

Measuring Corporate Social Responsibility for Local Communities in Mining, Oil and Gas Industries, The Case of Indonesia

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Abstract

Studies about the concept of corporate social responsibility (CSR) involve more aspects than just business and management, it is influenced by both industrial specifics and local specifics. This study examines the method to measure CSR in two companies in Kalimantan and Sumatera. It argues that CSR requires to employ the concepts of social justice and social equality, and is undertaken by using a social contract mechanism. The operationalisation of the three concepts involves legal aspect (compliance to law), business (improvement of corporate image), welfare and capacity building (both of local communities) and social integration (between the corporation and the local communities). In measuring the achievement of CSR these three aspects are given different weightings in accordance to the significance of each. Using quantitative (survey and secondary data) and qualitative (in-depth interviewing and observation) methods. The result show that CSR measurement method needs to consider two aspects proportionally, community and corporation. Another finding of the study confirms that CSR is not only a matter of philanthropy, but in fact is an obligation, as part of the mode of production, in order to gain social legitimacy, which apply social justice and equality in the practice of mining and oil industries in Indonesia.

Keywords: *corporate social responsibility, social justice, equality, social contract, index measurement.*

1. Introduction

The relation between a corporation and a community is strongly influenced, not only by the type of industry, but also by the local context. In Indonesia, the relationship between corporations and stakeholders has undergone many changes in line with social and political changes, especially since the fall of the New Order (1998) and the decentralisation process (1999-present). The influence of socio-political changes is most apparent in the relationship of corporations with local communities in extractive industries such as mining, oil and gas, including geothermal energy. Negative perceptions of local populations often arise against mining, oil and gas corporations, because they do not feel that the presence and activities of these corporations result in improvement to their welfare, and the corporations are considered to lack commitment and concern for the conditions of local peoples. Therefore, there have been numerous cases of conflict, as had happened to PT Newmont in Sumbawa and North Sulawesi, PT Freeport in Papua, Rio Tinto in Kalimantan, Chevron in South Kalimantan, BP in Papua, Inco in Sulawesi, Arutmin in South Kalimantan, Star Energy in West Java, and many other similar cases.

To resolve the issue, corporations utilise corporate social responsibility (CSR) programs to establish "socio-political communication". In this context, CSR in Indonesia has various meanings and functions. First, implementation of CSR means compliance to Law No. 40/2007 (article 74), and Oil, Gas and

Mining Enterprises Law (Prayogo, 2008a). Second, the implementation of CSR has the business effect of enhancing corporate image and improving corporate social performance, which can affect stock prices. Moreover, achievements in CSR can be used as marketing materials to enhance corporate branding. Third, successful CSR programs will have the economic effect of improving the welfare of local communities, so as to reduce social and economic inequality. Fourth, CSR programs have the socio-economic impact of improving social legitimacy, more than just a "license to operate", in the form of support and protection of local communities to the presence and activities of the corporation.

Particularly in Indonesia, mining, oil and gas industries (including geothermal energy) must have "social responsibility" to local communities in a more comprehensive manner because such corporations are exploiting natural resources located in the environs of these communities. In Article 33 of the 1945 Constitution, it is stated that "... the earth, waters and everything contained therein are controlled by the state ... " so landowners do not own of minerals and other mined objects; the state does not recognise private ownership of minerals. Therefore, the presence of mining activities is perceived to result in more negative than positive impacts, so rejection and frequent conflicts often occur between corporations and local communities. To overcome such problems, mining, oil and gas corporations should make more socio-political efforts to restore the sense of justice and equality of local communities harmed by the exploitation of mining, oil and gas, one of which is through CSR to local communities.

2. Research Methods

This research method uses a deductive approach, i.e. by defining the concepts first and then operationalising them into variables and indicators. The creation of the indicators must give attention to the appropriateness or fitness for purpose (Descombe, 2003), so that there is a correspondence between substance with the method of study. In this way the concept of CSR is defined first to be explained further to indicators and their measurement. There are two steps taken for this purpose, namely the conceptualisation and operationalisation (Cresswell, 1994). Conceptualisation is done by formulating and limiting the meaning of the concept of CSR through the study of literature (desk study) of relevant literature/documents. Operationalisation is done by elaborating the concept into indicators and sub-indicators, later to be developed as research instruments.

Primary data were collected using several techniques, namely i) a survey of users of CSR programs, ii) in-depth interviews with key informants, iii) observations of the subject and object of CSR, and iv) collection of secondary data from relevant sources. The sample numbered 150 respondents, randomly selected from the population of program beneficiaries. In-depth interviews were conducted with key informants, namely beneficiaries selected for being actively involved in the program as well as local community leaders who were aware of CSR activities in question (Denzin and Lincoln, 2000). Observation is carried out on program activities and results, with images as objective data. The collected survey data are processed using SPSS 11 program to generate frequency data, while qualitative data resulting from in-depth interviews and field observations are interpreted. Secondary data collected selectively are tabulated to observe the numerical trends. Using such methods of data collection and analysis, the quality of the data becomes sociologically valid and reliable, and thus the data that are presented actually reflect the objective situation in the field.

3. Justice, Equality and Social Contract

Studies on the concept of CSR as have been done by many researchers tend to refer to management and business aspects (see Benn and Bolton, 2011; Hennigfeld et al., 2006; May et al., 2007; Jonker et al., 2006; Carroll, 1999). The principal substance of these studies reflects how the business and management paradigm sees society as secondary stakeholders (Bevan, 2011). In the case of Indonesia and many developing countries, the concept of CSR is very tightly linked to the sociological aspect, namely the condition of the relationship between a corporation and the local community. As the corporation performs exploitation of natural resources and minerals, local communities should be placed as primary stakeholders, even as the "owners" of the natural resources being exploited. However, there is no constitutional recognition of private ownership of natural resources in Indonesia.

To empirically observe the importance of CSR practices in Indonesia, one can observe the phenomenon of conflict between corporations and local communities (see Table 1). Industrial specifics substantially determine causes of conflicts between corporations and stakeholders. In a number of conflicts in the mining, oil and gas industry in particular, it is found out that the source of conflict in general is related to two issues: 1) poverty and inequality, as well as 2) unfair political practices, particularly within the New Order regime (1966-1998) in relation to ownership of land (Prayogo, 2008a). To be efficient and effective, the management of mining, oil and gas is done using modern technology and huge capital. Therefore, the presence of mining, oil and gas industries already in itself represents a discrepancy between the modern, high-tech and capital-intensive, and the traditional, simple and marginalised groups. In such a situation, social inequality coincided with the presence of the industry itself.

When examined more comprehensively, the main substance of the problems in the relations of corporations and communities in the mining, oil and gas industries in Indonesia is based on three issues: i) neglect of social justice, ii) lack of equality in welfare, and iii) absence of a social contract (agreement) between corporations and local communities. The concept of "justice" is at the core of social relationships, namely that stakeholders should be treated equally, as emphasised by Kant and Rousseau regarding relationship between institutions (Vaidya, 2005). This view is of course contrary to the utilitarian view such as Milton Friedman's. In this context, conflict is a symptom of impairment to the sense of justice of the local communities. To overcome this problem, the "sense of justice" must be restored through CSR activities. While in principle community's "property rights" over natural resources that are exploited are not equivalent to the CSR program, at least CSR functions in confirming that the corporation regards the community as the primary stakeholder (Prayogo, 2008a). In many cases of mining, oil and gas conflicts in Indonesia, the local people have the perception that in principle they are the "owners" or at least have "priority" over the benefits of mineral or natural resource exploitation.

Table 1. Trends of Relations between Corporations and Stakeholders in Indonesia

Industry	Local community	Labour	Consumers
Extractive Exploitation of natural resources/local communities	Category 1: high resistance, prone to violent conflict, sources of conflict generally are related to economic resources	Category 2: medium resistance, not very prone to conflict, in general welfare of workers is very good	Category 3: low resistance, infrequent conflict except in the form of product boycotts related to pollution or human rights
Manufacture Exploitation of labour	Category 2: medium resistance, not very prone to conflict except in relation to environmental issues	Category 1: high resistance, very prone to conflict as extra margin is obtained by minimising wages	Category 2: medium resistance, infrequent conflict except complaints of product quality
Services Exploitation of consumers	Category 3: low resistance, infrequent conflict, rare interaction and clashing interests	Category 2: medium resistance, not very prone to conflict except in corporations having labour issues against the management	Category 1: high resistance, very prone to conflict as extra margin is obtained from the disparity between service quality and price
Plantation Exploitation of land and local labour	Category 1: high resistance and conflict due to frequent land disputes	Category 2: relatively medium resistance, but exploitation of local labour occurs due to low wages	Category 3: low resistance as there is no direct correlation with consumers

Source: Dody Prayogo, 2008.

Furthermore, the concept of "equality" is understood as economic distribution to local communities, as fulfilment of their rights from the mining activities; a kind of distributive welfare or distribution of economic outcomes from mining activities (Prayogo, 2008b). In this context the concept of CSR becomes very relevant; it becomes a tool how corporations create "equal welfare" between the corporations and the local communities. In the mining industry in Indonesia, corporate profit must be achieved in balance with the welfare of local people, as the constitution does not recognise community rights over minerals. To achieve this objective, CSR program becomes one of the methods through which economic equality can be achieved.

Finally, the concept of "social contract" refers to the mechanism or method of how the principles of "fairness" and "equality" are enforced and operationlised (Adam, 2008). Particularly in the practice of mining in Indonesia, the presence and activities of mining corporations do not only require legal approval, but also approval from the society (social legitimacy). The process of creating social legitimacy requires an agreement involving the local community, as the social institution most vulnerable to the impacts of corporate operations. While the mining permit is a "legal contract", social legitimacy is a form of "social contract" in the form of support from the local community for the presence and activities of the mining operations. Furthermore, the end result of the social contract is

"social integration" between the corporation and the local communities. Therefore, social legitimacy has a wider meaning than merely a "social license to operate" for the corporation. A social contract in the relation of the corporation and local community is a social agreement, which is the operational form of "social integration".

In order to operationalize further in implementing the concepts of justice and equality, four levels can be distinguished (see Table 2). The first level is represented by the concept of philanthropy, in which the corporation is still an institution whose primary function is to obtain profit, and CSR is limited to "attention" or "charity", instead of a social obligation (Saiia, Carrol, Buchholtz, 2003). In the perspective of public policy, such philanthropy is directed to the community, so they would not disrupt the production process (Paul Spicker, 1995). This approach is widely used by conservative CSR, namely that the economic "assistance" is intended for those who are considered to be lacking in welfare, so they do not disrupt production activities. The second level of justice and equality is CSR as a part of the profits, in which the corporation allocates a certain percentage of its annual profits for CSR programs. In the concept of sharing of profit, the community has been included as one of the primary stakeholders in the corporate environment. Although the principle of justice has not been achieved, the principle of equality has been partially fulfilled, as distribution to the society becomes greater in line with increasing profits of the corporation.

Table 2. Operationalisation of the concepts of "justice" and "equality"

Level of Justice and Equality	Operationalisation
Philanthropy	Charity principle, the corporation as a donor and the community as residual, voluntary principle, politically intended to prevent disruption of production process, conservative approach, far from the principles of justice and equality
A part of profit	Dominant role of the corporation, amount of profit and percentage allocated for CSR decided by the corporation, the community is already treated as primary stakeholder, corporation only has the obligation to share profits, the principle of equality has started to be upheld, but the rights of the community (justice) has not been respected
A part of production cost	The community is an integrated part of the production system, CSR cost is included in production costs, the principle of equality is almost achieved but the principle of justice still needs improvement (corporation's position remains rather dominant compared to the community)
A part of ownership	Justice and equality are already upheld, local community rights are emphasised in the percentage of ownership and share of profits, although they bear the risk of loss, the position of community and corporation are equal, CSR is no longer required

Source: Prayogo, 2008.

The third level is the CSR as part of the cost of production, the corporation including the cost of equality into the cost of production, CSR budget is set based on a percentage of the cost production of mining, oil

and gas production. In the case of Indonesia, this is most appropriate, as the constitution does not recognise ownership of natural resources by local communities. At this level, the principle of equality will be achieved. The last level is part of ownership: the local community holds part ownership of the mine. This is the highest level of the application of the principles of justice and equality, as justice is applied through the affirmation of the rights of local communities as co-owners of the mining operation, no longer just as stakeholders, but as shareholders. In this stage, CSR becomes no longer relevant to be practiced, since the corporation is related to the local community as joint owners, and the position of the community is equal to the corporation.

4. The Findings on Measuring CSR

At the empirical level the important concepts of justice, equality and social contract must be operationalized, in order to measure the level of implementation. First, the concept of justice is translated as "legal compliance" to existing regulations, and how policies and internal activities accommodate these regulations. In Indonesia, the obligation of CSR is set out in Law No. 40 of 2007, article 74, as well as the ministerial regulation on the implementation of community development. For corporations, legal compliance can be realised in the form of a written commitment of vision, mission and policies, organisation, budget and CSR programs. Second, the concept of equality is translated as an increase in the welfare and capacity building of local communities. Welfare as a result of CSR can be measured by benefits, relevance of the program to community requirements, impact and sustainability of the program; while community capacity can be measured from the level of participation and empowerment.

Third, social contract in the relations between the corporation and the community is the approval or acceptance by local communities of the presence and activities of mining, oil and gas operations. The objective of this aspect is social integration, namely acceptance and community support for the corporation in the form of co-operation, mutual support and mutual influence. Complementing these aspects, the business interests of the corporation also need to be acknowledged in CSR. Thus, CSR should include the fourth aspect, namely improvement of the corporate image in the eyes of the local community, which can be measured from the assessment of the CSR program itself and the general image of the corporation. With the operationalisation of the concepts, justice, equality and social contract can be translated into CSR practice of mining, oil and gas industries, with the aim to meet the interests of both the local communities and corporations.

Results of field studies, surveys, in-depth interviews, observations and secondary data analysis show that all the aspects mentioned above are applicable, but they must be described in more detail, in order to perform empirical and objective measurement (see Table 3). The studies also show significant weight variance between the aspects. Based on the assessment by main beneficiaries, greater weighting should be given to the social welfare aspect, which is to amount to 35%. This weighting is presumably in accordance with the role of CSR according to the recommendation of MDGs, Global Compact and ISO 26000. Further, the legal and business aspect (corporate image), based on data from field studies, should each weigh about 20%. The weight of the aspect of integration between the corporation and the local community should be about 15%; social integration is very important both for the corporation as well as local communities. The aspect of community capacity building is an additional aspect discovered during the studies, namely that CSR should also be able to increase the empowerment and participation of local

communities in the development as a whole. This aspect can be incorporated into the welfare aspect, as a manifestation of the concept of equality.

Table 3. Aspects (Variables), Indicators and Weightings of CSR

Aspect/Variable	Indicators	Sub-indicators	Weighting
Legal (20%)	Vision-mission, policies, programs and strategies of the organisation, budget	Written policy document containing vision and mission	5%
		Working program and strategies	5%
		Organisation	5%
		Budget	5%
Business (20%)	Image	Impressions of the corporation as impacted by CSR	10%
		Impressions about the CSR program itself	10%
Welfare (35%)	Effectiveness	Output fulfils needs	5%
		Output improves access	5%
	Relevance	Relevance to needs	4%
		Relevance to needs/capacity	3%
		Relevance to local resources	3%
	Sustainability	Sustainability of resources/input	2%
		Sustainability of organisation/management	2%
		Sustainability of maintenance	2%
	Impact	Impact by substance	3%
		Impact by scope	3%
Organisational skills		3%	
Integration (15%)	Unity and cooperation	Corporation as part of the local community	5%
		Corporate-community cooperation	5%
		Corporate influence to community identity/conditions	5%
Community capacity building (10%)	Participation	Participation in activities	3%
		Participation in resources/materials	2%
	Empowerment	Personal skills	2,5%
		Organisational skills	2,5%

By using the four aspects (complemented by the additional aspect of capacity building), success of CSR programs can be measured in a more empirical and objective manner. It should be noted that the aspects, indicators and measures are specifically used to assess CSR practices in mining, oil and gas industries (including geothermal energy), focusing on local communities as stakeholders. CSR indicators in other industries and other stakeholders will have to be measured differently, due to the different substance. There is a need for different definitions and methods to assess the performance of CSR from manufacturing, agricultural and service industries, as well as for different stakeholders: employees, owners, customers or others. CSR is a broad and complex concept in its scope and relations to other institutions, so each sector needs to develop appropriate measurements according to the subjects. Thus,

in measuring the level of success of CSR, we need to restrict the scope and type of industry, and the significant stakeholders.

There are important substantial and methodological implications of the findings of this study. Substantially, the principal findings of research give theoretical and practical implications. The most important theoretical implication is the finding that there are many important substances that have not been covered by the concept of CSR (see Orlitzky and Benjamin, 2001), more specifically for the mining, oil and gas industries in Indonesia and other developing countries. The aspects of social integration and capacity building in CSR are essential for local communities. Aspects that are often covered in the business and management disciplines of CSR are legal, business and economic (welfare) ones, in which in the study cases show significant results. Generally, corporations have written documents stating their policies, programs, organisation and budgets on CSR as a structured activity. The indicator of "legal compliance" is the provision of a number of documents showing the corporation's commitment to the existing system of regulations.

In the business aspect, the "image" of the corporation and CSR programs shows a high level of significance. Corporations will ensure that their expenses will result in financial rewards. A corporate image is an important benefit that can be gained from CSR activities. Corporate image will be more positive when supported by social integration with the local community. Economic welfare of stakeholders is substantially the aspect that is most commonly used to measure the success of CSR programs. This is the aspect of the program intended by MDGs, Global Compact and legislations. However, it should be underlined that the measurement of welfare has to be done at the micro level, and to limit its focus on beneficiaries. Measurement of the community as a whole would negate the success index. The use of indices of poverty and human development (HDI) as a measurement of success would negate the value of CSR performance.

An index in the measurement of the success, referring to the results of this study, is the weighting between indicators in the set of CSR indicators. In practice, the level of significance of CSR for both the corporation and stakeholders can vary. In many references on CSR, either academic or normative concepts (such as MDGs, Global Compact, ISO 26000 or legislations), economy or welfare of stakeholders is put as the main objective of the CSR program. Field data obtained from the study show the same finding: the weight of the stakeholder welfare aspect should be greater than the weighting given to legal, business or capacity building aspects in the assessment. Thus the combined weight of corporate interests (legal compliance and business image) is 40%, while the combined weight of community welfare and capacity building is 45%. The weight for mutual benefits, namely social integration, is 15%; this aspect is important to both institutions. The determination of the percentage of weighting for each aspect demands further study, but there is an understanding that there should be a difference between the aspects, because of the different levels of significance between each aspect.

The results of this study also reveal that in order to create a good "image" and obtain social "support" to the existence and activities of mining, oil and gas corporations, the bulk of the CSR substance must give precedence to the interests of local communities, so that the weighting for the welfare aspects of the local community is to be 35%, while the weighting for the benefit of the corporation (image) is only 20%. The weighting for the benefit of local communities, combined with capacity building aspect (10%), bring the total to 45% of the weighting for the public interests. The legal aspect (20%) and

integration (15%) can be placed and incorporated as indicators of common interests (corporation and local communities). Such weighting is needed in order to create indices to reflect the objective state of the assessed aspects, in accordance to prioritised interests.

5. Concluding Notes

Methodologically, CSR can be said to be a method of managing the relationship between corporations and key stakeholders, which in the mining, oil and gas industries are the local communities. Considering the specific impact of the industries on the local communities, mining, oil and gas industries need to accommodate the concept of social justice, equality and social contract in defining and practicing CSR. In the case of Indonesia, the accommodation of the concepts should be seen from the corporation's needs, not merely as social obligations, whose function is to safeguard the existence and operation of mining, oil and gas activities, because the constitution does not recognise the right of local ownership of minerals. Thus CSR has a larger role than mere philanthropy, but rather becomes part of the mode of production of the mining, oil and gas businesses themselves. By incorporating the concepts of justice, equality and social contract, CSR will be useful both as "protection and social support" for the corporation, as well as improvement and distribution of welfare to communities around the mine, whose overall results will improve the image and social support of the corporation. Such a scope is rarely used, because in most studies, the concept of CSR tends to be a business or management concept, instead of a sociological concept. Interests of the management and short-term corporate business interests dominate the long-term relationships with stakeholders. Academic testing requires similar studies to be done in other countries to ensure the validity of the concepts of social justice, equality and social contract in CSR, particularly in mining, oil and gas industries.

Another important message from the findings of this study is that the major methodological challenge in the development of concepts and methods of CSR is the development of indicators, measurement and determination of the index of success. This is strongly associated with the substantial coverage of CSR to be measured, and measurement of management aspects alone would be inadequate. References to CSR definitions have to be more comprehensive, including industrial specifics (such as mining, oil and gas industries) and local specifics (such as the case of Indonesia or other countries), and observe the relationship between corporations and local communities. To the extent the substance is correct, the substantial indicators to be measured can be elaborated and developed more accurately. Methods of data collection and analysis, as well as measurement of results must be compared to the form and nature of the data. Further development of indicators is highly recommended, and existing elaboration of indicators of the concept of CSR needs to be further developed into sub-sub-indicators.

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