

## The Necessity for Transdisciplinary Communication in Law-Making

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### Abstract

*In modern societies and their governance, many societal issues have become complex and require a multidisciplinary approach to law-making, as many legal matters require knowledge and application of many other fields of study. This article focuses on the critical importance of transdisciplinary communication in shaping robust and responsive legislative frameworks. Based on a review of relevant literature and empirical research, the article demonstrates how collaboration across diverse fields of expertise enhances the quality and efficacy of legislative processes.*

*Transdisciplinary communication fosters dialogue among politicians, researchers, practitioners, and the public. This dialogue allows for a comprehensive understanding of societal challenges and the integration of research-based evidence, stakeholder insights, and ethical considerations into the legislative process, thereby promoting transparency, legitimacy, and accountability.*

*Through case studies and theoretical analyses, the article illustrates how transdisciplinary communication can help avoid unintended consequences, address inequalities in the system, and advance the realization of the public interest. Furthermore, the article highlights the potential of this approach in navigating the complexities of emerging issues such as climate change, technological innovation, and social justice.*

*The article critically examines the approval of Albania’s Sex Offender Registry Law 62/2023, using it as a case study to show the disconnection between scientific research and the formulation of public policy. By tracing the historical origins of sex offender registries and comparing various international models, the study highlights the lack of coherence between the approved law and established research findings. The analysis reveals the overestimation and misrepresentation of statistical data, shortcomings in the legislative process, and the absence of a transparent, evidence-based approach. The failure to implement the law and establish the registry within the provided timeframe and the inherent limitations of the approved model further emphasize the challenges in creating effective legislation. The findings not only critique the flaws in Law 62/2023 but also reflect*

*broader concerns about the utilization of scientific research in shaping legal frameworks, underscoring the need for a more informed and evidence-driven approach to policymaking.*

*In conclusion, the article advocates for a shift towards embracing transdisciplinary communication as a fundamental pillar of contemporary law-making, which would help foster more resilient, equitable, and adaptive governance systems.*

**Keywords:** *Transdisciplinary Communication, Law-making, Policymaking, Interdisciplinary Collaboration, Governance, Societal Challenges, Stakeholder Engagement, Empirical Evidence.*

## **1. Introduction**

The challenges of governing modern societies are increasingly interconnected. Issues like globalization, climate change, technological advances, and other socio-political factors cannot be confined to a single area of expertise. Therefore, legislation cannot be effective if it relies solely on insights from one field. To address these interconnected challenges, transdisciplinary exchange—a framework designed to facilitate communication between scholars across diverse disciplines—is emerging as a critical approach (Jahn et al., 2012; Druschke and McGreavy, 2016; Norström et al., 2020; Ihlen, 2020).

Transdisciplinary exchange as part of the legislative process increases the opportunities for participation of stakeholders and interested parties in the legislative process, but also helps expand the range of perspectives obtained on the issues to be addressed (OECD, 2020.) Through this approach that combines scientific evidence and ethical considerations of scholars across different disciplines, legislators can avoid gaps in the laws that they draft and are better equipped to present solutions that hold up to ever changing societies, while serving the best interest of the public. Transdisciplinary exchange also increases the quality of legislation and can be a factor in drafting laws that can predict emerging issues rather than just react to existing ones.

Therefore, it is the aim of this article to discuss the situation and the need for more transdisciplinary exchange in today's legislative framework. Building on the theory of transdisciplinary communication, the article talks about the

relevance and benefits of this concept in law making contexts. This is then succeeded by a detailed case review of the Albanian Sex Offender Registry Law 62/2023 to explain how the legislative procedure disregarded scientific research and involvement of all the stakeholders. While explaining how and why the present law does not correspond to the current state of research pointed out in the field, the article connects the problem of the transdisciplinary isolation and could produce benefits of further cooperation for formulating adequate and more extensive policies.

In doing so, this article underscores the importance of a paradigm shift that considers transdisciplinary communication as motive of new forms of governance in modern society. In this case, it affirms that through synthesizing the best point of view, using the data findings, and promoting cross-sectorial problem solving, the policymaker is able to formulate legislation that is more appropriate to undertake positive reform and be in a position to address issues of the 21st Century.

## **2. Defining Transdisciplinary Communication**

As societal issues become more sophisticated, transdisciplinary communication is a complete and collaborative mode of working that goes beyond multidisciplinary and interdisciplinary forms of practice (Klein, 2021.) While focusing on defining the transdisciplinary communication and its usage in the legislation-making process, there are works of literature that emphasize the effectiveness of this approach. Bradley et al. (2020) argue that transdisciplinary approaches facilitate policy interventions effectively given that the problems of contemporary governance require response from diverse expertise.

Transdisciplinary communication is also called interdisciplinary communication and comprises cooperation in the use of knowledge from different fields in tackling problems (Frodeman, 2017.) In contrast to multidisciplinary where disciplines operate concurrently (Utrecht University, n.d.) and interdisciplinary where they can interface but not merge (Miller, 2010); transdisciplinarity is characterized by a synthesis of ideas to come up with new paradigms that are beyond one discipline

(McGregor, 2023.) This is important for solving problems which cut across disciplines such as climate change, social justice and the like, which cannot be solved by one profession alone.

Transdisciplinarity not only links research fields of different disciplines but also incorporate stakeholders, professionals, and policymakers. This allows for a synchronization of theory and practice, and enables both of these viewpoints to be incorporated. By doing this, a transdisciplinary approach extends the boundaries of available knowledge based on the inclusion of different fields, which in its turn allows for providing a broader base to the resolution of social issues.

The legislative activity is multi-faceted and by nature interdisciplinary, because it refers to various spheres of social, economic, and scientific relations. Interdisciplinarity is especially important in legislation since it allows to better understand the issues faced by the society. The classic legal perspectives may not be sufficient when laws affect intersectional issues, such as those related to technology, environment, as well as human rights. Intersectoral governance allows law making to have a multi-disciplinary approach and to include empirical evidence and practice. These result in more appropriate and effective legislative provisions.

From this framework, managing the day-to-day functioning of the legislative procedure gets complemented by interdisciplinary efforts, meaning that the effects of laws are understood, and the compounded legislative effects on society can also be visible. Policies created and deployed with the assistance of this approach are more versatile, which is especially suitable for the fields that quickly evolve and transform, where policy is based on modern knowledge.

Researchers have long emphasized the importance of operational transdisciplinary communication in the development of effective policies. Pohl and Hirsch Hadorn (2007) have pointed out the necessity for transdisciplinary approaches that support the integration of scientific, social and political elements, which enable informed decisions in the complex world. Similarly, OECD (2020) notes that transdisciplinary research is

crucial when it comes to worldwide questions because it looks at the same time to science and society, which is an imperative for effective policy.

More specifically regarding the adoption of transdisciplinary knowledge in a legislative setting, Jasanoff (2004) explains how ethical issues improve the social contingency of policies by supplementing scientific and economic considerations. The outlined research suggests that transdisciplinarity enhances the validity and relevance of laws and policies.

Transdisciplinary communication is a new way of thinking about law making because it means integration and co-operation across sectors and disciplinary boundaries. In addition to improving the quality of legislative work, this approach also helps to bring the legislative practice closer to public needs and build more effective and sustainable frameworks for governance. With societies facing complex and connected problems, transdisciplinary communication is vital when crafting laws that can be fair, transparent and address present day issues credibly.

### **3. Case Study: Albania's Sex Offender Registry Law 62/2023**

June 5, 2020 saw a rather spirited protest in Tirana with hundreds of the population taking to the streets to protest against the violence against women, especially the acts including rape and sexual abuse. This movement was sparked by the horrific story of a 15-year-old and a school guard who raped her and three other boys who blackmailed her. Unlike other protest that seems to have been orchestrated, this one began on social media and further highlighted the anger of citizens against sexual violence.

This period of awareness led to the formation of two different civil society groups to advance the legislation for the sex offender registry. CRCA/ECPAT Albania initiated the drafting process of the “Bill No. 1” with the purpose of establishing non-public sex offender registry (CRCA/ECPAT, 2021.). At the same time, the Coalition of non-governmental organizations, headed by Counseling Line for Women and Girls, Women Empowerment Network Albania and Gender Alliance for development subsequently proceeded to put forward “Bill No. 2,” which sought to establish the database of sex offenders

(Kuvendi i Shqipërisë, 2021.) Originally, the Assembly identified two draft bills on the sex offender registry issues; however, in December 2021, the National Security Committee of the Assembly decided to join both raising into a single procedure with supporting a unified sex offender registry bill.

In an international context, sex offender registries as a way of supervising those who have been accused of sex crimes, are widely seen as an important part of safety mechanisms (Thomas, 2010.) The American model impacted other countries in a way that contributed to the development of the belief that such registries help counter sexual crimes (Hoxha, 2020.) Currently in the US, the Adam Walsh's Law of 2006 is the basis for public sex offender registries across all 50 states, the District of Columbia, U.S. territories, and federally recognized tribes. (US DoJ, 2022.) The UK started the sex offender registry in 1997 and updated in 2003, and it compels the offender to declare certain particulars to the police; this depending with the length of the time which the offender is ordered by the court to register (Home Office, 2018.) This registry is only available to law enforcement, with very few exceptions. Canada follows a similar model, with law enforcement access to registries and some public notification schemes in certain provinces. (Benedet, 2012.)

For example, as in other countries of Europe, there is no a single unified registry in Germany, as the country has developed state-based systems (US DoJ, 2014.) Poland has a mixed registry, where some of the information that concerns the more dangerous individuals is available for the general public while the rest is only available to the police. It is important to bear this in mind because, while at EU level, member states are not actually obliged to set up registries at all, EU regulations do insist on the concept of data protection when it comes to criminal records; therefore, EU states are actually allowed to take measures against child sex abuse – including the creation of registry – in compliance with data protection rules.

Evaluation of the efficacy of sex offender registries received more attention towards the end of the 1990s and through to the 2000s and early findings suggested that MRs had minimal effect on rates of reoffending (Zgoba et al., 2023.) Research showed that registries provided misleading perception of increased community safety (Malesky et al., 2001; Adkins et al., 2000,) and numerous studies demonstrated a significant decrease in sex crimes was not

attained after their use. While some studies indicated there could be some gains in terms of reducing crime against identified victims (Prescott and Geary, 2009) call for registration laws as deterrents remain debatable. Although registration laws may have educated law enforcement in a positive way (Walker et al., 2005,) community notification has been blamed for creation of other offenses (Prescott et al., 2009).

Including minors into sex offender registries creates a number of ethical issues. Academics recommend distinct policies for juveniles that commit sex crimes, stressing the need to reform excess punitive measures (Sterling, 2015.) On the other hand, registries have been criticized as placing the responsibility of crime prevention on the victims (Lind, 2016.)

Recent critiques highlight the need for significant changes in sex offender registry practices, calling for the abolition of public notification and for placing a greater focus on prevention and treatment rather than on punishment (Demleitner, 2018.) This shift underlines the necessity for a closer examination of ethical matters and for considering the broader impact that sex offender registries have on societies.

The accompanying reports for the Albanian draft bills on sex offender registries raise critical issues, but they lack clarity and scientific justification for the proposed models. They rely on general statements without citation and fail to present comprehensive data specific to Albania, which undermines their credibility. The assessment is also complicated by the fact that the statistical data within these reports are not substantiated, and some of them are based on non-transparent methodologies (Haxhiu&Leka, 2024.)

The reports overstate the deterrent effects of a sex offender registry without a thorough evaluation of existing recidivism rates in Albania. The legislative proposals reference models from other countries without adequate clarity, leading to confusion about their applicability. Furthermore, the process for the draft bills' progression raises questions regarding adherence to legislative protocols and transparency, with limited public discussion and expert consultation (Haxhiu&Leka, 2024.)

Vagueness regarding access levels and user categories creates uncertainty in implementing the registry. Similarly, responsibility for maintaining the registry lies with the State Police and the General Directorate of Prisons, yet the absence of penalties for non-compliance among offenders poses a risk to the registry's completeness (Haxhiu&Leka, 2024.) These are some of the reasons the registry has not been established yet.

In conclusion, the approval process of Law 62/2023 highlights the disconnect between legislative intentions and scientific research, reflecting a broader trend observed in various jurisdictions. The analysis reveals that good intentions are insufficient for creating effective laws, emphasizing the need for a well-informed, research-based approach. The necessity for collaboration between legislators and the scientific community is crucial to ensure transparency and efficacy in the legislative process, ultimately leading to laws that are both well-intentioned and effective in addressing the challenges of sexual violence and offender rehabilitation.

#### **4. Conclusions**

Albania's Sex Offender Registry Law 62/2023 is one of the most vivid examples of a need for transdisciplinary communication in legislative work. However, the magnified social need for proper response to sexual violence apparently led to deficiencies in scientific approach and lack of stakeholders' contribution, which in turn compromise the effectiveness of the adopted legislation.

This is an example of the paradigm shift where the development of an integrated legislation that encourages transdisciplinary approach is long overdue. Intersectoral collaboration creates an integrated perspective of problems since knowledge from discovery of different fields is integrated to provide a solution to complex matters, which are a characteristics of modern governance.

Lack of transdisciplinary work in the development of the proposed sex offender registry is visible in the lack of a clear scientific foundation that is necessary in the context of the Albanian law. Since the law is based on rather



vague and conclusory assessments that are not confirmed by empirical evidence, the legislative model may be implemented inappropriately, in reference to the Albanian circumstances of sexual violence and sexual offenders. Further, the exclusion of various stakeholders such as social scientists, legal practitioners, and the society reduces the applicability and authority of the law. The controversies associated with the ethical issues of including minors in the registry also support the need for the combination of legal discourse with social science and public views. Studies show that such models make the legislative work better in quality and also guarantee that laws are fair, open and socially appropriate.

This paper therefore validates that when evaluating Law 62/2023, we find that although the desire to eliminate sexual violence is noble, the formulation of the legislation process misses out on the structure needed. Multidisciplinary collaboration might have brought important information regarding concerns related to the proposed registry, including the questions of data protection, law observance, and openness. Had lawmakers consulted a diverse group of professionals, they could have probably designed more layers of approaches to correspond with multifaceted problems of sexual offenses and their social context.

Therefore, it might be concluded that the situation in Albania strengthens the necessity of dialogues of representatives of different scientific disciplines in the matters of legislation. These limitations of Law 62/2023 mean that good intentions without adequate legislation and support can and will fail. For the laws to address the new challenges of the twenty-first century, efforts need to be made to enhance the interaction between research and law. Interaction between academia's interdisciplinary systems will be crucial for the development of laws that pursue public order and justice, equity, and ethical governance. Further studies should examine how the experiences with transdisciplinary approaches in the legislative work can be improved, in order to create better and relevant legislation.

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