-known companies (ie, sponsorship makes the company famous in the country and beyond its borders);
- the sponsoring company also indirectly allows its customers and partners to understand that the business is flourishing (an enterprise experiencing financial difficulties is unlikely to sponsor any event);
- sponsor - the company transfers the positive image of sports to itself and its products, that is, in the minds of consumers, the company is associated with popular sports competitions, which creates strong advertising support for it.

But how do sports organizations involve sponsors in cooperation and on what basis do they establish mutual relations with them? There are two main ways to find sponsors and arrange interactions between them and sports organizations.

The first method is to use a specialized brokerage firm that searches for sponsorship deals for a sports organization. This method has the following indisputable advantages:

- * the brokerage firm assumes all commercial risk, which is very convenient in many cases;
- * new entrants to the sports market, companies that do not have sufficient experience and training in legal, marketing, tax and other areas of sponsoring activity, it is desirable to use an intermediary firm;
- * the sports organization does not need to independently deal with the search for sponsors.

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Of course, working with intermediaries can also result in certain negative points. For example, it is necessary to pay certain funds for mediation services, sometimes quite a significant amount. In addition, under conditions of protection of trade secrets, the intermediary company can earn more than the sports organization under the contract with the sponsors. In this regard, the management and financial manager of the sports organization should act from the point of view of the existing conditions and the current conjuncture of the market, when establishing their relations with sponsors and intermediary firms.

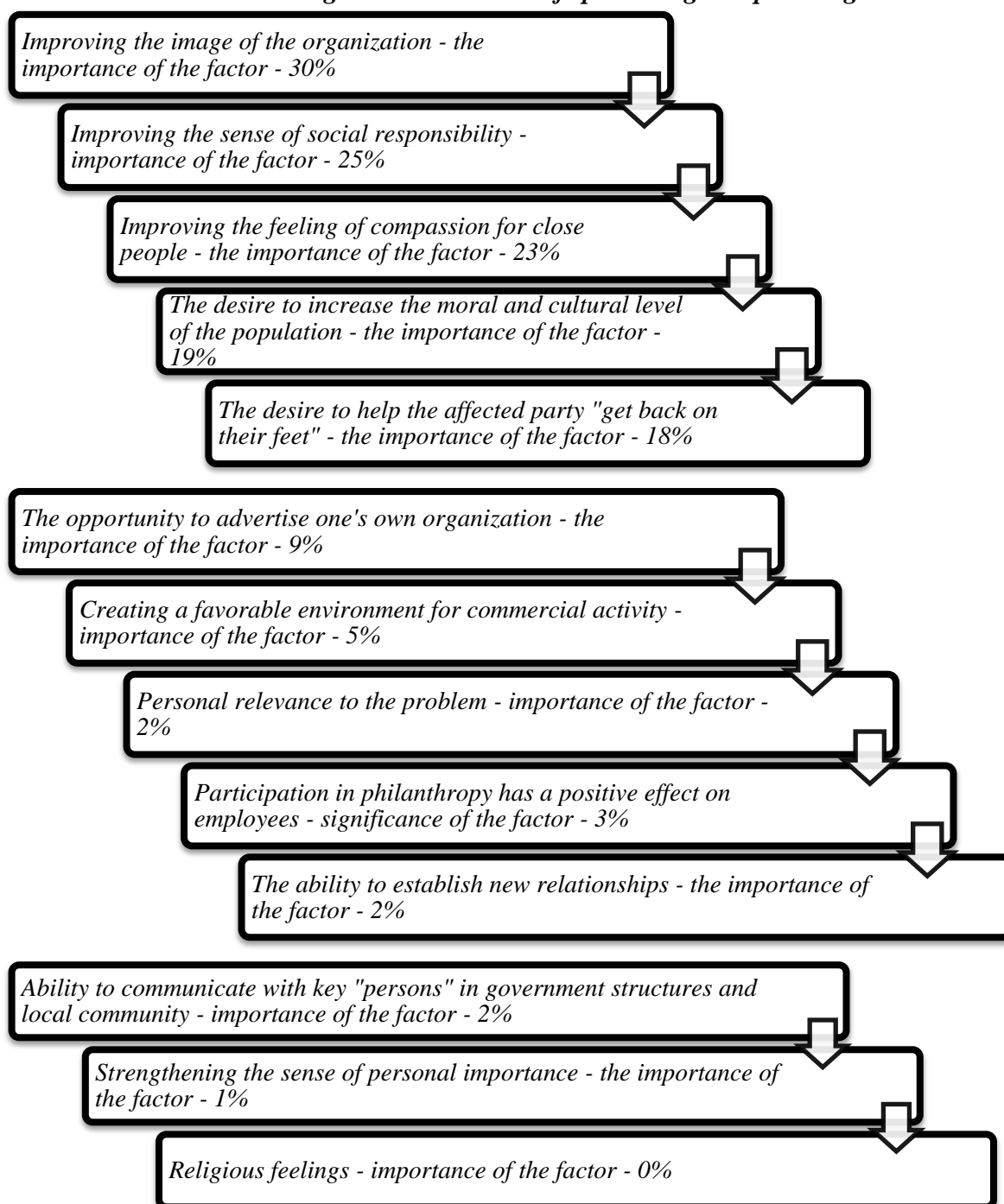
In the modern sports business, it is also called fundraising (from the English language, "fund" - capital, money, "raise" - means to raise, collect). The problem of franchising for local physical education and sports is very acute and urgent, because it depends on whether there are patrons and sponsors from local entrepreneurs and business leaders, whether athletes will go to competitions, whether they can hold quality meetings, get sports equipment, or rent sports equipment. it depends.

It is clear that in order to attract sponsors' financial resources, the manager must first determine which criteria and motives are more important for them, so that they appeal to the feelings of individual entrepreneurs and labor collectives.

According to the results of studies conducted among patrons and sponsors in some countries of the world, the most important criteria for them are the following (Figure 4): improving the image of the organization, a sense of social responsibility, and a sense of compassion for close people.

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Figure 4. Motivation of sponsoring and patronage activities



As can be seen from the figure, religious and other feelings have less specific weight in enhancing personal significance. Of course, over time, these priorities may change: the role of some motives increases, while others, on the contrary, decrease. In addition, the importance of those priorities changes from a territorial point of view: one criterion is more important in one region, and another criterion is more important in another region. However, similar prices have arisen in countries around the world, and this should be taken into account when contacting potential patrons and sponsors.

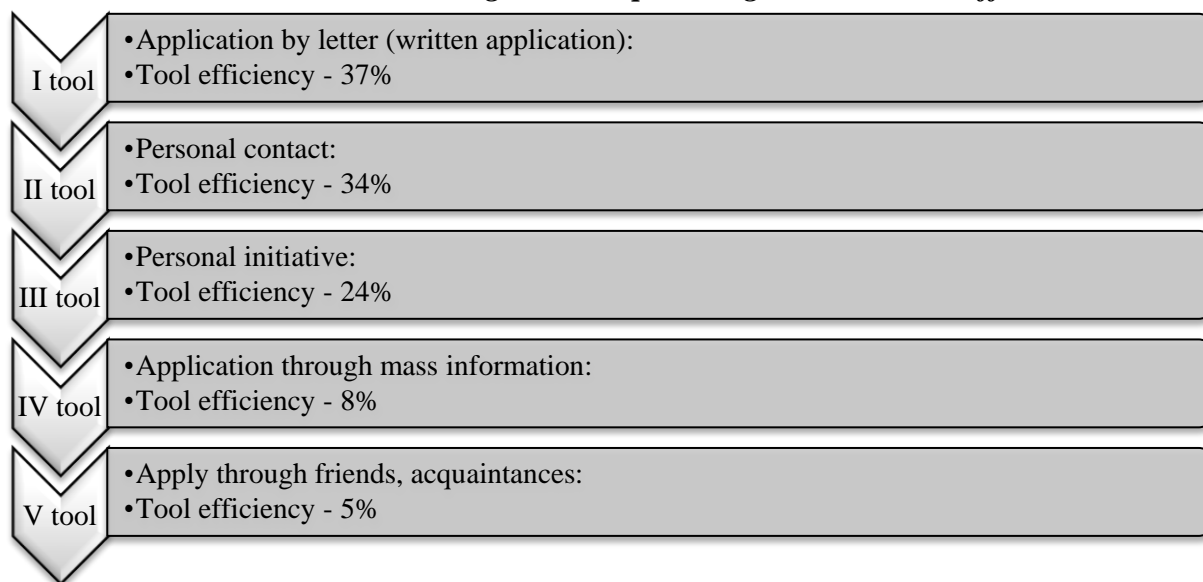
It should be noted that applying only to sponsors who are able to pay, and asking for help from managers of enterprises with unstable financial conditions is a hopeless business.

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Therefore, before applying for financial support to any enterprise or the head of the firm, the manager should be interested in its current financial situation.

When individual entrepreneurs or enterprises are identified as potential sponsors, they should be approached in any form. Which application form will be good? It is easier to answer this question using marketing research materials (Figure 5).

Figure 5. Help-seeking tools and their effectiveness



Data show that the most effective means of appeal are written appeals or personal contact (in the form of an interview). Mass - information media, as well as appeals through friends and acquaintances are less effective, but are used. The most efficient methods are considered to be the methods through "direct-inclination" or personal meetings with the heads of the enterprise. "Direct mail" is a direct written request for financial assistance. Often the two mentioned forms are combined and complement each other.

In recent years, a new form of search and involvement of sponsors has become widespread through the Internet. On the one hand, it is very convenient to communicate with sponsors - companies and sports organizations and athletes, and on the other hand, it is now very convenient to make contacts in the form of "virtual meetings". Thus, the global Internet network has become a place of consolidation of supply and demand in the sponsor market, and together they bring together the most diverse requests.

As in the real market, sponsorship through the Internet can be carried out by both parties either independently or through intermediaries. During the independent search for objects to become a sponsor, manufacturing companies contact sports federations and individual athletes based on personal preferences and mutual agreements. At the same time, the company's name and its trademark are appropriately presented and advertised on the websites of sports organizations.

Most of the time, the participants of internet sponsorship use intermediary structures in the form of specialized sites in their activities. As a rule, sponsorship activity through a specialized site is carried out in the following directions:

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* on the site itself (on all or most of the pages) information about sponsorship by the advertiser of this site is placed;

* information about the sponsor (logo and address of the sponsoring site) is included in the advertising materials of the site;

* thematic quizzes and contests are held for the audience of the sponsor with prizes being played by the sponsor.

The advantages of this type of sponsorship are as follows:

* the loyalty of the resource audience is transferred from the site to the sponsor;

* reminiscent of advertising is its relatively cheap type - "illumination" of the sponsor's logo or address in the advertising materials of the site (each large site displays hundreds of thousands of banners in various banner networks daily, so it can cover a significant part of the audience in a week of the sponsorship campaign);

* resource users are involved in contests and quizzes. The questions and tasks of these contests should stimulate the audience to study the sponsor's products in more detail, to make test purchases;

* loyalty of the sponsor increases due to playing prizes for the resource audience.

At the same time, it is necessary to mention the practice of electing well-known industrialists, politicians and entrepreneurs to the positions of heads of sports clubs and physical education organizations, which currently exist in our country and abroad. This is done for an obvious reason: it is easier for famous and influential people to find sponsors and patrons for the sports organizations they lead. Of course, this method of selecting the heads of sports clubs and federations has its drawbacks and is not universally accepted by all athletes and coaches. Nevertheless, in recent years it has become quite widespread and can be considered effective in most cases.

5. CHARACTERISTICS OF EXERCISE OF TICKET AND BROADCAST RIGHTS IN SPORTS

In the sports financing system, economic tools such as the purchase and sale of entrance tickets, subscriptions and rights for television, radio and internet broadcasting of sports competitions and events occupy an important place. For professional sports, the main production product - the "show", has a limited number of sales methods. First, the sports product (service) can be sold to the spectators who actually participate in the competition, who have specifically bid on the stadiums and sports complexes for the spectacle. These people buy entry tickets and season tickets for competitions, constitute the first source of financing for sports, and pay for the right to observe sports competition "live".

However, it often happens that there are more sports fans than the number of seats in the stadium or sports facilities. Many sports fans, due to various circumstances (financial reasons, employment, business trip, etc.) are personally involved in the holding of games and competitions (for example, in the ceremonial opening or closing ceremonies of the Olympics, world and European championships, awarding of athletes, draw procedures, etc.). they cannot participate. In this case, technical means are used to meet the needs of a wide group of consumers. Such means include radio, television, and the Internet.

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Thus, the second important tool for selling sports products is electronic mass media, which, on the one hand, satisfy the demand of fans for sports services, and on the other hand, receive income from the broadcast of competitions and sports events by including commercials in their reports. In this direction, electronic mass media acts as a commercial intermediary between sports and a wide audience, and connects the existing supply and demand. The characteristics of selling sports products through tickets and subscribers, as well as electronic media, will be considered below.

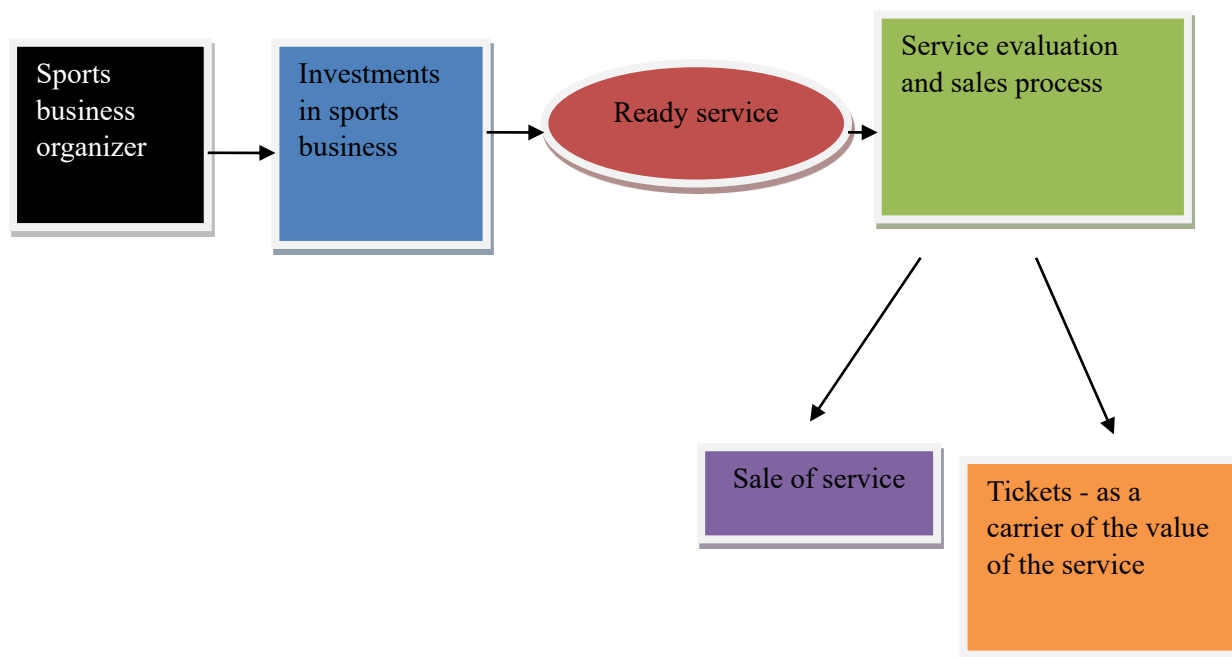
5.1. TICKET BUSINESS - NATURE AND CONTENT

One of the main tools for attracting financial resources by sports clubs or other sports business entities is the sale of tickets for the services they provide. Services provided by sports organizations include internal intermediate processes - production, training, transportation, advertising, marketing, utilities, etc. is the end product of costing. The total cost of intermediate processes, as well as the quality of human resources, determine the potential price of the service to be sold to the final consumers. This process in the diagram can be expressed as follows (Figure 6).

The organizer of the sports business first invests the appropriate investments in staff, space, equipment, athletes, coaches, managers. After obtaining all the necessary resources, the necessary works and measures for the production of sports services begin to be implemented. For a professional sports club, it is a combination of intellectual work of coaching ideas, financial, technical and material resources in a single preparatory phase of the training process.

As a result of the joint action of all these factors, a service that can be applied in the form of a sports show is created.

Figure 6. Scheme of production and sale of sports services



The situation is slightly different for fitness clubs. Here, as a result of combining the necessary entrepreneurial skills and production factors, other types of services are produced, aimed at satisfying the individual's needs for beauty, health, activity, communication, and longevity.

The services produced by the sports business are intended to fill the leisure time of large masses of consumers, both for direct consumption and for resale. In the first case, the sports business sells the services it produces to end consumers (otherwise this business is called "business to consumer (buyer)"), and in the second case - to other entrepreneurs or enterprises (otherwise this business is called "business to business").

Below we will consider the process of evaluating and selling ready or potential (future produced) sports services to these main categories of consumers.

Let's start by defining the right of ownership of the sports service. The officially registered manufacturer with all rights to athletes and coaches is considered the owner of the service that has the appropriate licenses for this type of activity, trademarks, company names, patents. Ownership of the service will allow the producer to sell it independently on a legal basis. At this time, the manufacturer can implement the sports and other services it produces in different ways.

Let's mention their basis.

1. Independently implemented (implemented) services

Small sports organizations of local importance, in most cases, independently implement the services produced by them, for which they use the sale of tickets and season tickets as ownership titles of the purchased product. In this case, it is more appropriate to work according to the "business to consumer (buyer)" scheme, because sports organizations work with a small contingent of consumers. It should be noted that conducting the ticket business

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independently requires highly qualified specialists of sports organizations, good practical habits, creative ideas that will allow the stadium to be loaded with more spectators with the maximum profitability of sports competitions and shows.

Sports managers from Europe and the United States operate the following schemes in the ticket business. About half of the tickets are bought by fans directly before the competitions (2-3 days before the sports event or on the day of its holding). About 40% of the audience consists of season ticket holders, which are sold to fans a few months before the start of the championships. The price policy used during the sale of subscriptions consists of a gradual increase in prices as the sports season approaches. Season ticket holders have the opportunity to choose a sector and place in the grandstand in advance.

Taking into account the discount amount of 8-10%, subscriptions are very actively bought by fans, and sports clubs receive significant advance payments and guaranteed filling of a part of the stands. In recent years, the creative ideas of sports managers have made it possible to significantly develop the ticket business. In order to encourage fans to buy season tickets, management of sports organizations started to use season tickets as club or discount cards. The subscriber can now become a member of the fan club, get discounts in the club's shops and restaurants, and visit substitutes' games for free. A growing number of sports clubs are involved in the process of selling season tickets in installments, as most fans cannot afford to pay the price of all the games in one go. For example, a new 3% discount is offered to those who bought a seasonal subscription. In addition, some clubs sell subscriptions that give the right to participate in games for many years in advance and even for life. The right of inheritance of seats and individual lodges in stadiums is also provided for. Holders of such subscriptions and legal owners of VIP-class are allowed to give their seats to third parties.

New approaches are also used in the sale of one-time tickets. Specially designed tickets (especially dedicated to anniversary and commemorative dates) are prepared for statistics fans and collectors, prizes are played for spectators with the numbers and series of tickets, and the internet posting of club news is formalized. Regular ticket buyers are given the right to reserve a certain number of seats for upcoming sports events - "overbooking".

The independent implementation of tickets raises a number of difficult questions for the sports club:

- * issues of speculation with entrance tickets;
- * issues of adequate price formation;
- * issues of ticket and season ticket protection against forgery;
- * issues of retail and internet network creation.

It should be noted that the offer of spectator seats in stadiums is strictly limited by physical parameters such as the size and capacity of the stands. At the same time, fans' interest in the game with the participation of different teams varies greatly, which is reflected in large fluctuations in the demand for admission tickets. This feature of the ticket business in sports creates two serious problems at once: adequate pricing of tickets and speculation. When the price of tickets increases, many seats in the stands remain empty and the sports club loses part of its income; the process of buying and selling tickets at low prices involves intermediaries - speculators, who buy "undervalued" tickets and then sell them at a significant additional

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value. As in the first case, the sports club loses part of its income. In connection with the mentioned cases, the price of tickets should be flexible, and the price policy should be implemented by highly qualified specialists.

There are also a number of characteristics of the ticket business, which is a very difficult problem for sports clubs. We are talking, for example, about counterfeit tickets, the convenience of buying tickets for fans, combining the sale of tickets for sports matches with tourist trips during the club's road games, flights, trains, hotels, etc. about booking tickets. Thus, the sports club has a choice: either to conduct the ticket business independently, to have a large staff of specialists in this field, or to give its powers to a professional organization engaged in this business.

2. Transfer of ticket business to external organizations

Depending on the specific conditions and capabilities of the sports club (the presence of its own stadium, the possibility of creating a retail and Internet network, combining ticket business with tour operator activity), the ticket business can be given to subsidiary or independent companies on mutually beneficial terms.

By outsourcing the ticketing business to third parties, the sports club takes over many of the problems associated with maintaining and developing this specific type of business, as well as the costs associated with it. In addition, the club potentially loses some of the profits in exchange for stability and reduced commercial risks.

In recent years, sports clubs and operators operating in the ticket business have started to actively use the Internet. This is an ideal scheme in business, where a fan orders a ticket to the desired location on the website of a club or retail and online network, pays for it with electronic money and prints the entrance ticket on his own printer. In terms of time, this operation should not exceed 1-2 minutes. For now, it is true, this scheme cannot be fully implemented due to a number of technical difficulties. In practice, many places use another option, such that a courier delivers the ticket to the home or office of the fan who ordered it. Although this method is technologically weak (it takes more time to execute, it involves payment of the courier's labor), it is more reliable. The integration of electronic payments and booking systems into the ticketing business allows sports clubs to receive important marketing information about their fans through the ticketing business: their tastes, consumption preferences, values, income. With the help of IT technologies, clubs form detailed databases about their fans, establish two-way communication with them by e-mail, send news by e-mail, provide statistical, visual and advertising materials.

5.2. SALE OF BROADCAST RIGHTS

Another important way of realizing professional sports services is the sale of broadcast rights from the venues of competitions and sports events. In order to correctly imagine the procedure for selling rights to all types of broadcasts, it is first necessary to determine who the product owner is: the athletes participating in the competition, the coaches who prepare the athletes for performances in sports or for the federation. This issue is very important in the sense that only the owner (or his representative) has the legal right to sell it. In daily practice, any physical or legal persons who have the appropriate property rights under national

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legislation or international law can own a sports product. Most often, these are international sports organizations that organize and hold their own tournaments (for example, the International Olympic Committee has all the rights to broadcast the Olympic Games), as well as sports clubs and teams that participate in these tournaments. In necessary cases, the procedure for the division of powers in matters of having one or other rights is determined.

How much the product produced by professional sports costs in monetary terms and how much the price formation procedure is is also an important issue.

The answer to this question will require some familiarity with the technology of conducting television and other mass media business. The work of television and radio companies is structured in such a way that it arouses the interest of the audience in the maximum part of the audience. If the interest in the programs is low, the viewership decreases, while interesting programs, on the contrary, gather a large number of people of various professions and age groups from televisions and radio receivers.

Audience interest is vital for electronic mass media, because it determines the commercial efficiency of this or that television company, radio station or Internet project. The fact is that the main source of existence of such companies and creative associations is advertising (for open channels) or subscription fees (for cable networks, access to individual websites, etc.). Revenues from advertisers and subscribers increase as the audience expands, which in turn increases with interest.

Both broadcasting companies and advertisers carefully monitor the number and composition of the audience, because the value of advertising time is directly related to these indicators.

Considering that many viewers often change channels when watching TV, another indicator can be used - the share of the audience, defined as the percentage of connected TVs showing certain programs. And finally, for the average price, the criterion is used as the average daily share of the TV channel - the percentage of the total number of TV viewers who watched the channel during the day (those who watch any other TV channel during the day). Ratings are determined by surveys and focus groups by specialized independent companies with good reputations. In the electronic media market, such measurements are carried out weekly, and the results of the study are recorded in a table.

In some countries, the ratings of sports programs are much lower than the ratings of series and entertainment programs. In this regard, the quality of advertising in sports broadcasts is relatively low. However, we must not forget that a wide variety of goods and services are advertised in the electronic media. The audience is also not the same: if Latin American series are mainly watched by women and people of retirement age, then sports programs are watched by middle-aged men, as well as young people. This fact sometimes leads to an increase in advertising prices on sports channels. Taking into consideration the deals of sports organizations with electronic mass media, the purchase and sale of broadcast rights takes place according to the following scheme. Sports managers negotiate with representatives of television and radio companies, use statistical indicators (current ratings of sports programs, cost of advertising in daytime and evening hours, etc.), and bring their evidence and arguments based on the latter issues. In particular, managers of sports organizations try to

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wholesale their products, including, for example, not individual games, but all games of the championship. This is done to reduce commercial risks, as some games do not attract large numbers of fans in front of screens or radios. But at the same time, no one can say in advance how the championship will unfold, who will be the leader, what the main intrigue will be.

In turn, representatives of mass media companies present their contributions to sports managers. They say, for example, that the games of the Russian football championship have an audience rating of 1%, which is much lower than the ratings of series and game shows, which vary between 11-15%. A simple calculation can be made from here: if a TV channel buys any series for 100,000 US dollars, then an advertisement included in this series can bring 200,000 US dollars. If the Football Union is paid the same 100,000 USD for broadcasting, on the one hand, the profit from advertising will be only 20,000 USD, and on the other hand, the rating of the TV channel itself will decrease, that is, the channel may lose part of the audience. Negotiations between sports representatives and electronic media representatives are often difficult in this regard. The following should be distinguished in the purchase and sale of broadcasting rights:

- exclusive rights. The owner of such rights becomes the sole legal owner of the sports product. In this variant, the owner of exclusive rights decides to whom and at what price to sell the sports product;

- package rights - this includes several sets of broadcast rights - for example, live broadcast, broadcast via the Internet (audio only or audio and video), selective broadcast (of the 32 games of the championship broadcast of 16) etc.;

- separate rights - radio broadcasting, broadcast of the entire game the next day, 10-minute fragment of the games; the right to broadcast with editing (including the inclusion of personal advertising).

When it comes to concluding deals on the sale of broadcast rights to closed (cable and satellite) channels, there are some features of negotiations. For example, parameters such as the number of subscribers (subscribers) of the channel, the fee of the channel (or a package of channels), the presence of advertising in broadcast programs, and the geographical broadcast zone come to the fore. In fact, managers of indoor sports channels approach sports organizations and competition organizers and offer to sell the product at a price that is reasonable for both parties. In the modern sports economy, owners of broadcast rights (National Olympic Committee, FIFA, UEFA, other international sports federations) sell sports products through their marketing departments or authorized companies for 4-6 years.

Taking into account the solvency and current financial capabilities of each particular buyer, the firm that has won the exclusive broadcasting rights resells them to individual television companies and radio stations under individual contracts. As a result of business negotiations, a price is formed for showing live broadcasts, video recordings and individual moments of competitions.

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DARK TRIAD AND WHISTLEBLOWING**

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ABSTRACT

Today, when the individual mindset has increased, the employees in the institutions have begun to be evaluated with abstract variables such as personality traits rather than concrete objects. After determining the personality traits, the dark triad, which has recently been found in the literature, contains the personality traits of machiavellianism, psychopathy and narcissism. These personality traits are generally; self-interested behaviors are expressed as lack of emotion and empathy, manipulative behavior and egocentrism. In addition, individuals with dark triad personality traits do not care about the feelings and thoughts of the people around them and may engage in behaviors such as escaping information unless they are in their own interests. The behavior of whistleblowing, which is generally a concept that has negative connotations and is misunderstood, is briefly in the form of informing the solution-oriented units, considering the benefit of the institutions or the society, by the employees who notice an ethical or illegal situation. The whistleblowing behavior has been studied in the literature mostly with ethical issues and different personality traits. However, it has been observed that not all of the dark triad, which has many positive and negative aspects, are handled with whistleblowing behavior. In this study, the dark triad and whistleblowing were discussed in terms of employees and managers in corporate life, and the concepts they were affected by and influenced were examined.

Keywords: Whistleblowing, Dark Triad, Dark Personality Traits

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ÖZET

Bireysel düşünce yapısının arttığı günümüzde kurumlarda çalışanlar artık somut nesnelere ziyade kişilik özellikleri gibi soyut değişkenlerle değerlendirilmeye başlanmıştır. Kişilik özelliklerinin belirlenmesinin ardından son zamanlarda alan yazında yer bulan karanlık üçlü, içerisinde makyavelizm, psikopati ve narsisizm kişilik özelliklerini barındırmaktadır. Bu kişilik özellikleri genel olarak; çıkarıcı davranışlar, duygu ve empatiden yoksun olma, manipülatif davranma ve benmerkezcilik olarak ifade edilmektedir. Ayrıca karanlık üçlü kişilik özelliklerine sahip bireyler kendilerinin çıkarına uymadığı sürece çevrelerinde bulunan insanların duygu ve düşüncelerini önemsememekte ve bilgi kaçırma gibi davranışlarda bulunabilmektedir. Genellikle olumsuz çağrışımları olan ve yanlış anlaşılabilir bir kavram olan bilgi uçurma davranışı ise kısaca etik veya yasa dışı bir durumu fark eden çalışanların buldukları kurumların veya toplumun yararını düşünerek çözüm odaklı birimleri bilgilendirmesi şeklindedir. Bilgi uçurma davranışı literatürde çoğunlukla etik konular ve farklı kişilik özellikleriyle incelenmiştir. Ancak pek çok olumlu ve olumsuz yönü bulunan karanlık üçlünün tamamının bilgi uçurma davranışıyla ele alınmadığı gözlenmiştir. Bu çalışma ile kurumsal yaşamda, çalışan ve yöneticiler açısından karanlık üçlü ve bilgi uçurma ele alınmış, etkilendikleri ve etkiledikleri kavramlar incelenmiştir.

Anahtar Kelimeler: Bilgi Uçurma, Karanlık Üçlü, Karanlık Kişilik Özellikleri

INTRODUCTION

The concept of the dark triad (DT); It consists of subclinical narcissism, machiavellianism and psychopathy, which was brought to the literature by Paulhus and Williams (2002) (Ağralı Ermiş, 2019). It is stated that individuals with high levels of dark personality traits tend to engage in behaviors such as lying, manipulation (Esteves et al., 2021), and cheating (Zhang et al., 2019). When these personality traits come together, many negative situations can occur for other individuals – their social and business environments.

When we consider individuals with DT characteristics; The machiavellian individual will have difficulty interacting with their environment, decrease their productivity, or show counterproductive behaviors due to their violation and exploitation of ethical issues, the psychopathic's lack of guilt, and the narcissists' self-esteem and lack of empathy (Karim,

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2022; Yilmazer et al., 2021; Lata and Chaudhary, 2020). For example, individuals with a machiavellian attitude think that selfishness is normal, they do not take into account the existence of ethical mechanisms to achieve a goal, and they even show a lack of conscience (Atalan, 2019). It can be said that there is a trade-off between moral and ethical behavior and moral and unethical behavior for individuals who show high Machiavellian behavior in this direction (Khan & Bhatti, 2019).

Individuals with DT characteristics may develop different reactions to the rules, regulations, ethical formations and hierarchy within the institution when they work in corporate life. It has been determined that anti-social and abnormal behaviors especially seen in institutions are associated with the dark triad (Janke et al., 2019). The dark triad has significant effects on many organizational behaviors and organizational outcomes (LeBreton et al., 2018). Individuals with DT personality traits have high levels of creativity, intelligence and access to information. While the presence of these features in healthy individuals is interpreted as positive outcomes, the risks of fraud in individuals with DT personality traits are abilities that can turn into manipulation attempts (Hess, 2022).

Although the functioning in institutions is not always perfect, various errors or omissions can be seen. These errors should be seen as a source of information and an internal control system, as they reveal wrongdoings and malpractices (Wianiewska, 2021). At this stage, whistleblowing behavior comes into play. The behavior of whistleblowing is the disclosure of voluntarily unlawful acts for the benefit of the society, by using various channels of the person or persons who carry out these acts (Yıldız and Tani, 2018).

For whistleblowing behavior, first of all, the individual must distinguish whether the negativity he encounters is ethical or illegal. However, it cannot be predicted how an employee with dark personality traits would think in this situation. If we look at the reasons for this; Machiavellianism is a stable and permanent trend, and individuals who show a machiavellian tendency in business life will not act sincerely, mostly by showing hypocritical attitudes and behaviors in formal and informal relationships (Uçkun et al, 2018; Yeşiltaş and İmadoğlu, 2020). An employee who exhibits DT personality traits and who also wants to gain power by ascending will be able to engage in political behaviors such as approaching people at higher levels hierarchically with a fake cuteness when necessary (Özsoy, 2017; Zor, 2019; Aktürk, 2022).

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When whistleblowing is managed correctly; It helps prevent people from being harmed, increase the efficiency of organizations (Aydan and Kaya, 2018), ensure that the deficits are noticed and completed (Aydan, 2017) and provide corporate internal audit (Yildiz and Tani, 2018). It is important to stop these actions, to take precautions when necessary, and to manage the whistleblowing process in order not to disrupt the integrity of the institutions, especially in situations that do not comply with the law and ethics in public institutions (Palumbo and Manna, 2019; Salik Ata, 2022). In addition, although whistleblowing is a correct and necessary behavior, it can result in people who engage in this behavior in a bad situation and become victims (Sağyan Tunçay and Sağyan Yağız, 2020).

One of the negative outcomes of whistleblowing behavior is the retaliation or job loss that the whistleblower may experience at the end of the process. For this reason, it is seen that individuals who show whistleblowing behavior are generally defined as virtuous and brave people. However, individuals with DT personality traits only think about their own well-being and see other people as unreliable. In fact, they may share private and false information about their lives in order to be closer to their victims before they show manipulative behavior (Copkova, 2022), and they can manage their impressions very well while influencing the target in order to rise or be better (Uppal, 2021; Tariq, 2021). The attitude of an employee who exhibits these characteristics towards the ethical situation that he or she notices may cause behaviors and behavioral consequences that may disrupt the organizational functioning after a certain level.

Individuals with DT traits tend to focus on winning no matter what it costs (Coşkun, 2017). In addition, it is known that machiavellianism is related to career ambition (Gürlek, 2020) and ethical and unethical behavior intention (Gürlek, 2020; Vezir, 2017; Toprak, 2021; Zhao et al., 2018). As a matter of fact, in the studies carried out; It has been stated that DT personality traits increase unproductive workplace behaviors (O'Boyle et al., 2012), and that there is a positive relationship between machiavellianism and the misuse of resources, theft, fraud and tendencies to remain silent (Vezir, 2017).

Individuals, individuals and institutions showing psychopathic behavior may appear as employees or managers in life. Individuals with psychopathic behavior can be seen as more successful than other employees because they are cold-blooded and stress-resistant individuals. Although they provide benefits with these features, it should not be forgotten that they may have negative effects for the institution and society in the long run (Aktürk, 2022). James et al. (2014) determined that individuals' level of possession of DT personality traits

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and their level of enjoying the pain of others are positively related. People with these personality traits expressed pleasure (such as fun, satisfaction, pleasure, and happiness) when their colleague or teammate failed. These results suggest that individuals who take pleasure in the misfortunes, pains, or failures of others may have consequences arising from being subordinates or co-workers. In this direction, it has been determined that career satisfaction decreases and burnout increases in employees working with a Machiavellian manager (Volmer et al., 2016). These results suggest that individuals with dark personality traits may act according to self-interest before committing whistleblowing behavior. In this study, DT and whistleblowing behaviors were defined, besides the effects of the two concepts on organizational life, the effects of the dark triad on whistleblowing were discussed.

1. DARK TRIAD

The dark triad is a combination of personality traits that overlap experimentally and are interpreted as maladaptive in society, although they are theoretically separate issues (Cohen, 2016). Before talking about these personality traits, it is important to understand the concepts of clinical and subclinical. Clinical behaviors include individuals in the clinic or under observation; subclinical behaviors refer to the distribution in the population that is not under observation. In addition, subclinical terms are used for a larger sample (Vural, 2019). Narcissism, psychopathy and machiavellian personality traits, which are examined in the light of the explanations, are discussed subclinically.

Three anti-social subclinical personality traits; subclinical narcissism, psychopathy, and machiavellianism make up the Dark Triad-DT (Cohen and Baruch, 2021). Recent studies also mention the dark quartet formed by adding sadism to this trio (Dark Tetrad) (Paulhus, 2014; Pajevic et al. 2018). On the contrary, there are various contradictions in the literature regarding the actual place of machiavellianism and psychopathy in the dark triad (O'Boyle et al., 2015) or the role of narcissism (Rogoza et al., 2021).

Paulhus and Williams (2002) shaped the literature by arguing that aggressive but non-pathological machiavellianism, subclinical narcissism and subclinical psychopathy should be examined together because of their common aspects (Cited by Vural, 2019; Ağralı Ermiş, 2019). All three dark aspects of personality are part of personality disorders (Khorsidi, 2019). Machiavellianism; manipulation of others, narcissism; grandiosity, self-esteem, and psychopathy; It can be defined as high impulsivity and excitement seeking with low empathy and anxiety (O'Boyle et al., 2011; Ternes et al., 2019).

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Paulhus (2014) determined the main characteristics of DT personality traits in his study. In the characteristics shown in Figure 1, gaps indicate the average level, plus slightly above the average, and double pluses indicate that they are quite above the average.

Figure 1. The main features of the dark triad (Source: Paulhus, 2014)

Feature	Narcissism	Machiavellian	Psychopathy
Apathy	++	++	++
Impulsivity	+		++
Manipulation	+	++	++
Unethical		Only white collar	++
Exaggeration	++		++
Sadist			

Although DT has different features within itself, the common points that are intertwined are; manipulative tendency and lack of emotion (Yılmaz et al., 2021). Besides these; we can say that aggression, emotional coldness, exploitation, non-cooperation, egocentrism and deception are other basic features of the dark triad (Kraus et al., 2018; Karim, 2022). Particularly, individuals with DT personality traits are more likely to develop acts of fraud, theft and abuse (O'Boyle et al., 2012; Hess, 2022). In addition, there may be situations such as attempts at fraud, trying to appear successful to the manager or the institution, making abuses and developing deceitful strategies in the institutions they are in (Hess, 2022; Ağralı Ermiş, 2019). It has a higher level of desire/impulse control, especially when compared to machiavellianism, narcissism, and psychopathy. The reason for this is that, according to Machiavellian individuals, it does not matter how it is reached if there is any interest (Öztürk, 2022). Not only machiavellian individuals, but all of the dark triad are anti-social, they can be successful in bilateral relations to achieve what they want (Ağralı Ermiş, 2019).

1.1.The Importance of Dark Triad Personality Traits

Understanding and identifying DT personality traits is important for individual and corporate lives. It is thought that determining the personality traits of employees, especially in professions where hierarchy is intense, is necessary in order not to accommodate self-

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interested people or individuals with advanced psychopathic features in institutions or to employ them in different ways.

Communication is an indispensable concept for institutions. Although they are described as evil and dark, these features are part of personalities and affect communication. For this reason, it is important to determine the light and dark sides of these features in order to fully understand communication (Ağralı Ermiş, 2019).

In institutions where employees with DT personality traits do not want more successful employees than them, they may be abused, a brain drain may be observed in the institution, and a decrease in personnel expertise may be observed. In addition, as a result of the manager's insensitivity to his employees, ignoring the feedback and being manipulative, cynical behaviors, anti-productive work behaviors and many other negative organizational behaviors may occur in the organization (Hess, 2022; Blair et al., 2016; Yu et al., 2020). . While individuals' intentions apart from work (Yılmaz et al., 2021) increase when they work with a superior with psychopathic features; job satisfaction decreases (LeBreton et al., 2018; Ghislieni et al., 2019). In terms of narcissism, a positive relationship was found between CEO narcissism and fraud (for both the CEO and his subordinates) (Rijsenbilt and Commandeur, 2013), and similarly, it was stated that narcissism is related to the need for power and unethical behaviors (Aydoğan and Serbest, 2016). It should be said that narcissistic managers will see themselves as sufficient and superior due to their personality traits, and as a result, a corporate culture that is closed to innovations and developments may be formed (Toprak, 2021).

1.2. Machiavellianism

The concept of Machiavellianism emerged from the works of Niccola Machiavelli (Coşkun, 2017; Demirgöl, 2021), who lived in 16th century Italy, based on his works named "Prince" and "Discourses". Machiavelli, a political scientist and writer, talked about the methods of obtaining and holding power in these published books. In his book *The Prince*, Machiavelli advises the prince to keep his power and intelligence in the foreground and to be adept at lying and cheating when necessary by using his military and political knowledge (Demirgöl, 2021), and to act ruthlessly and immorally when necessary (Muris et al.;2017:184) . Machiavellianism, which was created by imposing on the ideas and thoughts of Machiavelli, argues that every way to achieve the goal is legitimate, lying and fraudulent behaviors do not matter (Atalan, 2019; Demirgöl, 2021).

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The common belief regarding the behavior of Machiavellians in interpersonal relationships is that they deceive and manipulate others (Aldousari, 2021). In addition, machiavellianism is a behavioral tendency that includes concepts such as emotionally detached relationships, the desire to abuse others (Brewer & Abell, 2017), and hypocrisy (Sungur, 2017).

The essence of the Machiavist approach is to eliminate all obstacles that arise by ignoring all legal, religious and ethical elements in order to achieve the goal (Sungur, 2017). McHoskey et al. (1998), maqwavelism; It is defined as a behavior that lacks empathy and can perform cheating and unethical behaviors without feeling guilty (As cited in Atalan, 2019).

For the Machiavellian personality trait, it is still unknown in the literature whether machiavellianism is a personality trait or a complexity of personality dimensions (Inancsi et al., 2016), whether it is influenced by personality traits or behavioral patterns.

It is possible to categorize people with a tendency to Machiavellian behavior at high and low levels. First, if we look at the characteristics of high Machiavellian individuals;

- Trying to manipulate other people to compensate for their perceived shortcomings in controlling external events more directly (Aldousari, 2021; Brinke et al., 2015),
- Tendency to engage in counterproductive work behaviors (Younus et al., 2020; Rehman & Shahnawaz, 2018)
- The level of empathy is quite low (Andrew et al.; 2008; Rauthmann & Kolar, 2012; Blötner et al., 2021),
- Being utilitarian and maintaining emotional distance (Demirgül, 2021)
- Behaving politically and strategically with communication skills (Zor, 2019)
- Self-isolating and result-oriented (Rauthmann & Kolar, 2012).
- Able to act freely based on lies when necessary (Zor, 2019; Kessler et al., 2010).
- Individuals who engage in unethical and unproductive behaviors in the workplace due to their excessive focus on self-interest and personal gain (O'Boyle et al., 2012; Chadlar, 2021).

The characteristics of individuals with low machiavellian behavior tendency are generally revealed by comparing them with those with high machiavellian behavior tendency.

- Individuals with low machiavellian personality traits; have a positive perception that they are supported by organizational practices and policies, they will be able to direct their energies to concepts such as personal well-being, organizational success and

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productivity, rather than spending their energies on negative actions such as manipulating their colleagues and managers, hiding their weak points, resorting to lies and cheating (Üstün & Ersolak, 2020).

- Due to the inability of these individuals to emotionally isolate themselves from individual situations, they do not exhibit a manipulative behavior and are assumed to interact emotionally with those around them. (Macrosson and Hemphill, 2001).
- Individuals with high machiavellian tendencies earn more than those with low machiavellian tendencies. In addition, their persuasion skills are higher and they are more difficult to persuade (Özsoy, 2017).

Machiavellian personality type; It is characterized by opportunism (attitude that adjusts its behavior in difficult situations, not according to ethical principles, but according to personal interests), pragmatism, immorality, exploitation and distrust of others (Karim, 2022; Bianchi Mirkovic, 2020). They also have higher motivation and the ability to develop and use manipulative tactics than other individuals (Wlodarska et al., 2021). It has been determined that Machiavellianism is associated with aggression (Aluja, 2022).

1.2.1. Machiavellian Attitudes and Behaviors in Organizations

The characteristics of people with Machiavellian thinking can be listed as selfish, manipulating people, trying to appear perfect, exhibiting opportunistic, unethical behaviors, using the people around them for their purposes, low empathy level, not afraid to lie, and low emotional intelligence. Organizational machiavellianism is the machiavellian approaches of managers to achieve organizational goals, to exhibit machiavellian attitudes, to base their interests on different groups within the organization, and to climb to a higher hierarchical level (Demirgül, 2021).

Machiavelli states that it is necessary to be a feared leader in organizations, it is ideal to be both a feared and loved leader, but it is extremely difficult to achieve this (Sungur, 2017). In other words, he argues that it is necessary to ignore this rather than an honest and moral management style for success (Gürlek, 2020).

The tendency of managers to machiavellian behavior is a factor that can affect the working environment and employee productivity. In particular, the tendency of leaders who show

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machiavellian behavior to engage in hostile and harassing behavior can be devastating for employees and organizations (De Hoogh et al., 2020). It has been determined that the machiavellian tendencies of the managers negatively affect the attitudes of the employees towards the work (Zor, 2019), the organizational opposition positively, and the work commitment negatively (Naktiyok et al., 2019). In addition, studies have shown that as the level of Machiavellianism increases, integration, domination, avoidance and compromise decrease (Özsoy, 2017). For this reason, it is important to determine the level of machiavellian behavior tendency in order for the managers to fulfill their duties in a healthy way.

Managers with Machiavellian behavior may exhibit manipulative behaviors to use the situation to their advantage. In order to prevent such behaviors, it will be beneficial for organizations to create a common value or behavior guide by the managers. Shared values or procedures will guide employees' perceptions and how they should behave in certain situations (Ülkü and Döven, 2021).

The personality traits of the employed employees have various effects at the individual and organizational level. In this sense, by reducing the machiavellian personality traits that include negative attitudes and behaviors and make every way to the goal permissible within the organization, a positive organizational culture will be created in which cooperation, cooperation and solidarity will prevail (Üstün & Ersolak, 2021). Managers with a high level of machiavellian inclination may negatively affect their subordinates' job satisfaction, satisfaction, productivity and even their private lives, as well as increase situations such as exclusion from work (Elmas, 2018) and job incivility (Üstün & Ersolak, 2020; Üçok, 2018).

When we look at the characteristics of employees with organizational Machiavellianism and machiavellian tendencies, it makes us think whether these employees are beneficial for the organization or are employees who should not be in the organization. Although these employees are referred to as undesirable and questioning employees (Zhao et al., 2018), they can be beneficial individuals in terms of organizational structure within certain limits (Aksoy, 2016). When we look at the literature, it is seen that individuals with a machiavellian tendency perform well in areas such as bargaining, forming alliances and taking the leadership of the group (Mesko et al., 2014), while employees with low level of machiavellian tendency do not do their part to achieve the goals more than harm when they adopt the goals of the organization. It is stated that they bring and cooperate with each other (Üstün and Ersolak, 2020). High machiavellian individuals have high determination to get what they want and have good communication skills (Atalan, 2019). In addition, machiavellian employees are

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individuals with practical intelligence, high emotional control, and generally aiming to improve themselves in order to maximize their self-esteem and receive positive feedback (Yeşiltaş & İmadoğlu, 2021).

1.3. Psychopathy

The concept of psychopathy was defined by Pinel's expression "Mania sans delire (Madness without delirium)" in the 19th century; It has been used to describe individuals who have the ability to be uncontrollable and influence people and have no psychological symptoms (Aktürk, 2022; Ağralı Ermiş, 2019). Later, when Hare (1985) developed the subclinical psychopathy scale, it was described as anti-social personality disorders such as "lack of guilt and conscience" (Yilmazer et al., 2021).

Psychopathy personality type; It is characterized by features such as impulsivity, persistent anti-social behavior, tendency to violence, irresponsible behavior, easy lying and ruthlessness (Karum,2020; Karum, 2022; Özsoy, 2019; Tariq, 2021). In addition, these individuals do not think about the effect of their behavior on the environment and society, and they do not feel any regret or guilt about the consequences of their behavior (Aktürk, 2022). There are manipulative tactics in psychopathy as in Machiavellianism. However, unlike psychopathy, they are more impulsive (Wlodarska et al., 2021). Another difference is that while machiavellianism is positively related to intelligence; psychopathy is negatively associated (Kowalski et al., 2018).

According to Cleckley (1941), other psychopathy features; advanced cognitive skills, absence of psychoneurotic symptoms, unreliability, lack of remorse, lying, inadequacy and irresponsibility in interpersonal relationships (Cited by Aktürk, 2022; Ağralı Ermiş, 2019).

Psychopathy; classified as primary and secondary psychopathy. Depending on ethical deprivation, individuals displaying primary psychopathy characteristics exhibit cold-blooded and cautiously planned behaviors, superficial relationships, and anxiety and remorse (Öztürk, 2022). In addition, these people have the ability to function highly in society (Schade et al., 2021). At the same time, they consider themselves superior in society (Öztürk, 2022). In a study, it was determined that psychopathy is related to the social position of individuals (Aluja, 2022).

Although individuals with secondary psychopathy characteristics have achieved a little harmony with the environment; they have an impulsive and emotionally unclear structure that

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can cause damage around them (Vural, 2019). In addition, secondary psychopathy is associated with alexithymia (subclinical inability to describe and explain emotions) (Lander et al., 2012). Secondary psychopathy, unlike primary psychopathy, also includes aggressive behavior and lack of impulse control (Aktürk, 2022).

Individuals with high psychopathy do not think about the welfare of others, and do not avoid harming others by violating ethical rules if it is not suitable for their own purposes (Schade et al., 2021). The reason for this situation can be considered as a lack of regret and empathy. As a matter of fact, as a result of these deprivations, it can be seen that they act ruthlessly towards their environment and do not think about the consequences (Toprak, 2021). In particular, they can engage in behaviors such as bullying, proactive and reactive aggression (Kinght et al., 2018). As psychopathy increases, conscientiousness decreases and aggression increases (Aluja, 2022). In a study, unlike these findings, it was revealed that the burnout of individuals with psychopathic behavior decreased (Grover and Furnham, 2021).

1.3.1. Psychopathic Attitudes and Behaviors in Organizations

Employees with psychopathic characteristics are individuals who lack emotion, empathy and conscience due to their personality traits. These people do not hesitate to use their co-workers or managers to achieve the goals they have set, and they are generally regarded as successful in working life (Aktürk, 2022).

Öztürk (2022) stated in his study that managers' psychopathic features negatively affect their subordinates' ability to provide psychosocial and career support, while it positively affects their information hiding behaviors, and it is challenging for employees to work with these managers. In addition, in another study, it was determined that psychopathy reduces organizational citizenship behavior (Çivit & Göncü Köse, 2021).

1.4. Narcissism

The expression narcissism is derived from the character Narcissus found in Greek myths who fell in love with his own reflection. Narcissism personality type, which can also be expressed as "self-love"; It is characterized by features such as a strong sense of superiority, dominance, self-centered behavior, closed to criticism, jealous, and the need for attention and admiration (Rogoza et al., 2021; Karim, 2022; Vural, 2019). In addition, these individuals have less shame and guilt than other individuals (Shah et al., 2020).

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Narcissism is generally accepted as a personality trait; It is examined as grandiose and vulnerable narcissism (Miller and Campbell, 2008; cited in: Walker et al., 2022). Individuals with high grandiose (or "overt") narcissism tend to assert themselves in order to maintain their self-esteem while showing greatness, self-confidence, dominance, and a tendency to exploit others.

Vulnerable (or 'hidden') narcissism tends to rely on external validation. While grandiose fantasies also characterize vulnerable narcissism, people with vulnerable narcissism tend to oscillate between self-love and self-disgust. Therefore, they exhibit fragile self-esteem, advocacy and resentment (Weiss et al., 2019; Öztürk, 2022). It is stated that arrogant and vulnerable narcissism has common features such as an interpersonal antagonistic style, arrogance, authority, and hypersensitivity to criticism (Weiss et al., 2019).

It has been determined that men feel stronger and more competent in society due to gender and stereotypes, grandiose narcissism is more common in men (Grijalva et al., 2015), and there is a negative relationship between men's levels of grandiose narcissism and their emotional intelligence (Jauk et al., 2016). . In addition, it has been determined that individuals with higher grandiose narcissism have low self-esteem (Jack & Kaufman, 2018) and are less affected by general negative situations (Miller et al., 2011).

Narcissism general personality traits; physically attractive, intelligent, possessing special skills, being overly attached to oneself, and a desire to be appreciated (Elmas, 2018). Although narcissistic individuals love themselves more and think they are perfect and infallible, their self-confidence is fragile. Any negative feedback harms their self-image (Copkova, 2022). For this reason, they tend to show themselves differently than they are in order to cover up their shortcomings (Vural, 2019). In studies investigating their relationship with personality traits, it is stated that there is a positive relationship with extraversion (Aluja, 2022), and individuals with higher narcissism are more likely to engage in unethical behaviors than others (Toprak, 2021).

1.4.1. Narcissistic Attitudes and Behaviors in Organizations

narcissistic personality; It is the feelings, thoughts and behaviors that individuals display when their self-love is shown with extreme attitudes. Individuals with this personality are those who can be defined as benevolent in the institutions or society they are in. However, the reason why they show benevolent behavior stems from their efforts to look good on the

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outside by admiring the environment (Elmas, 2018). At the same time, narcissistic individuals are found more attractive in job interviews because they play out (Paulhus et al., 2013).

There are positive and negative aspects of having a narcissistic manager in an organization. In some studies, as the narcissism personality of the manager increases, the strategy development and performance of the organization increases (Chatterjee and Hambrick, 2014); It is stated that narcissistic managers have skills in organizational policies, establishing good relations and leadership skills (Yurdakul & Bostancı, 2016; Öztürk, 2022). In particular, the perception of leader that comes to life in people's minds is intertwined with narcissism. The reason for this is that dominance, trust, self-worth and extraversion are both the basic characteristics of narcissism and the characteristics sought in a leader (Öztürk, 2022).

Narcissistic individuals exhibit behaviors such as valuing themselves, being in an egocentric position in interpersonal relations, and acting by believing what they know (Sezgin, 2022). Therefore, it is not surprising that the increase in the level of narcissism increases the level of psychological privilege and the intention to leave the job (Yılmaz et al., 2021).

1.5. Dark Triad Personality Traits in Managers

Behaviors such as creating a false image for personal interests and acting to attract attention are among the behaviors that individuals with DT personality traits will exhibit in order to be a manager/leader (Himes, 2021). Being a manager and leader is related to people's support and desirability. Social desirability is desirable for a manager. Narcissistic individuals can lead because they constantly want to be promoted and appreciated, and can influence people (LeBreton et al., 2018; Vural, 2019; Aydoğan and Serbest, 2016). In a study in the literature, social desirability; It is seen that narcissism is positively correlated with psychopathy and machiavellianism (Kowalski et al., 2018), and dark triad features are completely negatively related (Gamache, 2018).

It is seen that employees perceive leaders as cold, unemotional and stubborn, depending on the fact that DT characteristics are seen in leaders. Considering the concepts of DT and leadership; It has been determined that narcissism has a positive effect with the emergence of leadership (Grijalva et al., 2015), while psychopathic tendencies have a negative effect (Turnipseed and Landay, 2018). Employees define leaders as cold, lacking in emotion, and persistent in their goals. The reason for this is that leaders usually show dark personality traits (Aktürk, 2022).

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Leaders also take on the role of mentors in their working life. These behaviors are not seen in leaders with dark personality traits when they need to share information with their employees, guide them and guide them in their career development. These leaders are not expected to provide information sharing, organizational support or career development guidance with their subordinates (Öztürk, 2022).

2. WHISTLEBLOWING

When an ethical, moral or individual problem is encountered in an organization, employees either remain silent or forward the problem to the units that can produce a solution (Alper & Altan, 2021). When employees do not remain silent, informing others of unethical behavior and wrongdoing is called whistleblowing (Asimayah & Mensah, 2021).

The concept of whistleblowing was first used by Otto Otepka in 1963. The possible origin of the phrase 'blow the Whist' is derived from situations such as when a perpetrator blows a whistle to inform the police and passers-by that he has escaped from the crime scene, or when people such as security forces and referees that can be used to warn of mistakes made (Sarıdiken, 2021; Wisniewka, 2021) . In the foreign literature, it is seen that it is also expressed as employee behavior and voice raising reporting bad practices (Rauwolf, 2019).

Since whistleblowing takes place in institutions, it is considered as a workplace behavior. It is considered as deviant workplace behavior because it is a behavior that managers and institutions generally do not want. However, whistleblowing behavior is the reporting of events that affect the health, welfare and peace of people and society, with or without the consent of the administrator or the institution. When managed carefully, it is seen as a positive workplace deviant behavior in order to prevent hazards and provide internal control (Yıldız and Tani, 2018).

The concept of whistleblowing in the literature; It is seen that it is defined as an employee or manager (who has worked or is still working in the organization) reporting an ethical or illegal situation to the positions inside or outside the organization that can solve the negative situation (Near et al., 1993; Near and Miceli, 2016). In addition, Brown (2006) considered whistleblowing as a concept that covers abuse of authority, conflicts of interest, unprofessional behavior, inappropriate use of resources and legislation, and all complaints against the institution and the employee (Cited by Sarıdiken, 2021).

2.1. Whistleblowing Behavior

In order for the concept of whistleblowing to occur, certain elements must be present. These concepts are discussed in different versions in many sources. Near and Micelli (1985) stated that there should be an ethical or illegal situation in whistleblowing behavior. This situation should have occurred in the institution and should be reported. When the report is forwarded to the necessary authorities, whistleblowing behavior takes place.

The most important factor for whistleblowing behavior to occur is the occurrence of a moral, ethical and illegal situation. Although other processes may differ, the important thing is to recognize this situation and decide whether it is necessary to report it. It is not considered whistleblowing for the employees of the institution to report situations that they consider to be wrong according to their own perceptions and ideas (Near and Micelli, 1985; Yeniavcı, 2020).

The situation to be notified can be conveyed to the authorized units within or outside the organization. While some opinions consider transferring information outside the institution as whistleblowing (Jubb, 1999); some consider transferring information both inside and outside the organization (Elliston, 1985) as whistleblowing.

With whistleblowing; It ensures that situations such as corruption, abuse of resources, taking bribes, abuse of duty and authority, waste of resources, corruption, favoritism, sexual or verbal abuse are reported before they cause public health and safety (Aydan, 2017; Uyer and Yelgen, 2015; Çekiç , 2020). We can say that whistleblowing is a moral act that purifies the organization from unethical practices (Asimayah & Mensah, 2021).

2.2. Whistleblower

Whistleblower; are the employees of the institution who expose the illegal and wasteful management activities that endanger the health, safety and freedom of the society in order to stop and take precautions (Cemaloğlu and Yurek, 2017). The whistleblowing can be individuals who have worked in the institution now or in the past (Asimayah and Mensah, 2021; Yeniavcı, 2020). The whistleblower can sometimes be a “hero” and sometimes a “traitor” depending on the organizational climate and culture, the cultural structure and perception of the society (Baltacı, 2017). From the perspective of the organization, whistleblowers act as an internal auditor or volunteer auditor in transferring information from within the organization by helping the manager in the organization (Yıldız and Tani, 2018; Yeniavcı, 2020).

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The whistleblower acts voluntarily with the thought that a negative situation will harm the people around him and the society. When it is done by coercion, this is not whistleblowing behavior. It voluntarily reports the unethical behavior to the necessary authorities and ensures that the wrong is announced (Dungan et al., 2019; Salik Ata, 2021).

2.3. Types of Whistleblowing

The whistleblowing behavior can be defined as the reporting of unethical events, behaviors and activities both inside the company and outside the company if it is not sufficient, in order to take the necessary precautions (Cemaloğlu and Yürek, 2017). There are two types of whistleblowing behavior, named and anonymous. It is the whistleblowing of a named or identified individual to the competent authorities (such as law enforcement, regulatory bodies). Anonymous whistleblowing is the anonymous whistleblowing of the employee in order to protect himself. In this method, the employee can protect himself from danger, while making it difficult to investigate the situation (Park et al., 2014).

Internal whistleblowing: In the process of reporting the ethical and illegal situation and behavior encountered, reporting the behavior to the relevant authorities within the organization or to anyone within the organization is defined as internal whistleblowing (Çekiç, 2020). It is a kind of internal control mechanism and with internal whistleblowing, an inconvenience is tried to be resolved without taking it out of the institution (Yeniavcı, 2020). The image of the institution may be damaged when it cannot be resolved within the organization or if the whistleblower engages in external whistleblowing behavior without internal whistleblowing. For this reason, internal whistleblowing should be seen as an opportunity and errors should be eliminated (Yeniavcı, 2020; Aydan and Kaya, 2018).

External whistleblowing: It is defined as reporting the behavior that may be the subject of whistleblowing to the relevant authorities outside the organization or anyone outside the organization during the reporting process of the ethical and illegal situation and behavior encountered (Çekiç, 2020). Issues that cannot be resolved by internal whistleblowing are conveyed here from the media, security forces or authorities to institutions that can intervene in the situation.

Silence: When individuals encounter negative situations in the institutions they work, they can choose not to report the situation to the authorities that can solve the problem or correct the mistakes by ignoring the situation. In the occurrence of this situation, factors such as previous experiences, fear of retaliation, beliefs that the authorities to which the problem will

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be reported cannot be resolved, and exposure to the problematic person label from the institution play a role (Uyar and Yelgen, 2015;Salik Ata, 2022).

The acts of whistleblowing can sometimes result in the complete collapse of an organization and sometimes in important situations such as the change in the family life and lifestyle of individuals (Yıldız and Tani, 2018). Especially, external whistleblowing can have more dangerous results than internal whistleblowing. Nevertheless; Internal whistleblowing is also not well received by the organization. Individuals who make internal reports are generally suppressed or ignored by the organization (Sağyan Tunçay and Sağyan Yağız, 2020). With internal whistleblowing, organizational scandals and damage to the reputation of the institution can be prevented (Aydan, 2017). Therefore, for external whistleblowing behavior; It is necessary to think that internal whistleblowing has been done, there is a situation related to public health, there is no result with internal whistleblowing, and the behavior will end when it is reported to the outside (Çiğdem, 2013; Bayrakçı, 2016).

2.4. The Whistleblowing Process

The whistleblowing process is considered as observing the wrong situation, engaging in whistleblowing behavior and the consequences of this behavior (Pohjanoksa et al., 2017). In the first step in the process, the suitability of the observed event is evaluated. Observing behaviors such as abuse of office, corruption, managerial inadequacies, waste of resources, misuse of resources, harm to people and society, human rights violations, physical violence and mobbing, discrimination such as gender, race, religion can start the whistleblowing process. (Çetinel and Taslak, 2017; Yeniavcı, 2020; Akyürek, 2020; Salik Ata 2022).

The employee who encounters any of these situations should give his own free will how to manage this situation. While he can whistle inward or outward, he can also choose to remain silent. At the last stage of this process, the reaction of the institution where the inappropriate behavior is observed is expected. In response, the organization can correct or eliminate the inappropriate situation, while ignoring retaliation or whistleblowing.

2.5. Factors Affecting Whistleblowing

There are many factors that affect whistleblowing behavior. Factors affecting whistleblowing are often intertwined with barriers to whistleblowing. In general, these factors can be collected as personal, unethical behavior or situation, retaliation anxiety, organizational

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structure, cultural and legal factors (Çekiç, 2020). Ekpenyong et al. (2021) determined that the factors affecting whistleblowing are gathered in three dimensions.

Personal factors: Personality characteristics and demographic variables are evaluated in this group. For example; It has been observed that personality traits such as honesty-humility and compatibility affect whistleblowing, and the Y generation has higher external whistleblowing intentions (Turan, 2021). In addition, it has been determined that proactive people show more whistleblowing behavior (Dungan, 2015), and individual sensitivity, virtue and sense of responsibility are effective in whistleblowing (Aydan & Kaya, 2018).

Situational factors: Factors such as the cultural characteristics of the individual, the type of behavior, possible expected situations after whistleblowing, moral behaviors and whether or not they experience retaliation can be evaluated in this group (Yeniavcı, 2020; Bayrakçı, 2016; Celep & Konaklı, 2012).

Organizational factors: factors such as organizational culture, organizational commitment, managerial support, management style and leadership can be evaluated in this group (Salik Ata, 2022). In the studies carried out; It is seen that leadership is effective in whistleblowing behavior (Ay, 2018; Cailler & Sa, 2016), organizational commitment and organizational identification increase whistleblowing behavior (Göze, 2021), and the management style of the organization (Kılınç, 2020) affects whistleblowing behavior.

These categories are not always seen with the same consistency in internal, external whistleblowing and silence (Turan, 2021). In particular, the behavior of staying silent has not been examined with many variables. Organizational silence arises when individuals do not express negativity in situations that are detrimental to the society or organization they encounter (Alper & Artan, 2021). The study, on the other hand, reveals that whistleblowing has a positive relationship with organizational silence (Köylüoğlu et al., 2015; Alper, 2018).

Individuals may tend to act with stereotypes by reflecting the characteristics of their cultures. In their study, Toker Gökçe and Oğuz (2015) revealed that individualistic culture value is higher than socialist values and there is a significant and positive relationship between individualistic cultural values and external whistleblowing.

For a successful whistleblowing process, it is thought that it is important to have a relationship based on trust between the employees and the management (Alper & Artan, 2021;), in other words, to adopt an organizational culture that gives importance to

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organizational trust and this. When these factors are provided, the solution of the unsuitable situation will protect the people around, the manager, the employees and the organization from greater harm. An employee with high organizational commitment uses internal whistleblowing when he notices a situation that may lead to bad results, while an employee with low organizational commitment shows a behavior of silence (Chen & Lai, 2014). In addition, it is stated that whistleblowing behaviors decrease as the employee's working year in the institution increases (Çetinel & Taslak, 2019).

Existence of procedures and policies supporting whistleblowing and legal regulations within the organization will have a positive effect on whistleblowing behavior (Çekiç, 2020; Kılınç, 2020). On the contrary, when a disinterested management style is adopted, the whistleblower may not share the situation with the institution and may result in situations that may affect the institution. As a matter of fact, in his study, Kılınç (2020) stated that irrelevant management style causes an increase in external whistleblowing behaviors, while autocratic management style negatively affects whistleblowing, democratic management style affects whistleblowing positively.

2.6. Advantages and Disadvantages of Whistleblowing

Whistleblower: Labeling as a problem person, threats to his professional life even if he resigns, retaliation, exclusion by his colleagues and being accused of infidelity may result (Salik Ata, 2022). In addition to these, assigning jobs outside the job description in order to force resignation or assigning challenging and unsuccessful tasks may cause criminalization and hierarchical reduction of the position (Yeniavcı, 2020; Meriç, 2019). In addition, it can cause the whistleblower to lose economic income, lose his dignity, and be exposed to various accusations in terms of his social life (Yıldız and Tani, 2018).

Organization: The active use of internal whistleblowing will be beneficial in terms of ensuring the internal audit of the institution (Yeniavcı, 2020). The Public Internal Control Guidelines states that each institution should have its own audit system regarding the reporting, reporting and evaluation of situations such as errors, irregularities and unethical behaviors by managers. Institutions can determine systems suitable for whistleblowing processes and each institution should be able to adapt this system to its own structure (Şen, 2020). In this way, it will be possible to identify the people who can harm or cause harm in the institution by whistleblowing.

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While it provides benefits such as having personnel with awareness of whistleblowing, acting carefully and being alert with the thought that their mistakes will be reported (Meriç, 2019); It is thought that the lack of an environment of trust among the employees and the jealousy may lead to harmful behaviors for different purposes. Another disadvantage is that it may cause employee loss and personnel turnover (Yıldız and Tani, 2018).

Society: We can say that whistleblowing is a behavior for the benefit of society and the welfare of people. With whistleblowing, it will be possible to prevent illegal or unethical behaviors such as harming the environment, tax evasion, endangering public health, and preventing their repetition. However, today, manipulative, provocative or distorted reflection of information through social media and other media tools can cause a loss of trust in the society (Yeniavcı, 2020). It is important to raise awareness of the society and institutions so that this situation is not observed.

As a harmful activity for the society, whistleblowing has an important place in the fight against corruption and irregularity. With whistleblowing, many negative situations in terms of economic and public health are prevented. In addition, when the process is handled with transparency, it will also provide benefits such as providing an environment of trust for everyone and making improvements for rights (Yıldız and Tani, 2018). By making regulations to protect whistleblowers with legal regulations and deterring penalties, whistleblowing behavior will increase (Erickson et al., 2019; Alper, 2018).

3. The Dark Triad and the Whistleblowing

Today, most of the occupational groups are carried out collectively or in the form of teamwork. This situation necessitates the interaction of individuals-employees. An indispensable condition for interaction is communication skills, personality traits of managers and employees. Karim (2022) stated that the dark triad is associated with exaggerated deserving, irrational beliefs and attitudes. Machiavellian people and narcissists with cynical characteristics may not only show insincere and self-interested behaviors towards their teammates, but also may harm team spirit and organizational trust by not trusting them (Vural, 2019). This is an indication that narcissistic individuals cannot be good teammates (Uçkun et al., 2018).

Ethics is an important concept for institutions. Studies have shown that there is a positive relationship between unethical behaviors and narcissism (Bailey, 2019; Shah et al., 2020). Individuals who are considered to be high machiavellian put their personal interests above the

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interests of the organization or others and are prone to exhibit manipulative behaviors; it is known that these individuals are more inclined to exhibit unethical behavior (Toprak, 2021). When employees show a high machiavellian tendency, they will be able to use aggressive and deviant methods to achieve their goals, regardless of the feelings, rights and needs of those around them (Gürlek, 2020), and maybe even engage in behaviors that will harm public health in advanced dimensions.

The behavior of whistleblowing is a behavior that requires being virtuous and for the benefit of society. Dark personality traits, on the other hand, are intertwined with hiding information, acting according to self-interest, or manipulative behavior. Whistleblowing is one of the important factors in the emergence of positive results for institutions (Baljiyo, 2021). It has been determined that whistleblowing has significant effects on the performance outputs of its employees (Bjorkel, 2016). In addition, it is stated that when whistleblowing is encouraged together with the organizational culture, it will play a role in obtaining results for the benefit of managers and employees, such as ensuring the safety of employees and service recipients, and increasing customer satisfaction (Asimayah & Mensah, 2021).

In institutions where the dark triad personality traits are high in managers or employees, it will be difficult to intervene in negative situations and may have negative effects on the organizational climate (Yılmaz et al., 2021). As a matter of fact, in a study, it was found that DT increases counterproductive work behaviors (Karim, 2022) and negatively affects work performance, albeit weakly (Spain et al., 2014), and affects organizational cynicism and information hiding behavior (Vural, 2019). For example, these situations can be observed when narcissistic individuals state that they are always right, when machiavellianists manipulate their colleagues, and when they show antisocial tendencies for psychopathic individuals (Karim, 2022).

Alper (2018) states that with the influence of culture in our country, factors such as being attached to authority, obedience to power, loyalty to the community, beliefs and traditions affect working life and turn employees into introverted and self-interested people. Individuals with DT personality traits, which are considered as anti-social personality disorder and defined as maladaptive, may undermine their subordinates' organizational trust or reduce their commitment to the organization if they are managers, and they may engage in behaviors that disrupt the organizational climate, work environment and peace of mind within the organization. As a matter of fact, it is stated that the increased desire for control and status of machiavellian individuals increase incivility in the workplace (Üstün and Ersolak, 2021). In

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addition, it has been determined that job satisfaction and life satisfaction decrease when working with a manager with Machiavellian tendencies (Zor, 2019).

The fact that institutions think that efficiency and productivity will increase with the intense competition cause some unethical behaviors experienced within the institution to be ignored. Dark personality traits are a process of inability to process emotions, which includes emotional deprivation. These people consider their own interests when intervening in any situation, and choose not to be involved in the situation unless it is their own interest. As a matter of fact, a study shows that machiavellian and narcissistic people hide information by avoiding and ignoring (Vural, 2021). The number of studies in which the concepts of the dark triad and whistleblowing are discussed together is limited. In the studies, generally dark triad personality traits were examined separately with whistleblowing.

In the studies carried out; It has been determined that while Machiavellianism increases e-whistleblowing intentions (Junitasari and Ariyanto, 2018), it negatively affects whistleblowing intentions (Ülkü, 2019; Demirtaş and Biçkes, 2014). In addition, it has been found that psychopathy (Pan et al., 2018) and machiavellianism (Vural, 2021; Öztürk, 2020) increase the behavior of hiding information.

It is seen that employees with a high machiavellian level in organizations do not distribute the acquired knowledge, use the information for personal benefits and keep it to themselves (Liu, 2008), and do not share the benefits of the experiences with those around them (Demirgöl, 2021). In addition, these individuals have low teamwork skills (Elmas, 2018).

Confronting the outcomes of whistleblowing is the most difficult part of this process (Wianiewska, 2021). Reporting for the sake of others is a positive thing. However, institutions and managers generally do not want to report the events that will harm the institution. When the majority is silent, the speaker's loyalty to the institution is questioned and he is brought to the position of betrayer (McDonald and Ahern, 2000).

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MUSHROOM MANAGEMENT APPROACH**

MANTAR YÖNETİM YAKLAŞIMI

Gamze KUTLU TÜREDİ

Serap ALTUNTAŞ

ÖZET

Mantar Yönetim kavramı, mantarların yetiştirilme metaforundan ilham alınarak isimlendirilmiştir. Mantarların yetiştirilmesi sırasında nasıl gübre verilip karanlıkta bırakılır ve kısa sürede ürün alınır; aynı şekilde mantar yönetimde yönetici, çalışanlarına iş için gerekli kaynakları sunar, fakat onlar ile kurumun politikalarını, gelirlerini ve işin risklerini paylaşmaz. Çalışanların meraklı olması ve kendini ifade etmeleri desteklenmez. Bu yönetim yaklaşımında yöneticiler bazı bilgileri, astlarından saklar. Mantar yönetim yaklaşımı, açık, demokratik, katılımcı ve şeffaf yönetim uygulamalarının tam zıttı yönde uygulamaları içerdiği için negatif bir yaklaşım olarak algılanmaktadır. Ancak uygulamada bazı durumlarda yöneticiler için kullanışlı bir araç haline dönüşebilmektedir. Mantar yöneticilerin en önemli özellikleri astlarını karanlıkta bırakmak yani bilgi paylaşımından kaçınmak, kararları ve sebeplerini açıklamamak, iş görenlere sadece işi yapabilmeleri için gerekli ortamı sağlamak ve gücü elinde bulundurmaktır. Sağlık sektöründe yapılmış çalışmalar sınırlı sayıda olup ülkemizde sağlık sektörü çalışanlarına yönelik bir mantar yönetim yaklaşımı uygulaması olduğuna dair neticeler ortaya koymaktadır. Bu bakımdan sektör çalışanlarının mantar yönetime maruz kalma dereceleri örgüte karşı sapkın davranış sergileme tutumlarını etkileyebilecektir.

Mantar yönetim algısı en yüksek oranda sağlık sektöründe görülmekte olup, sağlık sektöründeki çalışanlar üzerine yapılan çalışmalarında yöneticilerin %84'ünün mantar yönetim uyguladığı, çalışanların ise % 87'si mantar yönetimine maruz kaldığı sonucuna varılmıştır. İş stresi ile işten ayrılma niyeti arasındaki ilişkide mantar yönetimin aracılık rolü üstlendiği, mantar yönetime maruz kalma derecesinin örgüte karşı sapkın davranış sergileme tutumlarını etkileyebileceği görülmektedir.

Anahtar Kelimeler: Mantar yönetim yaklaşımı

ABSTRACT

The concept of Mushroom Management is named after the metaphor of growing mushrooms. How fertilizer is given during the cultivation of mushrooms and left in the dark and the product is taken in a short time; Likewise, in mushroom management, the manager provides his employees with the necessary resources for the job, but does not share with them the policies of the organization, the revenues, and the risks of the business. Curiosity and self-expression of employees are not supported. In this management approach, managers hide some information from their subordinates. The mushroom management approach is perceived as a negative approach because it includes practices that are the opposite of open, democratic, participatory and transparent management practices. However, in practice, it can turn into a useful tool for managers in some cases. The most important features of mushroom managers are to keep their subordinates in the dark, that is, to avoid sharing information, not to explain their decisions and their reasons, to provide the necessary environment for the employees to do the job and to hold the power. The studies conducted in the health sector are limited in number and reveal the results that there is a mushroom management approach for health sector workers in our country. In this respect, the degree of exposure of sector employees to mushroom management may affect their attitudes towards deviant behavior towards the organization.

The highest rate of mushroom management perception is seen in the health sector, and in the studies conducted on the employees in the health sector, it was concluded that 84% of the managers applied mushroom management, and 87% of the employees were exposed to the fungus management. It is seen that mushroom management plays a mediating role in the relationship between job stress and turnover intention, and the degree of exposure to mushroom management can affect deviant behavior towards the organization.

Key Words: Mushroom management approach

1.GİRİŞ

Sosyal bir varlık olan insan, var olduğun günden bu güne yaşamını sürdürebilmek yaşam kalitesini arttırmak için sürekli bir arayış içindedir. Bireyler, zamanla ortak gereksinimlerinin belirlenmesi ve giderilmesi amacıyla bir araya gelerek topluluklar oluşturmaktadır. Böylece topluluk içerisindeki insanların yönetme ve yönetilme ihtiyacı doğmaktadır (Turan ve Güler, 2018). Bu doğrultuda yönetim; örgütsel amaçlara ulaşmak, örgütü geliştirmek amacıyla bütün maddi ve manevi unsurların toplanmasıyla planlama,

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örgütlenme, koordinasyon, yöneltme ve denetleme gibi fonksiyonların uygulanmasıdır (Dinç ve Avanoğlu, 2021). Günümüzde bir işletmenin başarılı olabilmesi için, uygulanan bilimsel yönetim yaklaşımının hareket ve zaman etütleri, insan ilişkileri ve anlayışının geliştirdiği iş ortamının düzenlenmesi gerekmektedir. Diğer yaklaşımlarda olduğu gibi örneğin, sistem yaklaşımı ve modern yaklaşımlara göre bir işletme karar alırken ön görüş, vizyon-misyon, bilimsel kararlar ve tecrübe gibi birçok bilgi kaynağı ile desteklemek yetmemektedir. Bu nedenle çalışmaların her geçen gün artması ve literatüre yeni kavramların eklenmesi ve bu kavramlar üzerinde de odaklanmak mecburiyetindedir (Çakıcı, 2006).

Mantar Yönetim kavramı, mantarların yetiştirilme metaforundan ilham alınarak isimlendirilmiştir (Kılıç, 2015). Mantarların yetiştirilmesi sırasında nasıl gübre verilip karanlıkta bırakılır ve kısa sürede ürün alınır; aynı şekilde mantar yönetimde yönetici, çalışanlarına iş için gerekli kaynakları sunar, fakat onlar ile kurumun politikalarını, gelirlerini ve işin risklerini paylaşmaz.

Çalışanların meraklı olması ve kendini ifade etmeleri desteklenmez. (Mar,2011). Bu yönetim yaklaşımında yöneticiler bazı bilgileri, astlarından saklar. Mantar yönetim yaklaşımı, açık, demokratik, katılımcı ve şeffaf yönetim uygulamalarının tam zıttı yönde uygulamaları içerdiği için negatif bir yaklaşım olarak algılanmaktadır. Ancak uygulamada bazı durumlarda yöneticiler için kullanışlı bir araç haline dönüşebilmektedir. Mantar yöneticilerin en önemli özellikleri astlarını karanlıkta bırakmak yani bilgi paylaşımından kaçınmak, kararları ve sebeplerini açıklamamak, iş görenlere sadece işi yapabilmeleri için gerekli ortamı sağlamak ve gücü elinde bulundurmadır (Kılıç ve Olgun, 2017).

Genel itibarıyla bakıldığında şeffaf ve katılımcı yönetim yaklaşımlarının aksine mantar yönetim yaklaşımında çalışanları bireysel anlamda örgüte katılmayı destekleyen unsurlara yer verilmemekte, çalışanlar daha çok mekanik bir sürecin işleyen bir parçası gibi görev yapmaktadırlar. Kurumsal anlamda başta gelen kaynaklar arasında sayılan beşeri kaynakların sahip oldukları bilgi ve nitelikler gibi faktörler, işletmelerin hedeflerine varması hususunda kritik öneme sahiptir. Ayrıca çalışanların görev alanlarında ihtiyaç duydukları beceri ve niteliklere sahip bulunmaları, sanal kaytarma davranışı göstermemeleri maruz kaldıkları liderlik stiliyle de bağlantılıdır (Erkutlu ve Özdemir, 2017).

Mantar yöneticilerin sergilediği karanlık liderlik uygulamaları çalışanlarda istenmeyen işyeri davranışlarına sebebiyet verebilecektir. Bununla beraber tüm işletmelerin nihai

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amaçlarının kar elde etmek ve sektörde kalıcı olmak olduğu bilinmekte ve bu amaçlara ancak beşeri sermaye desteğiyle ulaşılabileceği öngörülmektedir. Bu bağlamda, örgütsel bir gelişme yaratabilmek için bilgi paylaşımının artırılması, iletişim imkânlarının şeffaflaştırılması ve yönetsel süreçlerde paylaşımcı ve eşitlik esasına dayanan uygulamaların kullanılması gerektiği söylenilebilir (Tekin ve Birincioğlu, 2017).

Mantar yönetim tarzı ile yapılan çalışmalar sınırlı olduğu için henüz davranışsal açıdan çalışanlarda ve yöneticilerde ne tür bir karşılığı olduğu bilinmemektedir. Çalışanlarda güven problemlerinin oluşması, örgüte ve işe bağlılığın azalması, tükenmişlik sendromunun ortaya çıkabilmesi, sinizmin artması, işe devamsızlığın artması, devir hızının artması, işten ayrılma niyetinin oluşması, örgütsel vatandaşlık davranışının oluşmaması gibi bazı davranışsal sorunların kaynağı olabilir ve başarısızlığa yol açabilir (Bolea ve Atwater, 2015; Laplante ve Neill, 2006; Tekin ve Birincioğlu, 2017).

Bu metaforunda ışık, yönetim de bilgi olarak karşılık bulmaktadır. Mantar yöneticisi işin nasıl yapılacağı ile ilgili gerekli bilgiyi verir ancak neden yapıldığıyla ilgili bilgi vermez. Böyle bir çalışma ortamında belirsizliğin yüksek, kararlara katılımın az ve geri bildirim olmadığından bahsedilebilir. Bunun nedeni bilginin güç olduğu özellikle teknoloji ve yazılım firmalarında, çalışanların yaptığı işlerin firmaya kazançlarının çok yüksek olduğunu bilmemeleri ve düşük ücrete çalışmayı sorgulamamaların istenmesidir (Kılıç ve Olgun, 2017).

Mantar yönetim tarzına sahip yöneticiler genellikle ellerindeki gücü ve bilgiyi tek merkezde tutarak çalışanlar tarafından sorgulanmak ve eleştirilmek istenmezler. Diğer bir ifadeyle, yöneticiler altında çalışanlara belli bir işi vermekte ancak neyi neden yapmaları gerektiğini açıklamaya ihtiyaç duymamaktadırlar. Bu durumda düzgün bir bilgi akışı sağlanamamakta ve bilgi asimetrisi oluşabilmektedir. Mar (2011)'a göre böyle bir ortamda yöneticiler de kararlarında kimseye fikir sormadan karar alma eğiliminde olabilmektedir. Bu tür çalışma ortamlarında çalışanların çok az bir kısmı çalıştıkları kurum için yaptıkları işin ve kurumun performansının farkında olmaktadır. Bununla birlikte bu tür bir yönetim tarzı algısı çalışanların kurumdan ayrılma eğilimini artırabilir. Aynı zamanda çalışanlarda kurumlarına karşı bir güvensizlik oluşturabilir. Diğer yandan yöneticilerin, çalışanların her şeyi bilmemesinden kaynaklı olarak güçlü olduğu algısını yaratır ve bu güç zehirlenmesine neden olabilir(Tekin ve Birincioğlu, 2018). Mantar yönetimin tarzından uzaklaşarak kurum içerisinde iletişim ve paylaşımı tercih etmek çalışanların kendilerini değerli hissetmelerine sebep olmaktadır. Günümüz çalışma yaşamında çalışanlar için kendilerini değerli hissetme duygusu en az maaş ve fiziksel şartlar kadar önemli olduğundan mantar yönetiminden

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uzaklaşmanın önemi gün geçtikçe artmaktadır. Literatürde şimdiye kadar az sayıda da olsa yapılan çalışmaların çoğunun teorik ve niteliksel olması (Geckoboard ve Censuwide 2015; Kılıç, 2015; Tekin ve Birincioğlu, 2017) mantar yönetiminin farklı özelliklerinin açığa çıkarılmasında bir sınırlılık meydana getirmektedir.

Sağlık sektöründe yapılmış çalışmalar sınırlı sayıda olup ülkemizde sağlık sektörü çalışanlarına yönelik bir mantar yönetim yaklaşımı uygulaması olduğuna dair neticeler ortaya koymaktadır. Bu bakımdan sektör çalışanlarının mantar yönetime maruz kalma dereceleri örgüte karşı sapkın davranış sergileme tutumlarını etkileyebilecektir. (Akduru ve Arslantaş, 2021). Mantar yönetim algısı en yüksek oranda sağlık sektöründe görülmekte olup, sağlık sektöründeki çalışanlar üzerine yapılan çalışmalarında yöneticilerin %84'ünün mantar yönetim uyguladığı, çalışanların ise % 87'si mantar yönetimine maruz kaldığı sonucuna varılmıştır (Kılıç, 2015 & Külekçi, 2020). iş stresi ile işten ayrılma niyeti arasındaki ilişkide mantar yönetimin aracılık rolü üstlendiği, mantar yönetime maruz kalma derecesinin örgüte karşı sapkın davranış sergileme tutumlarını etkileyebildiği görülmektedir.

2.MANTAR YÖNETİM

2.1. MANTAR YÖNETİM KAVRAMI VE TARİHSEL GELİŞİMİ

Örgütsel davranış yazını son zamanlarda karşılaştığımız mantar yönetim gibi birçok metafordan oluşmaktadır. Metafor kavramı Merriam ve Webster (2022) tarafından; “bir tür nesne veya fikri tam anlamıyla ifade eden bir kelime veya ifadenin, aralarında bir benzerlik veya analogi önermek için bir başkasının yerine kullanıldığı bir konuşma şekli” olarak tanımlanmaktadır. Örgütsel davranış yazınında metaforlar, alana yönelik kavramlarla daha anlaşılır hale getirip açıklık kazandırmak amacıyla kullanılan ve literatüre bilimsel katkı sağlayan bir araç olarak değerlendirilmektedir. Aynı zamanda uygulamada, örgütlerin açık olmayan özelliklerini tanımlama, örgüt kültürünü oluşturma, örgüte vizyonel bakış açısı kazandırma gibi işlevleri de üstlenmektedir (Ertem, 2017).

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Örgütler için oldukça önemli olan yönetim yaklaşımları, sürdürülebilir rekabet ortamında özel veya kamuya bağlı kurum ve kuruluşların gündeminde önceliklidir. Örgütün benimsemiş olduğu yönetim anlayışının etkinliği örgüt için ciddi avantajlar sağlarken aynı zamanda telafi edilemeyecek hatalara da neden olabilmektedir (Çakmak, ve ark., 2019).

Mantar yönetim yaklaşımının da içinde yer aldığı modern yönetim yaklaşımlarına yakından bakıldığında çalışanların yönetsel süreçlere katılım sağladığı, örgütsel amaçlara göre belirlenen hedefleri benimsediği, örgütsel iletişiminin güçlü ve açık olduğu, çatışmaların çözümlenebildiği, örgütsel bağlılık ve vatandaşlık davranışlarını benimsediği bir yaklaşım olarak görülmektedir. (Bağış ve Öztürk, 2020& Akduru ve Arslantaş, 2021).

Mantar yönetimi yaklaşımı, mantar yetiştiriciliğinin metaforik algısının yönetim bilimlerine yansması olarak literatürde aktif olarak kullanılmaya başlanmıştır (Şener ve Gündüzalp, 2019). Mantar yönetim kavramı, bir mantarın yetiştirilme sürecinde karanlık veya loş ışıkta büyümesi ve gün ışığı aldığı anda ise ölmelerinden esinlenerek türeyen metaforik bir kavramdır. Mantarın yetiştirilme süreci yönetim alanında değerlendirildiğinde, iş görenlerin karanlıkta yani bilgisiz bırakıldığı ve düzenli olarak ihtiyaçlarının verildiği bir yönetim olarak tanımlamak mümkündür (Brown, ve ark., 1998; Laplante ve Neill, 2006). Çalışanların karar verme sürecine, örgütün statüsüne dâhil edilemediği, çalışanların merakını ve kendini ifade etmesinin desteklenmediği, yöneticilerin hâkimiyetlerini ve bilgilerini korumak istemesi nedeniyle çalışanlar tarafından sorgulanmak istemediği bir yönetim tarzıdır. (Tekin ve Birincioğlu, 2017& Kılıç, 2015). Kılıç ve Olgun (2017), bilgi, birikim ve kaynakların yok olduğu büyük bir kara delik olarak tanımlanabilecek mantar yönetiminde aşırı derecede belirsizliğin yüksek, geri bildirim ise minimum düzeyde olduğunu vurgulamaktadır. Başka bir deyişle, çalışanlar, kuruluşun performans endişeleri hakkında ayrıntılar bilmeden çalışmakta ve önemli çalışan ayrılımlarının domino etkisini geciktirmek için karanlıkta tutulmaktadır (Külekcı, Özbozkurt ve Bahar 2020). Benzer şekilde Moore & Sonsino (2007),

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çalışanları karanlıkta tutma bilimi ve sanatının birleşiminin, moral ve elde tutma üzerindeki etkisine ilişkin en önemli gerçeklik olan mantar yönetimini ortaya çıkardığını belirtmektedir. Bu bakış açısıyla mantar yönetimi, çalışanların örgütsel süreç, politikalar ve riskler dahil edilmeden yöneticiler tarafından tutulabileceği şeffaf olmayan ve adaletsiz bir yönetim tarzı olarak kabul edilir (Külekcı, Özbozkurt ve Bahar 2020).

Mantar yönetim yazını incelendiğinde Geckoboard ve Censuswide (2015) tarafından İngiltere’de 2000 iş gören ile yapılan çalışmada iş görenlerin %50’sinin örgüte ait bilgilerin paylaşılmasının örgütsel performansı artacağına dair inançlarına odaklanmıştır. Aynı çalışma sonucunda iş görenlerin %90’ının bilgi verilmeden karanlıkta bırakılmaktansa örgütün performansının kötü olmasını istediklerini ve yönetim tarzı olarak da katılımcı yönetimi tercih ettiği görülmüştür (Tekin ve Birincioğlu, 2018).

Türkiye’de mantar yönetim yaklaşımları üzerine Kılıç (2015) sağlık çalışanları ile yapılan bir çalışmada yöneticilerin %84’ü mantar yönetim yaklaşımını benimsedikleri, çalışanların ise %87’si ise mantar yönetim yaklaşımına sahip yöneticilere maruz kaldıklarını ifade etmişlerdir (Kılıç, 2015). Tekin ve Birincioğlu (2017) tarafından yapılan araştırmada ise araştırma görevlileri üniversitelerde kısmen mantar yönetim tarzının görüldüğünü ifade etmişler ve mantar yönetim yaklaşımının örgütsel bağlılıklarını, motivasyon düzeylerini ve performanslarını olumsuz yönde etkilediği görülmüştür. Özel bir sağlık kuruluşunda çalışmakta olan 200 çalışan üzerinde yapılan başka bir çalışmada mantar yönetim yaklaşımının seviyesini ölçmek amacıyla 8 madde ve tek faktörlü ölçek geliştirilmiştir (Kılıç ve Olgun, 2017). Tekin ve Birincioğlu (2018) tarafından yapılan diğer bir ölçek çalışması sonucunda katılımcıların %58’i tarafından yöneticiler ve çalışanlar arasında doğrudan bir iletişim olmadığı, örgütün bazı bilgilerinin çalışanlar ile paylaşılmadığı ifade edilmiştir.

Mantar yönetim yaklaşımı ile ilgili çalışmalar doğrultusunda, Hermann (1997)’nin çalışması olan “Mükemmelleşme süreci: yönetici ve süpervizörler için uygulama kılavuzu”

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mantar yönetim yaklaşımı üzerine yapılan ilk çalışmalardan biri olarak kabul edilmiştir. Mar (2011) ise “Mantar yönetim basit iş rehberi” adlı çalışmasında yeni yüzyılda mantar yönetim yaklaşımını ilk çalışanlardan biri olarak görülmektedir. Uluslararası yazında çok az sayıda araştırmaya rastlanılan mantar yönetim yaklaşımı ile ilgili ulusal yazında da çok çalışma yoktur. Ancak ulusal yazında kavramın gelişimine yönelik hızlı bir gelişmenin var olduğu söylenebilir. Mantar yönetim yaklaşımı ile ilgili ulusal yazında örnek çalışmalar arasında Kılıç (2015) sağlık sektöründe inceleme ve değerlendirmeler yapmıştır. Bir başka çalışmada Kılıç ve Olgun (2017), çalışmalarında mantar yönetim yaklaşımını ölçebilen sekiz boyutlu bir ölçek geliştirmişlerdir. Diğer yandan Tekin ve Birincioğlu (2017) mantar yönetim yaklaşımını eğitim sektöründe incelemiştir. Birincioğlu ve Tekin (2018), mantar yönetim yaklaşımını ölçmek üzere 4 boyutlu bir ölçek geliştirme çalışması yapmışlardır. Kahya ve Ceylan (2019) mantar yönetim yaklaşımı üzerine tekstil sektöründe faaliyet gösteren iki farklı büyük işletme üzerinde bir uygulama yapmışlardır. Mantar yönetim yaklaşımı konusunda Türkiye’de ilk yüksek lisans tezi Şen (2019) tarafından turizm alanında mantar yönetim yaklaşımı ile örgütsel bağlılık kavramlarını değerlendirerek tamamlamıştır. 2020 yılı mantar yönetim yaklaşımı ile ilgili en fazla çalışmanın yapıldığı yıl olmuştur. Bu çalışmalar, çalışmanın konusu ile ilgili birçok önemli yönü ele almıştır. Osmanoğlu ve Üzüm(2020), “Gençlik ve Spor il müdürlükleri çalışanlarının mantar yönetim algı düzeylerini” incelemiştir. Tarcan vd. (2021) mantar yönetim yaklaşımı ve algılanan gözetmen desteğinin çalışan performansına etkisini incelemiştir. Külekci vd. (2020) iş stresinin ayrılma niyeti üzerindeki etkisinde mantar yönetiminin aracı rolünü incelemiştir. Şener ve Gündüzalp (2020) okul yöneticilerinin öğretmen algılarına göre mantar yönetim yaklaşımı ile okul liderliği arasındaki ilişkiyi incelemiştir. Çetin (2021) ise “mantar yönetim algısının iş tatminine etkisinde yabancılaşmanın aracı rolü”nü inceleyen bir araştırma yapmıştır.

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Günümüz yönetim yaklaşımlarının uygulandığı çalışan katılımını destekleyen ve şeffaf yönetim yaklaşımlarının tersine mantar yönetim yaklaşımında, çalışanlar mekanik bir yapının bir parçası olarak görülerek örgütte karar verme sürecinde yer almaz ve söz sahibi olması istenmez. (Akduru ve Arslantaş, 2021). Böylece örgütte eksik feed-back, yüksek velirsizlik ve karar verme sürecinde sınırlılık görülmektedir (Öztürk ve Aras, 2021).

Mantar yönetim yaklaşımını benimseyen yöneticiler, “mantar yöneticiler” olarak adlandırılmaktadırlar. Mantar yöneticiler, çalışanları ile gelir- gider sürecini, örgütsel riskleri ve örgüt stratejileri gibi bilgileri paylaşmanın önemsiz görmekteyler. Bu durumunun sonucunda ise iletişim çoğunlukla yetersiz kalmakta ve yönetici çalışan ilişkisi zedelenmektedir. İletişimin yetersizliği ve bilgi vermenin önemsiz olduğunu düşünen yöneticilerin bulunduğu örgüt içerisinde bilgi asimetrisi görülmektedir (Kılıç, 2015). Böyle bir ortamda mantar yönetici, üstlenmek istemediği görevleri üstelenecek çalışanları işe almak isteyecek ve yüksek performans gösterilmesini bekleyecektir (Osmanoğlu ve Üzüm, 2020& Kılıç, 2015). Ortaya çıkan istenmeyen durumlarda çalışanlardan anlamlı olmayan isteklerde bulunarak, çözülemeyen sorunlarda çalışanları suçlayacaktır (Mar, 2011). Bu doğrultuda mantar yöneticiler, belirli bazı özelliklere sahip olduğundan söz edilebilir (Mar, 2011);

- Çalışanları ile bilgi paylaşmak istemezler,
- Karar verme süreçlerini kontrol altına almaya çalışırlar,
- Çalışanlar ile görüşmeden vaatlerde bulunurlar,
- Çalışanlar ile görüşmeden sorunları çözümlene adına kararları verirler,
- Çoğunlukla çalışanlar ile aralarında kötü ilişkileri olduğu söylenebilir.

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Çetin (2021), mantar yönetici özelliklerinin zamanla sürekli haline geldiği, yöneticilerin bu sürekliliğin devamlılığını sağlayarak mantar yönetim yaklaşımını uyguladıklarını savunmaktadır (Çetin, 2021& Ulukapı Yılmaz, 2022).

2.2. MANTAR YÖNETİCİ YAKLAŞIMLARI

Çalışanlar, yöneticilerinin benimsemiş oldukları yönetim tarzlarından çalışanları şüphesiz etkilemektedir. Yönetim kademesi ne olursa olsun yöneticilerin çalışanlarına davranış tarzları çalışanların algı, tutum ve davranışlarını etkiler. (Özdevecioğlu ve ark., 2014).

Mantar yönetim yaklaşımını benimseyen yöneticiler, sahip oldukları bilgi ve gücü paylaşmak istemez, yapılacak işleri yaptırabilmek için sadece gerekli olduğunu düşündükleri kadar bilgi vererek yaptırırlar (Mar, 2011). Mantar yöneticiler çalışanlarının, gerekenden fazla bilgiye ulaşmalarını, karar verme sürecine katılmalarını ve kendilerini ifade etmelerini istenmezler. Bu yönetim yaklaşımında yöneticiler kararları kendileri almak istedikleri için örgütte demokratik bir yapıdan bahsedilemez (Mar. 2011, Kılıç ve Olgun 2017). Plan yapma ve karar verme yetkilerini elinde bulundurarak ve astlarına söz hakkı tanımayan otokratik lider özelliklerini benimseyen ve gösteren yöneticilerin, mantar yönetim anlayışıyla örtüşen bir yaklaşım gösterdikleri söylenebilir (Altan ve Özpehlivan, 2019).

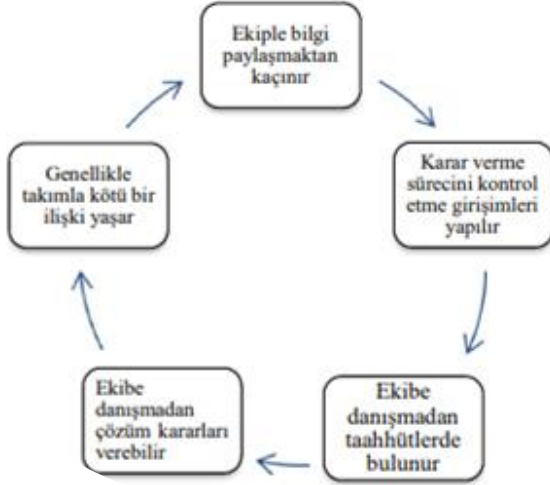
Mantar yönetim yaklaşımını yöneticileri işlerinde ve buldukları süreçlerde tek yetkili ve tek karar vericidir. Sağlanmayan örgütsel bilgiler nedeniyle çalışanlar neyi neden yaptığını, örgütün misyonunu, vizyonunu amaç ve hedeflerini, politika ve stratejilerini öğrenemez, muhtemel bir başarısızlık durumunda veya performans düşüklüğünde geribildirim alabilecekleri ve verebilecekleri bir mevki bulamamaktadırlar (Akduru ve Arslantaş, 2020). Bilgi verilmeyen ve kararlara katılamayan çalışanlar da alınan kararlar sonucunda karşılaşılabilecek riskleri üstlenmez (Laplante ve Neill, 2006).

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Gunn (1995), mantar yöneticilerin yanlış yapılan uygulamaları kapatmak, sorgulanmak ve eleştirilmek istememe nedeniyle çalışanları karar alma sürecine dâhil etmediklerini ifade etmektedir (Dinç ve Avanoğlu, 2021).

Mantar yönetim yaklaşımı, "Açık Kitap Yönetimi" yaklaşımının zıt özelliklerine sahiptir. Açık kitap yönetimi yaklaşımını benimseyen bir yönetici, demokratik ve katılımcı bir temelde bilgi alışverişinde bulunmak için çalışanlarla güçlü bir ilişki kurmayı benimsemektedir. Mantar yönetim ise otoriter yönetim, bilgi asimetrisi, iletişim eksikliği, katı hiyerarşik yapı ve katı denetim ile karakterizedir (Kalfaoğlu, 2020, s. 359). Mantar yönetim yaklaşımını benimseyen yöneticiler, çalışan eleştirilerini önlemek amacıyla yetki ve bilgiyi merkezileştirmektedirler. Başka bir deyişle yöneticiler çalışanlara belirli görevler verir ancak bu görevleri yerine getirme nedenlerini açıklamamaktadır (Şener ve Gündüzalp, 2020). Tarcan vd. (2021) yöneticilerin çalışanlarla bilgi paylaşmamasının nedenlerinin, bu bilginin örgüt için stratejik olarak önemli olması ve rakiplerin elde etmesini istememeleri olduğunu belirtmektedir. Diğer bir neden, örgütün mahremiyetini korumak, olası kaosu önlemek ve örgüt için olası olumsuz sonuçlardan kaçınmaktır. Diğer yandan mantar yönetim yaklaşımının bir sonucu olarak, yöneticiler çalışanlarla olan kötü ilişkileri nedeniyle genellikle çalışanlarıyla sorunlar yaşamaktadırlar. Yöneticiler, örgütte oluşabilecek kötü sonuçlardan çalışanlarını sorumlu tutabilmektedirler (Tarcan ve ark., 2021). Mar (2011)'a göre mantar yönetim yaklaşımını benimseyen yöneticiler, örgütte bir takım hatalar yapabilirler. Bu hatalar Şekil 1'de açıklanmıştır (Çetin, 2021).

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Kaynak: Çetin, O. (2021). Mantar Yönetim Algısının İş Tatminine Etkisinde Yabancılaşmanın Aracı Rolü. OPUS Uluslararası Toplum Araştırmaları Dergisi, 17(33), 398-424.

2.3. MANTAR YÖNETİMİN BOYUTLARI

Mantar yönetim uygulamalarının anlaşılabilmesi için kavramın ölçümüne yönelik çeşitli araştırmalar ortaya çıkarılmıştır. Birincioğlu ve Tekin (2018) çalışmalarında mantar yönetimi ölçebilmek için geliştirdikleri ölçekte yetersiz bilgi paylaşımı, güç kaybı endişesi, katılımcı yönetim eksikliği ve yetersiz iletişim olmak üzere 4 alt boyut ortaya konmuştur.

Yetersiz Bilgi Paylaşımı: Bilgi paylaşımı, bir tarafın başka bir tarafça toplanan veya tutulan bilgilere erişmesine izin veren iki veya daha fazla taraf arasındaki bilgi alışverişi olarak tanımlanmaktadır (Meacham ve ark., 2013). Bir örgüt içinde bilgi paylaşımı sürecinde bazı engellerle karşılaşılabilir. Bu engeller arasında, paylaşılan bilgilerin gizliliği, bilgi teknolojilerinin güvenilirliği ve maliyeti, antitröst düzenlemeleri, paylaşılan bilgilerin doğruluğu ve örgütlerin paylaşılan bilgileri etkin bir şekilde kullanmalarına olanak sağlayan yeteneklerin geliştirilmesi sayılabilmektedir (Lotfi, 2013). Peltokorpi (2006), Bilgi paylaşımı, bireylerin örtük bilgilerini örgüt için ekonomik ve rekabetçi bir değere dönüştürmeye yardımcı olmakta, yaygın öğrenmeyi teşvik etmekte ve kaynak israfı potansiyelini azaltmaktadır. En iyi uygulamaların yayılmasını sağlamakta, etkileşimi artırmaya yardımcı

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olmakta ve kültürel faaliyetlere katkıda bulunmaktadır. Yetersiz bilgi paylaşımı, mantar yönetim yaklaşımının en belirgin özelliklerinden biri kabul edilmektedir. Çünkü mantar yönetim yaklaşımı benimsemiş yöneticiler, çalışanlarıyla yeterli bilgi paylaşımında bulunmazlar. Bu ise sürecin iyice derinleşmesine, çalışanlar açısından gizil faktörlerin daha da artmasına neden olmaktadır.

Yetersiz İletişim: İletişim, ortak amaçlara ulaşmak için her tür ve düzeydeki örgütler içindeki bireyler arasında yazılı veya sözlü olarak bilgi aktarımı veya bilgi alışverişi aracı olarak tanımlanmaktadır (Sayfi, 2014). İletişim sürecini engelleyen ve dolayısıyla iletişimin etkinliğini önleyen faktörler genel olarak psikolojik ve kişisel engeller, dil, kullanılan iletişim kanalları ve kültürel ve sosyal durum olarak sıralanabilir (Ramesh ve Imran, 2015). Mantar yönetim yaklaşımını benimseyen yöneticiler, çevreleriyle yeterli iletişim kurmazlar. Bu yetersiz iletişimin temel nedenleri yukarıda sayıldığı gibi psikolojik ve kişisel engeller, dil, kullanılan iletişim kanalları, kültürel ve sosyal durum olabileceği gibi bunların dışında bir takım nedenlerden de kaynaklanıyor olabilir.

Güç Kaybı Endişesi: Tekin ve Birincioğlu (2018) güç kaybetme kaygısını, yöneticinin örgüt içindeki gücünü kaybetme kaygısı olarak tanımlamıştır. Taraflardan birinin diğer tarafın davranışları, tutumları, düşünceleri ve hedeflerini değiştirme ve yönetme yetisine güç adı verilir. Gücü dört kısma ayırmak mümkündür: Resmi güç (formal power), referans gücü (referent power), ödül gücü (reward power) ve uzmanlık gücü (expert power). Sahip olduğu gücü kaybetme endişesiyle hareket eden yöneticiler daha da içine kapanmakta ve çalışanlarıyla iletişimlerini en aza indirmektedirler. Bu nedenle güç kaybı endişesi, yöneticileri, uygulamalar hakkında çalışanları bilgilendirmemeye doğru itmektedir (Abodaqa, 2022).

Katılımcı Yönetim Eksikliği: Safiyya (2018) katılımcı yönetimi, çalışanların karar almaları, görüş, fikir ve önerilerini özgürce ifade etmeleri ve örgütün hedeflerine ulaşmasına katkıda

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bulunmaları için bir alan açmak olarak açıklamıştır (Safiya, 2018). Katılımcı yönetim, çalışan ve yönetim arasındaki ilişkiyi güçlendiren dayanışma ve birliği artırmaktadır. Katılımcı yönetim, günlük faaliyetlerin performansı ile organizasyonun gelecek vizyonu arasında bir bütünleşme sağlamaktadır. Katılımcı yönetim, görevleri iyileştirerek performansı iyileştirmeyi amaçlamaktadır (Qalamami, 2019). Mantar yönetim yaklaşımını benimsemiş yöneticiler, çalışanlarını karar verme süreçlerine dâhil etmezler ve bunun faydalı bir uygulama olmadığına inanırlar (Abodaqa, 2022).

2.4. MANTAR YÖNETİMİN UYGULAMA NEDENLERİ

Örgütlerde yöneticileri mantar yönetim yaklaşımını uygulamaya iten belirli nedenler olabilir. Kılıç (2015) yöneticileri mantar yönetimini uygulamaya iten bir dizi neden belirlemiştir. Bu faktörler aşağıdaki gibi ayrılabilir (Kılıç, 2015 & Kılıç ve Olgun, 2017 & Kalfaoğlu, 2020):

Bilgilerin Gizlilik Düzeyi: Yöneticiler, özel ve gizli bilgileri tüm çalışanlarla paylaşmamaktadır. Örneğin Coca-Cola firmasının ürettiği kola ürününün formülü sadece firmanın yönetici CEO'su tarafından bilinmektedir. Böylece firma, ürün taklitlerinin önüne geçmektedir.

Prosedürler Gereği: Bazı bilgiler, prosedür gereği çalışanlarla paylaşılmamaktadır. Örneğin askeri bilgiler ve sağlık bilgileri gibi örgüte özgü veya çalışanla ilgili bilgiler üçüncü şahıslarla paylaşılmamaktadır.

İş Görenler Arasındaki Çatışmaları Önlemek: Çalışanlar veya çalışma gurubu üzerindeki baskıyı azaltmak için çalışanlarla veya çalışma gruplarıyla yapılan özel anlaşmalar herkesle paylaşılmamaktadır.

Örgütün Prestijini ve Düzenini Korumak: Örgüt içerisindeki tüm çalışanlar örgütteki çalışan devir oranları, örgütsel başarısızlık, yöneticiler arasındaki çatışmalar gibi bazı bilgiler

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paylaşılmamaktadır. Bu konular gizli kalmakta ve bu durum çalışanların örgüt hakkında olumsuz hissetmesine neden olabilmektedir.

Söylentileri- Yanlış Yorumları Engellemek: Örgütler dönem dönem ekonomik kriz, birleşme veya küçülme gibi durumlar ile karşı karşıya kalabilir. Bilginin daha düşük seviyelerle paylaşılması dedikodulara yol açabilir ve bu, örgütün üstlenmeyi planladığı operasyonların seyrini etkileyebilir. Bu nedenle stratejik bilgiler çalışanlarla düşük düzeyde paylaşılmamaktadır. Örneğin çalışanlara şirketin iflasa yakın olduğunun söylenmesi, birçok çalışanın istifasına yol açabilir.

Kaos ve Kargaşayı Önlemek: En bilinen örneği, Titanic gemisi buzdağına çarptığında mürettebatın sadece birkaç üyesinin geminin batacağını bilmesidir. Kaptan, kaos ve düzensizlikle sonuçlanan durumun ciddiyeti hakkında mürettebatın çoğunu bilgilendirmemiş ve görevlilerini karar alma sürecine dahil etmeden kendi başına hareket etmiştir.

Merak Uyandırmak: Teknoloji geliştirme sektöründe faaliyet gösteren örgütler, yeniliklerini sadece kamuoyuna değil çalışanlarına da sunmaktadır. Bu yenilikler, çalışanların ve kamuoyunun merakını uyandırmak amacıyla ara sıra tanıtılmaktadır. Teknolojik yeniliklerin aralıklı olarak sunulmasının diğer amacı, alıcıların pazarlık gücünü etkilemektir (Abodaqa, 2022).

2.5. MANTAR YÖNETİM YAKLAŞIMININ ETKİLERİ

Mantar yönetim yaklaşımının da yönetim alanındaki diğer yaklaşımlar gibi örgütsel olarak değerlendirilip tartışılabilir bazı olumlu ve olumsuz özellikler taşımaktadır. Mantar yönetim yaklaşımının olumlu ve olumsuz etkilerinden aşağıda bahsedilmiştir.

Asimetrik bilgi paylaşımı: süreçlerin etkin yürütülmesi hiyerarşi ve bürokrasi ile mümkün olan bazı sektörlerde ve örgütlerde yönetici-çalışan arasında seviyeli ilişki sağlar. Çalışanlar üzerinde daha az sorumluluk tanımlanarak sadece görevlerinden sorumlu tutulurlar. Saklanan

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bilgiler ile çalışanın performansının arttırılacağı, örgütteki baskıdan etkilenmez hale geleceği düşünülmektedir. (Çetin, 2021 & Kahya ve Ceylan, 2019) Aynı zamanda işletmenin planları ile ilgili bilgi sahibi olmayan çalışanlar gelecek kaygısı duyarak iş güvensizliği yaşar ve buna bağlı olarak da daha tasarruflu, birikim yapan ve kendi planlarını hazırlamaya yönelik davranışlar sergilerler (Zhang, ve ark., 2014). Değişim ve dönüşümlere diğer yönetim tarzı ile yönetilen çalışanlara kıyasla daha kolay uyum sağlarlar. Yenilikçi anlayışların daha az görülmektedir (Demirel ve Seçkin, 2008).

İletişimsizlik: yöneticinin çalışanları ile iletişiminin az olduğu, gözlenmediği örgütlerde çalışanlarda denetlenmediği algısı oluşmaktadır. Bu durumda ise çalışanlar çoğunlukla iş verimliliklerini yitirirler, yöneticileri ile sınırlı iletişim kuma eğiliminde bulunabilirler. (Ulukapı Yılmaz, 2022). Öztürk ve Aras (2021), çalışanların karanlıkta bilgisiz bırakıldığı zamanlarda bilgisi olmadığı kararlara katılmasının mümkün olmayacağı, karar sürecine katılmadığı durumlarda karşılaşılabilecek risklerden de sorumlu tutulamayacak olmalarının mantar yönetimin olumlu yönlerinden olacağını savunmuşlardır.

Güç Zehirlenmesi: Mantar yönetim yaklaşımının benimsendiği örgütlerdeki yönetici ve çalışanlar arasında bilgi seviyesinin farklı olması nedeniyle üst kademe yöneticilerin daha fazla güç elde etmesi, sonucunda güç zehirlenmesi yaşamaları ile karşı karşıya kalınmaktadır (Abodaqa, 2022).

Güvensizlik: Geckoboard & Censuswide (2015) tarafından yapılan bir çalışmada öantar yönetim anlayışının benimsendiği örgütlerde çalışanların %75'inden fazlası kurumsal verileri paylaşmayan yöneticilere güvenmediği görülmüştür. Örgütsel güven sosyal ve beşeri sermayenin önemli olduğu örgüt içerisinde ilişkilerin esas güvencesidir ve örgütsel güvenin olmadığı kurumlarda hedeflere ulaşmak mümkün değildir (Filiz ve Bardakçı, 2020). Ayrıca çalışanların örgütsel güvensizlik duymaları işten ayrılmayı düşünmelerine neden olabilir (Tekin ve Birincioğlu, 2017 & Çetin, 2021). İşten ayrılma niyeti örgütte, faaliyetlerin

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engellenmesine, motivasyon düşüklüğüne ve örgüt içerisinde olumsuz tutumlara neden olabilmektedir. (İyidemirci ve Aydınlatan, 2018)

Dedikodu: Bilgiden yoksun kalan çalışanlar ve yöneticiler kurumlarında gerçekte neler olup bittiğini keşfetmek için her şeyi yapabilir, kendi dedektiflik çalışmalarına başvurabilirler (Külekcı, Özbozkurt ve Bahar, 2020). Böylelikle işyerinde dedikodu ve asılsız söylentiler yayılmasına sebebiyet verebilirler. Bu durum, örgütteki çalışanların performansını olumsuz etkileyebilmekte, kendilerini işe vermelerini engelleyebilmektedir. (Birinciöglu ve Tekin, 2018) Örgütte yaşanan bazı kriz anlarında motivasyon düşürmemek, dedikoduları önlemek için bilgi saklama davranışına girebilmektedirler (Bertolotti ve Magnani, 2014 & Martinescu, 2017& Brown ve Napier, 2004& Nonaka ve Takeuchi, 1995).

Çatışmalar: Mantar yöneticinin tüm yetkileri kendi elinde tutma isteđi ile çalışanları etkisizleştirilmesi sonucunda örgüt içerisinde çatışmalar görölmesine sebebiyet verebilir. Yönetimsel algı farklılıkları, yöneticinin otoriter, merkeziyetçi, iş odaklı, hiyerarşik yönetim tarzı yetkileri elinde toplama isteđi, demokratik ve şeffaf olamayan yönetimi benimsemesi çatışmalara zemin hazırlamıştır (Altuntaş, 2010). Mantar yönetim yaklaşımı örgütlerde ilk başta olumsuz değerlendirilse de çatışmaları önleme amacıyla bilgi aktarımının sınırlı olması olumlu bir algı yaratmaktadır (Kılıç ve Olgun, 2017).

Örgütsel Kayıplar: Modern yaklaşımlar ile karşılaştırıldığında mantar yönetim yaklaşımı örgütün çağdışı olarak değerlendirilmesine ve hatta itibar kaybına neden olabilir. İş görenlerin örgütsel vatandaşlık ve örgütsel bağlılık algılarını zedeleyip engelleyebilir. İş tatminsizliğine, işyeri devamsızlığına ve daha da ileri boyutu işten ayrılmalara sebep olabilir. Bilgi paylaşımı yapılmayan çalışanlar kendilerini değersiz hisseder ve uzun dönemde tükenmişlik ve iş yaşam

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dengeinde bozulmalar görülebilmektedir (Akduru ve Arslantaş, 2021 & Geckoboard ve Censuswide, 2015).

Bilgi Akışı Yetersizliği: Örgütteki bilgi akışı yetersiz ise, hızlı değerlendirme yapılarak hızlı karar verilmesi gereken durumlarda çalışanlar doğru tepki veremeyecektir (Kılıç, 2015,). Geckoboard ve Censuswide (2015) tarafından yapılan bir araştırmaya göre katılımcıların %50'si bilgi paylaşımı sonucunda örgütün performansının artacağına inanmaktadır (Geckoboard ve Censuswide, 2015).

İş Tatmini: Mantar yönetim uygulamalarının önemli sonuçlarından biri de iş tatmininin azalmasıdır. İş tatmini, kişinin işine karşı bir dizi olumlu duygu ve tutumdur, bu duygular kaybolursa kişi işini bırakabilmektedir (Mousazadeh ve ark., 2018). Çetin (2021) tarafından yapılan araştırma doğrultusunda mantar yönetim algısı ve iş tatmini arası ilişkide yabancılaşmanın aracı etkisinin olduğu görülmüştür

İş Performansı: İş performansı, “çalışanların katıldığı veya elde ettiği ve örgütsel hedeflerle ilgili ve bunlara katkıda bulunan ölçeklenebilir eylemler, davranışlar ve sonuçlar” olarak tanımlanmaktadır (Rathnaweera ve Jayatilake, 2020). Güç kaybı endişesi, bilgi paylaşımı eksikliği,, yetersiz iletişim ve katılımcı yönetim eksikliği gibi mantar yönetim boyutları, iş performansını olumsuz etkilemektedir (Tarcan ve ark., 2020).

İşten Ayrılma Niyeti: Mantar yönetimin bir başka sonucu işten ayrılma niyetini tetiklemesidir. İşten ayrılma niyeti, bireyin mevcut bir işten ayrılma ve yakın gelecekte yeni bir iş arama planıdır (Özdevecioğlu, 2004). Külekci vd. (2020) tarafından yapılan bir çalışmada, mantar yönetim yaklaşımının çalışanın işten ayrılma niyetini etkilemede olumsuz bir rol oynadığı bulunmuştur (Külekci ve ark., 2020)

Erdemli Raporlama: Mantar yönetim, erdemli raporlama ve alt boyutlarını önemli ölçüde etkileyebilir. Erdemli raporlama, örgütün etik olmayan, yasa dışı, zararlı veya hileli

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faaliyetleriyle ilgili bir raporlama sürecidir (Altıntaş ve Özata, 2020). Mantar yönetim, erdemli raporlama davranışını olumsuz yönde etkilemektedir. Mantar yönetimin dışsal erdemli raporlamayı olumlu ve anlamlı bir şekilde etkilediği, içsel erdemli raporlamayı önemli ölçüde olumsuz etkilediği ve kayıtsızlığı olumsuz ve anlamlı düzeyde etkilediği belirlenmiştir (Çetinkaya ve Altıntaş, 2021).

2.6. SAĞLIK ÖRGÜTLERİNDE MANTAR YÖNETİM

Birçok yönetim yaklaşımı insanların farklı özelliklere, davranışlara ve tepkilere sahip olduğunu savunmaktadır. Bu farklılıklar bireylerin yaşadığı toplum, mevcut koşulları, örgüt iklimi, bireysel rol ve sorumluluklardan kaynaklanmaktadır (Akduru ve Arslantaş, 2021). Farklı özelliklere, davranışlara ve tepkilere sahip olan bireyler toplumları oluşturmaktadır. Örgütler de aynı toplumlar gibidir. Örgütlerde de toplumlarda olduğu gibi benzer sorunlarla karşılaşmakta ve örgütsel ve bireysel faydayı korumak amacıyla özel kurallardan oluşmaktadır (Özdevecioğlu,2003).

Mantar yönetim yaklaşımı ve etkileri incelendiğinde çalışanlar üzerinde olumsuz algılar oluşturmakta, örgütsel adaletsizlik, değersizlik algısı, bilgi asimetrisi, bilgiye ulaşamama, çatışmalara, kararlara katılımın engellenmesi, dedikodu ve bilgi kirliliğine neden olmaktadır (Akduru ve Arslantaş, 2021). Bu etkiler doğrultusunda örgütsel hedeflere ulaşamama, örgüte zarar verme yaklaşımı, örgütsel güvende zedelenme, işte var olmama, örgütsel bağlılıkta azalma, işten ayrılma niyetinde artış, sapkın davranışlar görülebilmektedir (Şimşek, İlkım ve Derin, 2018& Akduru ve Arslantaş, 2021).

Sağlık hizmetleri, dünyanın en hızlı büyüyen alanlarından biridir. Hasta popülasyonunun beklenti ve ihtiyaçlarının karşılanması, teknolojik gelişmelerin sürekli takip edilmesi gerekliliğinin yanı sıra beşeri kaynakların yönetilmesi ile de zor bir alandır. Hastalara ve diğer paydaşlara etkili, verimli ve adil hizmetler sunmak ve dinamik, karmaşık ve çeşitli

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sağlık hizmetleri alanında ve diğer paydaşlarda gelişmek için sağlık hizmetleri yönetimi çok önemlidir. Sağlık hizmeti yöneticileri mükemmel iletişimciler olmalıdır. Son derece uzmanlaşmış sağlık hizmeti sağlayıcıları, sağlık hizmeti kullanıcıları arasında bilgi aktarabilmeleri ve birden fazla paydaş arasında işbirliğine dayalı ilişkileri geliştirebilmeleri gerekir. Sağlık hizmeti liderleri ayrıca sistemler ve politikalar ile en etkili ve verimli hizmetlerin nasıl planlanacağı, koordine edileceği ve sunulacağı konusunda sağlam bir anlayışa sahip olmalıdır. Bu hareket, değere dayalı sağlık hizmetlerine (maliyet, kalite ve sonuç arasındaki etkileşim) geçişi yönlendirir. Sağlık hizmeti liderleri mükemmel kavramsal, teknik ve kişilerarası becerilere sahip olmalıdır (Sargutan, 2005& Schoeman, 2020).

Sağlık alanında mantar yönetimi ile ilgili yapılan çalışmalar doğrultusunda ülkemizde mantar yönetim yaklaşımı uygulamasının benimsendiği görülmektedir. Mantar yönetim ile ilgili yapılan bir çalışmada 3 farklı sektörde mantar yönetim yaklaşımının görülme düzeyi karşılaştırılmıştır. Çalışma sonucunda mantar yönetim algısı en yüksek oranda sağlık hizmetleri alanında görüldüğünü ortaya koymuştur (Akduru ve Arslantaş, 2021).

Kılıç (2015) tarafından yapılan çalışmada sağlık hizmetleri çalışanları, yöneticilerinin %84'ünün mantar yönetim yaklaşımını uyguladığı, çalışanların %87'sinin ise yöneticileri tarafından uygulanan mantar yönetime maruz kaldığını ifade etmişlerdir (Kılıç, 2015).

Kılıç ve Olgun (2017) tarafından özel bir sağlık kurumunda yapılan mantar yönetimi algısını ölçebilen ölçek geliştirme çalışmada orta düzeyde mantar yönetim yaklaşımı uygulandığı sonucuna ulaşılmıştır. Çalışanların %58'i yönetimin iş görenler ile doğrudan iletişim kurmadığı ve örgütün bütün bilgileri paylaşmadığı görüşüne sahiptirler (Kılıç ve Olgun, 2017).

Akduru ve Arslantaş (2021) tarafından yapılan araştırmada, mantar yönetim yaklaşımı ile örgüte yönelen sapkın davranışlar arasında negatif yönlü ve düşük düzeyli bir ilişki

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bulunmakta ve örgüte yönelik sapkın davranışların en düşük algı düzeyinin yine sağlık sektörü çalışanlarında görüldüğüdür (Akduru ve Arslantaş, 2021).

Mantar yönetime dair diğer bir çalışmada ise Külekçi ve arkadaşları (2020) sağlık sektöründe iş stresi ile işten ayrılma niyeti arasındaki ilişkide mantar yönetimin aracılık rolü üstlendiği sonucuna ulaşmıştır.

2.7. İLGİLİ ARAŞTIRMA SONUÇLARI

Birincioğlu ve Tekin (2018) tarafından özel ve kamu üniversitelerinde çalışmakta olan araştırma görevlilerinin mantar yönetim algılarını ölçmeye yönelik ölçek geliştirme çalışması yapılmıştır. Araştırma sonucunda araştırma görevlilerinin, idareciler ve öğretim üyeleri tarafından mantar yönetim yaklaşımına kısmen maruz kaldıkları görülmüştür.

Ceylan ve Kahya (2019) tarafından yapılan bir çalışmada ise mantar yönetim yaklaşımı ile çalışan performansı arasında orta düzeyde bir ilişki olduğu görülmüştür. Mantar yönetimin çalışanların performansı üzerinde pozitif yönde anlamlı bir etkisi olduğu ve performans değişikliğinin %34'ünü açıkladığı ifade edilmektedir.

İş stresinin işten ayrılma niyeti üzerindeki etkisinde mantar yönetim tarzının oynadığı aracı rolün araştırılması ve ilgili literatürdeki araştırma eksikliğinin giderilmesi amacıyla yapılan bu çalışmada, Mantar yönetiminin iş stresi ve işten ayrılma niyeti üzerinde pozitif etkisi olduğu, Mantar yönetimi, iş stresi ile işten ayrılma niyeti arasındaki bağlantıya aracılık ettiği görülmüştür (Külekçi, Özbozkurt ve Bahar, 2020).

Dinç ve Avanoğlu, 2021 tarafından mantar yönetim algısı üzerine yapılan bir çalışmada çalışanların demografik özellikleri karşılaştırıldığında idari görevlilerin ya da idari görevli olmayanların, görev süresi, yaş ve cinsiyetlerine göre anlamlı farklılık görülmediği sonucuna ulaşılmıştır. Bu değişkenler ve mantar yönetim arasında anlamlı fark görülmemesi yapılan diğer araştırmalardan farklı sonuçlar ortaya koymaktadır (Dinç ve Avanoğlu, 2021).

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Bolea ve Atwater (2015), yöneticilerin çalışanlar ile paylaştıkları bilgi düzeyinin çalışanlar üzerindeki olumlu ve olumsuz durumları incelenmiştir. Tek taraflı bilgi akışının çalışanlarda olumsuz etkiye neden olduğu görülmüştür (Bolea ve Atwater, 2015). Laplante ve Neill (2006), kriz durumlarında bilgi paylaşımının olmamasının olumlu sonuçlara sebebiyet verdiğini söylemişlerdir (Laplante ve Neill, 2006).

Tekin ve Birincioğlu (2017) tarafından devlet üniversitelerinde çalışan araştırma görevlileriyle yaptıkları araştırmada; mantar yönetim yaklaşımının çalışma alanlarında uygulandığı, ve bu durumun örgüte bağlılıklarının azalmasına, motivasyonlarında düşmeye, işten ayrılma düşüncesine neden olduğunu ifade etmişlerdir.

Geckoboad ve Censuwide (2015)'in 2000 çalışanla yapmış oldukları araştırma sonucuna göre her dört çalışandan biri mantar yönetimden dolayı işten ayrıldığı sonucuna ulaşılmıştır.

Mantar yönetim yaklaşımının örgütsel dedikoduda artışa neden olduğu, artan dedikodunun araçsal ve faydalı boyutunun ise bilgi paylaşımını arttırdığı sonucunu ortaya çıkarmıştır (Öztürk ve Aras, 2021).

Abodaqa, 2022 tarafından yapılan Mantar yönetim yaklaşımı çalışanların sanal kaytarma davranışları arasındaki ilişkinin incelendiği çalışma sonucunda çalışmasında mantar yönetim yaklaşımı ile çalışanların sanal kaytarma davranışları arasında anlamlı pozitif bir ilişki olduğu görülmüştür (Abodaqua, 2022).

3.SONUÇ

Sağlık ve hemşirelik bakım hizmetlerinin kaliteli ve güvenli sunulabilmesinin önemli koşullarından birisi, sağlık kurumlarında sağlıklı çalışma ortamlarının oluşturulmasıdır. Hemşirelik hizmetleri yönetimi, “yönetimin tüm unsurlarının hasta bakım hizmetlerine, kurumun amaç ve politikalarının gerçekleştirilmesine yönelik olarak düzenlenmesi süreci” dir.

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Yönetici hemşireler, hemşirelik ve hasta bakım hizmetleri ile hemşirelerle ilgili faaliyetlerin üst, orta ve alt kademelerinde sorumluluk üstlenmektedirler. Hastanelerdeki hemşirelik hizmetleri yönetimi, hastalara hemşirelik bakımı verilirken gerekli her türlü olanağı sağlayan, hastanenin amaç ve politikalarının gerçekleştirilmesine yönelik bir koordine faaliyetler sistemidir. Bu nedenle de hemşirelik hizmetleri yöneticiliği özel bilgi, beceri ve kişilerarası ilişkilerde ileri anlayış gerektirir Yönetici hemşireden hemşirelik bakımına gereksinim duyan birey, aile ve gruplara etkili hizmet verebilmesi için bu hizmetleri planlaması; planı uygulamaya koyacak güç ve kaynakları örgütlemesi parasal ve insan gücü kaynaklarını kontrol etmesi, saptadığı hedeflerle ortaya çıkan sonuçları karşılaştırarak değerlendirmesi, tüm bunları yaparken kaynaklar arası koordinasyon sağlaması beklenmektedir.

Mantarların yetiştiriliş tarzından esinlenerek geliştirilen bu metafor, son yıllarda ulusal ve uluslararası literatürde yerini almıştır. Günümüz bilişim çağında yaşanan gelişmeler doğrultusunda iş dünyasına ayak uydurabilmek için olay, kaynak ve insanlara hızla yön verme yeteneği önemli görülmektedir. Bu ise ancak yönetimin çalışanlar ile aynı safta olmasıyla mümkündür. Mantar yönetim yaklaşımının etkilerinin bilinerek olumlu etkilerinin kullanılması insan kaynağını daha verimli halde yönetmeyi sağlayacaktır.

Hemşirelik alanında örgütsel davranış yazınında mantar yönetim yaklaşımı ile ilgili çalışmaya rastlanmamıştır. Mantar yönetim yaklaşımının ne olduğunu, nasıl ortaya çıktığını açıklamak, mantar yöneticiler ve mantar yönetimin etkilerini tanımlamak ve sağlık hizmetlerinde ve hemşirelik hizmetlerinde yerini belirlemek son derece önemlidir. Mantar yönetim, henüz çok yeni bir kavram olması nedeniyle çeşitli yönleri ile ele alınması gereken bir kavram olarak görülmektedir. Ulusal literatürde kavramsal ve ampirik çalışmalar bulunsa da kavramın farklı değişkenler ile ilişkisinin analiz edilmesi kavramı daha anlaşılır kılacaktır.

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THE HYDROGEN ECONOMY POTENTIAL THROUGH HYDROGEN
ENERGY AND BLACK SEA COUNTRIES**

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ABSTRACT

In general, hydrogen has the maximum energy content per unit mass of all known fuels. Hydrogen seems to be the most rational way of storing energy and transporting it over long distances without changing its type, provided that some precautions are taken and maintained as an element.

Developing hydrogen energy is also of strategic importance for countries to reduce their dependence on energy imports. Fortunately, Turkey is one of the luckiest countries in terms of hydrogen energy resources. We have great opportunities on our three sides, especially in the sea, solar and wind energy in renewable resources. The fact that the Black Sea is a source of hydrogen energy is a separate wealth in itself.

Today, the storage system of hydrogen-powered cars, which have become popular, is alternatively any hydride metal, namely "sponge", or a liquid hydrogen tank, or a compressed pressurized hydrogen tank.

Therefore, the Black Sea is fed by the rivers coming from the countries around it. At the same time, all the polluted wastes of 21 countries in Europe and Asia are transported to the Black Sea. The fact that our Black Sea coasts are rich in hydrogen puts us among the lucky countries in the world in terms of reserves and is Turkey's hydrogen energy center is mentioned by name.

Key Words:Black Sea,Hydrogen Economics, Turkey.

INTRODUCTION

With the formation of the industrial revolution, there was an unlimited production demand rather than an increase in production. At the same time, with the development of the services sector and the knowledge economy, less labor is used and the elements that destroy the environment are formed. This situation has led to an increase in unemployment along with ecological problems. Unfortunately, the global damage of food wars in the coming days may overshadow the damage of global warming.

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Now, in the context of renewable energy, the answer lies in wind energy, just as Bob Dylan saw in the early 1960s, and with the fact that the 'oil age' has ended, even oil companies have entered the race of energy technologies, especially green hydrogen energy, especially anti-bracket batteries. In one period, the past 8 years have been the 8th warmest in history, according to the World Meteorological Organization.

For the effective use of hydrogen, it must be stored, transported and used in a way that does not endanger life and health, minimizes the risk of damage to property and equipment, and ensures that the system or equipment continues to function. In the future, widespread use of hydrogen will benefit from the application of a rigorous and comprehensive hazard analysis method as described in this section.

The project of obtaining hydrogen energy by separating hydrogen sulfide (H₂S), which benefits from the pollution coming from the deep waters of the Black Sea, mainly from the Danube river, Ukraine, Russia, Romania, Bulgaria and our country, is considered by the world public as a very serious future energy source.

In addition to the gray or blue format of hydrogen obtained from classical fossil fuels, even a very popular OPEC member oil producing country such as S. Arabia today is turning to hydrogen energy, especially the efforts to turn to green hydrogen, which has left its mark on the global energy markets today.

The last 20th century has been experienced as a carbon century, especially oil, coal and natural gas, which are expressed as fossil fuels. However, the 21st century has begun to be remembered as the "Hydrogen Age", which is described as fossil fuels in general, renewable energy and hydrogen economy in particular. As a non-polluting type of energy, it brings storage and infrastructure problems within the hydrogen economy. Accordingly, after the Ukraine-Russia war new energy sources is going to be held urgently from renewable energy such as hydrogen energy.

ABC'S OF HYDROGEN ECONOMY

The story of hydrogen begins before there is anyone around to notice it. Before the appearance of the Earth and its associated planets, the hydrogen atom had already appeared before the Sun or even the Milky Way Galaxy existed, and even other chemical elements such as oxygen, sodium, iron and gold had not yet appeared. Hydrogen is the simplest of atoms. It is this simple structure of hydrogen that makes it the most active element in the 15 billion-year-old story of our universe. (Rigden, J, 2013, 8).

In general, hydrogen has the maximum energy content per unit mass among all known fuels. In energy systems where hydrogen is used as a fuel, the product released to the atmosphere is fixed only by the presence of water and/or water vapor. Hydrogen gas is supplied by a number of different methods, as well as water, solar energy or its derivatives. It can also be produced with wind, branch and biomass, which is accepted as a natural method. As a result, there is no question of producing any gas and harmful chemical products that pollute the environment and increase the greenhouse effect such as CO₂ and carbon monoxide, except for water vapor, during the energy of hydrogen. (Erdener H. et al., 2007, 24).

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In addition, it is inevitable that hydrogen energy related issues involve multiple stakeholders that conflict with their priorities and interests. The individuals contacted throughout this process consist of the following decision-making interest groups;

- 1- Automobile manufacturers,
- 2 -Oil and gas companies,
- 3-Governments,
- 4 – State energy offices,
- 5-International laboratories,
- 6 -Useful companies,
- 7-Environmental organizations,
- 8 -Infrastructure developers,
- 9- Companies financing renewable energy,
- 10- Fuel cell companies,
- 11 -Consulting companies,
- 12 -International organizations,
- 13 - Universities,
- 14 – Hydrogen production companies.(Yüzügüllü EA,2005,18).

For hydrogen production to be clean, centers need to make sure their production equipment uses energy from low-carbon sources (such as electrolyzers that use electricity to produce green hydrogen). The request for information suggested several avenues, including agreements to purchase electricity with a renewable generator or a direct connection to a renewable generator. Most hydrogen producers have advocated flexibility in their approach to this issue, including the use of direct connections, energy purchase agreements or reservation and demand systems such as renewable energy credits. However, flexibility presents several challenges and can lead to an undesirable large carbon footprint. Many existing reservation and demand systems are not sufficient to generate emissions reductions because they can introduce new electricity demand into the grid without equal additions to cleaner generation. In addition, the temporary inability to meet this new demand with renewable energy generation may mean that producers will pull from the grid when emissions are high.(Zhu Y, et al.,2022,1).

The storage system of hydrogen-powered cars, which has become popular, is alternatively either any hydride metal, i.e. "sponge", or a liquid hydrogen tank, or a compressed pressurized hydrogen tank. Although a small ignition may have been observed as the hydrogen slowly leaked out of the metal hydride, The safest alternative among the storage options is the system that uses metal hydride itself. As a matter of fact, in an undesirable situation for the prototype vehicles working with liquid hydrogen, for example, a car filled with liquid hydrogen in the

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state of California, for example, was hit and the fuel tank was punctured. cold liquid that is - 253°C, then evaporated immediately and mixed into the air and did not cause any fire or explosion. (Bockris J,1996,92)

Ultimately, end-user choices will affect energy markets, technological developments and public policy. Therefore, educating the public through effective educational materials and techniques such as science programs and public outreach programs can greatly aid in public awareness and acceptance of hydrogen energy systems. (Dinçer İ, Azan MA, 2022, 31).

An approach that will be considered for the coming years is hydrogen energy in the form of renewable energy and can be dominant in the markets as a long-term low-carbon fuel. Fuel cells, which are an upper version of this, are exceptionally productive and work quietly. The eye-catching aspect of this approach is that only water is emitted from the vehicle's exhaust. As a matter of fact, the Norwegian government, which opened the first hydrogen station in August 2006, is aiming for a 580 km hydrogen corridor between Oslo and Stavanger. However, the mentioned technology is currently refraining from being economical. The main point here is to increase the efficiency of fuel cells and minimize the cost, while simultaneously is to find the appropriate way to store and distribute hydrogen. Certain giant companies such as General Motors, Chrysler, Mercedes and Toyota etc. continue their work. For example, Toyota company gives fuel cell-powered prototypes to all ministries in Japan. We should not be surprised to witness what they do. (Walker G, King SD,2010,145).

In transportation, the solution goes through a motion system that does not rely on fossil fuels. This motion system can either be based on an alternative fuel such as hydrogen or directly on an electric motor. Alternative fuel systems such as hydrogen are still limited by the efficiency limits of chemistry or thermodynamics, so it is more logical to look for the solution in electric motors in the long run. In addition, the hydrogen that is expected to be used in vehicles today is still produced from fossil fuels and CO₂ is emitted into the environment. Even if there are vehicles working with hydrogen around us, the hydrogen they use cannot be produced by electrolysis of water, as I learned in high school. Also, as long as we produce the electricity required for electrolysis from coal, there is little point in relying on hydrogen. there is none. (KurnazML, 2021,402).Although there are opponents to such a hydrogen economy, the energy turbulence caused by the current Ukraine war seems to format such interpretations.

It is planned to use hydrogen for commercial purposes starting from 2010. After all costs are taken into account, it is expected to be 1.5 – 5.5 more expensive than gasoline in the first years. However, when the environmental contributions are taken into consideration with the coming years, it is calculated that this cost will be much lower (Ültanır MÖ,1997,303).

TURKEY'S BLACK SEA HYDROGEN ENERGY POTENTIAL

Especially with the COVID-19 epidemic, unemployment problems come to the fore. Hydrogen has the ability to provide many job opportunities in the sectoral sense and at the same time to create new sectors. Sectors such as food, transportation and agriculture will attain a cleaner and more environmentally friendly dimension with hydrogen. In the transition to hydrogen, all sectors will be redesigned and the industry will now be shaped around

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hydrogen. For these reasons, achieving success in hydrogen will be a kind of prerequisite for those who want to be economically successful. (Dinçer I. et al ,33)

Producing hydrogen from hydrogen sulfide (H₂S) in the deep waters of the Black Sea is easier and cheaper than other methods, and R&D studies are carried out in Russia, Georgia, Romania and Bulgaria in this area. It has more (H₂S) hydrogen sulfide reserves than it is quite deep.

Piping systems are usually several miles long and in some cases can be hundreds of miles long. Due to the large length and thus large volume of these piping systems, a small change in the working pressure of a pipeline system can cause a significant change in the amount of gas contained in the piping network. storage costs are avoided.(Pahwa KP,Pahwa KG,2014,98).

In terms of Storage in Pipelines (GH₂), the Black Sea is fed by some rivers, especially the Danube river, coming from the countries around it. At the same time, all the polluted wastes of 21 countries in Europe and Asia are transported to the Black Sea. Turkey's Black Sea coast of is rich in hydrogen source. The fact that it has a lot of reserves puts us among the lucky countries in the world in terms of reserves and it is possible that our country will make a name for itself as a hydrogen energy center in the coming years.

Hydrogen energy is accepted as a renewable, sustainable and environmentally friendly alternative energy source, considering the increasing energy needs and environmental effects. Today hydrogen production is carried out with many conventional and newly developed methods using fossil fuels. Although chemical hydrogen production processes using fossil fuels are common, biological processes have also attracted attention .

On the other hand, Black Sea potential and alternative hydrogen production option considering all the possible reserves in the Black Sea, the hydrogen production potential from 4.6 billion tons of H₂S in the Black Sea was found to be 3.29 trillion m³.

Hydrogen energy to be reached from the Black Sea is not a single example in the worldwide.For example,historically,in the socialist period in Romania, former government wanted to build a hydrogen power plant by using the hydrogen sulfur from the deep waters of the Black Sea.

CONCLUSIONS

In Turkey, the hydrogen economy is promising as renewable energy in the context of research and development studies, and it also has strategic importance to reduce the dependence on energy imports, which will lead to a current account deficit. In this direction, our country is among the prestigious countries of the world in terms of hydrogen energy resources.

Existing gas infrastructure is recognized as one of the economical and efficient methods for efficient use of hydrogen. Hydrogen has the capacity to play an important role in providing heat, transport and power system services alongside electricity in a low carbon economy.

It is recommended that regional countries such as Turkey, Bulgaria, Ukraine, Russia, Georgia and Romania, which have a major Black Sea coast, make incentives and investments to

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activate this hydrogen energy reserve within the scope of "Energy Cooperation in the Black Sea". Accordingly, if hydrogen energy is produced from hydrogen sulfide in the deep waters of the Black Sea, the energy needs of the countries in the region can be partially met and hydrogen energy can be transported to European countries [See.Midilli A,2005]

Consequently, apart from generating energy from natural gas, coal and nuclear energy, it should aim for a step-by-step approach to a fully integrated hydrogen economy based on renewable energy sources by mid-century in accordance with Black Sea's hydrogen economics. In this respect, if resources had been used for diversification, the story would have been completely different today, and we would be talking about both Turkey and its green hydrogen export to the European Union that has removed the energy crisis from its agenda.

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**4TH INTERNATIONAL LATIN AMERICAN
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GREEN ECONOMY IN THE CONTEXT OF RENEWABLE ENERGY AND
GREEN EMPLOYMENT**

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ABSTRACT

Renewable natural resources are those that are not likely to be consumed or that can be self-renewed within certain limits. It is necessary not to confuse renewable energy with green energy. Before resorting to risky alternatives, let's continue to use hydroelectric and geothermal resources and first develop reliable, renewable, sustainable and climate neutral technologies such as wind power and green hydrogen energy.

Today, the world has been caught in a green revolution. We can clearly discern this from the fact that the EU has given some signals to return to the Paris Climate Change Charter as a result of the "European Green Consensus" on its agenda and the new US administration that came to power in 2021 following it, winking at "Renewable Energy".

Green Economy is investments aimed at enriching natural capital, reducing ecological problems and environmental risks. In this context, reducing carbon emissions can actually increase carbon emissions, at least in the short term. The reason for its possibility is that fossil fuels are scarce non-renewable resources.

In the transition to green jobs, there are few new occupations involved, while intense change occurs in existing occupations. Moreover, changes in the level of all qualifications in the skill profile and in all sectors require education and training relevant to the needs in labor markets.

Key Words: Renewable Energy, Green Employment, The EU, Green Economy.

INTRODUCTION

Renewable natural resources are those that are not likely to be consumed or that can be self-renewed within certain limits. All living resources can be considered under this roof. Reducing import costs in energy by increasing the share of domestic and renewable energy resources in the energy portfolio of each country by using more efficient, environmentally friendly, safe and domestic technologies with a sustainable understanding should be a priority policy.

Our future is expected to be renewable energy, the vehicle that has the potential to solve every environmental threat facing humanity. In other words, as a green economy instrument, the new investment area will be in the field of hydrogen, in the context of the renewable energy such

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as USA's getting into the ball and even winking at the hydrogen economy in order to fight against the resurgent inflation. Therefore, the world is preparing for a hydrogen revolution. However, the tanks to be used to transport the hydrogen must have a special quality. Generally, renewable energy products will open a new market and create employment.

Today, Keynesian economics, which lost its height with the energy problem limited only by the oil crisis in the 1970s, started to become popular again and the aforementioned economics school, in the context of the father of the state coming to the rescue and creating jobs for everyone, has focused on creating employment, especially for educated people, through Renewable Energy resources. brought with it the opportunity to look at it from this perspective.

In addition, instead of the existing Russian natural gas and oil, which will be affected by the energy crisis that has gradually shaken the whole Europe, the Russia-Ukraine war, primarily solar and wind, as well as the increasingly appreciated as a renewable source such hydrogen economy etc. It has almost made it inevitable to turn to renewable energy fields that can provide energy supply security.

At the same time, there is a risk of entering a long-term global recession period with a different perspective due to the inability of fossil fuels such as oil and coal and natural gas to create employment on a global scale. On the other hand, as an alternative to being on the agenda of the EU, as a green employment tool green works and skills, which can be a source of employment, especially from renewable energy, will quickly take effect.

It is projected that renewable energy investments such as sun, wind and hydrogen energy will increase in the coming years with the research and developing technology and increasing energy demand all over the world in the fight against climate change and global warming according to the Paris Climate new conditions .

WORLD'S EXPECTATIONS FROM PARIS CLIMATE AGREEMENT

As human beings, we have become accustomed to a universe where everything will remain more or less the same in the future, so at least when it comes to temperature, the situation was in this center. In other words, we were lucky servants of God. Climate change is not a new phenomenon. During the 10,000 years in the past, when human civilization existed, the earth's climate remained unusually stable. The planet we live on is very unusual. (Walker G, King SD, 2010, 19).

In fact, the results of a human-oriented world are today and this destruction is not only on humans. Global warming and climate change are also human errors. If you look at it, unfortunately, war is also a human error. It happens on all living things, it happens on nature, that is, we call all these life. (Badur, AK, 2022, 1).

Some of the energy sources can be obtained over and over again through natural cycles or human action. For this reason, they are called renewable energy sources. The main ones are wood and other biomass energy sources, hydrological energy and sources of energy obtained from the sun and wind. Nuclear reactors that produce their own fuel and fusion reactors are

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also included in this group. Some are energy sources that carry stored solar energy in certain geological periods, which will disappear completely with consumption. These are also called non-renewable energy sources. The main ones are coal, oil and natural gas, also called fossil fuels, nuclear energy sources and geothermal energies. (Çepel N,1992,175).

With the publication of the "Paris Agreement", which constitutes the framework of the post-2020 climate change regime, in the Official Gazette on October 7, 2021, the energy sector, which is an emission-intensive and resource-intensive sector, will be one of the sectors known that will be most affected by the regulations to be brought by this agreement. (Turkey Hydrogen Technologies Strategy and Roadmap,2023,2).

Although there is no alternative way to finance the green economy, we need commitments that must be fulfilled. We need financial investments without further delay to make an impact at the scale and speed needed. A fair transition to clean and sustainable energy sources is essential if we are to reduce emissions and limit global warming to 1.5°C celsius according to the Paris climate agreement.

As countries set net-zero emissions targets and increased their climate ambitions under the Paris Agreement, they did not openly acknowledge the rapid decline in fossil fuels or plan for the production these targets would entail. Instead, world governments more than doubled what is consistent with limiting warming to 1.5°C in 2030. they plan to produce. The output gap has remained largely unchanged since our initial analysis in 2019.(UNEP,2021,4).

The EEA (European Environment Agency) has set the EU's 2030 climate and energy targets as currently in question, and the original 2030 key targets for the 2021-2030 period are as follows;

- At least 40% reduction in greenhouse gas emissions from 1990 levels,

- At least 32% share for renewable energy,

- At least 32.5% improvement in energy efficiency.(Bostanoğlu M,2020,21).

After the Paris agreement, in parallel with the European Green Agreement, China joined the EU's 2050 and our country's 2053 carbon neutral targets, and even though it was delayed a little later, it has included in its program to realize the aforementioned target in 2060. Considering the fact that there are smart entrepreneurs from Canada and New Zealand who sell the air as clean as a can of Pepsi Cola to China for \$5 per box, it will be seen how meaningful the Green Development goal is.

It provides a historic opportunity to drive transformational action and support the implementation of the Paris Agreement. The High Level Dialogue on Energy will be structured around five overarching themes;

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- (1) Energy access;
- (2) Energy transition;
- (3) Enabling the Sustainable Development Goals through inclusive, equitable energy transitions;
- (4) Innovation, technology and data, and
- (5) Finance and investment. (Bencherif,Y et al,2021,1).

In sum, while the continuation of the La Niña climate event worldwide from America to Europe means that the 1.5 degree reduction targeted by the Paris Climate Agreement has not even come close.

FROM GREEN ECONOMY PERSPECTIVE GREEN JOBS and SKILLS' FUTURE

While the term "green" is often used to refer to environmental concerns, by the early 1990s green political theory was recognized as a new tradition of political research as an ambitious competitor to the most influential decision-making political traditions of the twentieth century—liberalism and socialism. (Dunne T et al.2016,291) .

The Industrial Revolution, which was on the agenda long before the green economy, played an important role in the widespread use of coal. The extreme need for energy to run new technologies invented during the Industrial Revolution in the eighteenth and nineteenth centuries made coal the dominant energy supplier worldwide. The steam engine, invented by James Watt and patented in 1769, made possible the use of steam. In the nineteenth century, the Industrial Revolution spread throughout the world. Steamships and steam-powered railways were becoming the main modes of transport and used coal to burn their boilers. (Pahwa KP,Pahwa KG,2014,11).

In a sense, the 21st century means the end of the 'Blue Collar' era and the opening of the 'green collar' era, and as the climate crisis grows, 'green jobs' will become more attractive beyond the expectation of a healthy and livable environment in the world of the future.

As the current projection of the employment creation approach that Keynes addressed in 1936, one of the subjects related to the Social component of the circular economy, which is related to the Economic and Environmental components, which are among the three basic components of sustainability, constitutes the one related to employment. The circular economy occupies an outstanding position in discussions about sustainable development, by making the economy more "green" and reducing the use of inputs.(Özbuğday, FC,Tirgil A,2022,125,6).

Denmark has contributed to the development of green technologies for green jobs in Germany over the past few decades. Especially in Germany, environmental issues were also reflected in the education and training system, companies generally accepted education and training provided from the public system. Therefore, initiatives that can be an alternative to the public system are insufficient; Industry raises the need to reorganize university courses in cooperation with the public education system.(CEDEFOP,2010,33).

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According to the calculations made by improving energy efficiency and reducing energy density, it is possible to achieve a gain of approximately 3 billion dollars per year. Undoubtedly, increasing efficiency and reducing density require significant application and development investments. It has indirect effects such as increasing employment with its development.(Aydin,L,2014,570).

Sustainable and supportive policies need to be created in order to overcome the technological, economic, regulatory and environmental barriers faced by the renewable sector in the world R&D especially on hydrogen technologies.It is important to increase and diversify their support. In addition, the legislation and planning to be prepared on the subject will also play an important role. The role of the strategies and policies to be implemented in accelerating the adoption of hydrogen by everyone is quite large. (Turkey Hydrogen Technologies Strategy and Roadmap,2023,2).

While the development of domestic clean energy sources will stimulate more job creation locally than the 'functioning as usual' fossil fuel economies of the last century, investments in energy efficiency measures will otherwise reroute money spent on energy costs, reduce emissions and create large numbers of jobs. . Reasonable investment in renewable energy will provide a foundation for economic stability, sustainability and growth, both at the micro-firm scale and at the macro level (KammenD,Engel D,2020,4).

CONCLUSION

Today, the world has been caught in a green revolution. We can clearly discern this from the fact that the EU has given some signals to return to the Paris Climate Change Charter as a result of the "European Green Consensus" on its agenda and the new US administration that came to power in 2021 following it, winking at "Renewable Energy".

Considering that today, more than \$200 billion was spent on the last World Football Cup organization in Qatar, the occurrence of floods in the city of Jeddah, located in the nearby geography, just one week after the aforementioned event, indicates how important the Paris Climate Agreement is.

When the EU reaches its three 20% targets in 2020, it is estimated that there will be 2.8 million people working on green energy, the EU's national income average will increase by 1% and electricity prices will decrease by 16%. It is thought that Germany will be the most profitable country. It is expected that the other countries that will be profitable are Finland, Sweden and Latvia, which are the countries that use the wastes obtained from forestry and farming in the production of biofuels.(See.Biçer M,2009,38).

Generally,renewable energy, energy efficient structures, houses, healthy public transportation, recycling systems, sustainable agriculture and forestry, ecological agriculture, research, development, informatics and technology, mechanical and technological equipment will be among the popular topics of today's world.

Finally, when we look at what will be the business lines that will come to the fore on behalf of the youth, employees with vocational training, energy, agriculture, design (designing every stage of the life cycle from packaging to waste disposal to minimize environmental damage), tourism, transportation are the sectors with the highest potential to create green jobs between.

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Employment world. Some professions will come to the fore in the green economy for young people as well.

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**4TH INTERNATIONAL LATIN AMERICAN
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FRAMEWORK, STRATEGIES AND THE CONCEPT OF EMPLOYABILITY: SOME
PRACTICAL APPROACHES**

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ABSTRACT

The concept of employability is multifaceted, and many people associate it with the individual's employability abilities and traits. It is important to distinguish between aspects that are important for landing a job and those that are important for being ready for it. Higher Education has changed as a result of this focus on skills. To be employable, a person must be able to find their first job, keep it, and find a new one if necessary. The necessity of boosting students' employability is becoming more widely acknowledged. A theoretical foundation for employability skills is attempted in this essay. Governments, funding agencies, students, and parents are putting more pressure on higher education institutions all around the world because graduate employability is now widely acknowledged as one of the primary goals of a university degree. This paper explores the concept and significance of employability. By extending explanations of employment and unemployment that concentrate only on either supply-side or demand-side issues, it aims to find a definition of employability that may better influence labor market policy. The paper discusses a wide framework for analyzing employability that takes into account both supply- and demand-side aspects and is structured around individual factors, personal situations, and external factors.

Keywords: Employability, Skills, University Student, Labor Market, Graduate employability

**4TH INTERNATIONAL LATIN AMERICAN
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RESEARCH ON THE MOTIVATION OF BUSINESS OPERATORS**

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ABSTRACT

Motivation can have a powerful effect on a person's psychology and behavior, and there is a clear difference between motivated and unmotivated behavior. Different forms of motivation, on different occasions and at different times, can have different degrees of influence on the behavioral process. Adopting scientific and effective motivation means to stimulate employees' enthusiasm and creativity and improve their loyalty to the company can make the company always be in a favorable position in the competition. However, in practice, many domestic enterprises have neither a good nor a comprehensive understanding of incentive mechanism, and do not really recognize that incentive mechanism is an essential power source for enterprise development. Therefore, in order for incentives to work effectively in practice, it is necessary to choose a scientific incentive mechanism.

The structure of this paper is arranged from the table to the inside and from the shallow to the deep. The definition and characteristics of motivation are briefly explained, and the existing motivation theories at home and abroad are summarized and classified by the research results of others, combined with my study and analysis, and the motivation theories are divided into content-based and process-based motivation theories according to the different research surfaces.

The last part is the final point of the paper, which is the problem solving part, mainly discussing the establishment of incentive mechanism in modern enterprises. The paper first lists the effective principles that must be followed to establish the incentive mechanism of modern enterprises, then classifies the employees of enterprises from static and dynamic perspectives, designs different incentive mechanisms for different employees and different stages of employees, and designs the operation flow chart for the implementation of incentive mechanism of modern enterprises.

Keywords: modern enterprise, human resource, incentive theory, incentive mechanism

**AN INTRODUCTION TO THE PROBLEMS FACED BY HUMAN RESOURCE
MANAGEMENT IN SMES**

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ABSTRACT:

Corporate human resource management is closely linked to a company's business strategy, organisational structure system and cultural values. Excellent human resource management is often the most difficult to be copied and emulated by other enterprises. Creating a competitive advantage through human resource management becomes an important part of a firm's competitive strategy.

I. The concept of human resource management and development

Modern human resource development and management is the embodiment of "people-centered" management ideology, an important part of enterprise management and the top priority of enterprise management. At present, against the background of global economic integration and rapid development of science and technology, human resource management of small and medium enterprises has become a bottleneck limiting their development, and many problems have been revealed in the actual management process, so it is necessary to take measures to promote human resource management of small and medium enterprises.

II. Analysis of problems faced by human resource management in small and medium enterprises

1. lack of human resources in SMEs.

The main problems of human resource management in SMEs, in today's economic global integration and market integration today, SMEs should recognize at all levels that talent is the basis of survival and source of enterprise development.

2. SMEs have not established a sound human resource management system.

SMEs' human resource management system is not reliable, above all, the job management system is not perfect, other human resource management works such as recruitment, wage management, performance management should be built on the basis of reliable job management.

3. little investment in human resource development and training.

SMEs find it difficult to establish a comprehensive training system and often do not create opportunities for talent development and promotion. This tends to form a vicious circle and it is difficult for small enterprises to have large amounts of money to invest in the development and introduction of human resources due to lack of financial and political support.

Thirdly, to improve the analysis of the human resource management programme of the enterprise

1. Establish a new enterprise talent management concept and attach importance to talent training and selection

2. The enterprises should actively establish a perfect incentive mechanism.

3. The enterprises should establish a guarantee system for human resource development.

IV. Conclusion

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In conclusion, in today's global economic integration, knowledge economy trend, human resources have become the key resources for enterprises to gain and maintain competitive advantage, but in order to transform human resources from potential productive capacity to real productivity, human resource development and management must be strengthened. If the enterprise can effectively cooperate with the means of human resource quantity management, reasonable distribution, education and training, staff incentives, etc., it can greatly improve the enterprise productivity, create more wealth for the enterprise and make the enterprise invincible in the market competition.

Keywords: human resources; development; management.

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RESEARCH ON MODERN CORPORATE RECRUITMENT MANAGEMENT

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ABSTRACT

With the deepening of the reform of the market economy system, talent plays a pivotal role in the survival and development of enterprises, especially in today's competitive market conditions where access to talent is a matter of life and death.

Recruitment management, as an important part of an enterprise's talent acquisition process, has an irreplaceable role to play in the development of the enterprise. Whether the talent recruited by the HR department is good and beneficial to the development of the enterprise becomes the main evidence to measure the performance of the department. Companies must choose their own way of recruiting talent according to their actual situation and realistic needs, at their discretion.

I. Basic understanding of recruitment management

(A) The concept of recruitment management

Recruitment Management refers to the scientific review of the talent required by the enterprise, the publication of recruitment rules, recruitment and selection, selection decisions, initial placement, training, trial, acceptance and a series of other steps, and planned testing and detection, systematic and scientific management of its, thus ensuring the normal operation of the enterprise talent team, to meet the This ensures the proper functioning of the talent team and meets the requirements of the company's development.

(ii) The purpose of recruitment management

The primary purpose of recruitment management is to ensure that the company has sufficient talent, which is the fundamental guarantee of the normal operation of the company. The purpose of recruitment is mainly the following.

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(1) The total number of talents cannot meet the needs of the normal operation of the enterprise, moreover, it cannot meet the needs of the forward development of the enterprise, so it is urgent to replenish the gap and obtain sufficient backup for the development of the enterprise.

(2) The normal brain drain of the enterprise makes some positions of the enterprise vacant.

(3) Enterprises expanding into new markets need a large number of talents to explore the market.

(4) Enterprises for the introduction of new technologies need professionals who can master their operation.

(iii) The content of recruitment management

Recruitment management is both a complex, systematic, complete, continuous, procedural operation process, but also a very scientific, artistic and specific work. It generally consists of the following four stages.

1. Recruiting.

2. Selection.

3. Employment.

4. Assessment (Assessment).

The strategic importance of recruitment management to the company

(a) Ensure the quality of hiring and enhance the core competitiveness of the company

(2) Reduce recruitment costs and improve the efficiency of recruitment

(3) To enhance corporate visibility and establish a good corporate image

(4) To inject new vitality into the enterprise and enhance the innovation of the enterprise

Third, modern enterprises in the recruitment of the problems and analysis

(a) Insufficient attention to recruitment management

(2) Mismatch between recruitment management and enterprise development strategy

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IV. Conclusion

As long as enterprises continue to strengthen the recruitment and development of human resources, enhance the value of human resources to build a solid foundation for human resources, to support the overall operation of human resources; enhance the cohesion of enterprises; promote the staff and enterprises continue to step up to a new level, the core competitiveness of enterprises will continue to improve, enterprises will be invincible in the fierce market competition.

Keywords: talent; competition; recruitment management Introduction

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**4TH INTERNATIONAL LATIN AMERICAN
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DIRECTION OF HUMAN RESOURCE MANAGEMENT UNDER THE BIG DATA
ENVIRONMENT**

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ABSTRACT

With the rapid development of social economy, all kinds of new technologies permeate into all walks of life. As a popular technical means, big data has basic characteristics such as complete samples, diverse contents and related results. It can provide decision support for prediction and planning in the field of human resource management, and play an irreplaceable role in the decision-making and high-quality development of enterprises. This paper analyzes and studies the connotation of the big data environment and some problems existing in the traditional mode of human resource management, and discusses the methods of human resource management under the big data environment.

Keywords:Big data, Human Resource Management, Innovation

**4TH INTERNATIONAL LATIN AMERICAN
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ARGUMENTATION AND PERSUASION AS THE BASIS OF RHETORICAL SKILL
IN STEPPE LAW**

Written within the framework of the project «Scientific concept of Kazakh rhetoric:
rhetorical ideal, identity, argumentation and speech practice»

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ABSTRACT

Based on the legends material about Kazakh biys: Tole biy and Aiteke biy, the article examines the rhetoric of steppe law, which became the basis of Kazakh legal rhetoric. The rhetoric of law developed in the Middle Ages. Scholars characterize this law as customary or case law. Biys' dispute resolutions had the character of an oral proceedings. The biy's rhetorical skill, his use of argumentation and persuasion was not only a sign of his legal and rhetorical skill, but also the sign of his objectivity. No wonder that a biy's status in Kazakh society was higher than a khan's status. The relevance of the topic is subject to the study of the rhetoric of law as a factor of national and cultural identity. The description of the rhetoric of the steppe law makes it possible to create a model of argumentative and persuasive discourse and to reconstruct the national rhetorical ideal.

The idea of argumentation as the management of intersubjective communications explains the features of the rhetorical concept. From this perspective, the goal of the article is to analyze judges' argumentative strategies, communicative and argumentative intentions as well as argumentative results. The argumentation is analyzed from the standpoint of a biy's persuasion of all subjects of the dispute. The study of this argumentation feature as the ability of the biy to translate his world view to the subjects of communication determines the analysis of a biy's speech behavior. The analysis of the biy's linguistic personality creates the possibility of describing the cognitive mechanism of argumentation. The study of the informal logic of the biy's decision-making and methods of influencing the addressee is based on the distinction between the content of the concept and the form of persuasion. Hence the description of the rhetoric of law from the standpoint of persuasive (rhetorical) discourse and argumentative discourse.

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Such approach also explains their relationship to each other: persuasive discourse is lineal in relation to argumentative discourse. The principles of such differentiation are the formal structural features of the biy's communicative strategy: disputable position, thesis, arguments. The structure of argumentative discourse includes formal organization that is description of the argumentative activity model in the form of a field and content organization (cognitive model).

Linguistic approach, comparative-historical and cultural methods are used to analyze the material.

The fruitfulness of the undertaken experience lies in the development of a model of Kazakh rhetoric at its intentional and motivational levels, in accordance with Yu. Karaulov's theory of the linguistic personality.

Keywords: Kazakh rhetoric, biy institute, rhetoric of steppe law.

INTRODUCTION

The demand for the study of oral heritage, which especially increased in the post-Soviet period and opened up the possibilities of a new scientific approach which includes an interest in Kazakh rhetoric the origins of which are contained in the oral poetry of 15th-18th centuries zhyrau and the rhetoric of oral law of Kazakh biys, which laid the basis for justice as a public institution.

Turning to the rhetoric of the spoken word presented in the biy legends, we find rich and interesting material for studying argumentation techniques, the culture of discourse, communication aspects of the biy-judge, a plaintiff and a defendant discourse, the witnesses and participants in the justice process.

The relevance of the topic is subject to the study of the rhetoric of law as a factor in the national and cultural identity of the Kazakh people. The purpose of the work is to analyze the argumentation and persuasion of the audience by the biy in the objectivity and equity of his decision. Here we see similarity with the laws of rhetoric known as the law of objectivity and evidence which is built on a strict distinction between facts and opinions, as well as the law of ethics. Assigned task is to describe communicative strategies of Kazakh speakers and methods of influencing the addressee. This task is associated with the following points as characterizing the argumentative strategies of judges. The argumentative results allow us to identify the singularity of communicative and argumentative intentions and help us to describe the biy's linguistic personality. The solution of these issues makes it possible to reconstruct the Kazakh rhetorical ideal.

RELATED WORKS

The Kazakh biy court, as a unique judicial system, became the object of academician S. Zimanov's multi-year research, under his leadership the fundamental work "The Ancient World of Kazakh Justice" was published in 10 volumes.

It is important to describe the ratio of argumentative and persuasive discourses while analyzing a biy's communicative speech activity. For the development of analysis areas it is fruitful to classify the works of modern scientists. Firstly, the distinction between argumentation and persuasion as mental and linguistic processes in the biy's communicative

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activity is based on the modern theory of argumentation. Initially, it is the perception of argumentation process as the operational management of speech-communicative activity of the subjects of argumentation. E.A. Yakovleva singled out the control function as a basic function for describing the processes of speech generation and the processes of action generation by the participants of communication (Yakovleva, 2007). Hence the systematization of the units of argumentative strategy include argumentative strategies and argumentative result, communicative and argumentative intentions. Scientists developed the thesaurus where the following concepts are relevant, they are the addressee factor, the phenomenological context of the argumentation in the works of A.V. Kolmogorova (Kolmogorova, 2009).

Secondly, for the study of the national and cultural identity of the rhetoric of law, the concept of the rhetorical ideal as a system of “the most general requirements for speech and speech behavior” that has historically developed in a particular culture and reflects the its value system. (Mikhalskaya, 1996). At the same time, the connection of the worldview with argumentation is considered in linguistics as the ability to translate a fragment of the worldview from the argumentator to the opponent (Baranov, 1990). Hence the possibility of studying the cognitive mechanism of argumentation, which implies “the use of linguistic expressions, whereby new knowledge is introduced into the world model of a native speaker and existing ones are modified” (Baranov, 1990).

It is significant to describe the structure of the listening process and its types for the consideration of biys’ speech practices. I.N. Kuznetsov in his book highlights that in the process of listening we can designate such aspects as support, explanation and comment as well as types of listening which can be passive, active and empathic (Kuznetsov, 2005). The object of the scientist’s consideration was the first rule, known as Homer’s rule that is the reliance of the arguments persuasiveness depends on their order and sequence. It is also crucial to take into consideration the thinking community law “to speak the language of the main opponent information and representative systems for the description of biy’s communicative and verbal behavior (Kuznetsov, 2005).

The analysis of the national and cultural identity of the law rhetoric is also based on consideration of the category of decision making. E.N. Zaretskaya, using the example of everyday situations (of an emigrating family), characterizes the category of decision-making as emotional and behavioral, but not actually mental (Zaretskaya, 2002). We consider this idea as an impact for the classification in the future works at the macro level as a mental one in terms of managing the subjects of a judicial precedent, as a behavioral one when provocative resources are included in the process of argumentation and persuasion.

Finally, the previous stage of research within the framework of the described project was undertaken by the research group. In the article “Iconic discussions as a mechanism of Kazakh justice” by K.B. Urazayeva, G. Erik, K. Abylhasova is presented an analysis of ways to suggest the objectivity of the decision made by the biy. Legends about biy show how biy made a decision. ...Thus, it becomes possible to study how biy uses the communicative resources of speech and how he reaches an agreement with the listener (Urazayeva & Yerik & Abylkhassova, 2022). Argumentation techniques and methods in the speech of Kazakh biys are considered in “The Rhetoric of Kazakh Biys by G. Erik, K. Abylhasova. It reveals the

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legal skill of Kazakh biys from the standpoint of the rhetorical status of the utterance. According to the authors of the article biys' speech is dominated by objective and subjective decisions and with hidden methods of influence.

MATERIAL AND METHODS

The material under consideration is analyzed by means of a linguistic approach, comparative-historical and cultural methods. The fruitfulness of the undertaken experience lies in the development of a Kazakh rhetoric model at intentional and motivational levels in compliance with Yu. Karaulov's theory of linguistic personality.

The concept of the project we are presenting is based on methodological grounds of rhetorical communicative model presented in the works of the Altai scientific school under the guidance of Professor A.A. Chuvakin and with the participation of his colleagues T.V. Chernyshova, I.Yu. Kachesova, as well as the representatives of the Krasnoyarsk school of rhetoric A.P. Skovorodnikov and O.A. Kopnina. The theoretical basis of the project on Kazakh rhetoric is based on the experience of creating a textbook on rhetoric for undergraduates in Russia and Kazakhstan, written as part of a joint project, taking into account the multi-ethnic environment (Rhetorika, 2018).

EXPERIMENTAL STUDY

The ideas of the Kazakhs about the rhetorical ideal imply not just the art of eloquence, speech craft in the classical sense of rhetoric. The gift of persuasion, the word command the sacred nature of which is obvious to the steppe dweller was the object of praise both in the medieval poetry of zhyrau and in the Kazakh paremiological fund. Fragmentary examples from the poetry of Bukar zhyrau, a poet of the 17th-18th centuries and a Kazakh proverb show the reverent attitude of the people to the word of an authoritative person who owns the minds of people.

Table 1 shows the examples of two songs that characterize the people's idea of a worthy man, comparing him with a biy in terms of the degree of his exceptional position in society. The second passage is built on antagonistic images of an infallible, worthy and honest biy who comes from the noble origin and a greedy, unworthy biy from the lower class. Thus, the sacred word is equitable and fairly becomes synonymous with spiritual and personal nobility.

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Table 1. Poetry of Bukar zhyrau as an object of an ideal biy

Example Number	Song	Citation	Word for word translation by K. Urazaeva	Word for word translation by U. Baiturina
1	Biik taýǵa jarasar	Er zhigitke zharasar, Қолына алған najzasy, Bi zhigitke zharasar Halkyna tigen pajdasy.	Dzhigit smelyj – tot, kto derzhit v ruke kop'e, Dzhigit-bij – tot, kto pol'zu prineset narodu.	A dzhigit is one who holds a spear in his hand, The dzhigit-bij - he who brings benefit to the people.
2	Аı, Abylai, Abylai	Atalydan bi қојсаң, Adaspas zhol men zhobadan, Atasyzdan bi қојсаң, Bosanbas аузы paradan.	Esli postavish' biya iz blagorodnyh, (On) ne zabluditsya v doroge i sud'be, Esli postavish' biya iz bezrodnyh, Rot ne budet svoboden ot vzyatok.	If you place a biy of the noble, (He) will not go astray in the way and destiny, If you put a biy from the low class, The mouth will not be free from bribes.

The similarity of Kazakh proverbs about biys and zhyrau songs about biys is reflected in Table 2, which reflects the typology of the batyrysm aesthetics, the role of a warrior for the people and society in the period of gaining national independence with the role of a biy as a guarantor of the ethnic group consolidation. The status of a biy was higher than the status of a khan. This is evidenced by the Kazakh proverb: “Just as during an extreme snowfall, the difficulty of a migration falls on the strongest camel, so when a difficult conflict between relatives or an enemy attack native land the burden of the trial falls on the biy”.

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Table 2. Kazakh proverb as an object of an ideal biy

Example Number	Kazakh proverb	Word for word translation by K. Urazaeva	Word for word translation by U. Baiturina and A. Yessentemirova
1	Batyrdyң atyn zhau shyғarady, SHeshenniң atyn dau shyғarady	Batyra sdelat izvestnym boj, Oratora – tyazhby.	Batyr will be made famous by battle, A speaker would make litigation famous.
	Batyr қол bastajdy, SHeshen сөз bastajdy	Batyr vozglavlyaet otryad, Orator vozglavlyaet slovom	A batyr leads the squad, The speaker leads the word
	Batyrdy zhauda syna, SHeshendi dauda syna.	Batyra ispytaj v boyu, Oratora v tyazhbe.	Test a batyr in a battle and a speaker in a lawsuit.

RESULTS AND DISCUSSIONS

The biy ideal in the Kazakh folklore and poetry of zhyrau as the basis of the Kazakh rhetorical ideal

The tables given in the experimental part of the article characterize the Kazakh rhetorical ideal in terms of the biy ideal. The rhetorical ideal can be studied as a value matrix of Kazakh rhetoric and a sign of national and cultural identity. The analysis of spiritual values as a source of a biy’s communicative strategy shows its focus on protecting the ideas of procreation, the ideal of a real man. Priority and sacredness of Word are inseparable from the concept of Mind. Kazakh justice was assigned in the codes named after khans in the time when they were born for example, “The establishment of Kasym Khan”, known as “Kaska Zholy” (Bright path), “The establishment of Yesim Khan” is “Eski Zholy” (Ancient path) and Zheti Zhargy (Seven Laws) of Tauke Khan.

The concept of “biy” means not only a judge but it is initially a high rank. Ch. Valikhanov, who was Kazakh ethnographer and educator, wrote that “deep knowledge of judicial customs combined with rhetoric”.

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IMPACT INVESTING FOR SOCIAL TECH STARTUPS**

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ABSTRACT

Impact investing is a rapidly growing trend that seeks to generate positive social and environmental impact alongside financial returns. This investment approach is particularly relevant to social tech startups, which leverage technology to tackle social and environmental challenges. Impact investors are drawn to social tech startups due to their potential to create large-scale positive impacts through their innovative solutions. These startups often address pressing social and environmental issues like poverty, climate change, and inequality. Impact investing can give social tech startups much-needed capital to grow and scale their businesses. This allows these startups to achieve their social and environmental goals more quickly and efficiently. Impact investors also bring valuable expertise, networks, and resources that can help social tech startups overcome the challenges they face. However, impact investing in social tech startups also presents some challenges. These startups often face significant social and environmental risks, and their success is dependent on their ability to navigate these risks. A systematic review of the literature was carried out to identify trends in impact investment to unleash the potential of social tech startups. The aim is to provide an updated roadmap for entrepreneurs seeking to create technology-driven social solutions. The results show that impact investors must carefully assess the potential impact of these startups and their financial viability before making an investment. In conclusion, impact investing has the potential to play a significant role in supporting the growth and success of social tech startups. By providing these startups with capital, expertise, and resources, impact investors can help to create a more sustainable and equitable future.

Keywords: digital marketing trends, digital platforms, entrepreneurship

**4TH INTERNATIONAL LATIN AMERICAN
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IMPACTS OF INNOVATION ON ESG PRACTICES IN POULTRY FARMS**

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ABSTRACT

The poultry production chain, especially in the southern region of Brazil, is a national and international highlight. The rapid development of the broiler chain has brought about some consequences, such as the significant increase in solid waste generated from production to slaughter and processing of poultry and poultry. In this sense, it is necessary to invest in modern, updated and technological management to manage the usual and potential risks in the environmental, social and corporate governance (ESG) spheres, present in the poultry chain. Given this context, the aim of this study is to analyze the impacts of innovation on ESG practices in poultry farms. This research is characterized as descriptive and with a qualitative approach. For data collection and analysis, the model proposed by Conte (2022) was used. In general, it was identified that innovation can positively influence ESG practices, supporting the measurement and management of impacts caused in the environmental, social and governance dimensions, helping poultry farmers to make their work more sustainable, through innovative production flow control systems. This research aims to provide support for efficient management of the chain as a whole and especially of one of the fundamental links in this process, the poultry farmer, since the focus of most research is the agroindustry.

Keywords: ESG, innovation, poultry.

INTRODUCTION

The broiler meat production chain, mainly in the south of Brazil, is considered a prominent sector at the national and international levels (Brasil, 2021; Cepea, 2022). It is noteworthy that the country, led by the states of Paraná, Santa Catarina and Rio Grande do Sul, respectively, is the third largest producer in the world and the main exporter in the global ranking (Embrapa, 2020; 2021).

The poultry segment is characterized by production chains with a high level of vertical integration (Zanella, 2017). The structuring of companies in the form of a production chain provides a more assertive positioning in the market, precisely because of the search for opportunities that arise through aligned relationships between organization, supplier and consumer (Ferreira & Padula, 2002; Assunção, Medeiros, Moreira, Paiva & Souza Paes, 2020). The company's structuring model has adapted to this new reality, so companies see themselves as integral links in the chain.

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Among the links in the broiler chain, the “aviculturist” link stands out, which according to Zanella, Silva Leite, Fiates & Cairo (2013), plays a very relevant role within the chain, due to its responsibility in the management of breeding, which directly influences the profitability of other companies that are part of the chain. Therefore, the relationship between the links producer (poultry farmer) and processor (agribusiness) stands out, which in this chain represents the focal company. According to Nogueira (2003), in the most common format of partnership (contract) between these two links, the agroindustry (slaughterhouse/slaughterhouse) provides the poultry farmer with day-old chicks (selected strains), feed, technical monitoring, medicines and guarantee of purchase, through the integration contract. In this way, the poultry farmer is responsible for investments related to the facilities of the aviary, machinery and equipment, in addition to labor. At the end of the fattening phase, the payment for batches of birds fluctuates according to the efficiency indicators achieved in the process (feed conversion, mortality, fattening time).

In this context, carrying out research involving the aviculturist link is of great value, as production management takes place in the sheds that are under their responsibility. The demand for time and physical effort of the poultry farmer to attend to all the tasks of the poultry activity, contribute to the management of existing risks surrounding the activity, the impacts generated in the environmental, social and governance (ESG) spheres, in addition to planning and the management of the poultry farming are in the background (Gross, 2014).

Following this reasoning, it should be noted that the constant growth of the poultry sector brought consequences such as the significant increase in solid waste generated from production to slaughter and processing of poultry and poultry. In this sense, for the sustainable evolution of the production chain, it is necessary to have an adequate control of the residues originated from the production process, providing a better use of the discarded remnants (Pinto, Pinto, Bovo, Mateus, Tavres, Baptista, Hirata, 2015; Matos, Silva, Costa, Porto & Oliveira, 2021).

From this, it becomes necessary to invest in a more modern and up-to-date management to control the usual and potential risks present in the poultry meat chain, and it is increasingly important to seek a balance between public and private incentives for technological innovation in a market dominated by even more complex risks that affect the environmental, social and corporate governance spheres.

It appears that innovation is an essential source for inserting competitiveness and increasing production capacity in the agro-industrial sector, providing improvements in the technical and economic areas of production and organizational performance. However, the biggest challenge is adapting innovative processes to meet new market demands (Goncharov & Rau, 2009). According to Alves, Martinelli & Dewes (2006), the poultry sector continuously innovates through the processor link (agribusiness), both in terms of product and process. Furthermore, within the scope of the broiler chain, innovation is mainly incremental and adaptable to technologies originating abroad for the different links in the chain, in particular the producer link (poultry farmer).

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From this context, this study aims to analyze the impacts of innovation on ESG practices in poultry farms. The present study is justified by the need to generate mechanisms and tools that support managers in the management of poultry activities, aiming to continue and develop small and medium-sized properties (Zanella et al., 2013).

Furthermore, it can be highlighted that the development of an evaluation instrument will make it possible to carry out research whose results can contribute to the focal company (agribusiness) thinking about strategies to strengthen the integration system and the poultry farmer (their conditions in the field), better production control techniques, possibilities for innovation and aspects related to ESG.

INNOVATION AND ESG PRACTICES: APPLICATION IN THE POULTRY FARMS

Over the years, it has become essential to implement investments aimed at innovation to control and manage the usual and potential risks present in the poultry chain, making incentives from the public and private sectors increasingly important to promote innovative practices. technology in a chain with increasingly complex risks (Conte, 2022).

In this context, studies by Vasconcelos et al. (2016) and Pimentel et al. (2016), who studied the influence of trends in the broiler production chain. As main results, these authors highlight the integration system that enables the partnership between poultry farmers and the agroindustry, providing a better use of the facilities, reduction of industrial costs in the abatement process for the integrator (agribusiness), in addition to allowing for the integrated (aviculturist) greater productivity, lower production costs and greater profit. This partnership provides an optimization of the entire production process, through new technologies (genetic and nutritional improvement, integrated equipment for the aviaries, among others).

Bassi, Silva & Santoyo (2013) and Schmidt & Silva (2018) also point out that the advantages of the poultry farmer with the use of technologies generated range from the reduction of labor (with the automation of processes), greater control of production (use of computers and control and management systems), improvements and growth in quality and sanitary control (biosecurity), adequate management of risks and impacts generated in the environmental, social and governance dimensions with the adherence to more sustainable practices.

In view of this, Gomes (2019) emphasizes that concerns about the growing impacts generated by the poultry chain in ESG areas have increased more and more. In this sense, considering innovation as one of the main influencing factors in the dynamics of the production chain (Pimentel et al., 2016; Zanella & Leite, 2016), it becomes important to think about innovative strategies that can mitigate these effects on sustainable economic development, with the aim of gaining a competitive advantage in the market and continuing to generate profits (Gonçalves-Dias, Guimaraes & Santos, 2012). Souza, Silva Junior, Andrade & Fernandes (2020) highlight that managing ESG practices in the poultry chain has been a major challenge, after all, all the links that are part of the flow dynamics need to carry out actions that promote the conservation of natural resources, animal welfare, in addition to promoting sustainable economic development in a balanced manner.

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In this sense, it is understood that innovation plays a fundamental role in mediating this process, that is, innovation has been discussed and understood as necessary for competitiveness in the market (Davila, 2005), therefore, implementing or increasing practices of innovation as competitiveness tools in the economic development of rural properties (Kruger, Link, Poli & Jacoski, 2020) can influence the performance of activity control and the management and mitigation of impacts caused by poultry production (Oliveira, 2011; Tomas & Alcantara, 2013), in order to be able to implement and/or adhere to ESG practices aimed at productivity and development (Caires & Aguiar, 2015) of the work performed by the poultry farmer. Thus, it becomes important to study the impacts of innovation on ESG practices with a focus on the poultry link.

MATERIAL AND METHODS

With the intention of meeting the objective proposed in this study, a descriptive research with a qualitative approach was carried out. The data analysis procedures were constituted from the model (developed from the application of the Delphi method with 15 specialists in the areas of Agribusiness, Agronomy, Controllershship and Accounting, Accounting Sciences and Rural Development) proposed by Conte (2022), which presents a total of 9 assumptions that indicate the paths for research related to management controls, integrated risk management, innovation practices and ESG practices. The present study focused on the assumption that innovation has an influence on environmental, social and corporate governance practices on poultry farms, described in the analyzed theoretical model.

In this sense, a model was selected to observe how the innovation variable may impact the ESG dimensions.

RESULTS AND DISCUSSIONS

The management and development of poultry production activities highlight the need to adopt more efficient tools and methods to control production processes (Schmidt & Silva, 2018), thus, in a competitive scenario, market transformations are increasingly recurrent, making it relevant to use a management system that provides practical and quality information to organize and plan impact management strategies on the environmental, social, economic-financial and governance segments present in the production stages (Otley, 1999; Naranjo-Gil & Hartmann, 2006; Borges, 2010; Oyadomari, Frezatti, Neto, Cardoso & Souza Bido, 2011; Gross, 2014; Oliveira et al., 2015; Panosso, Camacho, Espejo & Abbas, 2017; Gomes, 2019; Alcântara, 2020).

In this same direction, it should be noted that, with the evolution of the poultry sector, many consequences have emerged, mainly focused on the impacts of production. According to Gomes (2019), the growth of the poultry chain has increased concerns about ESG dimensions. In view of this, Meira, Wanderley & Miranda (2002) point out that carrying out adequate control and management of impacts in the environmental, social and governance dimensions can result in competitive advantage and profitability in the market, reflecting on the other links in the production chain.

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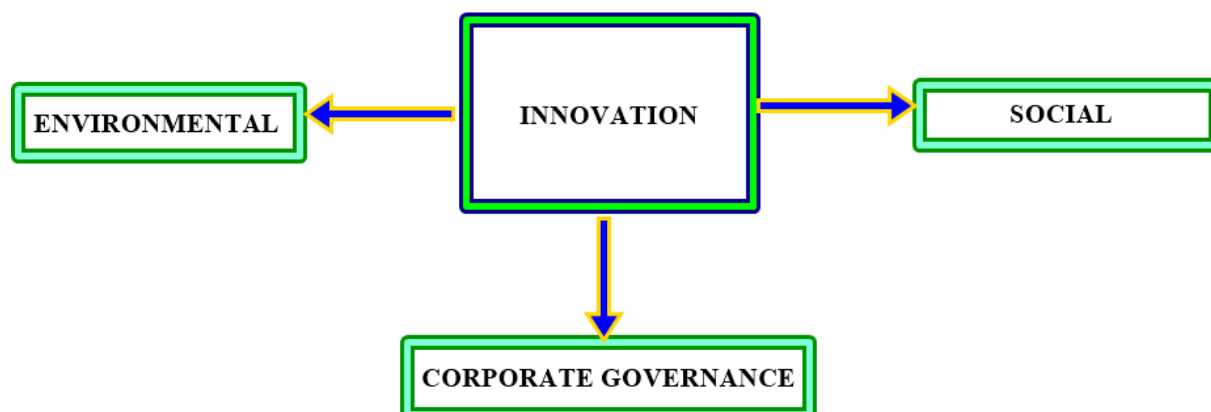
In this sense, innovation emerges as a facilitator of this relationship. Innovation practices are relevant for the growth of the poultry sector in the market, promoting improvements in its productive performance, being able to achieve efficiency and production capacity on a large scale (Goncharov & Rau, 2009).

Therefore, summarizing these aspects, the performance of production activities lacks management tools capable of identifying and preventing impacts on the ESG dimensions, thus, to achieve the desired efficiency, it is important to implement innovation practices as support instruments to increase competitiveness and achieve sustainable economic development of the chain as a whole (Borges, 2010; Gross, 2014; Caires & Aguiar, 2015; Oliveira et al., 2015; Schmidt & Silva, 2018; Alcântara, 2020; Kruger et al. al., 2020). Innovation is presented as a strategy for improving the management of processes in the most diverse organizations.

In this context, the broiler chain has been the subject of several studies related to innovation and ESG, however, research in these segments specifically focused on the poultry link, one of the main parts for the evolution of this chain, is scarce in the national and international literature.

Therefore, based on the theoretical review, a model developed from the study by Conte (2022) is presented, containing insights for studies focused on the influence of the relationship between innovation practices and ESG practices in poultry farms. Figure 1 details the research design, based on the assumptions addressed in Conte's research (2022), with the aim of analyzing the impacts of innovation in ESG on poultry farms.

Figure 1 – Theoretical model developed from the model proposed by Conte (2022).



Fonte: adapted from Conte (2022).

Innovation is a factor of great impact that directly influences the production flow, benefiting producers in their activities (Kruger et al., 2020). Innovation practices aimed at poultry farms increase productivity rates, bringing better feed conversion indicators, genetic improvements, automation of aviaries through the technology employed, in addition to ensuring process optimization (Oliveira, Näss, Mollo Neto, Canuto, Walker & Vendrametto, 2012). Therefore, promoting innovation in the poultry sector has become necessary, effective and profitable (Bassi et al., 2013).

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In addition, considering innovation as an element of great economic growth and long-term survival, therefore, promoting innovative practices combined with sustainable development policies in the poultry activity becomes essential, as it tends to increase the capacity to face different factors linked to the environmental, social and corporate governance dimensions (Oliveira et al., 2012; Bassi et al., 2013; Gaiola, 2015; Oliveira et al., 2015; Carvalho Junior & Giarola, 2020). In view of this, it is possible to mention the possibility of a relationship between innovation practices and ESG practices, in this way, innovation can contribute by supporting the measurement and management of environmental, social and governance impacts generated by the execution of activities of poultry production on the property, with the aim of making the work of the poultry farmer more sustainable and better developed economically, through systems aimed at controlling the production flow.

Still, it is worth mentioning that with the growth of the poultry sector, the concern with the environmental indicator also increased due to the large amount of solid waste arising from the management of production in the aviary to the slaughter in the agroindustry, in addition, the care and concerns with the social and governance indicators also grew. Therefore, to make the production chain and its respective links more sustainable, it is essential to adopt innovative management mechanisms that act efficiently in managing the impacts caused in the environmental, social and corporate governance spheres (Gross, 2014; Pinto et al., 2015; Gomes, 2019; Matos et al., 2021).

In this same direction, innovation can provide strategic and sustainable benefits for the property's business. Therefore, with an active innovation in ESG practices, there is the possibility of implementing modern and efficient management systems, capable of measuring and managing in a more adequate way the impacts on the environmental, social and corporate governance indicators, making the management of the more transparent and sustainable ownership.

Given what was presented, it can be seen that innovation is a very present area in poultry production activities. The innovation process, when evaluated from the context of a production chain, needs to consider the valuation of endogenous knowledge and the acquisition of exogenous knowledge, present in the other links of the chain.

In this sense, the creation of knowledge leads to constant innovation, not only digesting information with the intention of solving existing problems and surviving in an environment full of changes, but also generating new knowledge and information with the aim of solving both the problems as well as reformulating solutions (Nelson, 1994, 2001, 2008; Nonaka & Takeuchi, 1997).

CONCLUSION

The present study sought to analyze the impacts of innovation on ESG practices in poultry farms. For this, a research was developed (with a survey of the theoretical review) based on the theoretical model constructed by Conte (2022).

It was identified that there is a possibility for innovation to positively influence ESG practices, supporting the measurement and management of impacts caused in the environmental, social and governance dimensions, helping the poultry farmer to make his work more sustainable, through systems innovative production flow control systems.

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In addition, the probability of innovation helping to mitigate the impacts caused on the ESG is highlighted, through the implementation of innovative processes that map the risks of impact on the environmental, social and corporate governance segments more quickly, also providing data for formulating more precise strategies to control these risks.

In general, the research contextualizes the importance of providing support to the implementation of innovative practices capable of improving the measurement indicators of ASG practices, in poultry activities carried out on rural properties.

Thus, this study aims to provide support to have an efficient management of the chain as a whole and mainly of one of the fundamental links for this process, the poultry farmer, since the focus of most research is the agroindustry.

As suggestions for future research, the practical application of the model presented with the poultry farmers is recommended, to test the discussions dealt with in this research, since they can generate contributions of great value to the literature on the subject.

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ORIENTACIÓN AL MERCADO EN MIPYMES DEL SECTOR HOTELERO DEL
ESTADO DE TABASCO**

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RESUMEN

La presente investigación tiene como objetivo analizar el grado de orientación al mercado que tienen las MiPymes del sector hotelero en el Estado de Tabasco, México. Para lo se empleó la escala MARKOR de Jaworski & Kohli (1993) que se compone de tres subescalas: las generación de inteligencia, diseminación de la inteligencia y respuesta para medir la orientación al mercado, a partir de la adaptación de Mahmoud et al., (2016) y ÇÖMEZ y KİTAPÇI. (2016) que consta de 23 ítems. El diseño de este estudio es de enfoque cuantitativo exploratorio.

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La población de estudio fueron micros, pequeñas y medianas empresas del sector servicio del estado de Tabasco, el tipo de muestreo será probabilismo aleatorio, la forma de recolección de los datos a una muestra de 222 unidades empresariales por medio de encuestas aplicables a los dueños, directores o gerentes generales. La investigación comprueba que el modelo aplicado a estas empresas puede ser aplicado a mas empresas de esta rama del sector servicio dela economía mexicana. Se concluye que las empresas del sector hotelero del estado, tienen un alto grado de orientación al mercado, sin embargo se debe trabajar en estrategias que permitan seguir elevando su nivel competitivo y productivo.

Palabras claves: orientación al mercado, MiPymes, sector servicio

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COMERCIO JUSTO Y DESARROLLO SOSTENIBLE**

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RESUMEN:

El comercio justo y el desarrollo sostenible son conceptos importantes en el comercio internacional, ya que buscan mejorar la vida de las personas y proteger el medio ambiente. El comercio justo se enfoca en asegurar que los productos se produzcan y vendan de manera ética, garantizando un salario justo y buenas condiciones de trabajo para los trabajadores. Por su parte, el desarrollo sostenible busca equilibrar el crecimiento económico con la protección del medio ambiente y el bienestar social.

El comercio justo y el desarrollo sostenible están estrechamente relacionados, ya que una producción sostenible es necesaria para garantizar un futuro sostenible para las personas y el medio ambiente. Además, prácticas comerciales éticas pueden mejorar la vida de las personas en las comunidades productoras, contribuyendo al desarrollo sostenible a nivel local y global.

Sin embargo, todavía existen importantes desafíos para alcanzar un comercio justo y sostenible. La falta de regulaciones adecuadas y transparencia en el comercio internacional, la presión por reducir costos y la explotación de los trabajadores en los países en desarrollo, son algunos de los desafíos más significativos. Para abordarlos, es necesario un esfuerzo coordinado a nivel global, involucrando a gobiernos, empresas y organizaciones no gubernamentales.

El comercio justo y el desarrollo sostenible también pueden fomentar la innovación y el desarrollo tecnológico, al incentivar la adopción de prácticas sostenibles en la producción y el comercio. Además, el comercio justo puede mejorar la economía local y reducir la pobreza, permitiendo que las personas en las comunidades productoras tengan acceso a oportunidades de empleo y educación.

En conclusión, el comercio justo y el desarrollo sostenible son fundamentales para lograr un futuro sostenible y equitativo para todos. Debemos trabajar juntos para abordar los desafíos y fomentar prácticas comerciales justas y sostenibles que mejoren la vida de las personas y protejan el medio ambiente.

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ANTIGUEDAD DE LAS MIPYMES Y SU RELACIÓN CON LA ESTRUCTURA
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RESUMEN

En el estado de Tabasco, México, la tasa de natalidad de empresas durante los años 2019 y 2020 fue del 13.68%, donde el 14.02% fueron las microempresas y el 4.03% las pequeñas y medianas empresas, en ese mismo periodo la tasa de muerte fue del 24.09%, siendo las microempresas el 24.10% y las pymes un 23.88% lo que hace tener una variación negativa de -10.41% (Instituto Nacional de Estadística y Geografía, 2020). Con el objetivo de determinar que variables del aprendizaje organizacional permiten la permanencia de las micro, pequeñas y medianas empresas (MiPyMes), se realizó una encuesta, logrando 196 respuestas, donde la población objetivo fueron propietarios, jefes o encargados de establecimientos de los tres sectores económicos, el instrumento consta de 50 preguntas, de las cuales 9 son sociodemográficas y 41 en escala de Likert en cinco puntos, en las cuales se midieron: recurso humano, tecnología de la comunicación y estructura organizacional, se encontró que solo el 2% tiene más de 21 años en el mercado. Para determinar si existe causalidad entre los constructos Recurso Humano, Estructura Organizacional y Tecnología de la Comunicación con la variable dependiente bajo estudio Antigüedad de la Empresa, se realizó una regresión lineal, encontrando que la Estructura Organizacional es la que le aporta un 20.5%, además de tener una relación lineal significativa al ser su ANOVA sig., menor a .05; mientras que los otros dos constructos se relacionan indirectamente a través de la Estructura Organizacional.

Palabras clave. Microempresa. Pequeña empresa. Mediana empresa. Antigüedad de la empresa.

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LOS CINCO TRATADOS COMERCIALES MÁS IMPORTANTES PARA MÉXICO**

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RESUMEN

El presente trabajo aborda los cinco tratados comerciales más importantes para México. Es un estudio descriptivo, transversal y observacional. El objetivo es determinar la influencia de estos tratados comerciales en el desarrollo de México. Un tratado comercial contribuye en la economía de un país, esto facilita el proceso de logística en las exportaciones e importaciones de los países acordados, también en la reducción de aranceles y reducciones de costos. Todo país busca ampliarse a mercados potenciales y situarse con ventajas competitivas sobre otros mercados. En el caso de México cuenta con 12 tratados comerciales, de los cuales en este estudio se resaltan los 5 más importantes e influyentes en su economía. Estos acuerdos logran en los países firmantes aumentar a un mejor desarrollo en la vida de las personas, así como expandir sus horizontes en educación, finanzas, salud, avances tecnológicos, entre otros; facilitando el intercambio de productos y servicios, teniendo así diversidad de mercancías entre los dos o más países acordados. Se sabe que uno de los principales factores del desarrollo del país es el comercio, ya que fomenta la competitividad de las distintas empresas, por esa razón resulta relevante para cualquier persona o empresa que quiera realizar alguna importación o exportación mantenerse informado de dichos acuerdos y saber los beneficios que les otorgan, como la eliminación de condiciones y barreras comerciales, agilizando el proceso de comercialización de su mercancía. Durante la pandemia del covid-19 muchos de los acuerdos fueron pausados o cancelados, sin embargo, con la nueva reapertura de aduanas y fronteras, el comercio crecerá aún más y habrá más empleos favoreciendo así a la población mexicana, no solo en los productos y servicios, sino también en las ofertas de empleos que esto generará.

Palabras clave: Tratados comerciales; mercados potenciales; comercio.

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Existen diversos acuerdos comerciales de México con otros países del mundo, además de otros tratados internacionales como los Acuerdos para la Promoción y Protección Recíproca de las Inversiones (APPRI).

El Gobierno de México define un tratado comercial como “un acuerdo que establecen dos o más países bajo el amparo del derecho internacional y con el objetivo de mejorar sus relaciones en términos económicos y de intercambio comercial”.

El T-MEC.

Es el nuevo acuerdo comercial entre México, Estados Unidos y Canadá que sustituye al Tratado de Libre Comercio (TLCAN), nos da acceso preferencial a uno de los mercados más poderosos. Algo que fomenta la inversión extranjera y el comercio exterior, propiciando, consecuentemente, una mayor tasa de ocupación laboral y colaborando con el desarrollo del país.

Se volvió a renegociar este tratado desde el 2017, y entró en vigor hasta el 2020, ahora tiene algunas actualizaciones sobre el salario mínimo, nuevas reglas de origen del acero y del aluminio, entre otras. El T-MEC no solo fue el primer tratado de México en ser firmado, sino también es el más importante y representativo para el país, ya que estos dos países son vecinos directos, principalmente Estados Unidos que se convierte en el principal socio comercial tanto de importaciones como de exportaciones en las relaciones bilaterales con México.

El intercambio comercial que existe entre México, Estados Unidos y Canadá está profundamente interconectado. El 83,48% de las exportaciones mexicanas van a Canadá o Estados Unidos, según la secretaria de Economía de México. Mientras que, más del 45,99% de las importaciones de México provienen de ambos países, de acuerdo con el Gobierno de México. El país importa gasolina, maíz y otros productos.

Lo Que Más Importa y Exporta el País.

Entre los principales productos que México exportó bajo el T-MEC en 2021, se encuentran los siguientes, según un reporte de la secretaria de Economía:



Pasquali, M (2020, 23 de enero). México se convierte en el principal socio comercial de Estados Unidos. estatista. <https://es.statista.com/grafico/20598/principales-socios-comerciales-de-eeuu/>

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- Máquinas para el procesamiento de datos
- Automóviles tipo turismo
- Vehículos para transporte de mercancías
- Partes y accesorios de vehículos
- Televisores

Y entre los principales productos que México importó bajo el T-MEC en 2021, están los siguientes:

- Aceites de petróleo excepto crudos
- Gas de petróleo, hidrocarburos gaseosos
- Partes y accesorios de vehículos
- Motores de diesel
- Maíz.

México – Unión Europea (TLCUEM).

La Unión Europea se ha convertido en el tercer socio comercial de nuestro país y su segundo inversor, han incrementado las oportunidades y alianzas estratégicas, el intercambio de mercancías incrementó en un 148%, un fortalecimiento en el comercio y las inversiones.

Uno de los puntos más importantes sobre la modernización del Tratado de Libre Comercio entre México y la Unión Europea, consiste en la eliminación de aranceles a ciertos productos con el fin de otorgar un acceso más flexible al intercambio de los mismos.

Algunos de los productos que exporta México y que se verán beneficiados a raíz de este nuevo tratado, están relacionados, en su mayoría, al sector agroalimentario, agropecuario y pesquero, tales como:

- Plátanos
- Fresas
- Miel
- Atún

Así como los países de Europa que pertenecen a esta organización aportan beneficios al país también México agiliza la exportación hacia Europa, la mayoría son de equipo electrónico (16.8%) y petróleo, gas y carbón (15.6%); y las importaciones principales corresponden a maquinaria y accesorios mecánicos (24.8%) y vehículos y aeronáutica.

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México-Triángulo del Norte.

En los Tratados de Libre Comercio a los que pertenece México está el del Triángulo del Norte, en el cual participan en conjunto con El Salvador, Guatemala y Honduras. Entró en vigor en 2001.

Los objetivos del tratado de libre comercio del Triángulo Norte son: la liberalización del comercio, la integración de los mercados financieros y de capitales para la armonización de las regulaciones y procedimientos, el objetivo a largo plazo de dicho tratado es establecer una unión aduanera y que cada una de las economías que integran dicho tratado se complementen unas a otras con el objetivo de desarrollar ventajas competitivas como bloque y entre ellos mismos.

Cerca de 50% del total de las exportaciones mexicanas al Triángulo del Norte quedaron libres de aranceles tan pronto entró en vigor el Tratado, pero se contempla un plazo de dos a 12 años para concluir la desgravación acordada. En el rubro específico de las exportaciones industriales, alrededor de 57% se liberaron de inmediato de todo arancel, y 15% estarán exentas en un plazo de tres a cinco años.

Respecto al comercio agropecuario, 30% de las exportaciones mexicanas fueron liberalizadas una vez firmado el Tratado, poco más de 12% será objeto de desgravación a mediano plazo y 41% a largo plazo. Se excluyeron temporalmente de la negociación productos en situación delicada para el sureste de México, como azúcar, café y plátano.

Si acaso alguno de los países requiera adoptar medidas sanitarias y fitosanitarias, o imponer salvaguardas para hacer frente a dificultades imprevistas producto de la reducción o eliminación de un arancel, el Tratado establece principios y reglas transparentes para su aplicación.

México-Israel.

El 1 de julio de 2000 el Tratado de Libre Comercio (TLC) entre México e Israel entró en vigor. En marzo de 2010 fue actualizado por primera vez.

El TLC tiene por objetivo establecer una Zona de Libre Comercio para intensificar el comercio y la economía por medio de la liberalización de gravámenes y restricciones a las importaciones originarias de ambos países. Entre los objetivos específicos del tratado se destacan:

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Eliminar obstáculos al comercio y facilitar la circulación transfronteriza de bienes y servicios.

1. Promover condiciones de competencia leal en la Zona de Libre Comercio.
2. Aumentar sustancialmente las oportunidades de inversión.
3. Crear procedimientos eficaces para la aplicación y cumplimiento del tratado, para su administración conjunta y solución de controversias.
4. Establecer lineamientos para la ulterior cooperación bilateral y multilateral encaminada a ampliar y mejorar los beneficios del tratado.

Como se puede apreciar en los datos del intercambio comercial entre México e Israel, el TLC tuvo un impacto extraordinario en las relaciones económicas entre ambos países. Entre la entrada en vigor del TLC en el año 2000 y 2018, el comercio exterior creció exponencialmente. El TLC entre México e Israel impulsó el comercio bilateral que entre 1999 (año previo a la entrada en vigor de dicho instrumento) y 2020 creció 304.2%, al pasar de \$210.6 mdd a \$851.0 mdd. Las exportaciones se elevaron 403.5% en ese período pasando de \$37.9 mdd a \$190.6 mdd, mientras que las importaciones lo hicieron en 282.4%, pasando de \$172.7 mdd a \$660.4 mdd.

México – Japón

El acuerdo entre México y Japón fue firmado en 2004 y entró en vigor en 2005. Esta cooperación bilateral ha estado orientada en fortalecer el acercamiento económico entre ambas naciones. Además, brinda certidumbre jurídica, acceso preferencial, diálogo institucional y ha sido complementario para los dos países, pues Japón importa alrededor del 60% de su consumo de alimentos.

En la Embajada de México se llevan a cabo numerosas actividades de promoción comercial e inversión, con objeto de promover el aumento de la presencia de productos

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mexicanos en el mercado japonés, así como para mostrar el potencial de éxito a las empresas japonesas con interés en establecer operaciones en nuestro país.



L
os
quince
product

Elaborado por JETRO con cifras del Ministerio de Hacienda de Japón. Recuperado de: <https://www.jetro.go.jp/mexico/Estadisticas/>

os agropecuarios de mayor exportación a Japón (Fuente: SADER 2019) son: Carne de Cerdo (40.9%) Aguacate (18%), Atún (6.8%), Carne de res (6.1%), Plátano (4%), Espárrago (3.4%), Calabaza Kabocha (3.1%), Tequila (1.64%), Camarones (1.3 %), Cerveza (1%), Mango (1%), Melón (0.9%), Moras y variedades (0.9%), Café (0.9%) y Limón Persa (0.8%), entre otros productos.

Japón es el tercer país en importancia como destino de las exportaciones agroalimentarias mexicanas, después de Estados Unidos y Canadá.

En resumen, la firma de tratados siempre trae ventajas y desventajas a la economía, y la tarea de cada país es adaptarse bien y aprovechar las oportunidades que trae y las puertas que tienen otros países para que se desarrolle, lo único que le queda ahora a nuestro país es emprender el desarrollo de nuevos planes y estrategias para la adopción e implementación de potenciales nuevos TLC, como es el caso de Corea del Sur. De esta manera la gente puede ver las ganancias reflejadas en la economía y por supuesto los cambios en el comercio exterior de México. Sin duda nuestro país, es una de las naciones líderes de América Latina y representa un amplio desarrollo para otras regiones.

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**4TH INTERNATIONAL LATIN AMERICAN
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NEARSHORING: EL ACERCAMIENTO DE LA PRODUCCIÓN AL TERRITORIO
DE CONSUMO**

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RESUMEN

El presente trabajo aborda el tema del Nearshoring: el acercamiento de la producción al territorio de consumo. El comercio es algo esencial e importante en la economía de un país trae consigo varios beneficios, tratados internacionales, abastecimiento de recursos con los que como nación en ocasiones no se cuenta al ser importador e ingresos y mayor distribución de productos al ser exportador, entre otros aspectos; pero así como tiene ventajas, también consigo desventajas, en donde se encuentra un aumento en la mano de obra, uso de recursos además de los altos impuestos y justo ahí en donde entra el Nearshoring, Esmeralda Lázaro lo define como el acercar la producción al territorio de consumo. Lo cual involucra optar por el intercambio de bienes entre países cercanos de forma que todos los gastos sean disminuidos, desde costos de producción de los bienes o servicios comercializados, hasta los gastos de transporte, impuestos y demás insumos; generando mayores ingresos y menores egresos, proporcionando de tal forma una mejor economía nacional, trayendo como conflicto cuestiones como dejar de lado a potencias comercializadoras a mayor distancia. Ante esta nueva tendencia, México se ve como una nación favorecida ya que su frontera colinda con

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Estados Unidos, a donde exporta la mayor parte de sus producciones, además de compartir un tratado de libre comercio, el T-MEC en el cual, una de sus principales ventajas es la reducción en el coste de los aranceles. el Nearshoring puede ser una estrategia útil y eficaz en México que traería consigo mayores exportaciones e incluso un desacelere en el aumento de precios, beneficiándonos como sociedad y manteniendo una economía estable en el país.

PALABRAS CLAVE: Nearshoring, impuestos, economía.

Como ya se mencionó, el Nearshoring es una técnica implementada en el comercio para acerca la producción al territorio de consumo, esta técnica es mayormente implementada a partir de las crisis económicas que se presentan en los diferentes países, por lo que empresas pertenecientes mueven sus procesos productivos, crean nuevas sedes en otros que estén más cerca al país en donde se comerciará, buscando reducir gastos en movimientos comerciales y en la mano de obra; si bien, existen los acuerdos y tratados comerciales, en los cuales puede presentarse el hecho de que no hayan aranceles y demás cosas que aumentan el costo de la mercancía, pero estos acuerdos no revocan los gastos logísticos y demás, para lo cual se implementaron técnicas como la que se trata en el presente escrito.

INTRODUCCIÓN

El Nearshoring es una técnica beneficiosa para México ya que estamos cerca del mayor importador y exportador, el cual es Estados Unidos además de que nos aporta diversas oportunidades en la economía del país.

Los países que ya han usado el Nearshoring de forma notable fueron China, Estados Unidos, Alemania, Dinamarca, Taiwán, Francia, Corea del Sur, Malasia, Canadá y Suecia y en cuanto a México, se le ha reconocido el hecho de que algunas empresas han llegado a establecerse en el país por causa del Nearshoring, algunas características de este pueden ser:

1. Proximidad geográfica: El Nearshoring implica la contratación de proveedores externos que se encuentren en países cercanos geográficamente, lo que facilita la comunicación y coordinación entre los equipos de trabajo.
2. Similitud cultural: Los países que trabajan en el Nearshoring suelen compartir similitudes culturales, lo que reduce las barreras y facilita la eficacia del trabajo.
3. Horarios de trabajo similares: Los países que participan en el Nearshoring, suelen tener jornadas laborales en el mismo periodo, lo cual proporciona flexibilidad.

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4. Costos más bajos: Se ofrece una reducción de costos significativa en comparación con proveedores internos o en países lejanos.
5. Mayor control y calidad: Se permite una mayor supervisión y control sobre los procesos de trabajo y la calidad de servicios contratados.
6. Menos riesgo: Al estar más cerca geográficamente, el Nearshoring reduce los riesgos relacionados con los cambios políticos, económicos y culturales que se puedan presentar en países lejanos.

Y en cuanto a México, el Nearshoring le favorece ya que su principal aliado es Estados Unidos y sus barreras culturales no son muy diferentes, ni sus jornadas laborales o la distancia; sin embargo se presenta la barrera lingüística, ya que en uno se habla español y en el otro inglés, sin embargo, sigue siendo una alternativa viable y atractiva..

DESARROLLO

El término Nearshoring, promueve una innovadora forma de manejar el comercio, conocer nuevos mercados, expandirse como empresa, mejorar la economía de un particular o del gobierno, administra mejor los gastos al momento de importar y exportar, sugiere una mano de obra confiable, lo cual nos beneficia como sociedad y mantiene la economía estable; etcétera. Pero además trae consigo otros fenómenos, como lo es el friendshoring, en el cual se involucra la buena recepción de un país a otro.

Cabe aclarar que México es la decimoquinta más grande del mundo, es un país emergente con una economía de mercado libre y abierto, con sectores que incluyen el petróleo y el gas, la agricultura, manufactura y demás servicios, gracias a la riqueza en recursos naturales y la economía diversificada, si bien no es una economía muy grande pero se tiene los recursos y el potencial para tener una más estable y es donde entra el Nearshoring, el cual trae beneficios consigo, un ejemplo de ello puede ser:

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Nuevas Cadenas de Suministros, ante lo cual, China se mantiene posicionada en los primeros lugares, ya que como se sabe, comercian muchos productos alrededor del mundo; sin embargo, hay que tener en mente que si el precio de la mercancía es accesible, quizás no esté la calidad que esperamos o viceversa, si el producto a comerciar tiene un precio elevado, indica una buena calidad; ante lo cual China está en una enorme desventaja, ya que aunque sí, sus productos son muy baratos, no tiene la durabilidad esperada y no cumple con las expectativas tenidas. Aunque a pesar de esto, actualmente China se mantiene como el país con mayor demanda y así ha sido los últimos 3 años, por lo que se espera que continúe de la misma manera, de forma que encontrar un país que se encuentre más cercano en cuanto a producción es una opción viable para reducir gastos; además hay que recordar que en esto también entran los proyectos nacionales, de los cuales uno de ellos es el Istmo de Tehuantepec, crear un canal comercial que conecte a los dos lados de México, desde Oaxaca, hasta Veracruz, para transportar todo tipo de mercancías, si este proyecto llega a finalizarse, ayudaría enormemente a la economía y a la implementación del Nearshoring en otros países, fuera de esto, para dar otro ejemplo claro, lo es la marca Tesla, quienes pondrán una planta de producción en Monterrey, Nuevo León, esto por causa de la cantidad de exportaciones en México y teniendo a un grande grupo de consumo, ya que las mercancías pasarían por México, haciendo que el trayecto se vuelve más corto y las sedes de producción vean viabilidad en ubicarse en el país, ante lo cual Héctor Guerrero afirmó que “En México, las empresas pueden encontrar un espacio con ventaja geopolítica... a lo que se le llama “unicidad competitiva”. Lo cual quiere decir que se generará competencia y favorecerá a la economía.

Centrándonos un poco más en México, en 2019 según Statista, el 45% de las importaciones venía de Estados Unidos, 30% de China, Japón, Alemania y Corea del Sur. Y el Nearshoring favorece a México es aspectos como en el Tratado de Libre Comercio de México, Estados Unidos y Canadá (T-MEC), ayudando en áreas como la proximidad de las dos naciones, los bajos costos laborales, el bajo costo en las cadenas de sacrificio y demás.

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Otros términos encontrados son el offshoring y el onshoring.

El offshoring: es una actividad comercial en la que una empresa utiliza procesos comerciales o servicios de otra empresa en otro país, aprovechando los costos laborales a un precio más bajos, aunque lleva consigo desventajas, las cuales son pérdidas de empleo, dependencia de una sola fuente de suministros y dificultades en la coordinación entre empresas, etcétera.

El onshoring, es cuando se subcontratan procesos comerciales de una empresa dentro del mismo país, lo cual trae una mayor facilidad de comunicación y coordinación entre empresas, mejor calidad de productos o servicios, crea empleos e inversiones dentro del país, genera confianza, seguridad de datos y mayor producción; aunque puede ser más costos que el offshoring ya que no varían tanto los costos y puede ser difícil la reubicación de algunas industrias.

Estos son algunos de los conceptos que el Nearshoring trae al momento de ser implementado. Aunque hablando de sus desventajas se encuentran algunas como:

Menor diferencia de costos: Suele ser más barato que técnicas como el onshoring pero no tanto con el offshoring, por lo que podría verse con mayor ventaja usar más uno que el otro o puede limitar los ahorros que se puedan obtener.

Problemas culturales y de comunicación: El Nearshoring involucra el hecho de trabajar con empresas en otro país, si bien son cercanos, pero, aun así, puede haber barreras de comunicación, en cuanto a la cultura del país y al idioma manejado, lo que afecta la coordinación y el desempeño del trabajo y la eficiencia.

Menor flexibilidad: El offshoring es un tanto más flexible que el Nearshoring, ya que hay menos opciones de intermediarios como proveedores o servicios en el país de destino, lo cual limita la capacidad de una empresa de adaptarse a las necesidades cambiantes del mercado.

Menor talento especializado: Es posible que el país de destino no tenga el mismo nivel de especialización o experiencia en un campo determinado que un país más lejano.

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ABSTRACT

El comercio electrónico, también conocido como e-commerce, se refiere a la compra y venta de productos y servicios a través de internet. Desde su aparición en la década de 1990, el comercio electrónico ha experimentado un rápido crecimiento y ha revolucionado la forma en que las empresas y los consumidores realizan transacciones comerciales.

Gracias a la evolución del internet tenemos la certeza que cada día estamos en constante comunicación, por el cual se hace más fácil la adquisición de la información que deseamos encontrar para la satisfacción de necesidades.

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Algunos ejemplos donde se aplica el comercio electrónico son en tiendas virtuales, comercio móvil, tarjeta de crédito, monedero electrónico, etc. De esta manera el comercio electrónico se relaciona con el internet, con la finalidad de adquirir un producto o un servicio por las redes, con esta tecnología, el tiempo y la distancia deja de ser un obstáculo.

Gracias al origen del internet por medio de las redes, hoy vivimos globalmente en comunicación, que nos ayuda día con día a fortalecer nuestros conocimientos y el deseo de saber lo que está pasando actualmente.

El comercio electrónico ha cambiado la forma en que las empresas interactúan con los consumidores y viceversa. Las empresas ahora pueden llegar a una audiencia global de manera más eficiente y económica, mientras que los consumidores pueden comparar fácilmente productos y precios antes de realizar una compra. Además, el comercio electrónico también ha mejorado la eficiencia y la rapidez de los procesos comerciales, reduciendo los costos y aumentando la satisfacción del cliente.

Cada vez es mayor en número de personas que se conectan a internet, las posibilidades de estar en línea se han incrementado, se utiliza en muchas de las actividades diarias. Este ha propiciado el comercio electrónico, transacción de bienes o servicios sin necesidad de tener contacto físico para obtener el pago, dando origen a nuevas formas de pago, tarjetas de crédito y débito, etcétera.

El comercio por Internet se caracteriza por determinados elementos que lo convierten en un modelo de negocio muy interesante y con beneficios para el consumidor y para el vendedor que adquieren este nuevo sistema:

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- Ubicuidad: lo bueno del comercio electrónico es que te permite vender en todo momento, en cualquier parte del mundo. Algo que no sucede con el comercio tradicional, que solo puede operar cuando la tienda está abierta al público y entre los clientes de su zona de influencia.
- Virtualidad: aunque no hace falta tener comerciales o dependientes que atiendan a los clientes, en el comercio electrónico sí que hace falta a alguien que se encargue de gestionar los pedidos. Pero no es necesario que el comprador tenga que ver o hablar con la persona que gestiona sus pedidos. De hecho, la tendencia a automatizar este tipo de procesos es cada vez más creciente.
- Personalización: la experiencia de venta se puede personalizar, para que una misma tienda se adapte a la personalidad y estilo de cada cliente. Dependiendo de sus gustos o preferencias de compra, se pueden mostrar o promocionar determinados productos que no tienen por qué ser los mismos que se le han enseñado al anterior cliente
- Interactividad: los negocios que se dedican a la venta por Internet, aunque carecen de dependientes, cada vez intentan ser más interactivos, para fomentar el necesario trato personal con los clientes. Si un comprador tiene dudas sobre el producto que pretende adquirir, puede hacer una pregunta a través del chat, por correo electrónico, por WhatsApp o por teléfono, y un empleado del e-commerce la responderá la antes posible. Y si usas chatbots, es posible que para respuestas sencillas la interacción sea instantánea y automatizada. (por Ricardo Botín 17/02/2021).

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Sin embargo, el comercio electrónico también presenta algunos desafíos y preocupaciones importantes para el consumidor así mismo como para el vendedor. La seguridad de la información y la protección de los datos personales son cuestiones críticas que deben abordarse para garantizar la confianza de los consumidores en el comercio electrónico. Además, la falta de interacción física y la falta de toques sensoriales pueden dificultar la toma de decisiones de compra y reducir la satisfacción del cliente con sus compras en línea.

Inconvenientes para consumidores

- **Riesgo más alto de insatisfacción:** Ya que no se pueden ver ni probar los productos antes de la compra. Los métodos y garantías de devolución tienden a ser menos claros que en tiendas físicas.
- **Riesgo más alto de estafa en los métodos de pago:** Existe una gran desconfianza a ceder datos bancarios y personales a través de internet, debido a los múltiples engaños que se pueden producir.

Inconvenientes para vendedores

- **Falta de conocimientos técnicos:** Para desarrollar un ecommerce, es necesario un equipo técnico que programe y diseñe la plataforma. Es necesario una mejora constante de la experiencia de usuario, el posicionamiento web, promoción y la actualización de la información. En muchas ocasiones, cuesta encontrar profesionales que lo lleven a cabo.
- **Competencia más elevada:** Vender por internet significa competir con los grandes players del sector, y eso implica que hay que estar muy diferenciado o bajar los precios tanto como ellos. Para un pequeño ecommerce, puede que no compense entrar en un mercado tan amplio.

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- Gastos de envío elevados: Si es el vendedor el que asume estos costes, en muchas ocasiones, supone una cantidad elevada y reduce los márgenes de beneficio cuantiosamente.

Otro desafío importante en el comercio electrónico es la competencia en el mercado. Debido a la facilidad de acceso a una audiencia global, el mercado en línea está altamente saturado y las empresas deben encontrar maneras de destacarse y atraer a los consumidores. Esto incluye ofrecer una amplia gama de productos, precios competitivos y una experiencia de compra satisfactoria.

También existen cuatro diferentes clases de comercio electrónico. Esta clasificación depende de quién está vendiendo a quién:

- Comercio electrónico de empresa a empresa (B2B) En este tipo de comercio los bienes y servicios se venden de una compañía a otra. Por ejemplo, HubSpot ofrece productos a otras compañías que buscan crecer mejor.
- Comercio electrónico de empresa a consumidor (B2C) En este caso una empresa vende a un cliente. Este es uno de los casos más comunes de comercio electrónico. Un ejemplo sería una tienda de ropa en línea o los productos que aparecen en el sitio web de negocios populares como Walmart o Target, que ya están consolidados en el sector de compra física.

A menudo, los negocios B2C utilizan plataformas enriquecidas con aplicaciones para dar seguimiento a las ventas.

- Comercio electrónico de consumidor a empresa (B2C) Este es un tipo de comercio electrónico que raramente forma parte de las clasificaciones. Sin embargo, es una de las formas más importantes de tener un impacto en los consumidores. Este tipo de comercio se basa en la capitalización de las opiniones y comentarios de los clientes.

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Para ello, los consumidores asumen la posición de prestadores de servicios a las empresas.

- Comercio electrónico de consumidor a consumidor (C2C) Como habrás adivinado, los consumidores venden directamente al consumidor por medio de los mercados en línea. Craigslist, eBay y Amazon son ejemplos de comercio electrónico C2C. Existen muchas más opciones de marketplaces o espacios comerciales virtuales donde se llevan a cabo este tipo de transacciones. (Camilo Clavijo, 24 de marzo de 2022, actualizado el 08 de febrero de 2023)

En conclusión, el comercio electrónico es la innovación para los individuos que están relacionados con el negocio. De esta manera el comercio electrónico nos da como ventajas vender o comprar un bien o un servicio sin la preocupación de la distancia en donde se localice dicho producto o servicio.

Haciendo uso de estas herramientas tenemos como facilidad de hacer un depósito a través de la red, ofreciéndonos una comodidad y un ahorro de tiempo, evitando también el contacto directo siendo esta una manera más sencilla en los negocios para hacer transacciones, dar a conocer un producto, adquirir información sobre una empresa, obtener datos sobre algún individuo ya que el comercio electrónico ha revolucionado la forma en que las empresas y los consumidores realizan transacciones comerciales.

A pesar de los desafíos y preocupaciones que aún existen, el comercio electrónico seguirá desempeñando un papel importante en la economía global en el futuro ya que la posibilidad de adquirir cosas de diferentes países ahora será mucho más fácil, ya sean tangibles o no y así ampliar el comercio a nivel mundial sin necesidad de salir de casa.

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EL USO INDEBIDO DE LOS VESTIGIOS ARQUEOLÓGICOS EN EL ESTADO DE
TABASCO**

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RESUMEN

El presente trabajo desarrolla el tema el uso indebido de los vestigios arqueológicos en el estado de Tabasco. Es un estudio descriptivo. El objetivo a desarrollar es identificar el uso indebido de los vestigios arqueológicos en el estado de Tabasco. En los derechos humanos universales, se reconoce el derecho a la cultura, en el artículo 27 de la Declaración Universal de los Derechos Humanos, este artículo conlleva al respeto de los vestigios arqueológicos y por consiguiente a su buen uso y difusión del mismo. En el estado de Tabasco los vestigios arqueológicos a nivel local como federal están resguardados por la Institución Nacional de Antropología e Historia, que tienen como fin el conservar y difundir el patrimonio arqueológico, antropológico, histórico y paleontológico, como lo dispone el artículo 4 de la Constitución Mexicana. Sin embargo, esta institución y el estado no cumple con este fin, alguna de las razones manifestadas por el INAH, ha sido la falta de presupuesto para el mantenimiento, conservación y cuidado de las piezas arqueológicas y monumentos que se encuentran actualmente en el libre acceso de los ciudadanos. El Sureste cuenta con grandes vestigios, en este trabajo se enfoca al municipio de Comalcalco.

Palabras Claves: Vestigios arqueológico, Cultura, uso indebido.

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Falta de desarrollo cultural en Comalcalco

Tabasco es un lugar extensamente rico en cultura y dentro de esta cultura se encuentra nuestro patrimonio histórico, tabasco cuenta con alrededor de 1710 sitios arqueológicos, sin contar las estructuras arqueológicas esparcidas por todo el estado de los cuales solo hay 6 de estos abiertos al público, Pomona, Mal pasito, La venta, Comalcalco, moral reforma y san Claudio. Sin embargo ¿Por qué es tan poco conocido tabasco en estos rasgos? ¿Acaso el organismo encargado de este patrimonio no logra su misión de dar a conocer la cultura? ¿Quién es el encargado de proteger este patrimonio histórico? El Instituto Nacional de Antropología e Historia o por sus siglas INAH es el organismo encargado de proteger estos “vestigios” así como también otorgarnos la información derivada de la investigación que este organismo elabora, el INAH o instituto nacional de antropología e historia fundado en 1939, para garantizar la investigación, Definiciones técnicas, protección y difusión del patrimonio prehistórico, arqueológico, antropológico, histórico y paleontológico de México. Su creación ha sido fundamental para preservar nuestro patrimonio cultural; se podría decir que el organismo más importante de historia en América y en el mundo, ya que no existe otro instituto que realice lo que logre el INAH ha logrado a nivel mundial.

Tabasco al tener tanta cultura, realmente ¿tenemos acceso a la totalidad de ella? La pregunta en sí es muy fácil de contestar ya que ciertamente tenemos acceso a parte de esta cultura, sin embargo que pasa con los sitios arqueológicos y vestigios? Ya que nos centraremos en este tema formulemos la idea principal, la cual sería ¿el INAH realmente resguarda y cuida los vestigios y monumentos arqueológicos que nos brindan cultura así como historia? Esta pregunta es en la que nos basaremos a continuación, ya que como vimos anteriormente solo 6 de los 1710 sitios arqueológicos están abiertos al público, pero detengámonos un tiempo y centrémonos principalmente en una de las dos joyas del estado de tabasco, junto con la venta nos referimos a Comalcalco, siendo esta una ciudadela en el municipio que comparte nombre “Comalcalco” fue descubierta el 15 noviembre 1880 por el explorador francés Desiré Charlen (TILO, SI EN LA ENTREVISTA VIENE MAS QUE PUEDAS AGREGAR AGREGALA PLS) sin embargo al igual que la mayoría de las zonas arqueológicas en el estado de Tabasco esta zona está abandonada, y ¿esto a que se debe? Acaso la gente no suele acudir a las zonas? O es negligencia por parte del INAH? Parte de la problemática ya planteada es la mala directiva del INAH, directiva la cual hace mal uso del presupuesto otorgado, ya que se es de

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conocimiento tácito que los sitios arqueológicos se encuentran en un estado deplorable debido a que no se hace uso del presupuesto otorgado hacia la preservación de estos y por lo tanto es una forma de negación de la cultura hacia la población tabasqueña, mexicana y mundial, ya que ¿cómo puede acudir una persona a un sitio del cual se desprenden riesgos debido al poco mantenimiento?

de acuerdo a la investigación llevada a cabo, se recopiló información relevante que ha sido evidencia de la falta de compromiso e irresponsabilidad por parte de las autoridades encargadas de resguardar el patrimonio del estado, esto ha expuesto que la directiva encargada genera descontento dentro del mismo instituto y en el pueblo sobre los recursos garantizados por el estado y su mala distribución destinado hacia el desarrollo de las actividades respaldadas por el INAH lo cual genera una escases de compromiso hacia la cultura del estado, de la federación y a nivel mundial, por ende nos basamos en el artículo 27 de la declaración universal de los derechos humanos que cita:

“Toda persona tiene derecho a tomar parte libremente en la vida cultural de la comunidad, a gozar de las artes y a participar en el progreso científico y en los beneficios que de él resulten.” (1)

Este artículo nos habla sobre la libertad que tiene todo ser humano al acceder a la cultura como un derecho primordial y obligatorio por parte de todo estado obligado a garantizarlo, por ello el estado no se ha dado la tarea en la promoción al acceso a las diversas instancias a toda la población y con esto se ha violado el derecho a la cultura, como agregado podemos ligarlo también a el Artículo cuarto de la constitución política de los estados Unidos Mexicanos donde en su párrafo trece estipula que:

“Toda persona tiene derecho al acceso a la cultura y al disfrute de los bienes y servicios que presta el Estado en la materia, así como el ejercicio de sus derechos culturales. El Estado promoverá los medios para la difusión y desarrollo de la cultura, atendiendo a la diversidad cultural en todas sus manifestaciones y expresiones con pleno respeto a la libertad creativa. La ley establecerá los mecanismos para el acceso y participación a cualquier manifestación cultural.” (2)

Dicho lo anterior se realizó una investigación sobre estos antecedentes ya planteados con anterioridad, en lo que necesitamos dejar muy en claro que es el INAH y porque hacemos tanto énfasis en el, ya que esta instituciones es la relación directa en el que el gobierno debe proporcionar al pueblo la difusión y el acceso pleno a la cultura en el estado, ya que hasta el

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día de hoy no se cumple completamente con este derecho, he ahí la importancia del mismo ya que es un derecho lo cual la constitución estipula que debe ser garantizado para cada una de las personas.

En lo que concierne al derecho a la cultura, la Declaración Universal de los Derechos Humanos del 10 de diciembre de 1948, aprobada por la Asamblea General de las Naciones Unidas, proclama en su Preámbulo como un ideal común que todos los pueblos y naciones, mediante la enseñanza y la educación, promuevan el respeto a los derechos y libertades del hombre y aseguren, por medio de medidas progresivas de carácter nacional e internacional, su reconocimiento y aplicación universales y efectivo.

Como puede apreciarse en este Preámbulo la cultura juega un doble papel, porque no sólo se considera un derecho humano fundamental, sino también el mecanismo principal para hacer posible la existencia y validez de los derechos contenidos en la declaración de referencia.

En la CPEUM se regula de manera expresa el derecho a la cultura en lo referente a la producción intelectual. En efecto, los artículos 6º, 7º y 28, párrafo noveno, hacen referencia a la libre manifestación de las ideas y a que no constituyen monopolios los derechos de autor. Estas disposiciones tienen su regulación en la legislación secundaria, básicamente en la Ley de Imprenta y en la Ley Federal del Derecho de Autor, así como en la Ley de Propiedad Industrial. En cuanto al disfrute y protección de los bienes culturales, la fracción xxv del artículo 73 constitucional faculta al Congreso de la Unión para legislar en materia de vestigios o restos fósiles y sobre monumentos arqueológicos, artísticos e históricos, cuya conservación sea de interés nacional. Esta disposición constitucional tiene su regulación específica mediante la Ley Federal sobre Monumentos y Zonas Arqueológicas, Artísticas e Históricas.

Con estos antecedentes referentes a la evolución del derecho a la cultura resulta conveniente reflexionar que éste no se encuentra previsto en un solo artículo constitucional, sino que debe ser interpretado de manera armónica entre los distintos tratados internacionales aplicables y las diferentes normas constitucionales relacionadas con el mismo. Cabe preguntarse entonces si la reforma al artículo 4º constitucional vino a tratar de llenar una laguna. De inicio ya considera a la cultura como un derecho fundamental pero, desde mi punto de vista, el problema de que sea un derecho realmente vinculante no fue resuelto en su totalidad.

El concepto de derecho a la cultura abarca los derechos culturales en su totalidad, es decir, los derechos a: La creación; la protección y difusión del patrimonio cultural, y el acceso a los bienes y servicios culturales. En cambio, cuando se hace referencia a un derecho cultural,

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significa la expresión en lo individual de alguno de los derechos mencionados. En concreto, el artículo 4º constitucional no establece el derecho a la cultura.

En efecto, este derecho se encuentra ya considerado en diversos artículos de la CPEUM, como se mencionó anteriormente; lo que se encuentra previsto en dicho artículo es un derecho en concreto: el derecho al acceso a los bienes y servicios culturales.⁸ Por medio de este derecho se debe garantizar que toda y todo mexicano, independientemente de su posición económica o situación geográfica, tenga acceso a los bienes y servicios culturales, por ejemplo: que pueda acudir a museos, escuchar música, ir a las zonas arqueológicas, estudiar cualquier manifestación artística y dedicarse a ella si demuestra aptitudes; en fin, los ejemplos pueden resultar numerosos. En este caso, se hace notorio un primer problema operativo: la infraestructura

El INAH es El Instituto Nacional de Antropología e Historia (INAH), es un organismo público dedicado a la investigación, conservación, protección y **difusión del patrimonio cultural** de orden prehistórico, antropológico, arqueológico e histórico de México.

El INAH fue creado el 3 de febrero 1939 a instancias del entonces presidente de la República, Lázaro Cárdenas, quien presentó una iniciativa legal al Congreso con la finalidad de transformar el Departamento de Monumentos Artísticos, Arqueológicos e Históricos de la Secretaría de Educación Pública (SEP) en un instituto con personalidad jurídica y patrimonio propios. Su primer director general fue el antropólogo y arqueólogo mexicano Alfonso Caso.

Bajo responsabilidad del Instituto se encuentran más de 110,000 monumentos históricos y 29,000 zonas arqueológicas de todo el país. Tiene además a su cargo 5 museos nacionales (entre ellos el Museo Nacional de Antropología), 20 regionales, 43 locales, 36 museos de sitio arqueológico, 5 museos de sitio histórico, 3 comunitarios y 3 metropolitanos. Más de 700 académicos colaboran en sus distintas labores de investigación, tarea que se complementa con la formación de profesionales en las escuelas superiores ligadas al Instituto: la Escuela Nacional de Antropología e Historia y la Escuela Nacional de Conservación, Restauración y Museografía Manuel del Castillo Negrete. Forma parte del INAH el Sistema Nacional de Fototecas (17 centros por toda la República), la Fonoteca, la Cinemateca, además de la Biblioteca de Antropología e Historia, acervo documental que reúne la mayor colección de publicaciones de carácter histórico y antropológico en México.

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El Instituto Nacional de Antropología e Historia investiga, conserva y difunde el patrimonio arqueológico, antropológico, histórico y paleontológico de la nación para el fortalecimiento de la identidad y memoria de la sociedad que lo detenta. (3)

Teniendo la investigación anterior tomada de la página oficial del INAH, se puede describir que Los derechos económicos, culturales y sociales de un individuo pueden ser violados por diversos medios. Las violaciones se producen **cuando un Estado incumple sus obligaciones de respetar, proteger y cumplir estos derechos.**

El contenido del derecho cultural es tan importante que, de suyo, ya implica la necesidad de ser discutido por toda nuestra sociedad y no sólo por los sujetos involucrados directamente. Debemos comprender que cualquier esfuerzo legislativo que se haga siempre será provisional porque, en la medida en que los mexicanos se vayan involucrando, las necesidades culturales se modificarán y transformarán, y con ellas el marco regulatorio.¹ Esta realidad no debe generar desánimo; al contrario, permite conocer la naturaleza compleja de este derecho.

El artículo 4º constitucional vino a completar una importante laguna en el derecho cultural mexicano, al regular el derecho al acceso a los bienes y servicios culturales. Si bien este derecho que nos ocupa no puede hacerse valer jurisdiccionalmente, por lo menos puede ser garantizado con políticas de Estado en la materia. No hay derecho a la cultura ni la posibilidad de ejercer derecho de libertad o igualdad alguna si no se garantiza previamente la dignidad humana de las y los ciudadanos de la república como un derecho fundamental más. La democracia mexicana, conforme a nuestra Constitución, sólo es posible con el constante mejoramiento cultural del pueblo. Lograrlo es una tarea difícil si no se atienden las particularidades jurídicas y políticas de nuestro país. La pluriculturalidad es la más relevante. Neutralidad del Estado, educación cultural, fomento del arte, libertad artística, y acceso a conciertos y museos son sólo algunos de los aspectos del derecho al acceso a los bienes y servicios culturales. Su principal característica técnica es que, a pesar de nuestros buenos deseos, estos derechos no pueden hacerse valer totalmente. No obstante, en la medida de lo posible, la noción de neutralidad debe ser satisfecha. Sólo así podrán abrirse más espacios para la gente común, los futuros creadores y aquellos que aún no han podido desarrollar su talento por falta de oportunidades o de espacios. El derecho a la cultura es un derecho de todos. Reconocer esta peculiaridad nos ayuda a dimensionarlo realmente. Su defensa no sólo es institucional; también debe implicar un actuar constante de la sociedad civil. La cultura no depende del Estado; se debe manifestar en nuestro actuar cotidiano. Por esa razón, lo único que se desea es tener igualdad de circunstancias para ejercer, con libertad, nuestros derechos.

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Sin embargo ahora después de una serie de entrevistas ligada al tema que nos concierne logramos obtener que en Comalcalco las labores de restauración y/o mantenimiento no se han realizado con la debida elaboración durante un periodo largo, esto debido que el presupuesto destinado hacia el mantenimiento de las zonas suelen depender de planteamientos de proyectos que deben ser autorizados por la directiva del instituto nacional de antropología e historia, sin embargo tras la ultima directiva estos proyectos suelen ser declinados o bien se les dispone de un presupuesto mas bajo al que se busca en el proyecto, por lo tanto el mantenimiento de las zonas suele escasear ya que el no contar con apoyo de los mandos los encargados de las zonas y/o los trabajadores buscan otras formas de obtener presupuesto, ya sea con proyectos ligados a alguna compañía externa al INAH o al mismo gobierno como por ejemplo en el tren maya, un proyecto del gobierno actual de Andrés Manuel López Obrador que busca lograr el desarrollo sustentable del sureste de México (4), por lo tanto parte del presupuesto empleado en este proyecto es destinado hacia las zonas arqueológicas, sin embargo este proyecto no abarca la totalidad de zonas arqueológicas del sureste siendo una ausencia de este la zona arqueológica de Comalcalco en tabasco, lo realmente es una pena la ausencia de este vestigio ya que quien conozca de esta metrópolis lograra comprender la importancia y la majestuosidad de esta imponente ciudad antigua, entonces al no formar parte de este proyecto no logra el presupuesto que puede ser destinado hacia el mantenimiento del vestigio. Entonces este hecho nos hace pensar si realmente es importante para el gobierno y el INAH este sitio, pues al ver el abandono en el que se encuentra este lugar podemos intuir que lleva varios años sin ser tratado como debería, con el debido respeto hacia la cultura que emana de ese lugar y el mantenimiento que debe ser otorgado. Pero ¿qué tan importante es para el pueblo tabasqueño este sitio? Pues el sitio recibe alrededor de 1200 personas al mes dato otorgado de un trabajador en el sitio arqueológico el cual tambien nos brindó la información de que Comalcalco cuenta con una platilla de alrededor de 20 personas ligadas al INAH, ahora bien podemos conocer que realmente es un sitio visitado con frecuencia que es muy importante para la economía del estado, entonces ¿Por qué aun asi se mantiene en el estado deplorable? Pues es fácil y ya lo hemos comentado anterior mente, y esta razón seria la falta de compromiso por parte de la directiva del INAH al no tomar en cuenta los proyectos realizados por investigadores, arqueólogos y trabajadores, pero y entonces ¿en que se destina el presupuesto? Según el ultimo informe de austeridad elaborado en el 2019 con datos del 2018 se obtuvo el presupuesto de 4,687,938.2 de pesos destinados ala restauración, becas, mantenimiento y preservación de museos y sitios arqueológicos (5) de los cuales 1,957,168.9

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fue destinado hacia la conservación de sitios arqueológicos siendo el 41.75% de la totalidad del presupuesto destinado, cabe recalcar que este presupuesto es a nivel nacional ya que este mismo se divide entre todos los estado de la republica mexicana entonces siguiendo una especulación con la idea de que todo el presupuesto se reparte por igual a todos los 32 estados de la republica mexicana obtendríamos 61,161.52 pesos destinados a cada estado siendo aproximadamente el 3% del presupuesto total destinado hacia gastos de mantenimiento dentro de la especulación otorgada a la falta de pruebas, entonces si lo dividimos entre los 6 sitios arqueológicos obtendríamos la cantidad de alrededor de 10,000 pesos anuales para el mantenimiento de la zona arqueológica, cabe hacer hincapié que esto es mera especulación solo para darnos una idea ya que el INAH en el estado de tabasco no nos pudo dar una cifra especifica hacia el conocimiento del presupuesto y tambien cabe recalcar que no solo el presupuesto de mantenimiento se destina a esas 6 zonas arqueológicas ya que alrededor del estado existen muchos monumentos que corren por cuenta del INAH que al igual que los vestigios arqueológicos suelen requerir de un mantenimiento constante, entonces podemos basarnos en nuestra idea y obtener la respuesta de que el gobierno no cede un buen presupuesto destinado al mantenimiento ya que 10,000 pesos al año para mantener una zona arqueológica del tamaño de Comalcalco es muy poco comparado a lo que esta zona aporta a la cultura, esto aunado que la directiva se niega a muchos proyectos hacen de este caso una negligencia hacia la cultura de tabasco que nos daña en cuanto al patrimonio y por lo tanto a la cultura entonces ¿Qué tanta acceso a la cultura nos da el gobierno? Si no puede mantener una gran pieza del rompecabezas que es la cultura.

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JUDICIALIZACIÓN DE LA TRANSPARENCIA EN MÉXICO JUDICIALIZATION
OF TRANSPARENCY IN MEXICO**

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RESUMEN

Es con Vicente Fox Quezada, Presidente Constitucional de los Estados Unidos Mexicanos que en el año 2002, como un acto natural a la alternancia del poder y como consecuencia de una consolidación de la democracia que en su momento representó, emite un decreto con el que se crea la Ley Federal de Transparencia y Acceso a la Información Pública, en la cual se establece, la creación de un órgano nacional autónomo, garante del derecho a la información y la obligación de gestionar la transparencia en el ejercicio de las políticas públicas de todo el Estado Mexicano. La política de transparencia y acceso a la información en México ganó amplio reconocimiento social e internacional. Ello se debió, en gran medida, a la calidad y los alcances de la normatividad creada, que basaban el establecimiento de un sistema de acceso sólido y novedoso en cuyo centro se colocó un órgano especializado: el Instituto de Acceso a la Información y Protección de Datos Personales (IFAI), -hoy Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI). Sin embargo, ese ímpetu democrático de transparencia duró muy poco, o al menos en su desarrollo y desempeño, se ha topado con pared, pues muchos de sus atributos y funciones no han escapado a ser objeto de una judicialización, donde la Suprema Corte de Justicia de la Nación, en sus resoluciones, da marcha atrás a lo avanzado, esgrimiendo la legalidad que muchas veces, si bien es cierto, que representa lo moralmente correcto, no lo es desde el punto de vista, ético.

Palabras claves: Judicialización, Transparencia, rendición de cuentas, Suprema Corte de Justicia de la Nación.

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ABSTRAC

It is with Vicente Fox Quezada, Constitutional President of the United Mexican States that in 2002, as a natural act of alternating power and as a consequence of a consolidation of the democracy that he represented at the time, he issues a decree that creates the Federal Law on Transparency and Access to

Public Information, which establishes the creation of an autonomous national body, guarantor of the right to information and the obligation to manage transparency in the exercise of public policies throughout the Mexican State. The policy of transparency and access to information in Mexico gained wide social and international recognition. This was largely due to the quality and scope of the regulations created, which based the establishment of a solid and innovative access system at the center of which was placed a specialized body: the Institute for Access to Information and Protection of Personal Data (IFAI), -today National Institute of Transparency, Access to Information and Protection of Personal Data (INAI). However, this democratic impetus of transparency did not last very long, or at least in its development and performance, it has run into a wall, since many of its attributes and functions have not escaped being subject to judicialization, where the Supreme Court of Justice of the Nation, in its resolutions, reverses what has been advanced, brandishing the legality that many times, although it is true that it represents what is morally correct, it is not from an ethical point of view.

Keywords: Judicialization, Transparency, accountability, Suprema Corte de Justicia de la Nación.

Introducción

El camino que México ha transitado en materia de Transparencia, acceso a la información, rendición de cuentas y protección de datos personales, en los últimos 20 años, comienza en el 2002, cuando Vicente Fox Quezada, Presidente Constitucional de los Estados Unidos Mexicanos, en el periodo 2000-2006, como un acto natural a la alternancia del poder y como consecuencia de una consolidación de la democracia que en su momento representó, emite un decreto con el que se crea la Ley Federal de Transparencia y Acceso a la Información Pública, en la cual se establece, la creación de un órgano nacional autónomo, garante del derecho a la

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información y la obligación de gestionar la transparencia en el ejercicio de las políticas públicas de todo el Estado Mexicano.

La política de transparencia y acceso a la información en México ganó amplio reconocimiento social e internacional.

Ello se debió, en gran medida, a la calidad y los alcances de la normatividad creada, que basaban el establecimiento de un sistema de acceso sólido y novedoso en cuyo centro se colocó un órgano especializado: el Instituto de Acceso a la Información y Protección de Datos Personales (IFAI)¹, -hoy Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales (INAI).

Sin embargo, ese ímpetu democrático de transparencia duró muy poco, o al menos en su desarrollo y desempeño, se ha topado con pared, pues muchos de sus atributos y funciones no han escapado a ser objeto de una judicialización, donde la Suprema Corte de Justicia de la Nación, en sus resoluciones, da marcha atrás a lo avanzado, esgrimiendo la legalidad que muchas veces, si bien es cierto, que representa lo moralmente correcto, no lo es desde el punto de vista, ético. Y tenemos como consecuencia, la legalidad por encima de la justicia, porque en México como cualquier Estado iuspositivista, la legalidad no es sinónimo de Justicia.

Es por ello, que en México surge la necesidad de evolucionar los criterios judiciales y estamos transitando de forma vertiginosa del iuspositivismo Kelsiano a iusconstitucionalismo², sentando las bases de la nueva judicialización en nuestro país a través

“El IFAI nació revestido de una gran dosis de legitimidad, por su pluralidad de origen, por su original diseño, reconocido por organismos internacionales como la Organización de Estados Americanos; y por el acompañamiento de organizaciones sociales, atentas al desempeño del IFAI como órgano y a la transparencia como proyecto de largo aliento, sumó legitimidad y confianza”. Salazar Rebolledo, María G., “¿Debía el "nuevo IFAI" promover una acción de inconstitucionalidad contra la Ley Telecom? Comentarios en torno a la construcción de la confianza institucional”, Estudios legislativos, *Boletín Mexicano de Derecho Comparado*, vol. 48, no.142, México ene./abr. 2015.

“Robert Alexy ha planteado: a) que, frente a la alternativa entre el constitucionalismo y el legalismo (ésta rechaza valores y principios y solo apela a normas, descarta la ponderación y recurre a la subsunción en la aplicación del derecho, reveindica la

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de la Suprema Corte de Justicia de la Nación, como un guardián de la Supremacía Constitucional en nuestro país, quien se ha pronunciado por un neoconstitucionalismo de cara a los retos del siglo XXI, donde la fuente del derecho ya no compete exclusivamente en los legisladores y donde los jueces tienen que acatar literalmente de la ley, lo que se vive hoy, es un análisis y multiinterpretación de la ley y las jurisprudencias y tratados y convenciones internacionales (como nuevas fuentes del derecho); donde no se juzgue en bloque, sino por casos particulares con sus peculiaridades y singularidades; donde se busque proteger los derechos fundamentales, consagrados en nuestra Constitución y Tratados Internacionales en la materia de Derechos Humanos; que la fuente del derecho de ser radicalmente nacionalista se abra a la globalización con sentido social y humano.

Con base en lo anterior se puede concluir, que la judicialización de los preceptos legales en materia de Transparencia, Acceso a la Información, Rendición de Cuentas y Protección de Datos Personales, se inscribe en una sobre exposición de la constitucionalización del derecho, lo que Rodolfo Vigo llama “sobreconstitucionalización”³ y nosotros proponemos el término “hiperconstitucionalización” o “postneoconstitucionalismo”, porque si bien es cierto, la “sobreconstitucionalización” presupone riesgos, el postneoconstitucionalización diseña y asume mecanismos de prevención y corrección.

Constitucionalismo y neoconstitucionalismo en la transparencia en México.

Tomando como base los criterios dogmáticos de Rodolfo Vigo respecto a los riesgos de la Constitucionalización y Neoconstitucionalismo se presenta un cuadro que además, como punto de contraste, propone los elementos y mecanismos para prevenirlos.

La transparencia en México (sus instituciones garantes y sus legislaciones) en ocasiones han cedido su autonomía a cambio de su legalidad, la cual, le ha costado, perder su legitimidad y

autonomía del legislador democrático y no acepta la omnipresencia de la Constitución sino la independencia del derecho ordinario)...” Vigo, Rodolfo L., Constitucionalización y Neoconstitucionalismo: Riesgo y Prevenciones, III La teoría y los autores Neoconstitucionalistas, *Constitucionalización y Judicialización del Derecho* Del Estado de Derecho Legal al Estado de Derecho Constitucional, Editorial Porrúa & Universidad Panamericana, México, 2013, pág. 35.

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credibilidad, como ocurrió en el 2014, cuando el entonces IFAI, se negó a interponer ante la Suprema Corte del país, una acción de Inconstitucionalidad contra la Ley Federal de Telecomunicaciones y Radiodifusión (Ley Telecom)

Por ello, es de vital importancia analizar el impacto hacia adentro y fuera de los órganos garantes estatal y nacional, respecto a las resoluciones del Pleno en los casos en que el INAI y otros Organismos Constitucionales Autónomos han interpuesto acciones de inconstitucionalidad. Como bien señala Salazar Rebolledo, “La decisión en torno a la promoción de una acción de inconstitucionalidad... provee un ejemplo ilustrativo de cómo se construye, se conserva o se pierde la confianza y la legitimidad institucional.

Con el surgimiento de la necesidad de transparentar la gestión gubernamental se fue dando un movimiento de Gobiernos Abiertos en el mundo occidental de tal forma que se configuró el *Habeas Data* esta figura tomada del *Habeas Corpus* que significa literalmente “que tengas el cuerpo”, analógicamente el *Habeas Data*, significa “que tengas los datos”, o que tengas la información, o que tengas los registros, es decir tomar conocimiento de datos propios en poder de otro. *Hábeas*, viene de *habeo*, *habere*, que significa aquí, o tener en posesión, y *data*, que proviene de *datum*, que significa hechos, conceptos o instrucciones de forma apropiada para la comunicación y procesamiento por medios automáticos, de ahí que *habeas data* signifique que tengas los registros o los datos.

Es así que en el 2002 nuestro país se incorpora a esta tendencia y crea una Nueva Gestión Pública, como una herramienta para reconceptualizar la acción gubernamental y generar nuevas ante los problemas, buscando sustituir el manejo burocrático tradicional de los asuntos públicos por una administración de corte gerencial que tome en cuenta y utilice las técnicas y estrategias administrativas desarrolladas en el sector privado.

El 7 de febrero de 2014, se promulgó el Decreto Presidencial que contiene las reformas constitucionales en materia de transparencia, que, después de poco más de dos años de proceso legislativo, finalmente se consolidó.

En ese documento pronunciado por el Ejecutivo Federal, se contienen diversas modificaciones, adecuaciones y adiciones a diez preceptos de la Constitución, que busca

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generar un andamiaje normativo para formar un sistema integral en transparencia y rendición de cuentas.

Dentro de los artículos que se adicionaron está el artículo 105 Constitucional, cuyo texto original establece dos de los principales mecanismos de Control Constitucional, que además del juicio de amparo, destacan por su trascendencia, y se trata específicamente de las Controversias Constitucionales y las Acciones de Inconstitucionalidad.

En efecto, debemos entender por medios de control de la constitucionalidad, aquellos instrumentos que contempla la propia Constitución para mantener o defender el orden establecido en la misma.

De los tres mecanismos de control constitucional antes mencionados, debemos puntualizar de manera concreta, cuáles son los alcances de cada uno de ellos, y en este sentido es importante referir que:

- a) El juicio de amparo tiene procedencia cuando por actos de autoridad se vulneren las garantías individuales y los derechos fundamentales de las personas, y contra normas o actos que vulneren soberanías o invadan esferas de competencia entre los Estados. De dichos juicios, conocen los Jueces de Distrito de la Federación.
- b) Las Controversias Constitucionales pueden promoverse sólo entre órganos gubernamentales de los diferentes órdenes: federal, estatal o municipal, cuando los actos de uno de ellos afecte directamente a otro órgano gubernamental por tratarse de disposiciones contrarias a los principios que rigen nuestra constitución, y corresponde conocer de dichas controversias a la Suprema Corte de Justicia de la Nación.
- c) En cambio las Acciones de Inconstitucionalidad tienen por objeto plantear la posible contradicción entre una norma de carácter general y la Constitución, y para ello, nuestra carta magna enumera quiénes tienen la posibilidad de promover dichas acciones judiciales, mismas que también deberán ser dirimidas ante la Suprema Corte de Justicia.

Dentro de los alcances de la Reforma en Materia de Transparencia, es importante destacar que se adicionaron las fracciones I y II del artículo 105 Constitucional, que son precisamente las que prevén las condiciones en que se desarrollan las controversias constitucionales y las acciones de constitucionalidad.

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Resulta importante destacar que con dichas adiciones, el legislador estableció que las actuaciones del IFAI podrán ser impugnables a través de la Controversia Constitucional por parte de algún otro órgano constitucionalmente autónomo, cuando se trate de actos o disposiciones generales que sean violatorios a sus principios de actuación previsto en el artículo 6 de la Ley Fundamental.

Mucho se discutió esta disposición por las diversas organizaciones sociales que han apuntalado esta reforma, en razón de que se considera que ésta puede ser una puerta por donde se podrían encontrar recovecos normativos, para evitar que las resoluciones del IFAI sean inatacables y definitivas, pues a través de las controversias constitucionales se tendría la posibilidad de judicializar las resoluciones que pronuncie dicho órgano garante de transparencia.

Conclusión

En esas condiciones, el legislador acotó aquella posibilidad al puntualizar que dichas resoluciones del IFAI únicamente podrán ser impugnadas por la vía de la controversia constitucional, pero específicamente cuando se trate de otro órgano constitucionalmente autónomo, por consecuencia, no cualquier órgano gubernamental podrá recurrir a este mecanismo legal, sino únicamente aquellos que sean constitucionalmente autónomos

En ese sentido, la Suprema Corte de Justicia de la Nación ahora tendrá la importante labor de discernir con claridad cuándo en verdad resulta procedente una controversia constitucional de la naturaleza referida, pues de lo contrario, podríamos caer en el absurdo de que dicho mecanismo de control constitucional pudiera prestarse para evitar el cumplimiento de dichos órganos autónomos de su obligación de también transparentar sus acciones y rendir cuentas de su actuar, como lo tendrán el resto de sujetos obligados que ahora incorporó nuestra Carta Magna.

Ahora bien, por lo que se refiere a las Acciones de Inconstitucionalidad, el Constituyente previó la posibilidad de que el IFAI pueda promoverlas, cuando tenga elementos para determinar que se han promulgado leyes o tratados internacionales que vulneran o limitan el derecho de acceso a la información y la protección de datos personales contrariando lo dispuesto por la propia Constitución, entonces también podrá recurrir a la

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Suprema Corte de Justicia, para que en el ámbito de su competencia, resuelva y subsane dichas limitaciones normativas contrarias a nuestra Carta Magna.

Digno también es de destacar, que en esta fracción II del artículo 105 constitucional, se consideró ahora la posibilidad de que los órganos garantes de transparencia de los Estados, puedan promover igualmente Acciones de Inconstitucionalidad, cuanto adviertan la existencia de alguna ley emitida por las Legislaturas Locales o la Asamblea legislativa del Distrito Federal, según sea el caso, que tiendan a menoscabar la cobertura de los derechos de acceso a la información y la protección de datos personales, y que sea en contradicción de nuestra Ley Fundamental.

Como puede observarse, estas adiciones a las fracciones I y II del artículo 105 Constitucional, son por demás pertinentes, dado que nos aporta mayores elementos normativos para que la transparencia, el acceso a la Información y la rendición de cuentas gubernamentales se consoliden de manera efectiva en nuestro país, y de esta forma, podamos generar una armonización en los diferentes poderes de la unión, para hacer de ésta una realidad de la vida social de nuestro país, que tanto necesita de dichos andamiajes jurídicos para combatir el mal social de la corrupción.

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LOS CRITERIOS CIENTÍFICOS DEL EXPEDIENTE CLÍNICO DESDE EL
LENGUAJE JURÍDICO**

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RESÚMEN:

En el presente trabajo se plantean los criterios científicos del expediente clínico desde el lenguaje jurídico. Hans Kelsen señala que las estructuras de las normas jurídicas están integradas por un supuesto o antecedente de la conducta y una consecuencia, ambas ligadas a las normas jurídicas prescriptivas, obligatorias, prohibitivas y facultativas; por lo tanto, en el manejo de los criterios científicos desde que se inicia la relación médico - paciente y con ella el acto médico regulado por una estructura jurídica. El profesional médico debe saber y conocer que los criterios de elaboración, integración, uso, manejo, archivo, conservación, propiedad, titularidad y confidencialidad están ligados con normas jurídicas. De acuerdo al criterio de la Suprema Corte de Justicia de la Nación el acto médico se divide en distintas etapas o fases. Sin embargo, cada una de estas fases constituye la totalidad el acto médico y en él los criterios científicos para el registro de estas tres fases es decir la diagnóstica, terapéutica y recuperatoria. Su estructura no puede ser analizada de manera separada ante la existencia de la mala práctica médica. Por lo que segmentar el acto médico sin tomar en consideración todas las etapas sobre la existencia de la mala práctica médica, sería incongruente e ilógico, pues las fases siguen una secuencia en el tiempo. Con ello se intenta explicar cómo el discurso jurídico se vuelve creador de actos “en nuestro discurso jurídico usamos expresiones como ‘derechos’, ‘obligaciones’, ‘facultades’; etcétera. Hablamos de estas “cosas” como si existieran realmente. Nuestros derechos nos parecen perfectamente reales, desde el lenguaje jurídico. El objetivo de este estudio es determinar la influencia del lenguaje jurídico en los criterios científicos del expediente clínico. El presente trabajo es un estudio descriptivo, transversal y observacional.

Palabras clave: Criterios científicos, acto médico, acto jurídico.

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FALTA DE PLANEACIÓN PARA LA JUBILACIÓN**

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RESUMEN

Las personas a menudo pasan toda su vida laboral acumulando riqueza y preparándose para la jubilación. Lo hacen en parte para no tener que preocuparse por lo que harán con su tiempo después del trabajo. Sin embargo, pocos toman las medidas necesarias para planificar su vida post-laboral. Esto es un error porque la vida es mucho más placentera cuando sabes lo que vas a hacer con las horas que tienes en la mano.

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La mayoría de las personas no planifican su vida posterior al trabajo. La vida después del trabajo está llena de posibilidades interesantes que la mayoría de la gente nunca experimenta. En cambio, se mantienen ocupados trabajando hasta que ya no pueden más. Esto tiene sentido si ya ha planificado su vida posterior al trabajo, pero muchas personas no lo han hecho. El resultado es que se pierden muchas oportunidades divertidas. Es mejor planificar tu futuro que improvisar y terminar infeliz más tarde.

ABSTRACT

People often spend their entire working lives accumulating wealth and preparing for retirement. They do this in part, so they don't have to worry about what they'll do with their time after work. However, few take the necessary steps to plan their post-work life. This is a mistake because life is much more pleasant when you know what you are going to do with the hours you have in hand.

Most people don't plan their after-work life. Life after work is full of interesting possibilities that most people never experience. Instead, they keep busy working until they can't take it anymore. This makes sense if you've already planned your after-work life, but many people haven't. The result is that many fun opportunities are missed. It's better to plan your future than to improvise and end up unhappy later.

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MAL MANEJO DE TARJETAS DE CRÉDITO**

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RESUMEN

Los bancos y emisores de tarjetas de crédito ofrecen tarjetas a sus clientes para que puedan realizar compras regulares sin pagar en efectivo. El propósito principal de tener una tarjeta de crédito es construir su puntaje de crédito. Sin embargo, muchas personas hacen mal uso de sus tarjetas de crédito y tienen un impacto negativo en sus puntajes. No solo eso, sino que no usar su tarjeta de crédito regularmente puede llevarlos a agotar su crédito disponible y causar problemas financieros. Por lo tanto, es importante saber cómo usar sus tarjetas de crédito de manera responsable.

La primera reacción de una persona cuando se le ofrece una tarjeta de crédito es comenzar a gastar dinero inmediatamente en ella. Esto se debe a que la tarjeta ya ha sido emitida al cliente; por lo tanto, no tiene que pagar por el artículo que está comprando. Además, la mayoría de las tarjetas de crédito vienen con alta disponibilidad. Esto facilita que los clientes compren artículos sin pagar por ellos, lo cual es una gran cosa. Sin embargo, este gasto fácil tiene un inconveniente. Si una persona no usa su tarjeta de crédito de manera responsable, otras personas seguirán su ejemplo y también harán un mal uso de sus tarjetas. Esto genera costos de compra más altos para todos y problemas financieros para los propios titulares de

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tarjetas.

No usar su tarjeta de crédito de manera responsable puede tener graves consecuencias para su situación financiera. Muchas personas tienen dificultades para administrar sus finanzas ya que usan sus tarjetas de crédito para pagar todo. Esto conduce al gasto excesivo y la acumulación de deudas, dos cosas que pueden dañar seriamente la situación financiera de una persona. Además de eso, generalmente es fácil maximizar su crédito disponible cuando usa su tarjeta de crédito en exceso. Además, pagar su saldo todos los meses suele ser difícil cuando usa sus tarjetas de manera irresponsable con regularidad. Como resultado de esto, no usar su tarjeta de crédito de manera responsable puede causar problemas importantes en muchos casos.

No todo mal uso de una tarjeta de crédito tiene las mismas consecuencias que el uso regular. La mayoría de las personas que obtienen una nueva tarjeta de crédito no la usan en absoluto. De hecho, la mayoría de los nuevos clientes pagan sus facturas a tiempo y en su totalidad cada mes. De esa forma, obtienen buenos puntajes al momento de abrir nuevas líneas de crédito con sus tarjetas. En estos casos, el uso indebido de una nueva tarjeta en realidad tendría poco efecto en el estado financiero del usuario. En lugar de arruinar su vida con la acumulación de deudas, puede aumentar su riqueza financiera haciendo pagos mínimos en sus tarjetas cada mes.

Es importante saber cómo usar sus tarjetas de crédito de manera responsable, sin importar el tipo de tarjeta que tenga. tiene actualmente. Muchas personas hacen mal uso de sus tarjetas la primera vez que las reciben, asumiendo que nadie les prestará más atención. Sin embargo, el uso indebido de una tarjeta tiene graves consecuencias para todos los demás que usan esa misma tarjeta de manera responsable. No usar su tarjeta de manera responsable puede generar problemas personales importantes si no regula adecuadamente sus hábitos de gasto. Por lo tanto, es importante saber cómo los novatos entienden y usan sus tarjetas correctamente cuando las reciben por primera vez, antes de que se acostumbren a usarlas indebidamente.

ABSTRACT

Banks and credit card issuers offer cards to their customers so they can make regular purchases without paying cash. The main purpose of having a credit card is to build your credit score. However, many people misuse their credit cards and it has a negative impact on their scores. Not only that, but not using their credit card regularly can lead them to drain their available credit and cause financial problems. Therefore, it is important to know how to use your credit cards responsibly.

A person's first reaction when offered a credit card is to start spending money immediately on it. This is because the card has already been issued to the customer; So, you don't have to pay for the item you're buying. Also, most credit cards come with high availability. This makes it easy for customers to buy items without paying for them, which is a great thing. However, this easy expense has a drawback. If a person doesn't use their credit card responsibly, other people will follow suit and misuse their cards as well. This leads to higher purchase costs for everyone and financial problems for the cardholders themselves.

Not using your credit card responsibly can have serious consequences for your financial situation. Many people have a hard time managing their finances as they use their credit cards to pay for everything. This leads to overspending and debt accumulation, two things that can seriously damage a person's financial situation. On top of that, it's usually easy to maximize

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your available credit when you overuse your credit card. Also, paying off your balance every month is often difficult when you use your cards irresponsibly regularly. As a result of this, not using your credit card responsibly can cause significant problems in many cases.

Not every misuse of a credit card has the same consequences as regular use. Most people who get a new credit card don't use it at all. In fact, most new customers pay their bills on time and in full each month. That way, they get good scores when opening new lines of credit with their cards. In these cases, misuse of a new card would actually have little effect on the user's financial status. Instead of ruining your life by accumulating debt, you can increase your financial wealth by making minimal payments on your cards each month.

It's important to know how to use your credit cards responsibly, no matter what type of card you have. currently has. Many people misuse their cards the first time they receive them, assuming no one will pay more attention to them. However, misusing one card has serious consequences for everyone else who uses that same card responsibly. Not using your card responsibly can lead to significant personal problems if you don't properly regulate your spending habits. Therefore, it is important to know how newbies understand and use their cards correctly when they first receive them before they get used to using them improperly.

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LA CONCILIACIÓN EN LA RESOLUCIÓN DE CONFLICTOS ENTRE TITULARES
DE MARCAS COLECTIVAS**

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RESUMEN

El presente artículo atiende la conciliación en la resolución de conflictos entre titulares de marcas colectivas. Las marcas colectivas dan referencia de que el producto que se consume cumple ciertas características de calidad, origen, material, modo de fabricación o cualquier otra característica común de productos o servicios que protegen, éstas presentan ciertas particularidades como la titularidad de derechos por un colectivo, las reglas de uso, la no transmisión de derechos a terceros a través de licencias de uso, la constitución legal del grupo de productores o prestadores de servicios. En ocasiones se presentan conflictos referentes a la sociedad, la marca, las reglas de uso, las buenas prácticas, entre otros asuntos, que no pueden ser resueltos por la autoridad en la materia, ya que las disputas internas son ajenas a sus facultades. La conciliación como un medio alternativo de resolución de conflictos entre los titulares de las marcas colectivas persigue acercar a las partes en conflicto para atenuar sus divergencias; de igual forma, busca con su participación propiciar el diálogo para que las partes, a través de ello, encontrar una solución final a sus diferencias. Es un estudio descriptivo, transversal y observacional. El objetivo es analizar la conciliación como método primario de resolución de conflictos en las marcas colectivas.

Palabras clave: Marca colectiva, conciliación, resolución de conflictos.

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ABSTRAC

This article deals with conciliation in the resolution of conflicts between owners of collective marks. Collective trademarks give reference to the fact that the product that is consumed meets certain characteristics of quality, origin, material, method of manufacture or any other common characteristic of products or services that they protect, they present certain particularities such as the ownership of rights by a collective, the rules of use, the non-transmission of rights to third parties through use licenses, the legal constitution of the group of producers or service providers. Sometimes there are conflicts regarding the company, the brand, the rules of use, good practices, among other matters, which cannot be resolved by the authority in the matter, since internal disputes are beyond their powers. Conciliation as an alternative means of resolving conflicts between the holders of collective marks seeks to bring the parties in conflict together to mitigate their differences; In the same way, through their participation, it seeks to promote dialogue so that the parties, through it, find a final solution to their differences. It is a descriptive, cross-sectional and observational study. The objective is to analyze conciliation as the primary method of conflict resolution in collective trademarks.

Keywords: Collective trademarks, conciliation, conflict resolution.

LA MARCA COLECTIVA

En la Ley Federal de Protección a la Propiedad Industrial, en adelante LFPPI, en el artículo 171 define la marca ordinaria de la siguiente forma:

Artículo 171.- Se entiende por marca todo signo perceptible por los sentidos y susceptible de representarse de manera que permita determinar el objeto claro y preciso de la protección, que distinga productos o servicios de otros de su misma especie o clase en el mercado. [1]

Las marcas colectivas pertenecen a las marcas ordinarias, sin embargo, presentan ciertas características necesarias para la obtención de su registro.

Primera característica, se refiere a la titularidad de las marcas colectivas, las cuales se debe solicitar por asociaciones o sociedades de productores, de comerciantes o prestadores de servicios y/o de fabricantes, que se encuentren legalmente constituidos.

Segunda característica, esta marca colectiva se solicita para distinguir del mercado, los productos o servicios de los socios o asociados que posean calidad y características comunes entre ellos y a su vez, sea diversa respecto de los productos o servicios de terceros.

Tercera característica, solo los asociados o socios podrán usar junto a ésta el término de “Marca Colectiva Registrada”.

Cuarta característica, al momento de solicitar la marca colectiva, se debe presentar las reglas de uso, las cuales se regulan por el artículo 181 de la LFPPI.

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Quinta característica, la marca colectiva no puede transmitirse a un tercero por medio de una licencia de uso como se acostumbra con la marca ordinaria, el uso es reservado solo y únicamente a los miembros de la asociación o sociedad.

Aunque la ley no señale una definición concreta de la marca colectiva, esta se puede definir como el signo distintivo perceptible por los sentidos y susceptible de representarse de manera que permita determinar el objeto claro y preciso de la protección de los miembros de las asociaciones o sociedades de productores, fabricantes o comerciantes de productos, o prestadores de servicios, legalmente constituidas, que distinga productos o servicios de otros de su misma especie o clase, siempre que éstos posean calidad o características comunes entre ellos y diversas respecto de los productos o servicios de terceros.

REGULACIÓN NACIONAL E INTERNACIONAL DE LA MARCA COLECTIVA

La marca colectiva por pertenecer a las figuras de protección en los signos distintivos, específicamente al rubro de marcas, el artículo 182 de la LFPPI, señala que “las marcas colectivas se registrarán, en lo que no haya disposición especial, por lo establecido en esta Ley para las marcas”

Para el caso de las marcas ordinarias, no pueden utilizar para su registro denominaciones de origen o indicaciones geográficas, tal como se aprecia en el artículo 173 de la LFPPI, que a la letra señala:

Artículo 173. No serán registrable como marca:

Fracción XI. Los signos idénticos o semejantes en grado de confusión a las denominaciones de origen, indicaciones geográficas o a las denominaciones o signos de lugares que se caractericen por la fabricación, producción o comercialización de determinados productos o servicios, cuando los productos o servicios solicitados sean idénticos o similares a los protegidos por las denominaciones de origen o indicaciones geográficas.

Quedan incluidas en este supuesto aquellos signos que se acompañen de expresiones tales como “género”, “tipo”, “manera”, “imitación”, “producido en”, “con fabricación en” u otras similares que creen confusión en el consumidor o impliquen competencia desleal”

Resultando como excepción a la fracción XI, el caso de las marcas colectivas, ya que estas tienen como objeto destacar el origen geográfico, material, modo de fabricación u otra característica común de los bienes y servicios que se pretenden amparar y que se utilizan generalmente para promocionar producto o servicios característicos de la región, generando un marco de cooperación entre productores e impulsando su comercialización dentro y fuera del país de origen.

Una marca colectiva puede contener términos geográficos, siempre y cuando no esté conformada exclusivamente por ese indicativo, sino que debe acompañarse de otro signo susceptible de registro por sí mismos, esto es, una denominación de marca colectiva que

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contenga una indicación geográfica será registrable únicamente si se conforma a su vez por otro vocablo que le otorgue distintividad suficiente para su registro .

Lo anterior, se deriva de la siguiente tesis jurisprudencial:

MARCAS COLECTIVAS. SU NOCIÓN Y FACTORES A CONSIDERAR PARA DETERMINAR LA PROCEDENCIA DEL REGISTRO DE LAS QUE CONTENGAN UNA INDICACIÓN GEOGRÁFICA. Se consideran marcas colectivas, de conformidad con el Convenio de París para la Protección de la Propiedad Industrial y la Ley de la Propiedad Industrial, aquellos signos visibles que distingan productos o servicios de una asociación o sociedad de productores, de otros de su misma especie o clase en el mercado, cuyo objeto sea destacar el origen geográfico, material, modo de fabricación u otras características comunes de los bienes y servicios que se pretenden amparar y que se utilizan, generalmente, para promocionar productos o servicios característicos de una región, generando un marco de cooperación entre los productores e impulsando su comercialización dentro y fuera del país de origen. Por otro lado, el artículo 98 de la citada ley establece expresamente que las marcas colectivas se registrarán, en lo que no haya disposición especial, por lo establecido en el propio ordenamiento para las marcas ordinarias, precepto que resulta acorde con el numeral 2) del artículo 7 bis del señalado instrumento internacional que faculta a los Estados firmantes para decidir sobre las condiciones particulares bajo las cuales una marca colectiva ha de ser protegida, de manera que su análisis debe seguirse del mismo modo que el de las marcas ordinarias, por lo que a efecto de determinar la procedencia de su registro, debe atenderse a la fracción IV del artículo 90 de la Ley de la Propiedad Industrial, para evitar que sean registrados signos descriptivos que se limiten a ofrecer información acerca de los productos y servicios que se pretenden proteger. Aunado a ello, existe una excepción consistente en que una marca colectiva puede contener términos geográficos, siempre y cuando no esté conformada exclusivamente por ese indicativo, sino que debe acompañarse de otro signo susceptible de registro por sí mismo; esto es, una denominación de marca colectiva que contenga una indicación geográfica será registrable únicamente si se conforma, a su vez, por otro vocablo que le otorgue distintividad suficiente para su registro.

Atendiendo el artículo 7 bis del Convenio de París, al que hace referencia esta jurisprudencia a la letra señala:

Artículo 7 bis

[Marcas: marcas colectivas]

1) Los países de la Unión se comprometen a admitir el depósito y a proteger las marcas colectivas pertenecientes a colectividades cuya existencia no sea contraria a la ley del país de origen, incluso si estas colectividades no poseen un establecimiento industrial o comercial.

2) Cada país decidirá sobre las condiciones particulares bajo las cuales una marca colectiva ha de ser protegida y podrá rehusar la protección si esta marca es contraria al interés público.

3) Sin embargo, la protección de estas marcas no podrá ser rehusada a ninguna colectividad cuya existencia no sea contraria a la ley del país de origen, por el motivo de que no esté establecida en el país donde la protección se reclama o de que no se haya constituido conforme a la legislación del país.

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Adentrando el tema en el marco jurídico internacional, las marcas colectivas se atienden en el Tratado de Libre Comercio México, Estados Unidos y Canadá, firmado recientemente, en la Sección C: referente a Marcas, se incluyen en la atención en materia de signos distintivos a las marcas colectivas y a las marcas de certificación, específicamente en el artículo 20.18, a la letra señala:

Artículo 20.18: Marcas Colectivas y de Certificación

Cada Parte establecerá que las marcas incluyen a las marcas colectivas y a las marcas de certificación. Ninguna Parte estará obligada a tratar a las marcas de certificación como una categoría separada en su ordenamiento jurídico, siempre que esas marcas estén protegidas. Cada Parte dispondrá, asimismo, que los signos que puedan servir como indicaciones geográficas sean susceptibles de protección de conformidad con su sistema marcario .

En Europa, en el Reglamento (UE) 2017/1001 del Parlamento Europeo y del Consejo sobre la marca de la Unión Europea, se reglamenta en torno a las marcas colectivas en 9 artículos, del artículo 74 al 82, quedando de la siguiente forma:

- Marcas colectivas de la Union
- Reglamentos que rigen el uso de la marca colectiva de la Unión
- Desestimación de la solicitud
- Observaciones de terceros
- Uso de la marca
- Modificación del reglamento de uso de la marca colectiva de la Unión
- Ejercicio de la acción por violación de marca
- Causas de Caducidad
- Causas de nulidad

En la Comunidad Europea constituyen una marca colectiva de la Unión, las marcas de la Unión así designadas al efectuarse la presentación de la solicitud que sean adecuadas para distinguir los productos o servicios de los miembros de la asociación que sea su titular, frente a los productos o servicios de otras empresas.

Las personas que pueden solicitar las marcas colectivas de la Unión son las asociaciones de fabricantes, productores, prestadores de servicios o comerciantes que, a tenor de la legislación que les sea aplicable, tengan capacidad, en su propio nombre, para ser titulares de derechos y obligaciones de cualquier tipo, de celebrar contratos o de realizar otros actos jurídicos y tengan capacidad procesal, así como las personas jurídicas de Derecho público.

La Comunidad Europea contempla la posibilidad de constituir marcas colectivas los signos o las indicaciones que puedan servir, en el comercio, para señalar la procedencia geográfica de los productos o de los servicios.

El derecho conferido por la marca colectiva no permitirá a su titular prohibir a un tercero el uso en el comercio de tales signos o indicaciones, siempre que dicho uso se realice con arreglo a prácticas leales en materia industrial o comercial; en particular, dicha marca no podrá oponerse a un tercero autorizado a utilizar una denominación geográfica [5].

En el caso de la Comunidad Europea no se presentan reglas de uso, sino un reglamento de uso, que indica las personas autorizadas para utilizar la marca, las condiciones de afiliación a la asociación así como, en la medida en que existan, las condiciones de uso de la marca, incluidas las sanciones.

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El reglamento de uso de las marcas autoriza a cualquier persona cuyos productos o servicios procedan de la zona geográfica de que se trate a hacerse miembro de la asociación titular de la marca.

LOS TITULARES DE LAS MARCAS COLECTIVAS Y LA CONCILIACIÓN

Las marcas colectivas en México, son solicitadas como ya se vio, por asociaciones o sociedades de productores, de comerciantes o prestadores de servicios y/o de fabricantes, que se encuentren legalmente constituidos, que al momento de solicitar el registro presenten las reglas de uso, que el objeto sea destacar el origen geográfico, material, modo de fabricación u otras características comunes de los bienes y servicios que se pretenden amparar y que se utilizan, generalmente, para promocionar productos o servicios característicos de una región, generando un marco de cooperación entre los productores e impulsando su comercialización dentro y fuera del país de origen.

Las reglas de uso regirán todo lo concerniente al funcionamiento interno, la integración de nuevos socios, el uso de la misma marca, las sanciones en caso de incumplimiento, entre otros.

En el caso de violaciones por terceros del uso de la marca, el Instituto Mexicano de la Propiedad Industrial prevee ciertos procedimientos administrativos para lograr la observancia y cumplimiento de los ordenamientos jurídicos en la material [1].

Al tratarse de reglas que se aplican al interior de la asociación o sociedad, queda bajo la autoridad del comité integrado al momento de constituirse legalmente, quien llevará a cabo la resolución de ciertas cuestiones, sin embargo, para la armonía de la agrupación las decisiones tienen que ser tomadas por la mayoría, pudiendo darse una división entre los integrantes que podría repercutir en el buen funcionamiento de la marca colectiva.

Los registros de marcas colectivas hacen referencia a la identidad de una región, son utilizadas a menudo para promocionar productos característicos de una región. La creación de una marca colectiva no sólo ayuda a comercializar productos dentro y, en ocasiones, fuera de su lugar de origen, sino que proporciona un marco para la cooperación entre los productores locales. En ese sentido, las marcas colectivas pueden convertirse en un poderoso instrumento de desarrollo local [6].

Este marco de cooperación entre los miembros de las asociaciones o sociedades es imperante para el buen funcionamiento y la colocación de la marca colectiva. Las diferencias al interior pueden ser insignificantes o sumamente relevantes. Por ejemplo, la propuesta de mejoras en el empaquetado de los productos que resulten acordes a las Normas Oficiales Mexicanas, en adelante NOM, si alguno no está de acuerdo y no quiere implementarlas, estaríamos ante un conflicto, y más aún si esa NOM es indispensable para la comercialización en el país.

Resulta complejo la atención de problemas internos entre los mismos miembros si no se cuenta con la madurez y objetividad suficiente. En la Denominación de Origen del Tequila existe un Consejo Regulador, el cual es una asociación civil denominada El Consejo Regulador del Tequila, A.C. (CRT) se trata de una organización dedicada a inspeccionar y certificar el cumplimiento con la Norma Oficial del Tequila, así como a promover la calidad, la cultura y el prestigio de la bebida nacional por excelencia. [7]

La mayoría de las marcas colectivas su interés es la obtención de la Denominación de Origen, pero la realidad es que la falta de integración y cooperación representan un obstáculo para la obtención de esta meta.

La conciliación es un método alternativo de solución de conflictos que permite que se diriman esos conflictos al interior de la sociedad o asociación titular de los derechos

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patrimoniales de la marca colectiva, que debe realizarse por un especialista tanto en conciliación como en propiedad intelectual, en especial del funcionamiento de la marca colectiva, para poder aportar y contribuir con la solución idónea para todos.

Tabla 1. Medios de resolución de conflictos

Autotutela o Autodefensa	Autocomposición	Heterocomposición
Es el medio de solución de litigio en la que una de las partes impone su pretensión sobre la otra, de manera directa, es decir, sin la intervención o el auxilio de un tercero	Es el medio de solución de litigio consistente en la renuncia del pretensor en la exigencia de la subordinación del interés ajeno al interés propio o en la sumisión del resistente	Es el medio de solución de litigio consistente en la resolución del litigio entre el pretensor y el resistente, a través de un tercero ajeno al mismo, sin interés propio en la controversia

Fuente: Elaboración propia con información obtenida de Ovalle [8].

Los medios alternos pertenecen al grupo de heterocomposición por su procedimiento, ya que involucra a un tercero ajeno al conflicto para obtener un procedimiento imparcial a fin de obtener el mejor resultado ante el conflicto, sin embargo, por su resolución es de carácter autocompositivo, ya la solución al final es decisión de las partes involucradas y no del tercero.

CONCLUSIÓN

Las marcas colectivas pertenecen a la propiedad industrial, permiten mediante la colaboración sana de los productores o prestadores de servicios, la colocación de los productos o servicios pudiendo señalar en la solicitud el punto geográfico donde se ubican, colocando un distintivo a la misma marca. Esta marca es exclusiva de los miembros de las sociedades y asociaciones legalmente constituidas, presentan ciertas características que hacen que tengan una naturaleza jurídica distinta de las marcas ordinarias.

Al interior de estas agrupaciones se pueden gestar ciertas problemáticas que no son atendibles por el Instituto Mexicano de la Propiedad Industrial, ni ningún organismo u órgano externo, en teoría estos mediante las reglas de uso que presentan al momento de solicitar el registro de la marca son capaces de solucionar estos conflictos internos.

Una de las soluciones que se proponen para la resolución de conflictos gestados al interior de la asociación o sociedad es la conciliación, ya que es un medio imparcial, económico y rápido de resolución de conflictos, atendido por un especialista en esta área, con los conocimientos en la materia para plantear a los involucrados algunas propuestas, sin embargo, serán estos al final los que le pongan fin para bien o para mal.

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LA PROTECCIÓN INTERNACIONAL DE LOS DERECHOS HUMANOS DE LOS
PUEBLOS INDÍGENAS: CASO OGIEK CONTRA KENIA**

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RESUMEN

Los sistemas regionales de derechos humanos han generado un impacto global en desarrollar mecanismos eficaces para garantizar la protección de los derechos Humanos y de los pueblos indígenas, para ello, toman en consideración para la construcción de los mismos; la cultura, los valores y las buenas prácticas regionales que comparten -en especial el Europeo y el Americano- pero en el caso del sistema regional Africano, la complejidad de establecer tales mecanismos regionales impiden que los países de la Unión Africana, no consigan unificar sus identidades culturales, las cuales éstas entran en conflicto, e impiden establecer en común acuerdos de promoción y defensa de los derechos humanos, ya que se contraponen con su derecho interno -usos y costumbres-, tal complejidad, impacta en diseñar planes para la instrumentación y aplicación eficaz de los derechos humanos y en especial, el derecho al acceso de la justicia y tutela efectiva

La carta africana, estipula a la libertad, igualdad, la justicia y la dignidad como las aspiraciones legítimas del Pueblo Africano, lo que es contradictorio, ya que, de los 54 países reconocidos por la Unión Africana, 16 países sólo han ratificado la carta. Este artículo, resalta un precedente procesal y legal del Tribunal africano, sobre el primer caso, que se pronunció en favor de los derechos humanos de los pueblos indígenas, con relación a los derechos de

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tierra de la comunidad Ogiek contra Kenia, aunque las violaciones siempre han existido, y se ha instado a las autoridades africanas sobre las vejaciones a las comunidades indígenas del continente africano, la justicia ha sido lenta, pero en el caso que se presenta fue efectiva.

ABSTRACT

Regional human rights systems have had a global impact in developing effective mechanisms to guarantee the protection of human rights and indigenous peoples, taking into consideration the culture, values and good regional practices that they share - especially the European and American - but in the case of the African regional system, the complexity of establishing such regional mechanisms prevents the African Union countries from establishing such mechanisms; the culture, values and good regional practices that they share - especially the European and American - but in the case of the African regional system, the complexity of establishing such regional mechanisms prevents the countries of the African Union from unifying their cultural identities, which conflict with each other, This complexity has an impact on the design of plans for the implementation and effective application of human rights and, in particular, the right to access to justice and effective protection of human rights.

The African Charter stipulates freedom, equality, justice and dignity as the legitimate aspirations of the African people. What is contradictory is that of the 54 countries recognized by the African Union, only 16 countries have ratified the Charter. This article highlights a procedural and legal precedent of the African Court on the first case, which ruled in favor of the human rights of indigenous peoples on the land rights of the Ogiek community against Kenya.

Palabras clave: Derechos humanos, pueblos indígenas, protección internacional, sistema regional africano.

Keys Words: Human rights, indigenous peoples, international protection, African regional system.

INTRODUCCIÓN

De igual manera, como se comentó anteriormente, el menos reconocido sistema regional africano; presenta algunas inconsistencias que pueden ser consideradas de falta de

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interés jurídico por los Países Africanos, ya que existe una minoría de países -16 de 54- que han ratificado la Carta Africana de los derechos Humanos y de los pueblos indígenas.

Por lo que la memoria Histórica de África se ve reflejada en la toma de decisiones de la Unión Africana, para la articulación de instrumentos y órganos que planteen acciones eficientes en la promoción y protección de los derechos humanos y de los Pueblos Indígenas.

Según la fundación ayuda en acción (2018), considera que “es a partir de la década de 1960, el periodo en el que los países africanos inician su independencia frente al colonialismo europeo, estos 54 países han seguido trayectorias sociales, políticas, culturales y económicas muy distintas entre sí, por lo que los derechos humanos en África solo pueden leerse en común a través de una coyuntura compartida en parte. Por ello, vamos a plantear unas líneas estructurales y ejemplos concretos, pero es nuestra obligación transmitirte que, igual que la Carta Africana de Derechos Humanos y de los Pueblos se ha extendido de forma desigual por el continente, también lo han hecho, en la práctica, los derechos humanos”.

Al ser un sistema de derechos humanos reciente y poco evolucionado, por la debida complejidad en la concertación de una instrumentación jurídica que permita la mejor comprensión de la aplicabilidad de los derechos humanos.

ANTECEDENTES

Fischel de Andrade (1996) considera que en la década de los setenta fué testigo de violaciones condenadas por gobiernos de países de distintos continentes, por ejemplo, la expulsión de Uganda, ordenada por el General Idi Amim Dada, de británicos de origen asiático o también la expulsión de Gabón, ordenada por el Presidente Omar Bongo, de ciudadanos de Benin. A pesar del rechazo de la comunidad internacional, la OUA -basándose siempre, como motivo para este procedimiento, en el respeto por el principio de no injerencia no se manifestó en ninguno de estos episodios, lo cual, naturalmente, resultó en una gradual neutralización de cualquier simpatía internacional que existía en relación a causas como el antirracismo y el anticolonialismo. pesar del excesivo sentimiento de celo por parte de los gobiernos de los Estados africanos en relación con su recién adquirida soberanía, algunos acontecimientos, tanto de orden interno como externo, proporcionaron una seria reflexión y

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evaluación de su papel -así como del principio de no injerencia en el contexto político africano.

Internamente, con excepción de las violaciones cometidas por los Estados, que por sí solas llamaban la atención mundial, tuvo fundamental importancia la caída, en 1978, de tres dictaduras: la del emperador Jean Bokassa, de la República Centro-Africana, la del Presidente Nguéma Macías, de Guinea Ecuatorial, y la del General Idi Amin Dada, de Uganda. Como factor externo de real importancia, se resalta la "cruzada por los derechos humanos" iniciada, en 1979, por el entonces Presidente de USA, Jimmy Carter, como parte de la política externa norteamericana. Los Estados Unidos, así como diversos países occidentales, comenzaron a condicionar sus programas de asistencia al respeto efectivo de los derechos humanos en los países beneficiarios. Todavía a nivel externo, las Naciones Unidas tuvieron un papel de suma importancia, principalmente a través de la promoción de eventos que llamaron la atención sobre la necesidad de conciliar un sistema regional propio para la protección de los derechos humanos en África.

De igual manera, Fischel de Andrade considera que:

“Estos acontecimientos condujeron a los Estados africanos a la conclusión ponderada de que solamente con la erosión (por lo menos parcial) del principio de no injerencia y de soberanía³³ sería viable hablar de un sistema eficaz de promoción y protección de los derechos humanos. Estas fueron las principales barreras superadas, en el contexto de la OUA, para el surgimiento de la Carta Africana de los Derechos Humanos y de los Pueblos en África”.

Posteriormente a la creación de los Estados Africanos, y por exigencia internacional, se establece el instrumento convencional aplicativo a la materia de los derechos humanos la Carta Africana de los Derechos Humanos y de los Pueblos, la cual es aprobada el 27 de junio de 1981 en el marco de la XVIII Conferencia de jefes de Estado y de Gobierno de la Organización para la Unidad Africana (OUA), la cual en el año 2001 es llamada como la Unión africana (UA).

Acto seguido, en una asamblea de Jefes de Estado de Gobierno, especialmente la decimosexta sesión celebrada en Monrovia, Liberia en Julio de 1979, deciden preparar un proyecto preliminar de una carta de la unión africana sobre los derechos humanos y de los

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pueblos indígenas, similar a la de los otros sistemas universales de derechos humanos, bajo el mismo objetivo, pero con algunas dudas y lagunas de participación de algunos Estados Africanos.

Esto dio como nacimiento la Carta Africana de los Derechos Humanos y de los Pueblos, la cual fue publicada en 1981, y entró en vigor en octubre de 1986, considerada con algunas singulares propias de las identidades y autodeterminaciones de los pueblos indígenas del continente africano, teniendo un sentido no tan amplio sobre los derechos humanos, y sobre una concepción real de los alcances jurídicos.

Con el objeto de dar cumplimiento con lo establecido en la Carta Africana de los Derechos Humanos y de los pueblos, el órgano encargado y regulado por dicho instrumento jurídico es la Comisión Africana de los Derechos Humanos y de los Pueblos.

El cual en su artículo 30 de la Carta antes mencionada señala que:

Dentro de la Organización para la Unidad Africana se creará una Comisión africana sobre derechos humanos y de los pueblos, a la cual, a partir de aquí, nos referiremos como "la Comisión", para promover los derechos humanos y de los pueblos y garantizar su protección en Africa.

Tomando en consideración los principios y valores de la carta africana, que estipula a la libertad, igualdad, la justicia y la dignidad como las aspiraciones legítimas del Pueblo Africano, lo que es contradictorio, es que de los 54 países reconocidos por la Unión Africana, 16 países sólo han ratificado la carta; por lo que se denota, que 38 países del Continente Africano, se encuentra sin protección que les garantice los derechos humanos.

Como referencia a lo antes manifestado, se puede resaltar un precedente procesal y legal del Tribunal africano, el primer caso, que se pronunció en favor de los derechos humanos de los pueblos indígenas sobre los derechos de tierra de la comunidad Ogiek contra Kenia, en relación a la batalla legal de aproximadamente de 8 años, por los derechos de tierra, de la cual, considera que fueron violado siete derechos

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CASO OGIEK VS KENIA**

Los hechos se originan en octubre de 2009, donde la comunidad ogiek, considerados como el pueblo originario de las tierras ancestrales de la selva de Mau, fueron desalojados de manera violenta y arbitraria por el Gobierno de Kenia, el pueblo ogiek, desarrollaba sus actividades económicas y de sustento en la selva, ya que su alimentación, vivienda e identidad cultura dependían y se reconocían en la selva Mau.

Posteriormente, con ayuda de algunas organizaciones en pro de los derechos humanos, en noviembre de 2009, la organización Ogiek Peoples' Development Program (OPDP), junto con Centre for Minority Rights Development (CEMIRIDE) y, posteriormente, Minority Rights Group International (MRGI), enviaron una comunicación a la Comisión Africana de los Derechos Humanos y de los Pueblos.

En dicha comunicación exponían que el Gobierno de Kenia, de manera arbitraria había violados los derechos de propiedad, a la libertad de discriminación, derecho a la vida, a la cultura, a la libertad de credo, el disponer libremente de la riqueza y los recursos naturales y el derecho al desarrollo.

Como antecedentes en la determinación de la resolución por parte de La Corte citó decisiones de tribunales internacionales, incluso una de 1927, afirmando que las reparaciones por violaciones de los derechos humanos son un principio fundamental del derecho internacional. Las indemnizaciones compensatorias buscan reparar las consecuencias de las violaciones y restaurar, en la mayor medida posible, la situación en la que la víctima se encontraba previamente a las violaciones. Para que tal reparación sea otorgada, “debe existir un vínculo causal entre el acto ilícito que se ha determinado y el supuesto perjuicio”. Por lo tanto, cada una de las solicitudes de reparación de los ogiek no solo debía correlacionarse claramente con un artículo de la Carta que la Corte hubiera determinado previamente como violado, sino que, además, tenía que probar qué daño habían sufrido los ogiek debido a cada violación.

Vale destacar que la Corte sostuvo que, al calcular las reparaciones adeudadas a los ogiek, podía incluir infracciones de derechos previas a que Kenia pasara a ser parte de la Carta en 1992.

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Los ogiek buscaron calcular los daños pecuniarios sobre la base tanto de las pérdidas monetarias reales causadas por la separación de sus hogares, granjas y fuentes de ingresos, como de los perjuicios morales por no poder practicar su religión, incluyendo el entierro de los muertos y el acceso a lugares sagrados. Llevaron a cabo una encuesta en la comunidad para calcular la pérdida pecuniaria. Sin embargo, la Corte determinó que la encuesta no era prueba suficiente de daños, debido a que no estaba clara la metodología empleada para asignar un valor monetario a varias de las pérdidas.

La Corte decidió determinar las pérdidas pecuniarias de manera equitativa, teniendo en cuenta importes otorgados en casos similares bajo la Corte Interamericana de Derechos Humanos por “violación[es] sistemática[s] de sus derechos” similares, y otorgó a los ogiek 57.850.000 chelines kenianos (\$477.704 USD) por perjuicios materiales y 100.000.000 chelines kenianos (\$823.741 USD) por perjuicios morales.

El Estado objetó este procedimiento, pero la Corte, dado que había determinado previamente que los ogiek habían sufrido décadas de daños causados por el Estado, decidió que todos los eventos relacionados con ese daño eran pertinentes a la hora de calcular las reparaciones. Esto se debe a que los eventos previos a 1992 que son relevantes para establecer y vincular el daño sufrido por los ogiek en manos del Estado son importantes para dictar un otorgamiento “amplio” de reparaciones.

Francisco Calí Tzay, Relator Especial de las Naciones Unidas sobre los derechos de los pueblos indígenas OHCHR, (2022) expresa que:

“Este juicio y la asignación de reparaciones marcan otro paso importante en la lucha de los ogiek por el reconocimiento y la protección de sus derechos a las tierras ancestrales del Bosque Mau y la aplicación del fallo de 2017 dictado por la Corte Africana”

El tribunal resolvió con las siguientes reparaciones:

1. El tribunal ordenó al gobierno de Kenya que pagará una compensación de 57.850.000 KES (chelines kenyanos) por perjuicios materiales relacionados con la pérdida de propiedades y recursos naturales, y otros 100.000.000 KES por los perjuicios morales padecidos por los ogiek, debido a las vulneraciones de sus derechos a la no discriminación, la práctica de su religión, la cultura y el desarrollo.

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2. la Corte otorgó reparaciones no pecuniarias, entre otras la restitución de las tierras ancestrales de los ogiek y el pleno reconocimiento de su condición de pueblos indígenas. En particular, la Corte exigió al gobierno de Kenya que inicie la delimitación, demarcación y extensión de títulos de propiedad a fin de proteger los derechos de los ogiek relativos a la ocupación, el uso y el disfrute del Bosque Mau y de sus recursos.
3. El alto tribunal también ordenó al gobierno que adoptara las medidas legislativas, administrativas y de otra índole necesarias para reconocer, respetar y proteger el derecho de los ogiek a ser consultados sobre el desarrollo, la conservación y los proyectos de inversión en sus tierras ancestrales. Según estipula el fallo, los ogiek deben tener derecho a conceder o negar su consentimiento libre e informado a estos proyectos, a fin de reducir al mínimo los daños a su supervivencia.
4. La Corte ordenó la restitución de la tierra a los ogiek mediante la delimitación, demarcación y otorgamiento de títulos de sus tierras a fin de aclarar y hacer cumplir qué áreas de la selva Mau son tradicional y efectivamente tierra ogiek. Aunque el Estado argumentó que el derecho a usar y acceder a la tierra no es lo mismo que la propiedad, la Corte determinó que la tierra debe ser de propiedad legal de la comunidad y debe ser claramente demarcada como tal a fin de proteger adecuadamente a la comunidad frente a otras violaciones. Cada comunidad ogiek tiene derecho ser titular de su tierra con arreglo a la ley de 2016 *Community Land Act* de Kenia. Respecto de toda tierra que haya sido arrendada por el Estado a personas ajenas al pueblo ogiek, si no se puede llegar a una resolución amistosa sobre el uso de la tierra, el Estado deberá devolver la tierra a los ogiek o compensarles la pérdida.
5. La Corte también tomó decisiones relativas a las reparaciones no pecuniarias basadas en la idea general de que los ogiek deben formar parte de los procesos que les afectan y que afectan sus tierras ancestrales. Los ogiek tienen derecho a ser consultados de manera efectiva y a dialogar respecto de decisiones que afecten sus tierras ancestrales y, de hecho, el Estado está obligado por el derecho internacional a consultarles de esta manera de acuerdo con la noción del consentimiento libre, previo e informado. La Corte determinó que el Estado debe dar participación a los ogiek, de una manera apropiada desde el punto de vista cultural, en todas las etapas de los planes de desarrollo que pudieran afectarles, de manera tal que dicho pueblo indígena pueda tomar decisiones informadas sobre si acepta o no un desarrollo propuesto.

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De lo anterior, se toma como reflexión fragmentos o párrafos de la decisión judicial del 26 de mayo de 2017 que concluye lo siguiente:

“Respecto del derecho a la propiedad, los ogiek tenían un derecho comunal a sus tierras ancestrales y que la expulsión de las tierras contra su voluntad y sin consulta previa violaba sus derechos a la propiedad garantizados por la Carta, también leídos a la luz de la Declaración de los Derechos de los Pueblos Indígenas de Naciones Unidas.

La Corte concluyó también que la omisión del gobierno de reconocer el estatus de los ogiek como una tribu específica, otorgado a otros grupos similares, les negaba los derechos disponibles a otras tribus y, por ello, representaba un acto de discriminación.

CONCLUSIÓN

Para concluir, el derecho al acceso a la justicia y tutela efectiva, en el sistema regional de derechos humanos, y en especial, el africano, se puede identificar, fuertemente con las violaciones de los derechos humanos a libertad de discriminación, de la cultura, con el objeto, de minimizar el estatus de los pueblos originarios, para actuar de manera arbitraria y despojarlos, como en este caso de tierras ancestrales. Considero que éstas prácticas, es habitual en todos los Países y mas cuándo se puede considerar que tales tierras, son fértiles y que pueden proveer, en apariencia, un mejor desarrollo económico y sustentable al País.

También es necesario, comprender que los usos y costumbres de los pueblos indígenas, así como el lugar donde se han establecido, es parte de la cultura e identidad de un pueblo, y que ellos, acorde a sus usos y costumbres, se desarrollan de manera indistinta a otro tipo de comunidades; esto debe reflejar la toma de decisiones judiciales, en el respeto de la cultura, de la libertad y el derecho al desarrollo de los pueblos.

Por lo que, es importante fortalecer los derechos de autodeterminación de los pueblos originarios, generar mecanismos e instrumentos procesales y legales efectivos, para que puedan ser reconocidos en cualquier ámbito de competencia de la justicia.

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**LA DESERCIÓN DE ESTUDIANTES BAJO LA MODALIDAD A DISTANCIA EN LA
DIVISIÓN ACADÉMICA DE CIENCIAS ECONÓMICO ADMINISTRATIVAS DE LA
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RESUMEN.

El sistema de educación es una estructura, de la cual forman parte los principios, las normas y procedimientos que rigen la manera que se forman los nuevos integrantes de la sociedad. Hoy en día, la educación evoluciona y va de la mano con la tecnología. La Unidad de Educación a Distancia (UED) en México, establece que la Educación a Distancia es una modalidad educativa en la cual alumnos y docentes interactúan apoyados en las Tecnologías de Información y Comunicación, utilizando métodos, estrategias y herramientas que facilitan el aprendizaje desde cualquier lugar y momento. Con el apoyo de las TIC como herramienta para su difusión, constituyen la alternativa más usada en la educación superior de todo el mundo, conformando así una amplia plataforma de aprendizaje que viene a solucionar la atención de una alta población estudiantil que no tiene acceso directo a los espacios físicos en las casas de estudios de su país. La presente investigación tiene por objetivo analizar mediante

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datos estadísticos, los principales motivos de deserción de los alumnos que han cursado una licenciatura en la modalidad a distancia en el periodo 2014-2020 en la División Académica de Ciencias Económico Administrativas (DACEA), de la Universidad Juárez Autónoma de Tabasco (UJAT) proponiendo un conjunto de acciones que contribuyan al desarrollo y la inversión en el sistema de educación a distancia, para reducir la deserción de los alumnos e incrementar la eficiencia terminal, en las licenciaturas de Administración, Contabilidad y Mercadotecnia que se cursan en esta modalidad.

Palabras claves: Sistemas de educación a distancia, plataforma de aprendizaje, TIC, deserción.

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OFERTA DE PRODUCTOS ECOLÓGICOS EN SUPERMERCADOS DE LA CIUDAD
DE VILLAHERMOSA, TABASCO, MÉXICO, DURANTE EL AÑO 2022.**

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RESUMEN.

En la actualidad las organizaciones públicas y privadas ejercen una presión importante en el cuidado y conservación del medio ambiente, sin dejar de lado la responsabilidad que los humanos deben mostrar con relación a sus actividades. Los consumidores ecológicos comienzan a tener mayores exigencias para enfrentar esa problemática, por su parte las empresas asumen una gestión empresarial más ecológica de sus productos y servicios integrada en su modelo corporativo de negocio, buscando atender a este segmento de consumidores a través del marketing ecológico. Los distintivos de responsabilidad social, los sistemas de gestión ambiental (SGA) y los marcos de legislación ambiental, pueden aportar en gran medida en este sentido.

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El objetivo de este estudio busca determinar la oferta de productos ecológicos existente en los supermercados de Villahermosa, Tabasco,

México, durante el año 2022, a través de una investigación documental y de campo, donde se busca identificar los distintos productos ecológicos que se ofertan en los supermercados, y la estrategia de marketing empleada.

Los resultados muestran que existe una diferencia marcada entre las ofertas de cada supermercado, donde la principal estrategia de marketing es la etiqueta, los productos ecológicos que tienen mayor demanda son el papel, los jabones, y los productos de limpieza.

Palabras clave: Consumidor ecológico, marketing ecológico, desarrollo sustentable.

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**¿LOS DERECHOS DE AUTOR ESTÁN POR ENCIMA DEL DERECHO A LA
EDUCACIÓN?**

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RESUMEN

El presente trabajo atiende la ponderación de los derechos de autor y el derecho a la educación. Es un estudio de índole descriptivo, observacional y transversal, en el cual busca presentar dos derechos humanos, los cuales parecieran contraponerse en situaciones reales. Por un lado, se tienen los derechos de autor perteneciente a la propiedad intelectual y por otro, el derecho a la educación, aunque ambos derechos al igual que todos los derechos humanos existentes buscan otorgarle a la persona aquellos beneficios que tiene por el simple hecho de existir, estos se contraponen en situaciones cotidianas en la vida de un estudiante y futuro profesionalista. Los derechos de autor están diseñados para proteger al autor de un uso o distribución indebida de su obra y es que el estudiante que obtiene un libro de determinado autor a través de páginas no oficiales o fotocopia un libro por falta de recursos para comprar el original, para así seguirse preparando y cumplir con los requerimientos académicos que exigen las universidades, claramente violenta dicho derecho, hay una distribución indebida pero, al prohibir este acto, ¿También se violenta con el pleno desarrollo académico? El cual también está protegido, tanto, por la Constitución de los Estados Unidos Mexicanos, así como por tratados internacionales. Esta es la pregunta que da origen al presente artículo, asimismo tomar diferentes puntos de vista, con la intención de no desmeritar o menospreciar ninguno de los derechos, ponderando a ambos a la realidad de la problemática, tratando así de que el lector pueda tener una visión más clara y forjarse una postura de si alguno de estos derechos debe estar por encima del otro cuando se presenten ante una situación como la que se menciona.

Palabras claves: Autor, contraponerse, educación.

INTRODUCCIÓN

Muchos desconocen los derechos de autor y su margen de alcance, pero están sumamente familiarizados con el derecho a la educación debido a que este resuena más en el ámbito diario, sin embargo, ambos tienen una relevancia gigante en el desarrollo del ser humano, y aunque el fin de estos dos es beneficiar a la persona, hay una situación en especial en la que parecieran contrariarse, provocando con ello más dudas que respuestas y una incógnita que aún no ha tenido una resolución oficial.

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FUNDAMENTO DE LOS DERECHOS DE AUTOR Y EL DERECHO A LA EDUCACIÓN

Antes de tratar de encontrar una respuesta a la pregunta que da origen a este artículo es importante mostrar un contexto más amplio del derecho a la educación, así como de los derechos de autor que como podemos observar desde el título parecieran contraponerse en una situación concreta la cual abordaremos más adelante. Para tener un conocimiento amplio de lo que es el derecho de autor, primero es necesario conocer que es la propiedad intelectual.

Al hablar de propiedad intelectual nos referimos aquella protección hacia los creadores respecto a sus creaciones u obras, la cual está fundada en la constitución de los Estados Unidos Mexicanos en el artículo 28 en su fracción XV, la cual menciona que: *“por determinado tiempo se concedan a los autores y artistas para la producción de sus obras y los que, para el uso exclusivo de sus inventos, se otorguen a los inventores y perfeccionadores de alguna mejora”*

Así como también se encuentra consagrado en la Declaración Universal De Los Derechos Humanos en su artículo 27 en el párrafo segundo: “Toda persona tiene derecho a la protección de los intereses morales y materiales que le correspondan por razón de las producciones científicas, literarias o artísticas de que sea autora.”

La propiedad intelectual tiene dos vertientes muy importantes: la propiedad industrial y los derechos de autor, siendo estos últimos los protagonistas de nuestro artículo, cada una de ellas reguladas por sus propias normas. Entonces cuando hablamos de derechos de autor ¿a qué nos referimos? La ley federal de derechos de autor nos brinda un concepto bastante exacto:

El derecho de autor es el reconocimiento que hace el Estado en favor de todo creador de obras literarias y artísticas previstas en el artículo 13 de esta Ley, en virtud del cual otorga su protección para que el autor goce de prerrogativas y privilegios exclusivos de carácter personal y patrimonial.
Los primeros integran el llamado derecho moral y los segundos, el patrimonial.

Los derechos de autor atienden y protegen la literatura, la música ya sea con o sin letra, dramática, arquitectura, pictórica o dibujo, escultórica o plástica, la danza, caricaturas o historietas, cinematográfica, programas de televisión, fotografías, arte aplicado, audiovisuales, entre otros. Sin embargo, en la cual se enfocará este artículo para su desarrollo es en la literatura, siendo más precisos en aquellas que nacen dentro de las aulas de estudios, en las universidades, aquellas que son creaciones de profesores investigadores que ejercen una labor educativa en una institución.

Ahora por otro lado ¿Qué es el derecho a la educación? Este derecho es fundamental en el ser humano, ya que este debe permitirle adquirir los conocimientos necesarios para desarrollar una vida plena. Este derecho está fundamentado en la Constitución De Los Estados Unidos Mexicanos en el artículo tercero.

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Toda persona tiene derecho a la educación. El Estado -Federación, Estados, Ciudad de México y Municipios- impartirá y garantizará la educación inicial, preescolar, primaria, secundaria, media superior y superior. La educación inicial, preescolar, primaria y secundaria, conforman la educación básica; ésta y la media superior serán obligatorias, la educación superior lo será en términos de la fracción X del presente artículo

Dentro del mismo artículo en su fracción V nos menciona que:

Toda persona tiene derecho a gozar de los beneficios del desarrollo de la ciencia y la innovación tecnológica. El Estado apoyará la investigación e innovación científica, humanística y tecnológica, y garantizará el acceso abierto a la información que derive de ella, para lo cual deberá proveer recursos y estímulos suficientes, conforme a las bases de coordinación, vinculación y participación que establezcan las leyes en la materia; además alentará el fortalecimiento y difusión de nuestra cultura;

De igual forma este derecho está consagrado en la Declaración Universal De Los Derechos De Humanos:

Toda persona tiene derecho a la educación. La educación debe ser gratuita, al menos en lo concerniente a la instrucción elemental y fundamental. La instrucción elemental será obligatoria. La instrucción técnica y profesional habrá de ser generalizada; el acceso a los estudios superiores será igual para todos, en función de los méritos respectivos.

La educación debe ser primordial en todos los estados, ya que esta no solo garantiza la vida plena del individuo, sino que a su vez ejerce un desarrollo para su nación, un pueblo que cuenta con los conocimientos necesarios puede impulsar a un bien mayor que su mera existencia, la educación es el motor de una nación prospera social y económicamente, esta nos lleva a un mejoramiento y transformación de todos los sistemas.

La educación es imprescindible, entre más preparado este un pueblo más difícil será someterlo al yugo de un mal gobierno. Ya lo dijo Nelson Mandela: *“La educación es el arma más poderosa que puedes usar para cambiar el mundo”*

EXPOSICIÓN DE LA PROBLEMÁTICA

Al creador de una obra de investigación se le da la exclusiva de su creación y se protege que ninguna persona que no tenga autorización copee o distribuya dicha obra, todo esto gracias a los derechos de autor ya mencionados, esto engrandece al autor que suma obras o títulos a su nombre pero que al mismo tiempo tiene una remuneración preponderantemente económica por la distribución y venta de su obra literaria, dicha obra que va dirigida para estudiantes y profesionistas de la rama de estudios que el autor ejerce. Uno de los fines más importantes de dichas obras son que estas tengan una aportación sustancial en el conocimiento y educación del lector. Sin embargo, es aquí donde la problemática que aborda este artículo tiene origen.

Todo aquel que decide estudiar una carrera universitaria está obligado a formarse y llenarse del mayor conocimiento posible para así en un futuro poder ser una excelente profesionista en

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el desempeño de su rama, logrando con esto no solo tener una prometedora vida, sino que con su vida profesional puede devolver un aporte a la sociedad. Todo lo que hacemos siempre tiene como fin un bien mayor o al menos así debería ser, desde siempre esa es la meta que se ha buscado alcanzar. De la mano de esto existe una obligación recíproca y es que el estudiante tiene la labor de aprender todo lo pertinente a su carrera, pero el profesor tiene el deber de enseñarle todo lo necesario, así como la institución educativa de proporcionar los materiales óptimos para ello.

Sin embargo, existen carreras en las cuales si dejamos a un lado lo que la universidad pueda cobrar por inscripción ya que contemplamos solo el ámbito público, suelen ser muy caras para un joven que viene de una familia de clase o economía promedio, fundamentando esta economía en los estándares que marca la plataforma Talent.com la cual establece que una familia de clase media en México gana alrededor de ocho mil pesos mensuales. A su vez un estudio hecho por QS World's University Ranking menciona que dentro de las carreras más caras para estudiar en México son medicina, derecho e ingeniería esto por los materiales, libros e instrumentos empleados para ello.

En dichas carreras se les pide a los estudiantes que adquieran libros en las diferentes materias y niveles de esta misma, algunas instituciones universitarias o más específicamente algunos profesores de estas, exigen que estos libros sean originales, en muchos de estos casos porque dichos libros son de su propia autoría. En dicha acción no pareciera haber ningún problema, inclusive se está cumpliendo con lo predispuesto en la ley con respecto a los derechos de autor, sin embargo los estudiantes de escasos recursos o de clase media no cuentan con los ingresos económicos para poder comprar dichos libros, y se ven en la necesidad de tener que fotocopiar estos libros ya que es una mejor opción en el aspecto económico, en otros casos optan por bajar los libros virtuales de páginas de internet que no cuentan con las licencias para la distribución de estos, en punto podemos ver claramente que existe una violación de los estudiantes hacia los derechos de aquella exclusividad de copiar y distribuir la obra literaria del creador. Pero al impedir que el estudiante realice esta acción ¿acaso no se violenta el derecho a la educación? ¿no debería el estado proporcionar todos los medios necesarios para el amplio desarrollo académico del estudiante?

La misión del estudiante es aprender, la del profesor transmitir todo su conocimiento y la del estado proporcionar los medios necesarios para que el primero tenga un pleno crecimiento en su área, pero si se le impide al estudiante las opciones de fotocopiar o descargar los libros que los profesores demandan, esto entorpece su formación profesional, esta situación es la que da origen a este artículo, porque ¿cómo medimos que derecho es más importante? ¿Cuál debería prevalecer ante esta situación? Ambos están contemplados en nuestra carta magna y son consagrados como derechos humanos, la relevancia de ambos es indiscutible.

RESOLUCIÓN

Un sinnúmero de preguntas pueden surgir de este tema, es bastante controversial por su naturaleza de un derecho humano contraponiéndose a otro, sin embargo, la pregunta más importante es la que nos debe llevar a la resolución a esta problemática. En este artículo nos tomamos la libertad de expresar una propuesta a esta situación.

En este artículo alegamos que nuestra controversia se encontraba con los derechos de autor, pero única y exclusivamente en las obras literarias que nacen dentro de las instalaciones

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educativas, fruto de los profesores investigadores que dedican su vida a enseñar, a transmitir su conocimiento a los futuros profesionistas, estos libros, artículos y demás obras son un aporte fundamental para el estudiante que el día de mañana será un doctor, un abogado o científico que aportara luz a nuestra sociedad. Entonces ¿deberíamos sobreponer el derecho a la educación sobre los derechos de autor? El bien común, el bien de los cientos de estudiantes sobre el derecho del creador. Esta podría ser una solución que, aunque bastante razonable no es la más justa para todos, al menos no para el creador porque, aunque recibirá el reconocimiento ante los lectores no tendría ninguna remuneración económica la cual muchas veces suele ser la motivación principal para crear.

Las obras literarias que sirven para el desarrollo del estudiante deberían tener un apartado especial, uno que otorgue un beneficio para todos, donde los estudiantes puedan tener un libre acceso a esta información y acrecentar sus conocimientos académicos, pero al mismo tiempo logrando que al autor se le conceda el reconocimiento económico. El estado debería otorgar este pago al creador para así él dar su consentimiento de la distribución o copia de su obra, el Estado no solo entrega dinero para la educación, ya que esta es una inversión, e invertir en la educación de aquellos que serán el futuro de la nación es lo mejor que pueden hacer. No se trata de quien debe beneficiarse más, sino de que todos tengan lo justo, de que todos ganemos, ya lo decíamos anteriormente, el bienestar de los individuos beneficia a la nación.

CONCLUSIÓN

El presente artículo busca mostrar una realidad que, aunque muy común es escasamente debatida, se plasma la importancia de ambos derechos y más allá de enfrentarlos trata de mostrar una resolución en la que el Estado se haga responsable por el bien del creador y del estudiante lo cual trae como consecuencia un beneficio para el mismo Estado.

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**4TH INTERNATIONAL LATIN AMERICAN
CONGRESS ON ECONOMIC AND MANAGEMENT SCIENCES
ORIENTACIÓN AL APRENDIZAJE Y LA ORIENTACIÓN AL MERCADO EN
PYMES DEL ESTADO DE TABASCO**

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RESUMEN

La presente investigación tiene como objetivo analizar la relación entre las orientaciones al aprendizaje y su impacto en la orientación de mercado. La cual se sustenta teóricamente en teorías del comportamiento organizacional y en conceptos del marketing. El diseño de este estudio es de enfoque cuantitativo/correlacional. La población de estudio serán las pequeñas y medianas empresas del sector servicio del estado de Tabasco, el tipo de muestreo será probabilismo aleatorio, la forma de recolección de los datos a una muestra de 222 unidades empresariales por medio de encuestas aplicables a los dueños, directores o gerentes generales, para recabar la información se aplica el instrumento de orientación al aprendizaje sugerida por Baker y Sinkula, que se compone de tres subescalas: compromiso organizacional, visión compartida y mentalidad aperturista, para medir la orientación al mercado se mediran con la escala de MARKOR, que se compone de tres subescalas: las generación de inteligencia, diseminación de la inteligencia y respuesta. Se espera al finalizar la investigación obtener evidencias que permitan contractar el modelo de estudio y teórico sobre la orientación al aprendizaje, y puedan existir evidencias significativas y respaldos sólidos que nos den una visión clara sobre el grado de impacto o influencia de las variables en los la orientación al mercado.

Palabras claves: orientación al mercado, orientación al aprendizaje, Pymes, sector servicio

**4TH INTERNATIONAL LATIN AMERICAN
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MATERNIDAD SUBROGADA**

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RESUMEN

Este trabajo aborda el tema de la Maternidad subrogada. Entendida La maternidad Subrogada se refiere al hecho de que una mujer preste su vientre para portar un feto y que al momento de que este nazca, sea entregado a los padres contratantes y estos entreguen una remuneración a la madre portadora, todo esto mediante un contrato, dicha práctica, es una ventaja para las personas o parejas que no pueden procrear por algún problema de salud o alguna otra circunstancia, y el cual les brindara grandiosa oportunidad de proporcionar sus propios genes En la actualidad se ha presentado una nueva manera de procreación esta es por medio de inseminación artificial o fecundación in-vitro, con ambos procesos se puede llevar a cabo la subrogación de la madre para el logro del nacimiento de un bebé que formará parte de una familia que lo espera con ansias. Dentro de las ventajas es la posibilidad de una pareja que no puede por si mismas lograr concebir un bebé, tener uno, el poder darle seguimiento a la madre, apoyo emocional, atención médica, nutricional, entre otros. Entre las desventajas se encuentra el desconocimiento del procedimiento como realmente es y no los mitos que se forman a su alrededor, la legislación del tema desde la perspectiva subjetiva del legislador, la elaboración de los contratos por los médicos, el que la madre subrogada no desee dar el niño al final, o que la pareja no reciba al niño por tener algún problema físico o mental. Se requieren regulaciones normativas acordes a la realidad y no a la fantasía, respetando los derechos de los padres, la madre subrogada, pero sobre todo del menor.

Palabras clave: Maternidad subrogada, familia, derechos.

**4TH INTERNATIONAL LATIN AMERICAN
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BENCHMARK CRITERIA: UNA HERRAMIENTA DEL MARKETING SOCIAL EN
PROGRAMAS DE INTERVENCIÓN SOCIAL**

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RESUMEN

Objetivo. El presente trabajo propone una revisión teórica, integrando conceptos y definiciones del marketing social y el benchmark criteria, esto, con la finalidad de comprender el contexto de la temática planteada, seguidamente, se expondrá la evolución de los benchmarks criteria y se resaltarán sus fortalezas y debilidades. **Metodología.** Se realizó una revisión sistemática mediante un análisis minucioso con la finalidad de explorar sobre el benchmark criteria del marketing social. La búsqueda de información provino de fuentes primarias de nivel teórico y empírico en revistas indexadas a Web of Science Scopus Emerald Insight, EBSCO, ScienceDirect, Google Académico, Science Open, Researchgate, Redalyc y Scielo **Resultados.** Los benchmark criteria (Andreassen, Jeff French y Clive Blair-Stevens y Robinson-Maynard) permiten diferenciar un programa de intervención social para ser catalogado como “marketing social”, asimismo se ha comprobado que el uso de todas sus etapas apunta a un mayor grado de éxito en los resultados de un programa de intervención social, sin embargo, sigue sin haber un uso sistemático de ellos. **Conclusiones.** El marketing social es una disciplina dinámica, enfocada en el cambio comportamiento de determinado grupo objetivo, por su naturaleza, tiene que cambiar y adaptarse a las características de cada mercado.

Palabras clave: Benchmark criteria, Marketing social, Programas de intervención social.

**4TH INTERNATIONAL LATIN AMERICAN
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DERECHO Y USO MEDICINAL DEL CANNABIS EN MÉXICO**

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RESUMEN

En México existe un gran debate acerca de la legalización del Cannabis, si bien no está plenamente prohibido de acuerdo al reglamento de COFEPRIS, si tiene suficientes restricciones para considerarse una planta ilegal más que un producto al cual se le puede sacar provecho en muchos aspectos, como puede ser el ámbito industrial y al uso medicinal. Por ello es importante tener en cuenta su situación legal. Su postura prohibicionista regula siembra, cultivo, cosecha, producción, comercialización, importación, exportación y el uso de Cannabis sativa, indica y americana. Hay dos campos parcialmente abiertos para el Cannabis que son la investigación y el uso medicinal gracias a sus propiedades. En abril del 2016 se reformó el artículo 195 del Código Penal Federal. Lo cual repercutió en los art 237,245 y 479 de La Ley General de Salud, para más tarde el 5 de febrero de 2017 se publicó en el DOF el documento oficial dónde se estipula que “a toda persona se le permitirá el uso médico o terapéutico de la marihuana o el Cannabis sativa, indica o americana y sus derivados, de conformidad con la Constitución Política de los Estados Unidos Mexicanos y la legislación aplicable. La Cannabis contiene dos grandes compuestos canabinoides que son el THC y el CBD que son benéficos para el tratamiento de enfermedades, tratamientos musculares y trastornos mentales. Entre sus usos médicos se encuentran náuseas y vomito, anorexia y caquexia, espasticidad, enfermedades del movimiento, dolor, glaucoma, enfermedades autoinmunes e inflamatorias, epilepsia, asma, dependencia y síndrome de abstinencia, síndromes mixtos.

Palabras clave: Cannabis, Sativa, Indica y Medicinal.

**4TH INTERNATIONAL LATIN AMERICAN
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DESVENTAJAS DE LA EDUCACIÓN A DISTANCIA EN MÉXICO PARA LOS
UNIVERSITARIOS DURANTE LA PANDEMIA 2019-2022**

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ABSTRACT

Debido al confinamiento derivado de la pandemia, el sistema educativo del país tuvo que migrar a la educación en línea y se llevó a cabo lo que se llama aprende en casa, donde se calcula que hubo al menos 35 millones de mexicanos de todos los niveles educativos que pasaron del sistema presencial al sistema en línea, entonces de un aprendizaje acelerado, no siempre bien planeado o no planeado, los maestros con los recursos que tenían, junto con los estudiantes y padres de familia tuvieron que ir aprendiendo a marchas forzadas y de manera rápida el cómo utilizar la tecnología para poder recibir esta educación que es lo que básicamente busca establecer esta investigación.

La educación a distancia puede influir en dos factores muy importantes, el desarrollo cognitivista y constructivista en los estudiantes desde el momento en el que es capaz de enfrentarse a un nuevo modelo de educación en el que el mismo elige el momento de aprender y tiene al profesor como un guía en este proceso.

Cuando se habla del término constructivismo aparece con una frecuencia creciente en las discusiones sobre el aprendizaje mediado electrónicamente. Además, se plantea que una teoría general sobre el aprendizaje es necesaria para lograr una visión de conjunto de los propósitos, al igual que los métodos y los resultados, en un contexto de rápidos cambios en la educación, que es lo que derivó de la pandemia mundial por la que aún se atraviesa.

El constructivismo se basa en afirmar que las acciones del alumno que aprende generan una nueva reestructuración de su conocimiento, y que mediante este proceso se incorporan las nuevas informaciones. El proceso de aprendizaje es crear o recrear las estructuras necesarias existentes en la mente, como si estas fueran una especie de andamio o esqueleto que sirve para conservar y organizar la información, de manera que pueda ser transferida o utilizada en nuevas situaciones.

El marco teórico en que se desenvuelve la educación a distancia, así como la incorporación de las nuevas tecnologías a la educación, está íntimamente influenciado por corrientes de

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pensamiento como el constructivismo. Tema como "Constructivismo y educación a distancia" lo encontramos tratados en eventos como la 18 Conferencia Mundial sobre Educación a Distancia (1997), y en publicaciones y revistas especializadas de educación a distancia.

El constructivismo es una de las corrientes más fuertemente vinculada a las nuevas tecnologías. La familiarización con las nuevas tecnologías y su aplicación requiere de estructuras mentales que nos auxilien a orientarnos en un mundo de pantallas, de nexos entre computadoras y de relaciones virtuales. Lo que fue un factor importante ya que como se menciona, un porcentaje de los docentes carecen de conocimientos en cuanto a estas tecnologías se refieren.

Las nuevas ideas sobre el proceso de aprendizaje se nutren de las investigaciones en el campo de la psicología cognitiva, inteligencia artificial, cibernética y otras ciencias que involucran la acción del hombre.

Algunos puntos fundamentales para recalcar acerca del constructivismo son:

- El sujeto activo de aprendizaje. El aprendizaje no es recepción pasiva de información.
- Las personas en el proceso de aprendizaje construyen significados, los que son incluidos en un esquema mental ya existente. Este esquema se ha elaborado sobre la base de las anteriores experiencias de aprendizaje. Esta construcción resulta de la representación inicial de la información y de la actividad, externa o interna, que desarrolla el sujeto. La incorporación de nuevos significados modifica el esquema o estructura existente.
- Las personas aprenden a aprender cuando ellas aprenden. El aprendizaje consiste en construir significados y construir un sistema de aprendizaje. Cada significado que construimos nos sirve para construir otro significado, los que pueden fijarse en un patrón similar.¹⁶
- El aprendizaje envuelve el lenguaje y el lenguaje que utilizamos influye en el aprendizaje.
- El aprendizaje es una actividad social. Nuestro aprendizaje está íntimamente asociado con nuestra conexión con los otros seres humanos.
- El aprendizaje es contextual: no aprendemos aisladamente los hechos y las teorías. Aprendemos en relación con lo que sabemos, con lo que creemos, con nuestros prejuicios y miedos.

Las estructuras cognitivas se definen como: las representaciones organizadas de experiencias previas. Son relativamente permanentes y sirven como esquemas que funcionan para filtrar, codificar, categorizar y evaluar la información que se recibe en relación con alguna experiencia relevante. La idea principal aquí es que mientras aprendemos, estamos constantemente organizando y reorganizando la información en unidades. Esta organización la denominamos "estructura". La nueva información generalmente es asociada con la información ya existente en esas estructuras, y este proceso a su vez puede reorganizar o reestructurar la información existente. La existencia de estas estructuras ha sido reconocida por psicólogos desde hace tiempo atrás.

El hecho más importante de las constructivistas es señalar el papel activo del sujeto en el proceso de conocimiento, más allá de la pasividad y la simple recepción de la información por parte del sujeto. Tienen gran importancia práctica para los educadores, los programas educacionales, la confección de materiales escritos y textos, así como la utilización de los medios en la educación a distancia. Reflejan una situación real dentro de una época marcada por la utilización de nuevas tecnologías que requiere, como nunca antes, un sujeto activo.

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La educación a distancia es un sistema tecnológico que permite la comunicación alumno-profesor y viceversa, que se apoya en los recursos didácticos y en la asesoría tutorial para lograr un correcto aprendizaje individual y colaborativo.

Es importante conocer las bases teóricas que soporta la educación a distancia para entender este modelo que desde hace años se desarrolla a nivel mundial, teniendo en cuenta que más allá de la tecnología lo que sustenta este tipo de educación es el diseño pedagógico.

Las nuevas tecnologías de la información y las comunicaciones han propiciado el desarrollo de la educación a distancia, brindando herramientas que apoyen este proceso. La posibilidad de utilizar el chat, el foro para la comunicación interpersonal, la creación de ejercicios en línea, son algunas de las ventajas que permiten el intercambio y el trabajo colaborativo como premisas teóricas de la modalidad a distancia.

En la actualidad van tomando auge las redes de aprendizaje, como espacio que permite la interacción de individuos con intereses comunes para compartir conocimientos e ideas, propician el debate y el trabajo en grupo, influyendo en el desarrollo de competencias profesionales. Es un espacio abierto de interacción que permite compartir enlaces, archivos. Los profesores deben prepararse para este nuevo espacio como guía y acompañante en el proceso, colaborador en la construcción del conocimiento.

¿Cuáles son las desventajas realmente alarmantes?

Entre los tantos factores que dificultó la adaptación de los alumnos de las universidades podría ser de los más relevantes el retraso en el proceso de aprendizaje, esto porque el ritmo que se lleva en un aula, es decir, cuando se tiene a los docentes frente al aula realizando presentaciones, realizando ejercicios o inclusive asegurándose de que al alumnado esté prestando la atención precisa mediante participaciones tanto individual como en equipos lo que evidentemente se complica en las clases en línea mediante plataformas donde tenían la facilidad de unirse a los chats mientras realizan diversas actividades extra aula.

Por otro lado una variante derivado de la misma problemática es el hecho de que un porcentaje de los estudiantes no sólo lidiaba con su educación sino que atravesaba por diversas dificultades personales o familiares, es decir, la pandemia actual trajo consigo un alto porcentaje de mortandad, en el sentido que hubieron pérdidas humanas o familiares de manera directa lo que ocasionó tanto el abandono de los estudios, como disminución de interés por continuar o concluir la carrera universitaria de manera satisfactoria.

En ciertos casos, los jóvenes estudiantes de igual forma se convirtieron en los pilares de su familia en un aspecto moral, económico, por lo que argumento de igual forma, es una dificultad para el mismo grupo vulnerables de los estudiantes, en donde muchas veces no era suficiente un empleo u ocupación de medio tiempo, si no que tendrían que extender a una jornada laboral completa para poder sustentar de manera satisfactoria o completa su cometido antes mencionado.

Palabras clave: Educación a distancia, pandemia, nuevas tecnologías.

**4TH INTERNATIONAL LATIN AMERICAN
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LA EXPORTACIÓN DE BARRILES DE PETRÓLEO DE MÉXICO A ESTADOS
UNICOS**

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RESUMEN

El presente trabajo aborda la exportación de barriles de petróleo de México a Estados Unidos. Es un estudio descriptivo, transversal y observacional. El objetivo es determinar el impacto de las importaciones de barriles de petróleo de México a Estados Unidos en la economía mexicana. La exportación de barriles de petróleo desde México hacia Estados Unidos ha sido una importante fuente de ingresos para ambos países. México es uno de los mayores productores de petróleo en América Latina y Estados Unidos es uno de los mayores consumidores de petróleo del mundo. En el pasado, la mayor parte del petróleo exportado por México a Estados Unidos provenía de la empresa estatal Petróleos Mexicanos (Pemex), pero en los últimos años, se ha abierto el sector petrolero a la inversión extranjera, lo que ha aumentado la producción y la exportación. El petróleo es un producto de alta demanda en Estados Unidos, debido a su uso en la generación de energía y la fabricación de productos químicos. La mayor parte del petróleo importado por Estados Unidos proviene de países de Oriente Medio, pero la importación desde México también es significativa. El comercio de petróleo entre México y Estados Unidos se ha visto afectado por factores como la fluctuación de los precios del petróleo en el mercado internacional y la incertidumbre política en ambos países. Sin embargo, la cooperación entre México y Estados Unidos en la producción y el comercio de petróleo ha sido beneficiosa como una relación "estratégica" por expertos en el sector. En resumen, la exportación de barriles de petróleo desde México a Estados Unidos es una fuente importante de ingresos para ambos países y una parte fundamental de su relación comercial. A pesar de los desafíos, ambos países continúan trabajando juntos para asegurar una producción y un comercio de petróleo sostenible y eficiente.

Palabras clave: Tratados comerciales; mercados potenciales; comercio.

**4TH INTERNATIONAL LATIN AMERICAN
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ABUSO DE AUTORIDAD DE LA POLICIA**

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RESUMEN

En este artículo se aborda el tema del abuso de autoridad de la policía, para lo cual se realiza un estudio descriptivo, transversal y observacional. El objetivo es determinar las funciones de la policía en México que pudieran representar una violación a los derechos de los ciudadanos. Los policías como servidores públicos tienen funciones y acciones reglamentadas claramente, sin embargo, han habitado de manera ilícita algunas acciones, cayendo en ocasiones en el delito del abuso de autoridad, la cual define mejor el grado de insipiencia o en el peor de los casos de inexistencia del estado de derecho en un estado, al entrar en juego la obediencia al ordenamiento jurídico y el respeto a la dignidad del ciudadano. También se trata de dar una perspectiva más clara al acentuar que el abuso de autoridad, se trata de un delito por medio del cual una persona se aprovecha de otra que está en situación de subordinación con respecto a la otra gracias a su cargo que le confiere el estado y las atribuciones que le otorga, en este caso específico el abuso de autoridad de parte de los policías hacia los ciudadanos. Dentro de este artículo se observa que, dentro del ejercicio de lo indebido de la función pública, efectivamente hay una figura predominante y representativa que se trata del abuso de autoridad, tema a analizar en este artículo y sus sanciones según lo establecido en el artículo 109 de la Constitución Política de los Estados Unidos Mexicanos, conforme y vista conforme la administración pública como un delito específicamente tipificado y conforme a la legislación administrativa como una falta. para dar a conocer también los diferentes supuestos que el código penal federal identifica en su artículo numero 215 los que se comete tipificados como delitos en sus amplias expresiones y especificaciones reglamentarias.

Palabras clave: Policías, abuso de autoridad, funciones.

**4TH INTERNATIONAL LATIN AMERICAN
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MANAGEMENT CONTROL SYSTEM AND INNOVATION PROCESSES IN
INDUSTRIAL COMPANIES**

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ABSTRACT

The objective of this study is to analyze the influence of the use of management control system (MCS) in the innovation processes in industrial transformation companies. For that, we carried out descriptive research, through a survey and with a quantitative approach. Data collection took place through the application of an electronic questionnaire, consisting of 82 questions, answered by owners and controllers of 44 industries in three micro-regions in the northwest of Rio Grande do Sul, Brazil. For the analysis, we used descriptive statistics, Cronbach's alpha test, and quantile regression. As an MCS, we use the Simons levels model, characterized by the system of beliefs, restrictions, interactive and diagnosis. The results indicated that the use of the diagnostic system had a positive influence on median levels of innovation, also manifested in product innovation, organizational innovation, and marketing innovation. For marketing, the influence of the diagnostic system is also positive at lower levels. The restrictive system showed a negative influence in the presence of low levels of product innovation, while the interactive system exerts a positive influence on higher levels of process innovation. We conclude that the levers of control exert different influences on the different innovation processes.

Keywords: Industries. Innovation Processes. Management Control. Management Control System.

3. INTRODUCTION

In a globalized market, companies need to be more competitive, and dynamic compared to their competitors [40]. The business environment in constant transformation requires companies to face strong competition and the demand to manage their effectiveness to maximize their performance [30]. In this context, the Management Control System (MCS) is considered how managers promote subsidies for the decision-making process, planning, elaboration of strategies, and performance evaluation [29], [44].

Simons' theoretical model is composed of four levers of control focused on the use of the MCS, known as Levers of Control (LOC): belief system, boundary system (restrictive), interactive control system, and diagnostic system. The belief system has the objective of providing fundamental values of the organization to its members (such as the mission, vision, and values), in addition to inspiring and directing the search for opportunities. The lever of control, characterized as a system of restrictions, is responsible for establishing limits to the behavior of members in the organization. From the interactive control system, the stimulus and involvement among the members of the organization are identified, which allows the emergence of new ideas and strategies. Finally, the diagnostic system is responsible for tracking, monitoring, and evaluating the performance of members and the achievement of goals [41], [37], [23].

The levers of control, which represent an MCS model, by achieving the balance between control and innovation, can exercise performance optimization and facilitate competitive advantage [14], [3], [18]. In companies with incentives for innovation, the tendency is to generate many opportunities and consequently create market value [42]. Innovation can be considered a set of technical, marketing, and organizational elements that need to meet the basic need and obtain acceptance from the target audience desired by the organization [2], [27]. Thus, innovation can improve quality while reducing costs throughout the process [28].

For the Oslo Manual [32], developed by the Organization for Economic Cooperation and Development (OECD), innovation is segmented into four typologies, with specific characteristics: i) product innovations, represented by significant changes in products and services, including new goods and services; ii) process innovations, characterized by new or significant changes in production and distribution methods; iii) organizational innovations, identified by the implementation of new organizational methods in business practices, or in internal and external relations and iv) marketing innovations, related to the implementation of new marketing methods such as changes in product design and packaging, promotion of the product, methods of establishing prices for goods and services [32].

In this sense, innovation provides companies with a means of gaining a competitive advantage [25]. Industries are considered innovative companies, characterized by a greater capacity to add value to production chains and, consequently, the rise of economic development [36]. The last edition of the Innovation Survey (PINTEC) carried out in 2017, estimated that of a universe of 116,962 companies that had 10 or more employees, approximately 1/3 were innovative, making a general innovation rate of 33.6% in the 2015 triennium to 2017 [36]. Based on the indicators surveyed, industry participation is considered relevant in the economic development process, due to the characteristics of the sector itself, in addition to the association between productivity growth and per capita income growth [43].

In view of the above and amid the alleged contributions of the MCS in the innovation process, studies have presented evidence to substantiate the arguments of how and why the MCS can support innovation [3], [12]. In this perspective, the model of control levers proposed by

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Simons, through the four systems highlighted as “beliefs, restrictions, interactive and diagnosis”, is considered one of the most complete of the Management Control Systems [14], [33], [42].

There are two main streams of research that provide arguments for the use of the MCS in companies with innovation: a) one that describes the rise and fall, in some cases, of controls in the first years of development and innovation of companies [5], [20]; b) another, based on the association between the MCS and the development of organizational variables, such as age, size, strategy and presence of risk capital [10], [11].

In this research, the MCS is defined by the way managers use it for decision-making in the management of innovation processes, based on the analysis of Simons' four control levers, characterized by the system of beliefs, restrictions, diagnosis, and interactive [42], which will be related to the use of innovation processes: product, process, marketing and organizational.

From this perspective, it is intended to answer the following research question: what is the influence of the use of management control systems in the innovation processes in industrial transformation companies? The objective of the study is to analyze the influence of the use of management control systems in the innovation processes in industrial transformation companies.

The relevance of the MCS for innovation processes is justified, an aspect that is indispensable to the sustainability of organizations [24]. Competitiveness in the business world entails the search for a constant differential, through the need for new products, processes, and business models [17].

The theoretical contribution of the study lies in the need to understand how the MCS can support the innovation process, in the constant challenge of managing transformation industries. Studies, for example [16], [17], [31] continue to indicate a lack of control mechanisms linked to the innovation process, which can lead to erroneous understanding and decision-making by managers, implying maintenance, postponement, and even abandonment of innovation projects. In the managerial aspect, the research findings allow decision-makers to evaluate the adequate and balanced use of the control levers, to positively influence the innovation processes in companies.

2. EMPIRICAL DESIGN

The research is characterized as descriptive, survey, and with a quantitative approach. For data collection, questionnaires were sent to 150 industries located in the Northwest of Rio Grande do Sul, specifically in the micro-regions of Frederico Westphalen, Carazinho, and Passo Fundo. The accessibility sample consisted of 44 industries that provided voluntary and valid responses.

The standardized questionnaire contained 82 questions, divided into four blocks. Block one was prepared based on research by [6] and [7] and contained two questions to identify the type of innovation strategy (formal or informal) used by the companies in the sample. To map the belief system, seven questions were used, from the instrument developed by [44], [41], [42], and [6]. The Likert-type scale of the belief system questions ranged from 1 to 5 (1 for never and 5 for very often). To measure the interactive system, nine questions were used, with a Likert-type scale from 1 to 5 (1 for never and 5 for very frequent), adapted from the instruments of [1], [4], [15], [44] and [6]. In measuring the diagnostic system, eight questions were used, based on the studies of [15] and [44], with a Likert-type scale ranging from 1 to 5 (1 for never and 5 for very frequent). The restriction system was measured using ten questions

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with a Likert-type scale from 1 to 5 (1 for never and 5 for very frequent), prepared by [44], [41], [42], and [6].

Block two aimed to capture the types of innovation introduced in companies in the period from 2019 to 2021, being classified and separated by typology based on the form of [36], being: (I) product innovation; (II) process innovation; (III) organizational innovation; (IV) marketing innovation. The statements were measured by questions on a scale of 1 to 5 (1 for totally disagree to 5 for totally agree). Block three contained aspects to characterize the profile of the companies and block four contained aspects related to the profile of the respondents. To attest to the understanding of the questionnaire by the research participants, a pre-test was carried out with employees from two industries. Feedback from respondents was that the questionnaire was accurate and understandable.

From the validation of the questionnaire in the pre-test, the questionnaires were sent via an electronic platform (google forms). To receive the answers, telephone calls were made to obtain e-mails or WhatsApp contact, in addition to additional contacts with managers and executive secretaries of the companies. Data collection took place from June 2021 to October 2022.

After data collection, descriptive analysis and quantile regression techniques were used using Stata® statistical software. In this study, the use of quantile regression makes it possible to analyze and present a more complete picture of the underlying relationship between Simons' levers of control, identified by the System of Beliefs, Interactive, Constraints, and Diagnosis, and the innovation processes (product, process, organizational, and marketing) to answer the research problem. The quantile regression model describes the functional relationship between the dependent variable and the independent variable.

To analyze the influence of the MCS through Simons' levers of control in the innovation processes, quantile regression models were estimated at different levels of interest (quantiles), for each dependent variable identified by the innovation processes:

$$\text{Product} = \beta_0 + \beta_1 \text{formal} + \beta_2 \text{informal} + \beta_3 \text{beliefs} + \beta_4 \text{interactive} + \beta_5 \text{restrictions} + \beta_6 \text{diagnosis} + \varepsilon \quad 1)$$

$$\text{Process} = \beta_0 + \beta_1 \text{formal} + \beta_2 \text{informal} + \beta_3 \text{beliefs} + \beta_4 \text{interactive} + \beta_5 \text{restrictions} + \beta_6 \text{diagnosis} + \varepsilon \quad 2)$$

$$\text{Organizational} = \beta_0 + \beta_1 \text{formal} + \beta_2 \text{informal} + \beta_3 \text{beliefs} + \beta_4 \text{interactive} + \beta_5 \text{restrictions} + \beta_6 \text{diagnosis} + \varepsilon \quad 3)$$

$$\text{Marketing} = \beta_0 + \beta_1 \text{formal} + \beta_2 \text{informal} + \beta_3 \text{beliefs} + \beta_4 \text{interactive} + \beta_5 \text{restrictions} + \beta_6 \text{diagnosis} + \varepsilon \quad 4)$$

$$\text{Innovation} = \beta_0 + \beta_1 \text{formal} + \beta_2 \text{informal} + \beta_3 \text{beliefs} + \beta_4 \text{interactive} + \beta_5 \text{restrictions} + \beta_6 \text{diagnosis} + \varepsilon \quad 5)$$

Through the quantile regression model, it was possible to explain the influence of the MCS, through the four Simons control levers in each innovation process, with the extension of the variables of formal and informal innovation strategies, from three conditioned quantiles of order 0.10, 0.50, and 0.90. The following hypotheses were tested:

H1 - The use of the belief system exerts a positive influence on the innovation process.

H2 - The use of the restriction system exerts a negative influence on the innovation process.

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H3 - The use of the interactive system exerts a positive influence on the innovation process.

H4 - The use of the diagnostic system exerts a positive influence on the innovation process.

The four levers demonstrate their command when implementing the strategy, due to the connected use of the systems [46]. When working together, the four control systems provide an efficient influence environment, which supports the pursuit of competitive sustainability and strategy implementation [46]. Given the above, it is understood that organizations need to manage their activities to constantly seek new opportunities, this search being essential to stimulate innovative activities and at the same time focus on the main objective to guarantee its maintenance in the long term [34].

3 RESULTS ANALYSIS

Table 1 shows the descriptive statistics of the Management Control System construct, through Simons' four control levers.

Table 1. Management Control System

N=44		Beliefs	Interac tive	Restric tions	Diagno sis
Mean		3,48	3,23	3,40	3,33
Median		3,64	3,22	3,50	3,38
SD		0,91	0,69	0,89	1,01
Minimum		1,00	1,00	1,00	1,00
Maximum		5,00	5,00	5,00	5,00
Percent ile	25	2,86	2,89	2,90	2,63
Percent ile	50	3,64	3,22	3,50	3,38
Percent ile	75	4,14	3,67	3,98	4,09

Note: SD represents standard deviation.

In general, the average of the four Simons control levers was greater than 3 and they are close, the same occurring for the medians. Table 2 presents the descriptive statistics of the innovation processes and the innovation strategies used by the companies in the sample in formal and/or informal ways.

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Table 2. Innovation process

N=		P	P	Organi	Ma	Inn	F	In
44		roduct	rocess	zational	rketing	ovation	ormal	formal
Me		3	3		3,6		3	3,
an		,58	,24	3,17	1	3,40	,11	20
Me		4	3		4,0		3	3,
dian		,00	,40	3,25	0	3,53	,00	00
SD		1	1		1,3		1	1,
		,42	,01	1,01	5	0,99	,19	11
Mi		1	1		1,0		1	1,
nimum		,00	,00	1,00	0	1,00	,00	00
Ma		5	5		5,0		5	5,
ximum		,00	,00	5,00	0	5,00	,00	00
Per		2	2		2,5		2	3,
centile	5	,25	,60	2,37	0	2,67	,25	00
Per		4	3		4,0		3	3,
centile	0	,00	,40	3,25	0	3,53	,00	00
Per		5	4		5,0		4	4,
centile	5	,00	,15	3,83	0	4,32	,00	00

Note: SD represents standard deviation.

In general, the average of innovation processes and formal and informal innovation strategies were higher than 3 and were very close. It is noted that the median is slightly higher than the average in innovation processes and slightly lower than the average in relation to innovation strategies, however, the indicators are close.

For analysis purposes, the 10th and 90th percentiles were considered, representing the extremities, and the 50th quartile, representing the central positioning of the sample. Table 3 presents the quantile regression results for MCS and innovation processes in different quartiles.

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Table 3. Quantile Regressions for MCS and Innovation

Panel A: Dependent variable Product Innovation						
Variable	Q10		Q50		Q90	
	Coefficient	Test t (sig)	Coefficient	Test t (sig)	Coefficient	Test t (sig)
Formal	0,1694751	0,47	-	-0,84	0,602151	0,37
Informal	0,6288889	2,14**	0,311231	1,01	0,434880	2,07**
Beliefs	0,2333305	0,34	0,670993	0,09	0,894147	0,23
Interactive	0,7409870	0,70	-	-0,13	0,357832	0,62
Restrictive	-	-1,77*	-	-0,26	0,174977	0,57
Diagnoses	0,2989586	0,65	1,148348	2,57**	0,234186	0,66
Constant	-	-0,50	0,473167	0,03	0,351193	0,24
R ²	0,2899		0,2536		0,1164	
Panel B: Dependent variable Process Innovation						
Variable	Q10		Q50		Q90	
	Coefficient	Test t (sig)	Coefficient	Test t (sig)	Coefficient	Test t (sig)
Formal	0,412797	1,53	0,508749	2,08**	0,339116	1,88*
Informal	0,159172	0,56	0,146542	0,83	0,231152	0,18
Beliefs	-	-0,35	-	-0,07	-	-0,63
Interactive	0,155340	-	0,239099	-	0,161100	-
	-	-0,01	0,497867	1,33	0,711306	2,07**

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ve	0,009945 3		1		8	
Restrictive	-	-0,94	-	-1,27	-	-1,31
Diagnosiss	0,603357 0		0,290314 1		0,291966 1	
Constant	0,672341 4	1,06	0,000119 7	0,00	0,183815 9	1,01
	0,909535 1	0,46	0,896424 2	1,47	1,611323 0	1,64
R ²	0,2481		0,2963		0,3696	

Panel C: Dependent variable Organizational Innovation

Variable	Q10		Q50		Q90	
	Coefficient	Test t (sig)	Coefficient	Test t (sig)	Coefficient	Test t (sig)
Formal	0,351040 8	1,72*	0,217180 2	1,19	0,223933 5	0,95
Informal	0,175534 7	0,55	0,006780 9	0,04	- 0,121830 7	-0,58
Beliefs	0,159836 2	0,29	0,369388 0	0,16	0,008006 6	0,02
Interactive	0,490231 8	0,45	- 0,155186 3	-0,49	- 0,039122 0	-0,07
Restrictive	- 1,001508 0	-1,47	- 0,212804 9	-0,83	0,036682 6	0,11
Diagnosiss	0,476397 3	0,87	0,615028 3	3,02***	0,109832 9	0,30
Constant	- 0,151359 8	-0,09	1,650260 0	2,73***	3,394958 0	2,18**
R ²	0,2829		0,2522		0,2328	

Panel D: Dependent variable Marketing Innovation

Variable	Q10		Q50		Q90	
	Coefficient	Test t	Coefficient	Test t	Coefficient	Test t

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	nt	(sig)	nt	(sig)	nt	(sig)
Formal	0,501741 4	2,13**	0,399800 3	1,40	0,111152 9	0,25
Informal	0,127548 6	0,41	0,291007 8	1,32	0,023534 9	0,09
Beliefs	- 0,924919 8	-3,14***	- 0,165395 6	-0,27	- 0,014927 3	-0,03
Interacti ve	- 0,670315 5	-2,06**	0,715278 6	1,16	0,288484 5	0,35
Restricti ve	0,148028 0	0,26	- 0,582136 0	-1,06	0,063959 8	0,18
Diagnosi s	1,438128 0	5,97***	0,659578 0	1,95*	- 0,187946 3	-0,36
Constant	0,416103 8	0,24	- 0,377699 9	-0,45	4,050996 0	2,17**
R ²	0,4593		0,2516		0,0318	

Panel E: Dependent variable Innovation Processes

Variable	Q10		Q50		Q90	
	Coefficie nt	Test t (sig)	Coefficie nt	Test t (sig)	Coefficie nt	Test t (sig)
Formal	0,182285 1	0,93	0,252381 4	1,45	0,165137 7	0,70
Informal	0,199683 6	1,12	0,217619 3	1,35	0,052859 5	0,35
Beliefs	- 0,171197 9	-0,33	0,088083 9	0,46	0,008133 2	0,03
Interacti ve	0,417403 5	0,63	- 0,023128 6	-0,08	0,323150 7	0,60
Restricti ve	- 0,688031	-1,62	- 0,159280	-0,94	- 0,219704	-0,60

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	7		5		2	
Diagnosi s	0,579365 0	1,60	0,447899 3	1,89*	0,413076 1	1,50
Constant	0,930336 7	0,75	0,880414 4	1,60	1,790101 0	1,56
R ²	0,3075		0,3300		0,2997	

Note: *** significance to 1%; ** significance to 5%; * significance to 10%; Q (quartile).

It is noted in Table 3 (Panel A) that there is a positive influence of informal innovation strategies when the company has low levels of product innovation (quartile 10) or high levels of product innovation (quartile 90). For [26], the use of non-formal strategies contributes to increased flexibility in the search for innovation, in addition to which companies seek strategies that allow them to reduce costs and increase productivity [26].

Regarding the MSC, it is observed that there is a negative relationship between the restrictive system and the lowest levels of product innovation (quartile 10). This evidence follows the findings of [44], demonstrating that the restriction system delimits an exploration field, that is, due to the limiting dimension that the restriction system can produce, it ends up reaching the sample industries that present little innovation of products.

The diagnostic system was positively related to product innovation in the 50th quartile, that is, when there is an average level of innovation entry in companies, in line with the study by [18], which demonstrated that product innovation is positively linked to the diagnostic system, evidencing the opposition to the findings of [22] in which the diagnostic system is a barrier to innovation.

In Panel B, the positive influence of formal innovation strategies can be seen when the company has medium levels of process innovation (50 quartiles) or high levels of process innovation (90 quartiles), suggesting that organizations are increasingly articulating the development and monitoring innovation processes, through strategies that allow them to reduce costs and increase productivity.

Regarding the MCS, it is observed that there is a positive relationship between the interactive system and the highest levels of process innovation (quartiles 90). This also reveals that the managers of these companies operationalize the objectives through a more flexible and dynamic management model, characterized by interaction and flexibility in the operationalization of their strategies [35]. The positive influence of the interactive system suggests greater involvement of employees in the decision-making process and reinforces the notes of [9] and [31].

Panel C demonstrates the positive influence of formal innovation strategies when the company has a low insertion of innovation (10 quartiles), which contradicts the finding of [8] because when exploring the determinants of organizational innovation, it proved the existence of a negative association between innovation and formalization.

The negative relationship of formal innovation strategies can happen when there is a combination of strategies that do not reinforce each other, which leads to a reduction in the effectiveness of investments in innovation [39]. The choice of an innovation strategy is

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influenced by the sector in which the company operates, the history of adopted strategies, and the financial, material, and human resources at its disposal [19].

Next, it is observed that there is a positive relationship between the diagnostic system and the implementation of medium levels of organizational innovation (quartiles 50). This finding is consistent with the argument of [18], that the diagnostic system is relevant in organizational innovation strategies, in addition to demonstrating the concern of organizations to meet the goals.

In Panel D, the positive influence of formal innovation strategies is evidenced when the company has low levels of marketing innovation (quartiles 10), a fact that demonstrates the negative influence of the belief system. According to the findings of [37] and [13], the existing belief system in organizations has applications in practice but is not regularly used. The finding points out that the belief system is also little used by the manufacturing industries of the Northwest of Rio Grande do Sul when it comes to marketing innovation, which may explain the little stimulus of the companies in the sample in terms of marketing innovation.

The interactive system is negatively related to the insertion of low levels of marketing innovation (quartiles 10). This finding is in line with the study by [13], which states that the lower the level of marketing innovation, the lower the stimulus to dialogue and communication in the organizational environment. In the study by [4], the interactive control system is used by managers to involve themselves regularly and personally in subordinates' decision-making activities, to discuss strategic uncertainties, and to foster dialogue and debate. Thus, the little inclusion of marketing innovation and the negative relationship with the interactive system in the sample industries can be explained by the little dialogue and communication between managers and subordinates.

On the other hand, the diagnostic system has a positive influence on both the implementation at low (10th quartile) and medium (50th quartiles) levels of marketing innovation. The findings corroborate with [38], which showed that the diagnostic system enables the organization to verify the level of operational performance, by maintaining a uniform direction for the entire company, and used as a facilitator when monitoring goals that lead to results. members of the organization to follow the determinations of the managers. Through these results, it is noted that monitoring and control are present in the industries in the sample.

About Panel E, it appears that only the diagnostic system has a positive influence on median levels of the innovation process (quartiles 50). This result is in line with the study by [18], which demonstrated the positive association between innovation and the diagnostic system. This result indicates that the focus of companies is directed to monitoring and controlling the fulfillment of established goals, possibly related to the aspiration of consolidation and reference in the segment [38]. Based on the results analyzed, Table 4 presents the partial validation of the hypotheses that were used in this research, when considering different levels of innovation represented by the extreme and central quartiles.

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Table 4. Validation of research hypotheses and levels of innovation

Validation	Quart ile 10	Quart ile 50	Quar tile90
The use of the restriction system exerts a negative influence on product innovation	X		
The use of the interactive system exerts a positive influence on process innovation			X
The use of the diagnostic system exerts a positive influence on the innovation process		X	
The use of the diagnostic system exerts a positive influence on product innovation		X	
The use of the diagnostic system exerts a positive influence on marketing innovation	X	X	
The use of the diagnostic system exerts a positive influence on organizational innovation		X	

Evidence indicates that diagnostic control is constantly used in the companies in the sample, as part of everyday activity, regarding the extension of innovation processes, considering that companies need to monitor their activities and results to achieve the desired objectives. Additionally, companies adopt mechanisms that encourage organization members to get involved and dedicate themselves in favor of innovation strategies. The analysis corroborates the results of the study by [38].

The interactive system showed a positive influence on higher levels of process innovation, suggesting its use in the organizations under study and that managers are involved daily with employees, encouraging organizational learning and the emergence of new ideas. These findings are in line with the research results of [37], [7], [18]. The positive relationship of the interactive system with process innovation is also in line with the findings of [44], as interactive controls are generally linked to companies that are more focused on learning and leveraging innovation.

Regarding the restriction system, it is up to the task of imposing limits on the processes of searching for opportunities and assigning focus to action, serving as a resource to demarcate the organization's territory of action [41]. Finally, it is possible to affirm, based on the findings of [7] that, in general, the restriction system provides some kind of explicit guidance about acceptable and unacceptable innovation activities. This fact is also influenced in this study by the level of innovation implementation, specifically in product innovation.

4. CONCLUSIONS

The findings indicate that the relationship between MCS and innovation processes varies according to the level at which innovations are inserted in the sample industries. The use of the diagnostic system had a positive influence on median levels of innovation processes, specifically on product innovation, organizational innovation, and marketing innovation. In marketing innovation, the influence is also positive for low insertion levels. The constraint

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system negatively influences low levels of product innovation, and the interactive system exerts a positive influence in the presence of high levels of process innovation.

The results contribute to research on management control, considering that innovation is essential for business prosperity. The research also contributed to the theme of managerial control, by considering Simons' four control levers related to the four innovation typologies. This aspect differentiates the research from the previous literature, which has focused on the study of the relations of the levers on one or some aspects of innovation, in the same way, that the exploration of the results through the levels of insertion of innovation was not found in other studies related to the MCS and the innovation processes.

Regarding business practice, this research provides evidence of the influence of the use of MCS in relation to innovation, however, the relationship was dependent on the level of insertion of innovation. As a social contribution, it is hoped that the findings of this research can contribute to the achievement of the objectives of the 2030 Agenda by industries, in particular SDG 9, especially about the goals of economic development and human well-being, through the development of quality and sustainable infrastructure, with a significant increase in the industry's share of employment and gross domestic product.

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