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***" Човекој е ѿродукј на два факјори: наследсјво и обука. Ако наследсјвојо е нешјо шјо неможе да се менува, шјојш обукаја е најзначајнаја ѿроменлива величина за човековиј усјех. Не ѿсјои нешјо шјо неможе да се најрави со добра обука" .***

***Марк Твен***

Факултетот за безбедност во своето 40 годишно постоење се испрофилира како институција која образува кадри од областите на безбедноста, криминалистиката, полициските науки и криминолошките и општествените сфери на научно и стручно образование. Своите постигнувања ги согледува во големиот број на профилиран кадар, кој низ годините се водечки во органите за спроведување на законите. Покрај оперативните функции и задачи кадарот на нашиот факултет имал кадри кои биле раководни на највисоките оперативно-раководни места, но и водечки во општествениот живот. Во цело време од своето постоење и функционирање покрај образованието присутно било и воспитувањето и подготвувањето за соочување со најтешките работни задачи во безбедносните институции.

Факултетот за безбедност- Скопје го опслужувале, развивале и ја облагородувале дејноста голем број на стручен и административен кадар. Во почетокот искористувајќи ги капацитетите и можностите во рамки на поранешната СФРЈ. Од таму користени се кадри од сите струки, профили и специјалности, така што тенденција и замисла било постепено да се образува и издигнува свој стручен кадар кој постепено ќе го зазема местото на повиканите кадри. Ваквиот успешен проект кулминира со успех и денес Факултетот за безбедност- Скопје го опслужуваат голем број на сопствени кадри, но и стручни лица од други профили, поради застапеноста на широк спектар на предметни програми од други профили. Ваквиот концепт на образование е во функција на добивање на кадри на кои ќе им се понудат знаења и практики од различни општествени сфери заради широкообразовен зафат на дипломираните студенти.

За ваквиот тренд на раст и развој свој личен придонес дале голем број на професори, асистенти, стручњаци од пракса и административен персонал. Во оваа група на лица кои помогнале за развојот посебно место има доц. Антон Роп. Тоа е првиот декан на Факултетот за безбедност и општествена самозаштита, единствена институција за факултетска наобразба на кадри во СФРЈ.

Во негова чест како форма на благодарност, Катедрата за криминалистички науки поднесе предлог и реализираше иницијатива за Зборник на трудови. Доставените трудови

кои поминаа фаза на рецензија се во прилог на нашиот Годишник. Во функција на одбележување и реализирање на оваа иницијатива трудовите во чест на доц. Антон Роп ги поместивме во нашето списание, кое е едно од водечките кои обработуваат теми од науките кои се составен дел на образованието и профилирањето на кадри од областа на безбедноста.

Роп Антон, роден е на 26.07.1933 година во Радана – Вас СР Словенија. Средното образование – гимназија го завршил во Скопје во 1953 година. Истата година се запишува на Правниот факултет во Скопје на кој дипломира во 1958 година. Како стипендист на тогашниот ДСВР веднаш по отслужувањето на воениот рок стапува во редовен работен однос во СВР – Скопје.

Како припадник на органите за внатрешни работи, од самиот почеток се истакнувал како добар и дисциплиниран работник што имало позитивен одраз врз неговиот стручен развој и релативно брзото напредување во службата. Работел како иследник во извидно-истражна служба, а потоа како криминалистички оперативен работник во СВР – Скопје. По извесно време преместен бил во Републички секретаријат за внатрешни работи на СРМ, каде најпрво станува аналитичар во Службата за јавна безбедност, потоа раководен работник во СДБ, оперативен криминалистички работник, а од 01.01.1967 година назначен бил за началник на Сектор за криминалистичко-технички испитувања на која должност го затекнува овој предлог.

Како началник – раководител на оваа служба интензивно работи врз реализирањето на концепцијата за создавање модерна и современа служба која му одговара на тогашниот степен на развој на најсовремени научно-технички постигања во борбата против криминалитетот. Акцентот го ставал врз оспособувањето на службата во остварувањето на нејзината откривачка функцијата егзатното утврдување на состојбите при разрешување на кривичните дела. Значителен е неговиот непосреден придонес во формирањето и модернизирањето на повеќе криминалистички лаборатории, во нивното современо техничко опремување и во оспособувањето и специјализирањето на кадарот во нив.

Автор е на повеќе аналитички трудови кои се од непосредно значење за осовременување на овој дел од ресорната функција. Покрај тоа учествувал и на разни меѓународни стручни собири и колоквиуми од кои за истражување е колоквиумот на „Интерпол“ во Париз, а и стручното стажирање во НР Полска.

Покрај раководното, тој има и извесно педагошко искуство. Држел предавања од областа на криминалистичката техника на разни семинари и курсеви за ресорниот и правосуден кадар, а исто така предава криминалистика на студиите во III степен – смер – кривично право на Правниот факултет во Скопје. Функцијата декан на Факултетот за безбедност и општествена самозаштита ја обавувал од 1977- 81, а предавал на факултетот до 1997 година.

Му благодариме на доц. Антон Роп за неговиот придонес за развој на Факултетот за безбедност- Скопје.

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Главен и одговорен уредник на Годишникот на  
Факултетот за безбедност- Скопје

**POLICE: PROFESSION OR SYNONYM****Cane T. Mojanoski, Dr.Sc***Full Professor at the Faculty of Security-Skopje  
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stankovskitoni@yahoo.com***Summary**

The paper analyzes the status of the profession "policeman" from the aspect of the police educational models in certain countries, who have historical experience and application of the model of police education. The paper endeavors to answer the question "is there a police profession?" It starts with the notion that the term profession describes someone's work, vocation or occupation for whose performance a specific vocational education, qualification and training are needed. Individuals who perform such things are called professionals. Occupation is a set of activities and work assignments (workplaces) that, according to their form and content, are organizational and technological also related and interconnected so they can be performed by one executive who possesses appropriate knowledge, abilities and skills. The state statistics under occupation understands a job (job position) that is performed by a person for the purpose of acquiring means of life.

In this definition, the following elements are emphasized: a) existence and acting according to ethical standards, b) possessing special knowledge and skills, c) scientifically grounded, e) acting in a social favor. The most commonly cited characteristics of the term profession/occupation by Greenwood, are those which refer to a) systemically completed theory, b) professional authority, c) protection of the status (institutional insurance), d) ethical code, and e) specific subculture.

**Keywords:** policeman, profession, education, обыка, training.

**Introduction**

How is the position of a policeman determined? Is this position a profession, occupation or synonym? What is meant by a policeman (policeman, police officers)? Is it a professional group, a profession, or ...? Is there a policeman - a professional? And if there is, how is the professional capability acquired – to be policeman?

We will elaborate the answers to these and similar questions by discussing the terms profession (professional) and work, vocation, area of work. It should be borne in mind that the discussion will not be fully opened, not only because these expressions are usually used as synonyms and there is no distinction between them, but also because of the standards for reporting labor in this type of gathering. The questions here will only be updated. It will be an occasion for them to return to them on other occasions.

The debate can begin with a distinction between what is meant by an amateur and what is a professional? The term amateur is of Latin and French origin (frank amateur, Latin amator - who loves) and translates with someone who loves to do some work (science, art, sport). With a professional he is connected with a person who performs a professional job, as his permanent, basic occupation, for money (he lives there), has a certain degree of education, usually with a university degree (faculty, master studies or other form of education) (Grozdic, 2010, p. 282). The etymological origin of the term profession, as well as the other terms derived from it, is found in the terms profiteor meaning "to preach, publicly acknowledge", especially if someone with something deals is interested in "being a public teacher "Or, more often, professio in the sense of dedicating himself to" certain work, occupation, vocation, activity "(Knežić Popović, 2008, p. 19), or" public duty, public obligation "(Kober, 2012, p. 50). So, a profession is an expression that describes someone's work, vocation or occupation for whose execution specific vocational education and training is required. The people who perform such things are called professionals (Katić, 2015, p. 212)

The term profession describes someone's work, vocation or occupation for whose pursuit it requires specific vocational education and training. Individuals who perform such things are called professionals. Occupation is a set of activities and work assignments (jobs) that, with their form and content, are organizational and technological, are so related and interconnected to be able to be performed by one executive who possesses appropriate knowledge, abilities and skills. The state statistics recognizes that occupation shall mean a job (job) that is performed by a person for the purpose of acquiring a means of life.

The term job refers to an activity that someone primarily deals for earning, that is, for the sake of gaining profit. The call refers to a complex of specific activities, which are basically performed by the end of the working life and require specific education and pre-knowledge. Craft is a kind of activity that deals with the production, repair or maintenance of something, it involves mastering a certain technique or skill. A profession determines a job that a particular individual performs and from which he lives, and for which vocational education is required (Grozdic, 2010, p. 284).

What is the essential difference between the profession (doctor, judge, professor, journalist, officer) and craft (carpenter, plumber, shoemaker, etc.)? For an occupation to become a profession, it is necessary to have: a theoretical background, that is, developed theory and technique, that is, a systematically complete set of knowledge and skills that is the basis for professional action, to have a monopoly over expert expertise, public recognition, organization, developed professional ethics, professional jargon. On the basis of the stated elements, the degree of occupancy of a profession can be assessed (Grozdic, 2010, p. 282).

The study of professions, in sociological and other social sciences, as social groups has a long tradition. The recognition of the profession constitutes some of the dimensions that are fundamental to the establishment of each profession. The principles are: a) the foundation of the high theoretical knowledge system; b) possession of a monopoly over the performance of a particular activity, c) recognition of the profession in the society, d) the degree of organization of the profession, and e) the development of the code of ethics (Tupanov & Šporer, 1986, p. 32).

The profession is related to a group of individuals who have a certain degree of education, knowledge and skills from recognized educational bodies, possess and adhere to ethical standards accepted by the public and who are willing to apply knowledge and skills in the interests of others. So with the notion of profession, the following elements are emphasized: a) existence and acting according to ethical standards, b) possessing special knowledge and skills, c) scientifically grounded, e) acting in a social favor. The most commonly cited are the characteristics of the term occupied by Greenwood, referring to a) systemically completed theory, b) professional authority, c) protection of status (institutional insurance), d) ethical code, and e) specific subculture (Greenwood, 1957, p. 45).

## **Method of research**

The answer to the set dilemma will be sought through the application of a complex triangulation procedure. Namely, by applying the analytical-synthetic method, an analysis will be carried out and the origin and the idea of police education will be presented, especially with the comparative method, the basic characteristics of the European and American educational models will be announced. Analyzes, content and comparisons will be used in particular as research procedures in the secondary analysis of certain research findings.

The paper presents part of the research results from the survey of the Police Management in crisis and crisis situations, defended as a doctoral thesis at the Faculty of Security in Skopje. In this research, research techniques were applied using the method of testing: a) structured interview and b) written questionnaire.

The paper presents part of the research results of the ten-year research of the Faculty of Security - Skopje under the title "Citizens of the Republic of Macedonia for the work of the police", conducted in the period 2008-2017. A structured interview was used in the form of a socio-demographic survey. These are field surveys conducted in all planning regions in the Republic of Macedonia, between 30 and 40 municipalities. The number of respondents ranged from 1032 in 2017 to 1440 in 2011. (It looks like this for years: in 2008 with 1163 respondents, 2009 by 1318, 2010 by 1309, 2011 by 1404, 2012 by 1240, 2013 by 1138, 2014 by 1167, 2015 by 1016, in 2016 by 1044 and in 2017 by 1032 respondents ). The sample is constructed as multi-stage and is in the group of intentional specimens (Mojanoski C.T., 2015). It is constructed in such a way that municipalities are selected in each planning region that will be subject to field activity. An urban or rural core is constructed in each settlement, and the principle on the right side of the movement is chosen. Every fifth dwelling in individual buildings is visited, ie every 20 in collective residential dwellings. The choice of the interlocutor is done on the basis of the principle of the nearest



birthday, to an adult who lives on that address. The instrument according to the method of filling is a structured interview. Each researcher leads an Anchor diary. For the needs of the research, Guidelines for the manner of constructing the sample, selection of interlocutor for the conduct of the questionnaire, the manner of monitoring and control of the field researchers, the manner of handling the research material (Mojanoski C.T, 2012) . The survey is conducted every year from 8 to 20 January.

The instrument is constructed in the form of a sociodemographic survey that includes a certain number of sets of closed-type questions with answers from the lycert scale (from I do not agree to completely agree and I can not evaluate the answer), then the sets with dichotomous issues answers, multi-choice questions and open questions. The subject of this paper will be part of the issues related to citizens' perceptions about the work of the police and its attitude towards them.

## **Results and discussion**

It is customary for the analysis of the profession to begin with the separation of its basic attributes, together with those specific characteristics according to which the professions differ from other occupations in the society. There is minimal agreement on the basic characteristics of the profession, although the number and content of structural elements from author to author vary. Such a situation makes it difficult for more visible differentiations between the elements of the profession and "non-profession". This is achieved with a certain degree of development, that is, the construction of the elements. In the discussion we call upon Greenwood who warns that occupations in society can be conceived as "the distribution of a continuum, where some occupations are close to the ideal type of profession, and some are far from that ideal type in terms of satisfying the elements of the profession" (Greenwood, according to: Sporer, 1990, p. 16).

### **1. Profession and knowledge**

The beginning of the profession relates to knowledge. This is a key moment for the creation of the profession in the modern sense of the meaning of that notion. For the humiliation and development of modern industrial societies, their foundation of knowledge as a new and inexhaustible resource that allows access to the elite, not only based on destiny, origin and wealth, but the choice of the best of the entire population, was decisive.

According to Durkheim, the development of the social division of labor presupposes the specialization of knowledge, define new professions as elements of the social structure. The literature considers that among the oldest civilian professions are the priest, medical, legal, teachers and similar, who appeared in the late Middle Ages, and in the higher developed form it can be said about the beginning of the eighteenth century. The profession of a policeman as such, as was emphasized, occurs in the nineteenth century.

The term occupation is theoretically thought out and discussed. The definitions of the notion of occupation emphasize characteristics such as long-term and university education, autonomy and the high social reputation it enjoys. In that sense, as the elements of the definition of the term occupation according to E. Greenwood, the following are listed: professional knowledge, which is based on the appropriate scientific and theoretical knowledge; possessing expert and expert authority; professional activity that is protected by certain social rules, because they determine the institutional framework for performing the given activity; professional action is regulated by a code of ethics, members of the profession form their own professional subculture (Bolčić, 2003). For Watson, the profession is an occupation that, on the basis of expertise and monopoly in the given area, can gain high position and autonomy in society.

How can it be distinguished what is a profession from "non-profession", that is, amateurism? In order to answer that question, one should have a clear concept about what they contain and what is meant by the terms: professional, accountability and belonging to the group. When using the term expert, it is primarily a thought of a professional, that is, an expert with specialized knowledge and skills in an area important for human life. The notion of responsibility refers to the degree of satisfaction of the standards in the performance of a particular activity or task, that is, the professional is able to perform an activity or to provide a service that involves undisturbed functioning of things in the society, ie it is an activity which, because of the knowledge and capability of they are expected to be completed in the established manner. When speaking about belonging to the group, then the classification of these subjects is made and their distinction is made by the laymen (Huntington, 2004, p. 10-13). It is characteristic of the profession that it is related to higher education (title), it is based on the sciences and theoretical knowledge, has a monopoly over a certain activity, has its own language (jargon), has its own association, has a certain professional ethics.

Shepherer and Pakaluk argue that the profession, with everyday practice in a systematic and organized manner, brings an important and incomparably good society (Šefers & Šefers, 2009, p. 45). They make an essential difference between the profession and the performance of some work in that they conclude that when it comes to the profession, it is actually about providing something that is assessed and experienced as "tribal" or "honest," "good" (bonuum honestum), incomparably good. Unlike the profession, the job provides comparable good.

Accordingly, certain professions provide such services through which the values necessary for the functioning and survival of society, such as services related to the promotion of health, justice, education, trust, spirituality, security, etc., are realized. The professions are significant and special precisely because they carry out the important, incomparable goods in the society. What is the difference between comparable and incomparable good? In that the comparable good is good that can be understood as the content of the value of the other good, and the incomparable good is good that can not be compared with another good in terms of its relative value. For example, roughly speaking, the table made by the carpenter can be compared to the five pairs of shoes produced by the shoemaker and they can be exchanged. These two types of additions (table and pair shoes) are comparable (Šefers & Šefers, 2009). Money on the market is generally comparably good (Grozdic, 2010).

Incomparable tribal (or honest) good is the good that it pursues for the sake of the good itself, not for the purpose of accomplishing another, higher good (Šefers & Šefers, 2009). Here are some noble (honest) additions that certain professions realize: salvation - the church (clergy), health - medicine, justice, knowledge - education, trust - accounting, the truth - From the above it follows that the police profession ensures an honest, incomparably good society, and that is the public order and peace and the security of the citizens (Grozdic, 2010).

Each profession is distinguished by expertise. When it comes to the expertise, the question is asked which skill is central, which distinguishes the policeman from other professions and occupations, that is, what is the specialized expertise of the police officer (that is, according to the official qualification - the police officer), what is their common to law enforcement officers at police stations, border and specialized units?

S. Huntington argues that managing the violence or crime management as a form of violence that implies: a) organizing, equipping and training police and other forces; b) planning crime-fighting operations and various forms of violence; and c) targeting of the operations of the plan for creating assumptions for peaceful development of the back (Huntington, 2004, p. 14).

The term management of violence presumes to explain the meaning of the terms violence and force. According to Arendt, the term force in everyday speech is used as a synonym for violence, especially violence as a means of coercion (Arendt, 2002, p. 57). In the Macedonian language, the term "violence" has a negative sign. It is determined as arbitrary activity, as something that is unfounded, disgusting, and the term "violent" means a person who crosses the boundaries of the permitted, attacks and enslaves - oppresses and inflicts evil. Against "violence" should be protested, resisted and fought; in any case, a person who is subjected to violence is humiliated, depressed, deserves pity and help. (Shirilova, 2001). Accordingly, the specialized expertise of a policeman should be called the ability to guarantee freedom. So the police profession is of particular social significance. To guarantee human freedom is the specialized expertise of the policeman and the police officer, which separates them from other professions and civilian groups. This expertise of the police officer and the police officer commits itself to a special social responsibility, with clearly built rules and morale in the use of coercion as ultimate need (the operational capabilities for police action in complex, conflicting and explosive situations), the guarantee of public order and peace, and human rights and freedoms, as well as the creation of conditions for unhindered life in the community.

So, the basic element by which the profession differs from other occupations is a systemically complete theory. It is closely related to the source of the professional authority or the authority of the profession. Practical action is based on a methodologically consistent theory. Such work is called expertise, and the professional has a monopoly over expertise. This means that professional privileges are grounded on the basis of professional authority and have a theoretical and methodological basis that is understandable only to the professional. In such circumstances, the client can choose a professional, but there can be no expertise, because she is the only one and is based on theory. So, in order to build professional authority, it is necessary to have long-term education, not shorter than what is required for acquiring a highly qualified diploma (Grozdic, 2010, p. 288).

## **2. Association and professional associations**

Significant landmark for every profession, that is, for the police is the association and formation of professional associations. The beginnings of the professional association of members of certain occupations can be linked to common cults and ceremonies where the Romans honored not only the family gods (*lar familiaris*) but also the gods of associations (*genius collegii*). From them grew up medieval associations, shops, guilds and guilds, founded as some kind of brotherhoods for mutual help, guaranteeing the quality of products and regulating production, sales and social life in general.

The modern understanding of the profession is crucial for the emergence of medieval universities, which were new organizations that can not by analogy determine such forms in antiquity despite the existence of high philosophical and medical schools. Universities from the beginning possessed many properties that today are considered basic features of professionalism (Katić, 2015).

Protection of the status of the profession or institutional insurance, contains limitations and privileges. Restrictions are often contained in the access control. The implementation of the constraints consists of overseeing the profession itself over the training and qualifications required for membership of the club of professionals. Privileges are reflected in the fact that they have a professional secret and professional critique available to them, and they are only available to members of the same profession. This protection is also called institutional insurance of the profession, because it is insured with state norms that sanction the deviation.

## **3. Ethical rules and commitment to the activity**

The Code of Ethics is a characteristic of the profession. He, at the same time, means that is a regulator and is in the function of self-control of the norms of professional ethics. The Code of Ethics is built and applied by professional associations. Self-control has an important role in the autonomy of the profession. Based on the thesis that only an expert can supervise the expert, it follows that fruitful self-control and self-discipline can only effectively defend the profession from general social interference. The norms of the Code of Ethics consist of those that regulate relationships between colleagues inside the profession and those that regulate relationships between clients and professionals. Professional ethics highlights altruism or consideration for others, not narrow selfish interests. Also, relations between colleagues must not be based on mutual competition and advertising, but they should be based on cooperation and development (Katić, 2015).

And finally, the last one is the specific subculture that consists of the members of the profession, and looks back on the uniqueness and dedication to the activities. One of the important characteristics of the profession is the tank boundary between work and private life.

All that is stated above conditional the immediate commitment to the profession and the respect of the code of conduct, which also reflects the lifestyle of the individual, but also the group who thus receives a characteristic of a specific micro-community with specific common interests (Katić, 2015).

## **4. Historical view of police education**

The history of police education from country to country is different. Some experiences will be shown for illustration. Thus in France in the 19th century, police were recruited by the army and the civil public. The first police schools were formed in Paris in 1883, in Bordeaux and Lyon in 1898. Courses were compulsory for new police officers and lasted for 3 months for the written and 6-10 months for illiterate candidates. In 1914 a pre-university vocational school was established, which examined the police skills and the social role of the police.

In Finland, basic training for police officers has been applied since the late 19th century. In 1905, police were tasked with protecting the position of the government. In 1918, the first police school was founded in Helsinki, and after 1920, police work was a profession. In 1923, special courses for criminal police were introduced, and in 1926 basic police training was conducted in the provinces. In 1962, the Police Academy was established, and from 1973 a Center for Police Courses was established within the Academy, which in 1986 was renamed the Police School (Pagon, Novak - Virjent, Djuric, & Lobnikar, 1996).

German experiences are different. From 1870, they applied the Franco-Prussian model of policing. Recruiting was from the military, and civic police training schools opened at the end of the XIX century. The Weimar Republic police organization was interrupted by national socialism, which turned the police organization into a tool for the Nazi dictatorship. For the modern German police from 1945-1959, police

force was educated at the police institute where there were 10 pedagogy seminars. In the late 1960s, more attention was paid to police training. Candidates should have completed secondary education, and the courses lasted from 2.5 to 3 years, and the level of education was the same as for other employees in the state administration. It can be noted that in European models of police education, there is no difference between training and education. Experiences are different and often mixed.

In the United States, formal higher education was carried out only by colleges and universities, none of which was part of any police organization. Here, unlike Europe, there is a separation between the development of police and police education. This meant that the education necessary for employment in the police organization (as a criterion for employment, promotion, etc.) was acquired in the education system, outside the police. Thus, federal law enforcement agencies usually required a degree from the education system. Usually it is a secondary education with 60 credits, etc. More agencies demanded that the candidate be educated with 120 credits, but such a request could have been excluded if the candidate had some experience in law enforcement. This practice was not a general rule in the United States among state law enforcement agencies. Namely, two agencies did not emphasize the possession of a diploma, and in five agencies the possession of a diploma was determined as a condition. This is the basis of the view that the difference between training and education is more clearly articulated in the US than in Europe.

An analysis of education systems for police in Europe suggests that police education resulted from police training, from police education institutions (not found in the US) derived from police training institutes. Namely, the practice has shown that with the increase in the need for greater knowledge in the police, it has led police training institutions to turn into educational institutions within the police organization or special institutions established for the police's educational needs (Pagon, Novak - Virjent, Djuric, & Lobnikar, 1996).

## **5. What model of police education can be recognized?**

The idea of creating professional police schools, according to expectations, is the solution most suited to the police. But this solution encounters resistance. Firstly, there is resistance between police personnel, especially those with a longer tradition, who, like in other professions, resist the entrance of young people with diplomas from schools forming police officers not only because of the feeling of danger, but also because of the new approaches which is usually, or is expected to bring in new staffing solutions. And secondly, the resistance comes from educational forms (schools, courses, trainings, centers) that consider them to be unfair competition and that they are narrowing the possibility of promoting their staff. Here, the impact of Anglo-Saxon mistrust on professional police and especially its specialized education, that is, against specialized schools, should be taken into account. Such resistance, in particular, is the strongest of the university circles. In these circles the resistance is of several types. First, to certain institutions (primarily in the field of law), the space for placement of completed staff in this area is narrowing. Second, the security area is also treated, to get the impression that there is no scientific area and an area that does not incline to this activity. Thirdly, the term police is reduced to performing public activity, creating policies, and the view that this expression is composite and includes various services that are or are in function of public policy. Fourthly, this area is increasingly a matter of interest in political and military sciences, where, in particular, the latter, after reducing the position of the army structure of an element that participates in the global community without any more serious tasks in the national state, increasingly inclines to these concepts, and the issue of security is treated as a composite issue. Debate in this sphere problematizes the needs of high school professional education for police officers, not from the point of view that the areas they cover are most appropriate, but also that the police officer does not have a teaching-scientific field defined and that the preconditions for the creation of higher education educational institutions for police education.

When opening these questions, it should be emphasized that some of such complaints can be included in the view that this is due to the consequences of competition, prejudices and stereotypes that are present for the police and the police profession, but, it should be honest and to be pointed out that some of those remarks were similar. Namely, it is difficult to defend the claim that there is a specific teaching-scientific area or field of study for the needs of the police profession. Today a group of cases with the term "police" sciences has been constituted in separate higher education institutions, as is the Faculty of Security in Skopje, and a department is organized with the title "Department of Police Science". It is a composite notion that includes several specific teaching-scientific areas of law, political science, criminology and criminalistics that more specifically deal with police and police organization, its structure, way of working. We should expect that the scientific and research results in an organized and dedicated way of studying the

insufficiently affirmed teaching-scientific field for the police will contribute, in the foreseeable future, to talk about the boundaries and contents of this specific area.

A number of countries have police schools from the rank of secondary education, then countries with higher education institutions, ie two-year, two-year and three-year degrees of study, from the format of professional studies, and sometimes to university studies. In addition to the level of education, these educational institutions acquire specific knowledge about the type of duties, ie the content of the work tasks that future professionals will do. Some of the educational institutions are so set up that they monitor the internal specialization in the police and educate staff for one or more specialties. Among the examples mentioned by this type of police academies in Finland, Italy, the Northwest Institute of Traffic and the Institute of Police Technology in the United States and the like (According to Milosavljevic, 1996, p.487).

A certain number of educational institutions, high school and high school can be grouped into the group of general employees, that is, they create personnel without significant subspecialization, that is, they prepare for a greater number of duties at certain levels of complexity (for example, such type of personnel prepare higher education institutions in Macedonia), and some of them form staff from a more general profile, without emphasized subspecialist characteristics.

Educational experiences indicate that individual educational institutions educate personnel for performing managerial tasks in the police. They, according to Bogoljub Milosavljevic, "make up the largest group among the higher and senior police schools, such as the Higher Police Institute in Rome, the National Academy of the FBI and the California College of Management in the United States, the College of Criminal Sciences at the Arab Center for security and training studies in Saudi Arabia, the National Higher School of Police in France, the Academy of Police Executives in Germany. " Police academies in Belgrade, Sofia, Podgorica, Zagreb, Budapest and others can also be mentioned as such.

Some recent studies suggest that "European countries have many different systems of police education and training. In ten countries it is possible to obtain police education at the school level (duration of one to four years of schooling). Five countries also have a police education leading to an associate degree (two years in duration). In twelve countries it is possible to obtain a three-year higher education for vocational education within the system of police education. A diploma can be obtained in eight out of seventeen surveyed countries, an MA in five and doctoral studies in four countries. Basic training for police officers in the surveyed countries lasts between four months and four years, followed by several years of different forms of specialized training and management training "(Pagon, Novak - Virjent, Djuric, & Lobnikar, 1996).

According to the researchers, results of Pagon and collaborators in 10 countries (Croatia, the Czech Republic, Finland, Germany, Hungary, Macedonia, the Netherlands, Slovakia, Slovenia and Turkey) it is possible to get high school police education, in five countries (Croatia, Germany, Hungary, the Netherlands and the Slovak Republic), the students were employed by the police, in seven countries (Croatia, the Czech Republic, Finland, Germany, Macedonia, Slovakia and Slovenia) police high schools were run by police organizations, and in Hungary, the school was not part of the police. In the Netherlands, a government-funded police institute operated a high-school police school. In Turkey, the police college secured police education at the level of high school. It can be ascertained that there were significant differences between countries in terms of how secondary police education is organized. In all but the Netherlands, the high school diploma was externally valid (recognized as a high school diploma outside the police). After graduating from the police high school, graduates in the Netherlands and Slovakia could immediately start working as police officers, to fully carry out police work. In Croatia, Finland, Macedonia and Slovenia, new police officers received training at the workplace before they began to independently carry out police work. In four other countries (Germany, Turkey, Hungary and the Czech Republic) graduates had to enroll in some form of police training before they started working as police officers.

For the position, an associate (advisor, expert associate, officer) = (associate) education could be obtained at educational institutions (colleges, academies) managed by the police. In order to enroll in cooperative police education, candidates were to be employed in the police, except in Ukraine, where at least two years of police experience was required. In Germany and Finland, graduates were not obliged to work for the police, and in the Slovak Republic they had an obligation to work for at least 10 years for the police, while in the Belgian gendarmerie was supposed to work 1.5 times longer than the length of the studies.

European educational models for higher professional police education have been organized in 12 European countries: Germany, Norway, Belgium (gendarmerie), Greece, Finland, Poland, Hungary, Slovakia, the Czech Republic, Ukraine, Croatia and Slovenia. This form of education is organized by educational institutions (colleges, academies, etc.) under the auspices of the police or the Ministry of the Interior. In Slovenia, the College of Police and Security Studies was part of the Ministry of Interior, but was

also a member of the University of Ljubljana. The education of higher education institutions in Norway, Hungary, the Czech Republic and Slovenia was not related to the obligation to be employed in the police. In seven European countries (Norway, Belgium, Gendarmerie, Greece, Poland, Hungary, the Czech Republic and Slovenia) for enrollment, students were not required to have a previous police experience. In all 12 countries, the higher degree of professional police education is externally valid and recognized. Upon completion of their studies, graduates from Norway, Poland, Hungary, Slovakia, the Czech Republic and Ukraine immediately began to work as police officers without additional training. In Germany, Greece, Finland and Croatia, the graduates first received training at the workplace. In Slovenia, additional training depended on previous work experience. The degree of these schools guaranteed a certain act in the police hierarchy in Germany ("Polizei / Kriminalkommissar"), Greece, Poland, Hungary, the Czech Republic, Ukraine and Croatia (Pagon, Novak - Virjent, Djuric, & Lobnikar, 1996).

## 6. Police education in our country

What are the conditions in our country? The answer to this question is particularly complex and insufficiently explored. On this occasion we will use some of the findings of the researcher Mladen Trajkov who says that Macedonia today does not have police education but training for the basic police personnel. He talks about the stages of police education from 1945-1958 and calls him "basic militant training, that is, literacy", then, the phase of "the primary militia two-year education, that is, craft-track," which lasts from 1958-1971. The period from 1971-1977 called "primary police four years of education, ie schooling and development", from 1977-1995, a period of militia police or two-year police education, from 1995-2000 as a period of "basic four-year police education". During this period, secondary police education was abolished, and from 2003 to 2003 three months of police training was introduced, from 2003 to the present 12 (twelve) months of basic police training. In higher education, the situation is less favorable. Until 1977, recruitment to the police lines was conducted with trainings on various profiles. In 1977, the Faculty of Security and Social Self-Defense was established, which issued an external and valid diploma, but was also the basis for a career in the police organization. Since 1992, the diploma was not tied to police and police work. From 1995 to 2003 there was no specialized higher education, because the Faculty of Security was abolished. In 2003, the Police Academy was formed, comprising the Faculty of Security and the Center for Basic Training. In 2008, the Police Academy disbanded and the Faculty of Security as a public educational institution and the Training Center were established as an organizational part of the Ministry of Interior.

For the purposes of this paper, a part of the research findings in the Doctoral dissertation defended at the Faculty of Security in Skopje in 2016 titled: "Managing the Police in dealing with crisis situations in the Republic of Macedonia" and the results of certain issues from the field research in the period 2009-2017, conducted by a research team at the Faculty of Security - Skopje under the title "Citizens of the Republic of Macedonia for the work of the police".

In the article "Police Management in dealing with crisis situations in the Republic of Macedonia", a written questionnaire with closed-type questions was used as a data collection technique. It was submitted to 154 respondents police officers and up to 23 representatives from other entities in the Crisis Management System (KMS). The questionnaire was filled by 132 or 85.7% \* of the police officers, and 22 or 95.6% of the

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\*Commander, Assistant Commander, Assistant Commander for Prevention and Senior Inspector for Prevention at PSON, Commander and Inspector for Prevention in PO, General Director, Director of the Directorate, Deputy Director, Deputy Chief, Head of Service, Advisor, Coordinator, etc.

SVR-Skopje, SVR-Kumanovo, SVR-Stip, SVR-Strumica, SVR-Veles, SVR-Tetovo, SVR-Ohrid and SVR-Bitola.

PS Centar, PS Bit Pazar, PS KiselaVoda, Substation Karpos, PS Gazi Baba, PS GjorchePetrov, PS Chair, PS Drachevo, PS Aerodrom, PS Kumanovo, PS Kratovo, Substation K. PS, Stip, PS Kocani, PS Delcevo, PS Berovo, PS Vinica, PS Sv.Nikole, PS Probistip, PS Strumica, PS Radovish, PS Gevgelija, PS Valandovo, PS Veles, PS Kavadarci, PS Negotino, PS Tetovo, PS Gostivar, PS Ohrid, PS Struga, PS Kicevo, PS Debar, PS Bitola, PS Prilep, PS Krushevo, PS DemirHisar, PS Resen and PS Mak. Ship.

PS Centar, PS Bit Pazar, PS KiselaVoda, Substation Karpos, PS Gazi Baba, PS GjorchePetrov, PS Chair, PS Drachevo, PS Aerodrom, PS Kumanovo, PS Kratovo, Substation K. PS, Stip, PS Kocani, PS Delcevo, PS Berovo, PS Vinica, PS Sv.Nikole, PS Probistip, PS Strumica, PS Radovish, PS Gevgelija, PS Valandovo, PS Veles, PS Kavadarci, PS Negotino, PS Tetovo, PS Gostivar, PS Ohrid, PS Struga, PS Kicevo, PS Debar, PS Bitola, PS Prilep, PS Krushevo, PS DemirHisar, PS Resen and PS Mak. Ship.

Crisis Management System. Reasons for not completing the questionnaire are unfilled post, official leave, annual leave and sick leave.

The survey was conducted across the whole country, covering all 8 Sectors of Internal Affairs and all 38 Police stations of general jurisdiction (PSON).

The examination covers all commanders (38), commander-in-commanders (38), assistant commanders of prevention (9) and senior prevention officers at PSON (29) and all commanders (20) and police inspectors ) (19). Representatives from other entities from the SIC included all members in the Assessment Group and the Headquarters in the Center for Crisis Management (CMC) (23). The sample in the survey is stratified, with the survey covering a total of 132 uniformed police officers from 8 departments of the interior and 38 police stations. Of the respondents, 94.6% are male and 5.4% female. The age of surveyed police officers ranges from 31 to 53 years, 52% of them aged 31 to 40, 41.4% are aged 41 to 50, and 6.5% are aged 51 to 53 years. Regarding formal education, 0.8% of surveyed police officers are doctors of science, 3.1% with master studies, 88.2% with higher education, 6.3% with higher education and 1.6% are with secondary education. Of the surveyed police officers with appropriate education, 42.7% of them, most of them with completed Faculty of Security, 26.4%, and then with the Faculty of Law, 16.2%. With faculties close to the appropriate education, 9.4% are police

officers, of which 5.1% with the Faculty of Economics, 2.5% with the Faculty of Civil Engineering and 1.7% with the Military Academy and the Faculty of Defense. With inadequate education - other faculties (Faculty of Physical Education, Pedagogical, Forestry, Philosophy, Technical and other faculties) are 47.8% police officers. We can conclude that in the uniform part of the police organization with a university education, which is required for the workplaces, it is 52.1%, and 47.8% of the uniformed police officers are inappropriately. Of the total number of police officers interviewed, 98.8% of informal education attended seminars, workshops, conferences, etc., and only a small part of 1.2% did not have additional education.

Regarding the impact of education at the workplace, 91.7% of the police officers surveyed said that it had an impact on the effective performance of the tasks from the workplace, and 8.3% said that this did not affect. Regarding the appointment of the police officers at the appropriate job, 58.6% of the respondents reported that they were at their request, while 41.4% of them answered that the positioning of the workplace is not at their request. Regarding the level of job satisfaction, the results indicate that of the total number of police officers surveyed, 19.5% are satisfied with the workplace, 3.3% are partially satisfied and 77.2% are not satisfied with the workplace. The results of the survey point to the conclusion that effective management of police officers and representatives of other entities in the Crisis Management System is the key tool for successful crisis management. And for successful management in dealing with a crisis situation, above all, competent, managers with appropriate education, skilled with experiential knowledge, directed and committed to achieving the basic goal of the police organization, which is to form a safe environment, in which the citizens you will feel secure. To achieve this goal, the human resource through which the police are striving to achieve a high level of achievement of the tasks, which in turn should lead to efficient prevention and dealing with crisis situations, is undoubtedly important.

The members of the police are fully aware of the importance of effective management in dealing with the crisis situation. Performing the tasks set in conditions of dealing with a crisis situation, the police officers constantly feel the good, but also the less good effects of the good, or less good management (Stankovski, 2016, pp. 68-70).

## **7. Citizens' perceptions of the police**

Everything we previously mentioned undoubtedly conditioned the immediate commitment to the profession and the adherence to the code of conduct, which also reflects the lifestyle of the individual, but also of the group that thus receives a characteristic of a specific micro-community with specific common interests.

As far as the professional appearance of the police officers is concerned, it can be noted that the respondents in the past nine years show a moderate consent, expressed in the "I agree" paragraph. Namely, every year from 2009 to 2017, one third and some percentage more agree with this attitude. As can be seen from the data display below, 37.68% agreed in 2009, the lowest agreed value in 2010 is 33.28%, then the next is close to the previous with 37.18%, in 2012 year with 34.06%. The highest level of agreement was reached in 2013 with 38.11%, in order to continue the tendency of agreement in 2014 with 36.00%, 37.73 in 2015, 33.91% in 2016 and 2017 with 34.40 %.

**Table 1. Officers have a professional appearance and behavior**

	Years								
	2009	2010	2011	2012	2013	2014	2015	2016	2017
1	5,86	5,74	8,76	10,17	5,39	7,22	9,74	7,18	6,01
2	25,59	25,25	23,21	25,59	22,99	24,57	20,47	24,90	23,35
3	22,54	25,78	18,49	21,79	21,75	21,99	24,41	22,32	23,06
4	37,62	33,28	37,18	34,06	38,11	36,00	35,73	33,91	34,40
5	8,38	9,95	12,37	8,39	11,76	10,22	9,65	11,69	13,18
<b>Σ</b>	<b>1313</b>	<b>1307</b>	<b>1439</b>	<b>1239</b>	<b>1131</b>	<b>1164</b>	<b>1016</b>	<b>1044</b>	<b>1032</b>

**Legend: 1 I do not agree at all; 2 I do not agree; 3 I can not evaluate; 4 I agree; 5 I completely agree; Σ total respondents who answered**

But if we direct analytical interest to the grades "I disagree" and "I can not evaluate" then the structure of the answers will look significantly different. If we collect these two values for each year separately, we will receive a distribution according to which 48,13% of the respondents in 2009 have negative attitude "I disagree" "I can not evaluate" in 2010, that value is 51,03% , in 2011 41.70%, in 2012 with 47.38%, in 2013 with 44.74%, in 2014 with 46.56%, in 2015 also with 44.88%, in 2016 with 47.22% and in 2017 46.41% of the respondents.

**Table 2. Officers have a professional appearance and behavior**

	Years								
	2009	2010	2011	2012	2013	2014	2015	2016	2017
No	54,00	56,77	50,45	57,55	50,13	53,78	54,63	54,41	52,42
yes	46,00	43,23	49,55	42,45	49,87	46,22	45,37	45,59	47,58
<b>Σ</b>	<b>1313</b>	<b>1307</b>	<b>1439</b>	<b>1239</b>	<b>1131</b>	<b>1164</b>	<b>1016</b>	<b>1044</b>	<b>1032</b>

If the negative and undefined data are grouped, with the variation "no" and the positive with "yes", then we can conclude that in the past nine years on the question "Policemen have a professional appearance and behavior", they collect negative and undefined grades. Namely, they range in the overhead range for each year separately. The highest negative result was determined in the distribution of answers in 2012 with 57.55%, and the lowest in 2013 with 50.13%.

In the last nearly two decades, the education of police officers and police officers has been reduced to training, that is, education in the form of a course visit, through which a certain number of skills for carrying out police work are acquired. Considering that in conditions of severe economic crisis and huge unemployment, employment in the police becomes attractive and causes an increased interest among young people. Since the independence of the Republic of Macedonia, many advertisements have been published to date, on which massive employment of completed high school students was carried out for the occupation of a police officer - a police officer. After the training was conducted from 3 to 6 months, they were assigned tasks for performing police tasks. Such practices, conditions and part of the criteria for admission to the police organization should be relativized, to develop various forms of mediation (family, family, party affiliation, etc.). Inducted by such knowledge into the instrument was included the position "Today everyone can be a policeman, there is no criterion for the reception of policemen". The respondents were asked to express their consent to the offered position. The results for the past nine years are in the following table.

**Table number 3. Today everyone can be a police officer, there is no criterion for admitting officers**

	years								
	2009	2010	2011	2012	2013	2014	2015	2016	2017
1	14,02	10,01	12,44	10,18	9,37	11,25	10,53	7,28	7,07
2	<b>27,74</b>	<b>19,79</b>	<b>20,78</b>	<b>18,34</b>	<b>24,76</b>	<b>22,25</b>	<b>22,74</b>	<b>21,74</b>	<b>14,92</b>
3	14,48	18,03	15,57	14,30	16,27	15,72	18,01	17,62	17,93
4	23,02	25,67	27,31	27,30	24,40	25,60	23,92	21,93	26,36
5	20,73	26,51	23,91	29,89	25,20	25,17	24,80	31,42	33,72
<b>Σ</b>	<b>1312</b>	<b>1309</b>	<b>1439</b>	<b>1238</b>	<b>1131</b>	<b>1164</b>	<b>1016</b>	<b>1044</b>	<b>1032</b>

**Legend: 1 I do not agree at all; 2 I do not agree; 3 I can not evaluate; 4 I agree; 5 I completely agree; Σ total respondents who answered**



From the offered distribution it can be concluded that the respondents are divided into three groups of grades. In the following spreadsheet, similarities and differences can be noted.

**Table number 4 . Today everyone can be a police officer, there is no criterion for admitting officers**

	years									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	
No	41,77	29,79	33,22	28,51	34,13	33,51	33,27	29,02	22,00	
Ice	14,48	18,03	15,57	14,30	16,27	15,72	18,01	17,62	17,93	
yes	<b>43,75</b>	<b>52,18</b>	<b>51,22</b>	<b>57,19</b>	<b>49,60</b>	<b>50,77</b>	<b>48,72</b>	<b>53,35</b>	<b>60,08</b>	
<b>Σ</b>	<b>1312</b>	<b>1309</b>	<b>1439</b>	<b>1238</b>	<b>1131</b>	<b>1164</b>	<b>1016</b>	<b>1044</b>	<b>1032</b>	

**Legend: 1 I do not agree at all; 2 I do not agree; 3 I can not evaluate; 4 I agree; 5 I completely agree; Σ total respondents who answered**

It can be noted that the respondents on this issue were divided into two relatively equal groups in which the range of disagreements with the offered attitude amounted to 22.00% in 2017, to 41.77% in 2009. Something more significant value has positively oriented approvals for the offered attitude. From the distribution we can estimate that it ranges from 43.75% in 2009 to 60.08% in 2017. This range of views of the respondents is the result of the more frequent practices of employment in the state administration, and especially in the police to be treated as part of the party's agenda, related to the election and other activities of the leading political entities. Examples were opened in the public, pointing to the existence of direct interventions of these structures in the policies of the state bodies, and within this framework, about the manner of election of future police officers.

As a result of the phenomenon of behavior of individuals from police lines beyond the expectations and representations of citizens, and sometimes outside the established rules, the level of consent of the respondents with the opinion "In the police there are individuals who should never work as policemen" . The results show that this distribution dominates the answers with "I completely agree".

**Table 5. There are individuals in the police who should never work as police officers**

	years									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	
1	3,73	3,52	3,96	3,07	3,62	3,44	2,95	3,74	2,91	
2	6,02	4,74	6,53	4,60	6,00	5,41	5,91	6,23	4,75	
3	15,38	11,70	16,82	15,51	12,62	17,35	12,30	15,90	15,79	
4	30,01	31,88	27,73	28,59	28,86	28,44	30,02	26,72	25,48	
5	<b>44,86</b>	<b>48,17</b>	<b>44,96</b>	<b>48,22</b>	<b>48,90</b>	<b>45,36</b>	<b>48,82</b>	<b>47,41</b>	<b>51,07</b>	
<b>Σ</b>	<b>1313</b>	<b>1308</b>	<b>1439</b>	<b>1238</b>	<b>1133</b>	<b>1164</b>	<b>1016</b>	<b>1044</b>	<b>1032</b>	

**Legend: 1 I do not agree at all; 2 I do not agree; 3 I can not evaluate; 4 I agree; 5 I completely agree; Σ total respondents who answered**

The degree of consent ranges from 44.86% in 2009 to 51.07% in 2017.

**Table 6. There are individuals in the police who should never work as police officers**

	years									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	
No	9,75	8,26	10,49	7,67	9,62	8,85	8,86	9,96	7,66	
Ice	15,38	11,70	16,82	15,51	12,62	17,35	12,30	15,90	15,79	
yes	<b>74,87</b>	<b>80,05</b>	<b>72,69</b>	<b>76,82</b>	<b>77,76</b>	<b>73,80</b>	<b>78,84</b>	<b>74,14</b>	<b>76,55</b>	
<b>Σ</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	

**Legend: 1 I do not agree at all; 2 I do not agree; 3 I can not evaluate; 4 I agree; 5 I completely agree; Σ total respondents who answered**

If we look at the responses of the two positively oriented views ("agree" and "I completely agree"), it can be concluded that this position is in the range from 72.69% in 2011 to 80.05% in 2010. The high level of solitude among citizens is the result of the generality of the position, according to which everyone is asked for such an attitude will find an example or individual that he considers to be his place in the police lines. But this distribution may indicate that the increased and numerous inflow of police personnel, as well as the reduced application of the criteria, as well as other side effects, objectively create the perception that the

police organization includes individuals who do not place them there, that is, according to knowledge, social adaptation and cultural patterns belong to the given environment.

## **Conclusion**

There is no consensus on whether there is a police profession both inside and outside the police. There are numerous practices and differences about who can perform a police profession. The distinction between professional police officers and former types of police officers who carried out responsible police tasks and commanded police assignments is that they are of a different professional format, usually filled on the basis of party loyalty and fulfillment. The position of "loyal and fulfilling" members of the police service is to make a profit, or to hobbies, prestige and adventure. Professional policemen tend to perform professional tasks and have a professional goal - to serve the higher goals: "The professional policeman is permeated with the ideal of ensuring the safety and peace of the citizens, serving the community, that is, the state. He, in essence, should be loyal to the constitutional order and be an embodiment of the protectors of the freedoms and rights of the citizens.

Modern understanding of the profession has a long history that, like history in general, helps to understand the transformation of the term and its current meaning. To facilitate the analysis of any single profession and the profession of a policeman, it starts from the original, primary elements of the profession such as the degree of: (a) the development of the basic theories and techniques that constitute a systematically complete whole and are the basis for professional action; (b) the monopoly of expert expertise; (c) the recognition of the profession in the public; (d) the organization of the profession and (e) the development of professional ethics. Satisfaction of the majority or all of the mentioned elements brings them closer to some occupations or determines them as professions, and while the underdevelopment of some of the mentioned properties leaves some of the occupations uncertain and long in the status of semi-profession, while some occupations can not be raised to the status profession because it characterizes a low degree of development of all the mentioned elements.

The previous discussion suggests that the police profession is not recognized and debated enough in the theoretical perspective today, that it accepts the acceptance of syntagms that differ in the linguistic areas, such as the term "clerk" with various additions, which refers to that there are no specific knowledge that distinguished the term policeman as a separate one. In this sense today, the term "judicial police" is used as a cumulative notion of professions dedicated to pre-investigative and prosecutorial actions. In this context, the designation of a certain number of public services with the term "police", such as "prison", "forest", "tax", "communal", "sanitary" and similar names, should be observed. It is undoubtedly that these are public services that can draw more or less foundation from the Ancient Greek policy or policy as a public policy, public activity, but it could not endure more serious criticism and their equalization with the notion of police.

In that context, the issue of education should also be observed. Given that the police is reduced to a "clerical" function, meaning in securing the public order and peace, in the granting (providing) of the conditions for the smooth exercise of freedoms and rights, those who do not have enough (or do not have) knowledge in the field of human rights and freedoms, the application of the law, but they are physically well prepared and have mastered the communication skills, especially the philosophy of the hierarchy, which leads to situations of obedience, overstepping or improper use of the language the astronauts. That is why it is necessary to initiate debate and to carry out an additional analysis of a modeling model of police education that will be free from the pressures and "expertise" of international or foreign organizations and centers that will incorporate the most positive European and American experiences and will reflect the cultural character of the area and the territory of the Macedonian citizens.

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# BASIC DEFINITIONS OF CRIMINALISTIC METHODOLOGY AND ECONOMIC CRIMINALISTICS

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## Abstract

The criminalistic methodology is the final subsystem that completes the structure of criminalistics as an independent science. The other two subsystems (the criminalistic technique and the criminalistic tactics) are older and more developed parts of the criminalistics trichotomy. The interdependence and dialectical unity of these three constituents enable criminalistic science to function as a whole.

Economic criminalistics is a criminalistic methodology for combating the economic crime. It stems from the criminalistic methodology as a mosaic of specialized criminalistics for dealing with any type of criminal offense with the same or similar criminalistic characteristics.

The author deals with the basic determinants of the criminalistic methodology and economic criminalistics (concept, subject and tasks).

**Key words:** criminalistics, criminalistic methodology, economic criminalistics.

## 1. BASIC PROVISIONS OF CRIMINALISTIC METHODOLOGY

Criminalistic methodology as specialized criminalistics, studies and investigates the properties and regularities of the information process immanent to investigate specific types of crimes with the same or similar criminalistic characteristics.

In the prevention and detection of criminal acts, criminalistic methodology usually specifies and adapts the achievements of other parts of criminalistic science: the criminalistic technique (which in some highly developed countries, as well as in other countries, is termed as forensics or as natural scientific criminalistics); and the criminal tactics.

The peculiarities and regularities of the organization for the detection and investigation of certain types of crimes are subject to the study of each particular criminalistic methodology that elaborates its own theoretical issues from a methodical organizational aspect.

Criminalistic methodology is gradually developed and disassembled in special methodics. There are as many criminalistics methodiques as there are separate groups of types of crimes with the same or similar criminal characteristics.

Criminalistic methodics represents scientific and logical models for proactive and reactive dealing with various types of crimes. Creation of new criminalistic methodics is possible only if we discover regularities in the occurrence, collection, processing and use of criminal information (operational and evidence) that arise from a specific criminal act, which, according to its appearance, indicates the existence of a specific type of crime. The existence or non-existence of the criminal offense should be determined by activating adequate and optimal criminal-technical means, tactical funds (tactical combinations or operations) and scientific or practically based methods that elaborate and recommend any particular criminalistic methodology.

The criminalistic methodology examines the specificities of criminalistics work for discovering, proving, clarifying and preventing certain types of acts of deeds with the same or similar criminalistic characteristics.

The subject of the criminalistic methodology stems from the general subject of criminalistics. The methodology only details and specifies the subject of criminal science for the purpose of dealing with specific groups of types of crimes with the same or similar criminalistic characteristics.

Consequently, two very important criminalistic parameters can be found in the focus of every criminalistic method:

- 1) Types of crimes;
- 2) criminalistic characteristics of types of crimes.

Criminalistic methodology studies:

- 1) the regularities of the information process that refer to the occurrence, detection, deciphering, evaluation and use of criminalistic (operational and evidence) information included in criminal events that indicate the existence of certain types of crimes and their offenders;
- 2) the regularities of the organization of criminalistics activities in the operational, investigative and judicial activities in order to discover, prove, clarify and prevent specific types of crimes and their perpetrators.

Each special criminalistic methodology is a system of knowledge for understanding the regularities in the occurrence, decryption and use of operational and evidence information for specific types of crimes. Criminalistic methodics refers to such peculiarities in the mechanism of occurrence and concealment of emergent forms or ways of committing groups of crimes with the same or similar criminalistic characteristics.

The discovery and investigation of laws in the knowledge of criminal information (their detection, deciphering, gathering, fixing, evaluating and using) for certain types of criminal offenses is one of the most important constituent elements that determines the structure of the subject of the criminalistic methodology.

There is another important element which determines the subject matter and the essence of the criminalistic methodology: building the construction of a system of the most appropriate criminalistic - technical means, tactical ways and scientifically or practically based criminal methods for conducting operational - tactical measures, special investigative measures and investigative (judicial) actions necessary for the detection, proving, clarification and prevention of certain types of crimes, as well as for disclosure and apprehension of criminal sanction of perpetrators of such crimes.

The Criminalistic Methodology has its own programme. There are as many programmes (algorithms) as there are special criminal methods. The program is determined by the set goal. The goal, in its turn, penetrates into the subject of criminalistic methodology and determines its programmatic orientation for complex scientific and theoretical research as well as the development of optimal criminalistic models for repressive and preventive dealing with criminality.

The purpose of criminalistic methodology is to discover, prove, clarify and prevent crimes that are subject to the study of any particular methodology. Its goal is to determine the factors for defining the subject of the criminalistic methodology. Therefore, the program goal of criminalistic methodology is to create appropriate criminalistic models and recommendations for the treatment of criminals in order to detect and clarify the features of an investigated criminal event. Only in this way can we determine whether there is a criminal event at all, or not. If the existence of a criminal offense referred to in the criminal case is indicated, then there is a selection and taking over of criminal-technical means, tactical ways or combinations, as well as scientific or practically based criminalistic methods that are most optimal for further clarification of the crime and disclosure of their perpetrator.

The focus of interest of any particular criminalistic methodics as specialized criminalistics allows finding a successful "recipe" for preventive and repressive dealing with criminal offenses. Criminalistic authorities rightfully claim that "same kinds of crimes can contain multiple subtypes, which are specific to discover or prove." This is one of the most important factors for global determining not only of the notion, but also the subject of criminalistic methodology, as well as the essence of any particular specialized criminalistics, which investigates the appropriate types of crimes precisely based on their specificities.

The main task and goal of criminalistics is global dealing (proactive and reactive) with crime.

The main task and goal of the criminalistic methodology is to deal (proactive and reactive) with crime according to groupings of certain types (types) of crimes that share same or similar criminalistic characteristics.

Economic criminalistics, as a special branch of criminalistic methodology, is an integral part of the global struggle against economic criminality.

## **2. BASIC PROVISIONS OF ECONOMIC CRIMINALISTICS**

### **2.1. THE POINT OF ECONOMIC CRIMINALISTICS**

If we consider the criminalistic methodology as a special system, economic criminology is a subsystem or one segment of that specialized criminalistics system.

Economic Criminalistic is a criminalistic methodics which deals with theoretical and organizational issues related to detection, proving, clarifying and prevention of economic criminality as a separate global grouping of types of crimes that share same or similar criminalistic features.

The theory of economic criminology aims to develop criminalistic models for successful proactive and reactive struggle against economic crimes arising from specific criminal events. It also studies the laws in the emergence of criminal (operational and evidence) information typical of these types of crimes .

The term economic criminalistics refers to a system of criminalistic studies which explores the specificities in the application of the most appropriate criminalistic and technical means, tactical ways and scientific or practically founded methods for investigating the regularities and peculiarities in the creation, detection, deciphering, assessment and use of criminalistic ( operational and evidence), information contained in types of criminal events that indicate the existence of economic crimes and their appearance forms of execution directed against the economic and financial business of enterprises and other legal entities that operate in the ownership pluralism.

From an organizational point of view, economic criminology studies the specificities and the models of criminal behavior in the operational, investigative and judicial activities so as to organize disclosure, prove , clarify and prevent economic crimes and deal with perpetrators of such criminal offenses.

Criminalistic practitioners are faced with dire difficulties in the fight against the changed composition of economic criminality. The construction of every criminalistic methodology is based on the systematization and study of the battered empire that has been repeated for a long time, which gradually creates the conditions for building an optimal model for preventive and repressive fight against economic criminality.. Not until criminalist practice marks and discerns the contemporary emergent forms of execution and concealment of economic criminality can we talk about successful dealing with these types of crimes.

However, it is a time-consuming process . It is worth noting that economic criminology has not been completed as a system of theoretical knowledge and practical recommendations for combating economic criminality even in the most developed western countries with long history in the development of market system.

The creation of modern economic criminalistics presupposes a long-standing scientific-theoretical research.

## **2.2. THE SUBJECT OF ECONOMIC CRIMINALISTICS**

As the subject of the criminalistic methodology stems from the subject of criminalistics, the subject of economic criminalistics as a specialized criminalistics also deals with the elements of criminalistic methodology as a complete sub-system of criminalistic science.

The subject of economic criminology as a separate criminalistic methodology for detecting, proving, clarifying and preventing economic crime consists of the following two elements:

- 1) economic criminalistics studies the peculiarities and regularities related to the occurrence, finding, fixing, collecting, evaluating and using criminal (operational and evidence) information created by the execution of undisclosed or undercover criminal events pointing to the possible existence of economic crimes as a specific global groupation of criminal offenses that share same or similar criminal characteristics;
- 2) economic criminalistics, based on the studied laws of the information process, immanent for clarifying criminal events that indicate the existence of economic crime, finds, develops and upgrades contemporary criminalistic instrumentarium as a system of criminalistic models and recommendations for optimal technique, tactics and methodology about conducting operational and procedural actions, in order to organize and detect, prove, clarify and prevent economic crimes as a global group of economic crimes.

## **2.3. TASKS OF ECONOMIC CRIMINALISTICS**

Departing from the nature and essence of economic criminology as specialized criminalistics for proactive and reactive dealing with economic criminality, economic criminalistics is an integral part of the criminalistic methodology, but also if we perceive its relations and dialectical connection with the other two elements (criminal tactics and criminalistic technique) from the trichotomy of criminalistics as an independent science, then it is inevitably imposed that the tasks of economic criminology split into the following two groups:

- 1) basic (main or general) task;
  - 2) special tasks.
- (1) The basic task of economic criminology as specialized criminalistics (as a special criminalistic methodology) is detection, proving, clarification and suppression of economic criminality

In other words, the basic task of economic criminology is dealing (proactive and reactive) with economic crimes and economic delinquencies, by using criminalistic-technical means, tactical means and scientific or practically based criminal methods that are most suitable for this kind specialized criminalistics.

- (2) The basic task is to determine the special tasks of economic criminology. The special tasks reflect the peculiarities in the development and upgrading of this type (and any other type of) criminalistic methodics. Thus, they can study and model the characteristics of each type of criminal offenses in the direction of specialized criminal actions both from preventive and repressive aspect.

The group of special tasks of economic criminology includes the following tasks:

- 1) criminal events (obvious or latent) that indicate the existence of a particular type of economic crime;
- 2) studying the mechanism of way of execution and concealment of certain type of economic crime, as well as the study of other criminalistic characteristics (material and "ideal" traces of the criminal act, criminal situation, the personality of the economic delinquent, the profile of the victims);
- 3) determining and studying the regularities of the organization of criminal acts in the first operation and later in cases when it comes to conducting an operational and criminal case in the area of economic crime. This task is an indispensable prerequisite for developing and upgrading the modest treasury of theoretical economic criminology, as well as for improvement of criminalistic practice for the purpose of more efficient combating of economic crime;
- 4) finding new ones, as well as developing already existing criminalistic and technical means, tactical ways and scientific or practically based criminal methods that are the most rational and most optimal for detecting, proving, clarifying and preventing economic crimes, as well as for preventive and repressive dealing with economic delinquents.

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# CRIME SCENE ANALYSIS IN THE FUNCTION OF THE CRIMINAL PROFILING

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## Abstract

There are a lot of aspects of the crime and the crime scene that can tell criminal investigators about the person who committed the crime. Criminal investigators should identify the offender by use of following aspects: the nature of the crime, characteristics of the crime scene (traces and evidences collected from the crime scene, the time when the crime was committed, the location of the crime scene), and the type and characteristics of victims being targeted. They have to determine the sex, age, profession, place of living, motives and other facts about perpetrator and his mind (is he organized, disorganized, or mixed), which are relevant for its discovering and catching. This kind of process or activity of developing and making profile of an offender is called criminal profiling from crime scene analysis.

Criminal profiling is an investigative method used to assist law enforcement and government security agencies pursuing unknown perpetrators. Criminal profilers typically should have experience and education in criminalistics, criminology, forensic and/or investigative psychology, giving them the skills needed to recognize the personality traits, aspects and characteristics of criminals based on the state of the crime scene and the crime scene evidence.

The primary aim of it is to reveal the behavioural signature of an unknown offender. There are different types of profiling which are separated based on their origins, connections to the sciences and specifics, such as: crime scene profiling, criminal (offender) profiling, psychological profiling, and geographic profiling. The paper will emphasize crime scene analysis In the function of the criminal profiling.

**Key words:** profile, profiling, crime, criminal, crime scene

## 1. Introductory remarks about crime scene analysis and criminal profiling

Crime scene analysis (crime analysis) is the analytical process of interpreting the specific features of a crime and related crime scenes. It involves an integrated assessment of the forensic evidence, forensic victimology and crime scene characteristics.<sup>1</sup>

Crime scene investigation is multidisciplinary and involves a systematic search of the crime scene; meticulous observation and documentation of the scene; photography and sketching of the scene; the identification, processing and collection of physical evidence such as fingerprints, footwear impressions, hair, fibers, biological fluids, and materials for DNA analysis; and, perhaps most important, the application of careful reasoning to the facts.<sup>2</sup>

Crime scene investigators work closely with law enforcement to ensure evidence is collected and processed correctly so the guilty are successfully prosecuted and justice is served. Crime scene investigators work at the crime scene, in labs, at the morgue, in police departments, and will likely be called to share their expertise in a courtroom.

<sup>1</sup> Turvey, B. E., An introduction to crime scene analysis. In B. E. Turvey (Ed.), *Criminal profiling: An introduction to behavioural evidence analysis* (141-159). Oxford, United Kingdom: Academic Press, Elsevier, 2011, p. 141

<sup>2</sup> Downloaded from <https://www.medicinenet.com/script/main/art.asp?articlekey=23306> [accessed 05.09.2017]



The objects we encounter in crime scenes are unique. While it exists as a recognizable object, it traces a singular and distinct path through space and time. Objects interact with other objects or come under the influence of fundamental forces resulting in changes in state in the object – thus, causes lead to effects. The analyst through detailed analysis of the scene and objects associated to the scene recognizes some of these cause and effect relationships as “actions,” specific moments during the incident where objects are undergoing change. These actions are unique in terms of why, where, and when they occur. Combined they represent a unique history (partial though it may be) of the incident that has value to the investigation and the court.<sup>3</sup>

Profiling during the investigation is placed as observer, coordinator and interpreter and is based on the facts, not theories. Teamwork is essential and requires the involvement of people with different professions as: forensics, criminalists, criminologists, psychologists, psychiatrists, etc. Through profiling we can not explain the crime, but is helpful in making the strategy for the implementation of police instruments for fight against crime: operational, tactical and investigative activities. It also has application in proactive criminal proceedings in order to prevent crime.

Free defining describes profiling as a discipline that requires careful evaluation of physical evidence collected and properly analyzed by a team of specialists from different fields in order to perform a reconstruction of the offence, and developing a strategy for discovering the perpetrator. Profile includes biographical information about the characteristics of the suspected person, profession, interests, and demographical characteristics and so on.

Criminal profiling is a method which assesses the personality of the offender by the way of committed the crime. Although this method is not recognized and is considered as controversial, profiling is becoming increasingly prominent part of the investigation and if it is used properly it can be a one of the strongest tools of police. With a collection of many traces, evidence and information that directly affect profiling, police officers can create versions of the offence or a wider circle of possible perpetrators. The theoretical foundations of profiling are in the knowledge that the offense and the offender are interconnected in a specific way. Through profiling are reviewed the characteristics of the crime scene and the differences between modus operandi and "signature behaviors", reaching conclusions about the timing of the offense, the planning, the level of skill of execution, choice of victim, imagination, motivation and taking the risks.

Criminal profiling<sup>4</sup> is emerging as a promising investigative technique. However, the applications of the criminal profiling process are not always understood. The services of a criminal profiler during the operational phase of an investigative effort can extend further than providing a fully rendered criminal profile, and into the realm of performing a victimology, an equivocal death analysis, or a threshold assessment. It is important to have an accurate understanding of the facets of criminal profiling so that it can be best utilised in the process of investigation and resolution of a case.

## **2. Criminal profiling – defining**

One of the major developments in criminal psychology in recent decades has been the development of criminal profiling. While a controversial method, profiling has become an increasingly prominent part of criminal investigation and, if used properly, has the potential to be one of law enforcement’s most powerful tools.<sup>5</sup>

Criminal profiling is the act of developing a psychological profile of an offender based on the state of the crime scene. Profiling is most often done by a forensic psychologist -- someone who has studied the criminal mind. This profile can then be used by police departments to assist in apprehending the criminal.

Offender profiling is a method of identifying the perpetrator of a crime based on an analysis of the nature of the offense and the manner in which it was committed. Various aspects of the criminal's personality makeup are determined from his or her choices before, during, and after the crime.<sup>6</sup> This information is

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<sup>3</sup> Gardner RM. A Qualitative Theory for Crime Scene Analysis. *J Assoc Crime Scene Reconstr.* 2016;20:45-55, p. 54

<sup>4</sup> Lowe, Andrew (2002) "Criminal profiling in the investigative process," *The National Legal Eagle*: Vol. 8: Iss. 1, Article 6, pp. 15-16, downloaded from <http://epublications.bond.edu.au/nle/vol8/iss1/6> [accessed 10.10.2017]

<sup>5</sup> Criminal Profiling, Forensic Psychology: Guide to Criminal Profiling, downloaded from <http://www.forensicpsychology.net/resources/criminal-profiling/> [accessed 10.01.2014]

<sup>6</sup> Criminal profiling helps investigators examine evidence from crime scenes and victim and witness reports to develop an offender description. These descriptions may include the analysis of psychological variables such as personality and behaviour patterns, as well as demographic variables such as age, race or geographic location. Investigators should use profiling as a means to narrow down the suspect pool, or in structuring an interrogation of a suspect once apprehended. More of this in Turvey, B., *Criminal Profiling: An Introduction to Behavioral Evidence Analysis*, Academic Press, San Diego, 1999

combined with other relevant details and physical evidence, and then compared with the characteristics of known personality types and mental abnormalities to develop a practical working description of the offender.

Psychological profiling may be described as a method of suspect identification which seeks to identify a person's mental, emotional, and personality characteristics (as manifested in things done or left at the crime scene).<sup>7</sup>

There is also geographic profiling.<sup>8</sup>

A profile is a psychological sketch of an offender. There is a lot that a crime scene can tell a forensic psychologist about the person who committed the crime. This is especially true in homicide investigations. Criminal profiling is often used to help investigators catch psychopaths and serial killers that may otherwise go free. It can also be used to help catch other types of offenders, such as arsonists and rapists.

In criminal profiling, a crime scene helps to label the perpetrator as organized, disorganized, or mixed. An organized offender plans ahead, picking out the victim ahead of time. Any tools needed are brought by the offender. He is meticulous with details, and it is clear that the crime was well thought out ahead of time. This tells a forensic psychologist a lot about the criminal.<sup>9</sup>

The first task of profiling is estimating the psychological and sociological characteristics of a criminal. Once the criminal is apprehended, the next step is to determine further, specific information about him or her. Items in the offender's possession and interviews with acquaintances can provide excellent background information. After further information has been ascertained, an interview process can begin based on the information gathered about the criminal.<sup>10</sup>

Many authors tried out to define criminal (offender) profiling. These are some of the definitions<sup>11</sup>:

An educated attempt to provide specific information about a certain type of suspect (Geberth, 1981).

A biographical sketch of behavioural patterns, trends and tendencies' (Vorpapel, 1982).

This role (offender profiling) was obviously not to provide the name, address and phone number of the guilty person but was to provide the police with a psychological profile of the personality of the perpetrator that could then be used to direct the investigative search' (Jackson & Bekerian 1997).

Profilers have been able to develop typologies, understand the link between crime scenes and the characteristics of offenders, and develop information that is useful in violent crime investigations' (Hinman 2002).

Very often we say that crime scene revealed the offender signature. A very useful two part definition of offender signature is provided by Turvey.<sup>12</sup>

Signature behaviours are those acts committed by an offender that are not necessary to complete the offense. Their convergence can be used to suggest an offender's psychological or emotional needs (signature aspect). They are best understood as a reflection of the underlying personality, lifestyle, and developmental experiences of an offender.

The emotional or psychological themes or needs that an offender satisfies when they commit offense behaviours.

### 3. Criminal profiling approach by FBI

Crime scene profiling was developed in the United States in the 1970s by the Behavioural Science Unit (BSU) of the Federal Bureau of Investigation (FBI) to provide investigative assistance to law enforcement and today FBI approach continues to be the most influential applied criminal profiling model.

The FBI's Behavioural Science Unit, now its Investigative Support Unit, is the United States' best-known clearinghouse for investigative queries that merit the production of an offender profile. Typically such queries derive from exhausted investigations at local levels, or involve the flagging of a series of unsolved crimes (typically murder) that spans two or more federal jurisdictions. The Behavioural Science Unit, and the FBI's entire approach to offender profiling developed from research conducted from the 1970s through to the early 1980s that saw FBI agents interview and conduct detailed research on 36 imprisoned

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<sup>7</sup> More information about this in Berg, B., *Criminal Investigation*, 4th edition, 2008

<sup>8</sup> More of this in the book *Geographic Profiling*, from the author, Rossmo, Kim, CRC Press; 1 edition, 1999

<sup>9</sup> What is criminal profiling?, downloaded from <http://www.wisegeek.org/what-is-criminal-profiling.htm> [accessed 15.01.2014]

<sup>10</sup> Criminal Profiling, *Forensic Psychology: Guide to Criminal Profiling*, downloaded from <http://www.forensicpsychology.net/resources/criminal-profiling/> [accessed 10.01.2014]

<sup>11</sup> Offender Profiling Part 2: The FBI Legacy, downloaded from <http://www.all-about-forensic-psychology.com/offender-profiling.html> [accessed 25.12.2013]

<sup>12</sup> Psychological Profiling (Criminal Profiling) Part 3: Methodology, Signature Behavior, downloaded from <http://www.all-about-forensic-psychology.com/psychological-profiling.html> [accessed 25.12.2013]

murders. This is the data pool from which the logical underpinnings and statistical assumptions made about unidentified offenders (i.e. the unknown subject of the profiles) were derived. All were male, and while 29 of the 36 were classified as serial killers, all of the offenders were suspected of having killed multiple other victims. The nature of these offenders' crimes is what allows them to be typified as a relatively homogenous group: often their murders involved elements of sexual sadism, mutilation and often bizarre and/or ritualistic imagery or behaviour, the relevance of which is unclear to local law enforcement investigators (apart from suggesting some broad 'psychological problem').<sup>13</sup>

Next we will talk about the criminal profiling (psychological profiling) methodology employed by the FBI<sup>14</sup>, because the FBI approach continues to be the most influential applied criminal profiling (psychological profiling) model. Its stages are the following<sup>15</sup>:

**Stage 1: Profiling Inputs:**

The first stage involves collecting as much crime related information as possible, autopsy reports, photographs of the crime scene and deceased, essentially anything that is likely to indicate what happened, how it happened and why it happened.

**Stage 2: Decision Processing:**

Armed with the information from stage one the next step involves determining whether the crime in question can be located within a number of behavioural classifications. The FBI developed their own manual of classifications and it functions along the same lines as the system used to classify mental illness. In essence you have a checklist of signs and symptoms and if these are sufficiently present within a particular case the offender will be assigned that classification.<sup>16</sup>

**Stage 3: Crime Assessment:**

The principal aim of stage three is to piece together the chain of events before, during and after the commission of a crime. Essentially the profiler wants to reconstruct the crime from the perspective of both the victim and the offender.

**Stage 4: The Criminal Profile**

Having assessed and consolidated the information from the previous stages the profiler is now in a position to hypothesize about the type of person who committed the crime. The preliminary description will usually include details relating to the suspects sex, age, race, occupational skills, IQ, social interests, mental health status and family background.

**Stage 5: Investigative Use**

There are two main ways in which criminal profiling (psychological profiling) is used to assist an investigation. Firstly a detailed written report is made available to the investigating team so that they can concentrate their efforts on suspects who appear to match the profile.<sup>17</sup>

The second way in which criminal profiling (psychological profiling) is traditionally employed within an investigation follows the arrest of a prime suspect, when the psychological aspects of the profile can be used to help develop and inform appropriate interviewing strategies.

According to Gregg O. McCrary<sup>18</sup>, the basic premise is that behavior reflects personality. In a homicide case, for example, FBI profilers try to collect the personality of the offender through questions about his or her behavior at four phases:

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<sup>13</sup> Horgan, J., Understanding Criminal Behavior: Beyond 'Red Dragon', downloaded from [http://undersci.ucc.ie/wp-content/uploads/sites/12/2014/11/Understanding\\_Criminal\\_behaviour.pdf](http://undersci.ucc.ie/wp-content/uploads/sites/12/2014/11/Understanding_Criminal_behaviour.pdf) [accessed 18.09.2017]

<sup>14</sup> More information of the FBI methodology see on their official web site

<http://vault.fbi.gov/Criminal%20Profiling/Criminal%20Profiling%20Part%20of%207/view> [accessed 18.01.2014]

<sup>15</sup> These stages are quoted from Psychological Profiling (Criminal Profiling) Part 3: Methodology, Signature Behavior, downloaded from <http://www.all-about-forensic-psychology.com/psychological-profiling.html> [accessed 25.12.2013]

<sup>16</sup> This is why you see multi dimensional descriptions of profiled offenders e.g. organized, power assertive serial rapist. This stage will also generate a number of more general classifications e.g. the murder type (mass, spree, serial etc); the primary motive (sexual, financial, emotional etc).

<sup>17</sup> The aim is to generate a reliable profile of the person who's committed the unsolved crime so that the subsequent investigative effort is much more focused. Now this may seem like an obvious point but arguably the greatest strength of profiling is that it has the potential to minimize information overload.

<sup>18</sup> Gregg O. McCrary is a former FBI agent, an expert witness and consultant, an author and an adjunct forensic psychology professor at Nova South-eastern University in Fort Lauderdale, and at Marymount University in Arlington, Virginia. McCrary was a contributing author to the 1992 Crime Classification Manual. In 2003, he published *The Unknown Darkness*, a book detailing those cases which he found most important. During his tenure with the FBI, McCrary was a criminal profiler and threat analyst in Quantico, Virginia. He was a member of the "Criminal Investigative Analysis" subunit of the National Center for the Analysis of Violent Crime (NCAVC), serving the Center from its foundation in 1985. Since retiring from the FBI, McCrary has served as an expert witness. British author Colin Wilson dedicated his 1990 book *The Serial Killers* to Agent McCrary.

1. **Antecedent:** What fantasy or plan, or both, did the murderer have in place before the act? What triggered the murderer to act some days and not others?
2. **Method and manner:** What type of victim or victims did the murderer select? What was the method and manner of murder: shooting, stabbing, strangulation or something else?
3. **Body disposal:** Did the murder and body disposal take place all at one scene, or multiple scenes?
4. **Post-offense behavior:** Is the murderer trying to inject himself into the investigation by reacting to media reports or contacting investigators?

A sexual crime is analyzed in much the same way (bearing in mind that homicide is sometimes a sexual crime), with the additional information that comes from a living victim.

Another phase of criminal profiling (crime scene investigation) is case linkage. According to Brent E. Turvey, case linkage or linking analysis refers to the process of determining whether or not there are discrete connections between two or more previously unrelated cases through crime scene analysis<sup>19</sup>. It involves establishing and comparing the physical evidence, victimology, crime scene characteristics, modus operandi (MO) - organized or disorganized typologies, and signature behaviors between each of the cases under review. It has two purposes:

1. To assist law enforcement with the application of its finite resources by helping to establish where to apply investigative efforts
2. To assist the court in determining whether or not there is sufficient behavioral evidence to suggest a common scheme or plan in order to address forensic issues, such as whether similar crimes may be tried together or whether other crimes may be brought in as evidence.

With respect to behavioral evidence, case linkage efforts have most typically hinged on three concepts:

1. MO, modus operandi
2. Signature
3. Victimology.

Organized offenders tend to be high in the birth order of their family, usually an oldest child. They are very intelligent, and usually have their lives together, but a series of stressful situations caused them to act out. Most of them have a live-in partner, are socially adept, and will follow the coverage of their crimes in the media very carefully.

A spontaneous offense is often the work of a disorganized offender. He will often depersonalize the victim, to make the crime less real and allowing him to remain detached throughout the course of the crime. There is very little conversation, if any, between the offender and victim, and the crime scene has a random and sloppy feel to it. Criminal profiling makes it possible to draw a lot of conclusions about this offender, too. Disorganized offenders are often of average or slightly below-average intelligence. They are younger children, live alone, and are not as socially mature as an organized offender. They often live or work near the scene of the crime, and have a poor work history.

A mixed offender is harder to use criminal profiling for, but it is still possible. The crime scene combines characteristics of both organized and disorganized offenders. For example, the offender may have provided his own tools, but picked a victim randomly. The profile of a mixed offender may not be as accurate as other profiles, giving police less to go on.

Criminal profiling is used not only to find potential offenders, but also to narrow down a list of offenders that has already been compiled by the police. Although it doesn't work in every case, criminal profiling has helped investigators to apprehend hundreds of criminals. By assessing the patterns and motives of previous criminals, profiling allows investigators to fairly accurately predict the characteristics of current and future offenders, allowing killers and other perpetrators to be caught before they can continue on to other crimes.<sup>20</sup>

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<sup>19</sup> Turvey, B., *Criminal Profiling: An Introduction to Behavioral Evidence Analysis*, Academic Press, San Diego, 1999

<sup>20</sup> What is criminal profiling?, downloaded from <http://www.wisegeek.org/what-is-criminal-profiling.htm> [accessed 15.01.2014]

#### 4. Concluding remarks

Criminal profiling is still a relatively new field in the science, with few set boundaries, discussions, critics or definitions. Its practitioners and theoreticians don't always agree on methodology, tactics or even terminology. Despite the different names, all of these tactics share a common goal: to help investigators examine evidence from crime scenes and victim and witness reports to develop an offender description. The description can include psychological variables such as personality traits, psychopathologies and behavior patterns, as well as demographic variables such as age, race or geographic location. Investigators might use profiling to narrow down a field of suspects or figure out how to interrogate a suspect already in custody.

Basically, the criminal profiler's job is to create a psychological profile of a criminal suspect (his psychological and physiological characteristics), which can then be used to help recognize and catch the suspect. This is done by examining evidence from the crime, their relations on the crime scene, interviewing witnesses and victims, and analyzing crime scenes. Information gained from these investigations can then be used to help the profiler determine a pattern of criminal behavior, which hopefully can be used to find out more about the suspect, creating circle of suspects, eliminating those who are not related with the crime and recognizing and catching the real one.

FBI's method for criminal profiling remains one of the most widely taught methods in the world today. It is common practice for agents from various police forces around the world to travel overseas and take part in the Bureau's Fellowship Program, where they are taught this profiling method, amongst other training in areas such as criminal investigation.

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## ПРИМЕНА НА CHAIN OF CUSTODY (ЛАНЕЦОТ НА ПОСЕДУВАЊЕ) ВО КРИМИНАЛИСТИЧКАТА ПРАКТИКА ВО РЕПУБЛИКА МАКЕДОНИЈА

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### Абстракт

Материјалните траги имаат големо значаење за доказната постапка, особено во делот на вршењето на увид, обезбедувањето на материјалите докази и докажување на кривичното дело во судска постапка. Но постојат бројни предизвици при обезбедувањето на материјалните траги, и нивната доказна важност во судската постапка. Имено, можноста за контаминирање на трагите на местото на настанот е евидентна и лицата кои го обавуваат увидот треба да внимаваат да не дојде до контаминација на трагите со што тие би се направиле неупотребливи за натамошната постапка. Оттука постаењето на систем кој ќе гарантира непроменливост на трагите е од особено значење за форензиката и крајниот исход на секоја постапка на откривање на кривичното дело и идентификување на сторителот.

Во светски рамки постајат одредени стандардизирани постапки кои се применуваат со цел зачувување на трагите на местото на настанот и спречување на можноста за контаминација во целокупниот процес на користење на материјалните траги се до завршување на судската постапка. Станува збор за chain of custody, или т.н. ланец на поседување кој треба да се применува со цел остварување на крајната цел, обезбедување на материјални траги кои ќе можат да се користат како доказ на суд, без нивна контаминација при тој процес.

Авторите во трудот ја разработуваат причината за користење на овој метод, а исто така ги презентираат и резултатите од истражувањето реализирано во Министерството за внатрешни работи, а во врска со примена на овој метод во Република Македонија.

*Клучни зборови: ланец, поседување, траги и др.*

### Abstract

Material traces have great significance for the evidentiary procedure, especially in the part of the revision, the evidence providing and proving the crime in court proceedings. But there are many challenges in obtaining the material traces, and their evident importance in the court procedure. Namely, the possibility of contaminating the traces at the scene is evident, and the people who perform the inspection should be careful not to contaminate the traces, which would make them unusable for the further procedure. Hence, the establishment of a system that will guarantee the invariance of traces is of particular importance to forensics and the ultimate outcome of any procedure for detecting the crime and identifying the perpetrator.

Worldwide, certain standardized procedures are applied that are used in order to preserve the traces at the scene and prevent the possibility of contamination in the entire process of using material traces until the completion of the court procedure. We're talking about chain of custody, or the so-called chain of possession that should be applied in order to achieve the ultimate goal, providing material traces that can be used as evidence of a court without their contamination in that process.

The authors in the paper elaborate the reason for using this method, and also present the results of the survey conducted by the Ministry of Interior Affairs, regarding the application of this method in the Republic of Macedonia.

*Keywords: chain, possession, traces, etc.*

## 1. Introduction

The Methodology for uncovering criminal acts is consisted of implementation of operative-tactic measures and investigation actions, aiming to uncover the criminal act and identification of the doer, and the whole procedure ends with a proceeding where the action and the culpability is being proved. In the frames of this process, the insight into the crime scene and the providing of the material marks that will be used on a court are of great importance.

The processing of the crime scene goes in several steps and represents a dynamic process which requires an active approach by the investigator, who must be aware for the connection principle of the material evidence. The scientific investigation of the crime scene is based on a scientific method. It is based on the Principle for exchange by Locard and it is a base for connecting the material evidence with the victims, the suspects and the crime scene. Also, everyone that will approach the crime scene can change the place and the evidences. More specifically, the Locard's principle is based on the fact that when two objects make a contact, between them there is a matter exchange. (Saferstein, 2010)

The processing of the crime scene is a dynamic process which requires an active approach by the investigator. (Malish-Sazdovska,2013) A well prepared criminal technician comes on the crime scene with a wide range of materials and instruments for packaging, prepared to deal with any situation. The investigators should recognize and properly provide the material marks for a further laboratory investigation(Malish-Sazdovska 2017). The processing includes the following tasks: investigation, taking photos, sketching, as well as using techniques for identification, evaluation, documentation, collecting evidence, testimony and recording marks Also, it is of great importance the use of the method *chain of custody* which actually represents a documenting procedure which is implemented for providing the integrity of the material evidences from their collecting from the crime scene to their presentation in front of the court.

The processing of the crime scene begins with a securing of the crime scene which means taking all activities in order the found situation to be preserved until the arrival of the insight unit. In that period, it should be prevented the partial or total damaging of the existing objects and marks, the change of their position and mutual arrangement i.e. preventing and causing contamination of the existing marks. Then, in the insight there is a reconstruction of thinking, inspection of the crime scene, documenting by taking remarks, video records, taking photos and sketching. (James, Norby, 2009) Next are the activities for searching and processing the crime scene depending on the specific criminal situation.

## 2. The term/concept Chain of Custody

According to certain authors the term "chain of custody refers to the chronological documentation and/or a path that shows the taking, possessing, control, transfer, analysis and the arrangement of the evidences, physical or digital."(www.edrm.net)The maintaining of the chain of custody is fundamental for the forensic scientists who work on a specific criminal case. The evidence documentation is crucial for maintaining the chain of custody, because everything that happens on the evidence part, must be documented and everyone that comes into contact with a specific part of the evidence is responsible for all that happens to it. That prevents the police officers and other services to contaminate the evidences or parts of them.

The chain of custody includes:

1. date and time of collecting
2. place of collecting
3. name of the investigator(s)
4. name and owner of the provided evidence
5. reasons for collecting
6. subject number
7. type of evidence
8. serial number of the evidence if it is available
9. method of recording (which uses tools)
10. physical description of the evidence
11. evidence value
12. other comments and questions that they remember
13. signature of the person that provides the evidence. (Coons,2015)



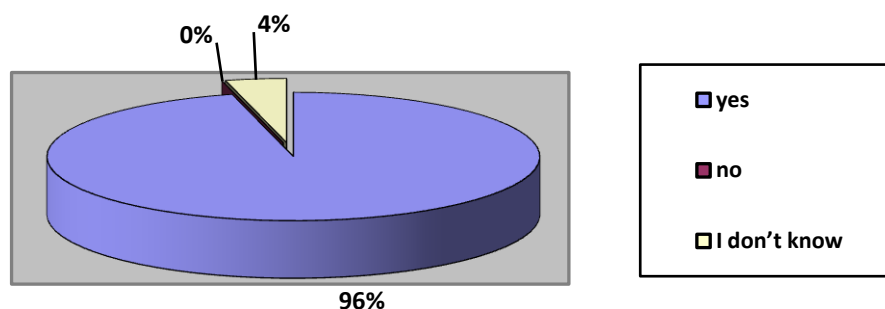
The establishing of the chain of custody in the authentication of the physical evidences which are used at the court is of great importance and it must be taken care of the taking, preserving, transfer and the condition of the evidence. The chain of custody is absolutely indispensable evidence at the court.

### 3. Application of the chain of custody in Republic of Macedonia

For the purpose of making an analysis of the condition by implementing the *chain of custody* in Republic of Macedonia, it is realized a research with a questionnaire on the professionals employed in the Ministry of Internal Affairs of Republic of Macedonia. (Jordanova S.,2017) The focus group was consisted of 50 examinees, professionals employed in the Ministry of Internal Affairs of Republic of Macedonia.

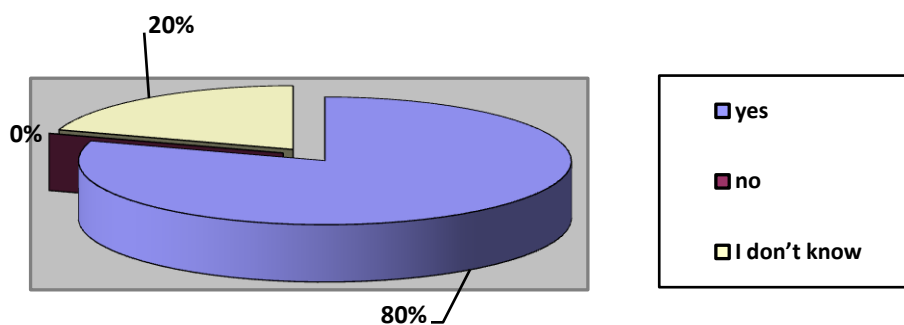
In the research the following questions were asked:

**Diagram 1. Do you think that the police officers act completely professionally during the securing of the crime scene? (source: Jordanova, 2017)**



On this question, from 50 examinees (100%), 48 examinees, i.e. 96% from the examinees think that the police officers completely and professionally act during the securing of the crime scene, whereas 2 examinees, i.e. 4% from the examinees are not acquainted whether the police officers act completely and professionally during the securing of the crime scene.

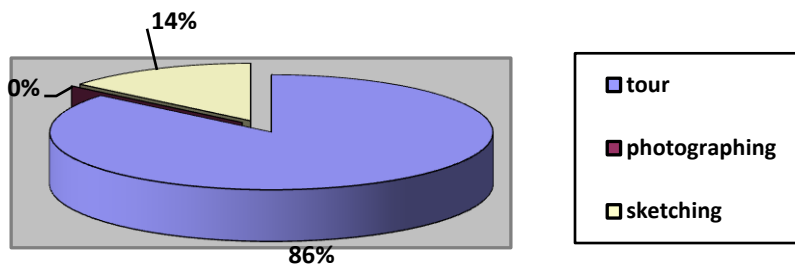
**Diagram 2. Do you think that the police officers need trainings connected with the work of the criminal processing of the crime scene? (source: Jordanova, 2017)**



On this question, from 50 examinees (100%), 40 examinees, i.e. 80% from the examinees think that the police officers need trainings connected with the work of the criminal processing of the crime scene, whereas 10 examinees, i.e. 20% from the examinees are not acquainted whether the police officers need trainings connected with the work of the criminal processing of the crime scene.

The result of this question shows that the police officers are enough trained for criminal processing of the crime scene, and a high percentage of the examinees, 80% share this opinion. Taking into account that the training of the staff is essential for acting professionally and successfully on terrain, it should be considered the possibility for mandatory training of the police officers in the area of criminal processing of the crime scene, especially in the area of securing the crime scene, non-contamination of the material marks etc.

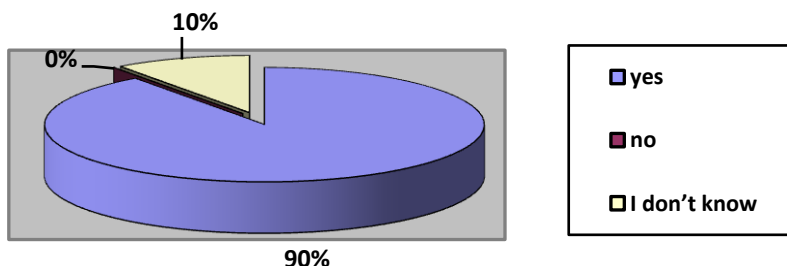
**Diagram 3 After securing the crime scene, what do you first undertake? (source: Jordanova, 2017)**



On the fourth question, from 50 examinees (100%), 43 examinees, i.e. 86% from the examinees answered that after securing the crime scene, firstly they get around the crime scene, and 7 examinees, i.e. 14% from the examinees answered that they firstly do sketching of the crime scene after the securing.

According to received results, and different received answers, it is not clear what is the first priority during the securing of the crime scene. The work of the professionals on a terrain should be unified in order not to exist different ways and procedures for application, and the evidential importance of the material marks not to be taken into question. So, there is a need for setting standard operative procedures aiming the experts to have exact determined tasks, way of acting and a check list of successive activities which should be respected in the procedure.

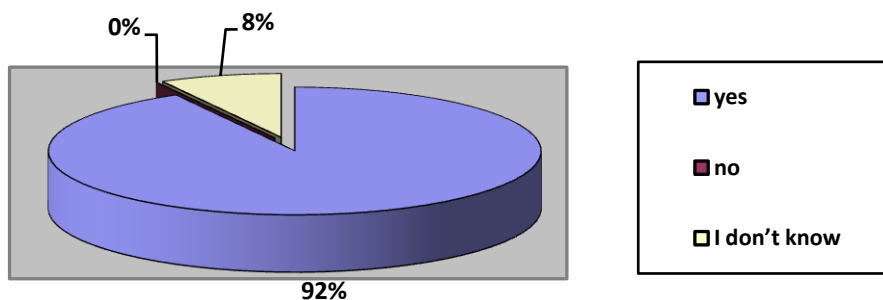
**Diagram 4. Do you think that there is a need for incorporating the chain of custody in the criminal processing of the crime scene? (source: Jordanova, 2017)**



From a total of 50 examinees (100%), 45 examinees, i.e. 90% from the examinees think that there is a need for incorporating the chain of custody in the criminal processing of the crime scene, and 5 examinees, i.e. 10% from the examinees are not acknowledged whether there is a need for incorporating the chain of custody in the criminal processing of the crime scene.

This shows that the greatest number of examinees is acquainted with the advantages of the chain of custody and the need of its implementation in the investigation and criminal processing of the crime scene. However, 10% from the examinees do not have attitude or opinion for the meaning of this method and the need of its application in the frames of their daily practical acting on a terrain.

**Diagram 4 Will the implementation of the chain of custody in the criminal processing of the crime scene help in surpassing the omissions and errors during the investigation of the crime scene? (source: Jordanova, 2017)**



From a total of 50 examinees (100%), 46 examinees, i.e. 92% from the examinees think that by incorporating the chain of custody in the criminal processing of the crime scene the errors and the omissions on the crime scene will be surpassed, whereas 4 examinees, i.e. 8% from the examinees are not acquainted whether by the incorporating of the chain of custody in the criminal processing of the crime scene the errors and omissions on the crime scene will be surpassed. These results correspond with the answers on the previous question and they are related with the knowledge of the examinees for the meaning and the practical use from the implementation of the chain of custody in practice.

In the questionnaire were asked several open questions such as:

1. Can you explain briefly for the present condition of the chain of custody in the criminal technique (chain of custody)?
2. Can you explain briefly what does the chain of custody provide?
3. Can you tell us your opinion for the chain of custody (positive and negative sides)?

The examinees didn't answer any of the questions.

#### **4. Conclusion**

As a result of the research which is realized with criminal technicians from the Department for criminal-technical investigations and expert evidences, it can be concluded that the greatest number of the employees are acquainted with the procedures and methods for the criminal proceeding of the crime scene, in which the investigation is realized, the material marks are provided and there is a need for an application of the chain of custody.

However, it is concluded that there are certain weaknesses in the knowledge and the work of the authorized persons who need to act in the process of discovering and clarification of the criminal acts and identification of the doer.

So, as a conclusion it comes to prominence the attitude that there is a need for trainings of the employees aiming to coordinate the methodology of the work of the criminal technicians on a terrain. This is especially important because there are different answers for the way and the application of certain measures in the investigation and dealing with the material marks.

The principle of continual studying and improving of the employees in the Ministry of Internal affairs who work on this subject will lead to increasing of the efficiency in the acting and reinforcing of the capacities in the institutional level as well as increasing of the capacities of the employees.

Also, due to the differences in the way of acting and the sequence of the measures which are implemented, it is concluded that there is a diversity in the acting. From there, there is a need for suggesting in a certain period to be created a guide book for investigation at the crime scene or Standard operative procedures by which the procedure for criminal technicians in providing material evidences and implementing the chain of custody will be coordinated and strictly defined. This is especially important because on this way, through professional working on a terrain, there will be conditions for securing of the material marks, and their contamination will be avoided and the same will be presented as an evidence at the court.

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# CONCEPTUAL AND CATEGORICAL APPROACH TOWARD SECURITY

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## Abstract

Traditionalists located their concept around the national security, and the referent object of security was the state. The supporters of the expanded concept for national security incorporated the new security aspects in the security agenda: the military, the political, the economic, the societal, the ecologic, the corporative, etc. The starting premise is that security concepts have their security orientation and hence the key issue is how to provide and approach toward the requirement for the appropriate concept. By that, a subject for a serious theoretical criticism today are the thesis for ballance of concepts, rather than their overemphasis or their domination.

Key words: theories, concepts, approaches, security, categorization.

## 1. INTRODUCTION

At the end of the second decade of the new millennium and almost three decades after the end of the Cold war, the discourse and the concept of security does not lose its relevance, it rather becomes more and more “enriched”. The sole amplification and deepening of the international agenda has not led to greater efficiency and success in dealing with the acute and chronic security problems. Neither did the rich and various planet of reference security objects helped, because there are the old- new methods for solving the security challenges still existing (Vankovska, 2011). So, we are witnesses of an essential deepening of the security concept, so in that context today, the various dimensions of security emphasize the necessity of a greater protection of the individual, the protection of the energy, the resources and the critical infrastructure, the protection of the uniqueness of the culture and identity, protection of the property, protection of the corporations etc. This had brought to the acceptance of new security concepts such as “human security”, “energy security”, “societal security”(Waever,1993), “private security”, “corporative security”. These concepts clearly express the change which occurred in the comprehension of the traditional security concepts, against the increasing significance of the new security concepts. Hence, there is no dilemma that security is a phenomenon which is expressed through mutual correlations, but also a phenomenon which beside the impression that is easy for a precise designation, still the experience speaks that it is a matter which is exceptionally hard to determine its significance. Hence, this essentially significant phenomenon has to be a reflection of the overall comprehension of the basic security concepts in order to understand the sole essence of the notion security. In that context the few crucial concepts significant for security in the countries in contemporary terms will be set for argumentation, following: the concept of individual security, the concept of national security and the concept of international security.

## 2. CATEGORIZATION OF SECURITY

The question for the referent object of security has been already reviewed. So hence, if the referent object of security is the individual, then we could discuss individual security. This is logical if the individual occurs as the basic unit in the international system. However, in the past this security was viewed from the aspect that it could be provided through securing the territorial sovereignty of the country. Namely, the security of the individuals in the country was put in function of the security of the country. If the country is safe, then the individuals in the country are safe, too. In that way, the country came first, then the people. But this scenario had dramatically altered after the emergence of the liberal democracies which set the accent on the „individual/human security“(Nef, 1999). Unlike the national security which cares to protect the interests of the people within the framework of the national territory, the focus of the human security is much more

wider from the national territory, including the whole human community. In that manner, the human security simultaneously influences the domestic and the external policies of the countries which have to be unified in order to harmonize the national and international programs by the same measure. So hence, the question for the human security presupposes the existence of a stable and democratic political system within the framework of the countries, an acceptable level of economic development and the rule of law (Vankovska, 2006).

It means that the central issue around the idea for individual/human security is how safe and free are the individuals (Georgieva, 2006). The more serious articulation on the perspectives of the human security concept emerged in 1990 as a conceptual response of two dimensions: the globalization and the end of the Cold war. The discourse on the relation of political and economic transformations has rapidly increased the risk for internal conflicts. This had changed the focus from insecurity of the nation-state to the insecurity of the individual and the community. Generally taken, that change led to the acknowledgement that in order to protect and promote human development in the future, the issue for the human security has to be treated (Mitrevska, 2004).

The scientific elaboration of the individual security has to be scoped in the context of its connection with the national security of the country. Historically viewed, the contemporary concept of national security is the Doctrine for the inviolability of the sovereignty, which dates from the Peace of Augsburg from 1555, with which the ruler gained the right to decide for the religion of his country (*cuius regio, eius religio* – whose realm, his religion). This right is confirmed and revised with the Peace of Prague from 1635 and the Peace of Westphalia from 1648, with which the thirty years of religious war between the Catholics and Protestants in Europe was ended. The then established concept of state sovereignty, by which no one is above the state, unifies legal rights, by which the sovereignty includes political authority based on the territory and autonomy. Territoriality implies the right of an exceptional political authority over a certain geographical realm (internal sovereignty), and autonomy means that no external factors – such as another country – has the authority within the borders defined by the country (external sovereignty, Holsti, 2006).

The sole notion of national security is put to use in 1943, when Walter Lippman in its book *US Foreign Policy* had used this term for the first time. After the World War II the notion national security finds a broader utilization in the political vocabulary of contemporary countries. In this context it is used to designate the internal and the external security of the country, respectively the security of the country regarding the internal and the external sources of threats. It is about the security of a certain country which provides its survival and normal functioning of all the elements of independence, territorial wholeness and guarantees for the constitutional order (Masleša, 2001).

Basically, the national security counterpoises the “ability” of the country (nation) to protect its internal values from external dangers. It could also be defined as absence of threats over the fundamental values of the country, such as the security of a certain country, security of its national integrity and territorial sovereignty. The national security of a country must not endanger the fundamental values of the national security of other countries, members of the international community. There are various opinions existing regarding the concrete values of a country which needs to be protected in order to feel secure. In accordance with the generally accepted values in international relations or the principles of international law, the object of protection of the national security of every country counterpoises its survival, territorial integrity in internationally recognized borders and its political independence. For protection of the values and the national security, the international law recognizes the right of every country to protect itself in self-defense.

In this context, Barry Buzan views national security on three levels (individual, state/national and international security), including few significant areas of human activity, primarily military, political, economic, social and ecological surrounding. According to the opinion of this author, the state (national) level is the most significant; because it designates the other two levels of security (Buzan, 1991). As the American theorist Joseph Nye emphasizes (Nye, 2002/2003), the national security in a significant amount is determined by the power and the potential of the country. According to him, power is the ability of the country to extort certain behavior from another country or other subjects toward which the power is directed, while potential represents the capacities of the country on which the power is based upon. Robert Art, (Art, 2004) speaks that in the contemporary world, the size of the territory, the number of the population, the military power, the wealth in vital resources and sources of energy alone are not crucial for the determination of the country's power. A significant source of power for the country are also the level of its technological-technical development, the education and age structure of the population, and also the impact which the country has in decision making in international organizations. Regarding the power of the country, Zbigniew Brzezinski accounts that it is a product of numerous types of power, and in the first instance: the military power, respectively possession of mobile and trained human and respectable material military capacities

capable to win victory and defeat adversary power in conflict, imposing the will of its own country; economic- energy power, respectfully, possessing resources, expertise, cadre, production, energy, financial and similar capacities that make the country rich, and guaranteeing the satisfactory life standard for its citizens; cultural power, respectfully the cultural development, tradition, the national awareness and national identity and the security culture, with which the community becomes a modern, complex and harmonious entirety capable to counterattack the security problems and to contribute for their solving; political power, which occurs as a result of the indicated types of power of the country, and it consists in the ability of the country to dominate or at least to concurrently participate in the events of the international stage; and the power of knowledge and technical- informational power, respectfully the continuous development of science, technique and technology with which the educational, the production, the communicational, the research and life processes are improved, and also the military and the economic power of the country (Brzezinski, 2001).

Unlike the national security, the private security as a concept is based on the real situations in contemporary national and international affairs which refer to security and it is consisted in many aspects of economic, political and social organization, depending on the concrete example, which means that this concept covers a broad realm in which complex processes arise and occur and certain functions are made in the direction of the creation and maintenance of security, in which the rest of the subjects present in this field are engaged.

The notion “private security sector” and the notion “private security” according to the content and the conditions given by the final recipients are synonyms. By rule, private security based on the scope means the same as the private security sector, but also there are possible nuances of that meaning. So, it is not wrong to say that private security in comparison with the private security sector puts the consistence in its center, respectfully the continuity, yet both private security and the private security sector are oriented toward strengthening the ownership structure with optimization of activities and strict commercialization in performing the activities.

In the literature, private and corporative security is commonly used as synonyms. Often in theory there is a lack of distinction made between the private and the corporative security, with which the common denominator in defining the corporative security is reduced to a planned, organized and lawfully established independent or joint activity and function of an organization directed toward own protection or protection of others, as well as protection of certain persons, areas, objects, etc.

It is certain however that corporate security cannot be equivalent with private security, primarily because private security (Dančić&Stajić, 2008) is really a broader notion than corporate security. Namely, beside the activities of the private security protecting persons, processes and property (objects, areas and assets), private security also comprises activities tied with private military companies and many other companies which on commercial basis perform numerous security related activities (Matić, 2006). That means that the private security subjects in reality cannot be set within the framework of private and(or) professional agencies directed toward own protection or protection of others, as well as protection of certain persons, premises, objects, processes or activities, nor their activity is exhausted with protection or self-protection, or detective activity (Kesić, 2009).

In general, corporate security is adjusted to respond to structural risks of the company, through appliance of certain methods of simulation for enforcing the best security practice in the company (Genser, 2005) or corporate security is aimed toward corporate security responsibility which is focused on the role of the private business in the zones of conflict. That provides the picture for the types of contributions toward peace and security by the transnational corporations (Deitelhoff& Wolf, 2010). Also, it is considered that corporate security should enable the necessary balance between the level of security in the corporation, the business and conventional working demands replenished with wisdom, and in that manner a radical, but inspired proposition for success is offered. In that direction the research should be led by the common sense and logic of the companies toward a better business consistency (Reid, 2012).

The common impression is that the field of corporate security is quite significant and essential in the functioning of the corporation itself. This conclusion directs us to our generalization that corporate security is focused on the processes and the conditions in a certain corporation, respectfully the better management with security, would signify bringing relevant decisions about how to protect the owners and managers, employees, resources and assets from certain forms of crime, business secrets theft, risk factors etc.

Basically, the reality for a mutual connection of the concepts is obvious and known. That is also the case for the regional security concept. In accordance with Barry Buzan, in the period after the Cold war international relations will gain a more regional character.(Buzan, Waever & De Wilde,1998). The reason for such forecast lies in the assumption that the collapse of the bipolar world eliminates the principles for the use

of force on international level and that there is no supranational body capable to deal with the global issues. In that context the regional cooperation and regional initiatives, within the framework of the Euro- Atlantic integration processes should play a significant part. This does not mean that security will be regionalized, rather that the countries in different regions will have greater responsibility in that notion.

With the security notion, „region“ presupposes a certain and significant sub- system of security relations which exist between a complex of countries whose faith is that they are placed geographically close to each other. For a more comprehensive analyzing of regional security the analytical framework for a security complex is applied, which, according to Barry Buzan „is defined as a group of countries whose primary security concerns are mutually connected close enough to that their national security cannot be really analyzed without one another“ (Buzan, 1991). During the examination of the national security of a certain country, such analyses also demand to take into account the interaction of the region with the international system as a whole. The security complex enables a systematic approach toward the security analysis, for which it is necessary to put the attention on a macro level, the influence of the global actors of the system, the middle level, the relations between the countries in the region, and on a micro level, the condition of the security level of the countries themselves. By paying attention to all of the three levels, the security complex emphasizes their interdependence. First, the external influence for solving the internal issues in the countries, second, the mutual local influence among the countries, and third, the restrictions which the domestic issues in the countries have on the external influence (Slaveski, 2006).

In order to comprehend the essence of the indicated concepts the concept for international security in its totality should also be scoped. The genesis of international security could be traced since ancient times. It is in a direct correlation with the formation of the first territorially organized communities, but with laxity in the internal structural relations. Actually, the insufficient organization of these simple segmented communities (a set of people - tribes) and their behavior which emanates from the prudence of that time, as well as the relations which were mainly based on waging wars, had opened up a string of questions on a theoretic, political and philosophical basis, for different time periods. The early regulation was based on normative rules which had a superior character and were perpetually irreversible as such. In that period all the considerations were focused on the issues of war and peace. It is completely understandable because of a simple reason, due to the fact that then established political communities, its security and physical sustenance could only enable if they were militarily capable for defense, respectively waging war (Masleša, 2001). Apart from the past, today, the international security should primarily be based on cooperation between the countries (and also certain social groups, individuals and organizations) respectively from the lowest level of individual security through regional and national security to international security, in order to achieve the optimal security for anyone individually and for everybody collectively (Kotovchevski, 2000).

The terminological variety which is met in theory and practice represents that beside the traditional domination of the security discourse in international relations, it is still hard to speak about a consistently built theoretical concept about what does international security counterpoise. The remarkably rich scientific literature dealing with the global aspects of security recognizably avoids being in correlation with a concrete and built term for designating the international security concept. Here the relicts from the past are obvious and present. The most commonly mentioned is the term international security. As in the context of the definition of international affairs, here also, both the most essential and the most troublesome is the issue what exactly does “international” mean. The attempt to elaborate it is doomed to failure, because the term “international security” is domesticated for the sake of intellectual inertia, as well as because of the failure to build a consistent global system and/or security concept. It is about a terminology which expresses a static conception, tied on the postulates of realism and neo-realism in international affairs, and in the bottom line it is tied with the survival and the functioning of the system of countries in global frameworks (Vankovska, 2011).

The central idea about international security is to create a sense of common interests for human survival. There were different approaches for achieving this goal, from “balance of force” between the main actors, through establishing supranational bodies, to combination of these aspects and making alliances. However, the most sustainable has shown to be the approach for establishing supranational bodies and promotion of the concept for common security. It could be considered as an awareness of the countries that all of them together are a subject of common threats for their security. In order to manage the threats for the common security the countries establish certain mechanisms, which could be collective security agreements or collective defense pacts. The both concepts presuppose the existence or the perception of „the region“ as a group of countries located geographically in proximity to each other. Every country in a certain manner is recognizable in these concepts brought out so far, and also every country in its national security agenda has

clearly defined interests and tasks, such as: the ability to protect its territory and the vital national infrastructure along with the national interests; to defend its borders from illegal and violent entry or exit of persons and goods; to provide the necessary physical security of the citizens and their assets etc.

Each of these tasks has to be assigned as a clearly defined mission by a special component from the security structure of the country – both the armed forces and the police. Those various different missions should ideally be based on a comprehensive national security policy – a public document defined and adopted by the political leadership, i.e., the government and the parliament, over a broad public debate, including all the political parties and the civil society. Thus, the mission assigned to each component of the national security structure has to be clear, specific and uniformed. They have to address all the aspects of national security, both internal and external. Each component of the security structures has to be responsible not only for the efficient performance of the designated mission, but also accountable for the failure for its conduction. Accountability demands transparency in the performance of the designated mission. The double demand for transparency and accountability firmly connects the concept for reforms in the security with the one for good governance and human rights protection (Bryden & Fluri, 2003).

## 2.1. EVOLUTION OF THE SECURITY CONCEPTS

The countries which had gained their independence or are facing serious internal challenges for political power, devote most of their energy to the issue for national security. Since the national security has internal and external dimension, the governments of the countries will identify the genesis of these threats and by that will formulate their national strategies. For example, if the threat is a border issue or a territorial claim, then the government will attempt to persuade the citizens for the existence of an existential hazard for the country. Such action of the country will probably provoke a sense of insecurity for the neighbors and it will open up the spiral of security dilemma which will eventually lead to an arms race. In this scenario the country will attempt to secure its security within the framework of the alliances on a bilateral or a multilateral level. Also, it is much likely that in the rhetoric of the politicians the words such as: national territory, national sovereignty, non-interference in the domestic affairs, defensive and offensive military actions etc. would be dominant. However, the countries which focus on national security will quickly comprehend that the appropriate level of security cannot be attained without cooperation with other countries or own neighbors. That is why bilateral or multilateral agreements are contracted in which the security is perceived as an inseparable component of international relations, and in that manner the regional security gains significance. By signing these agreements the countries which are still preoccupied with national security issues believe that in that way they will prevent the external support of the internal rebels or elements which stir instability. Although it should be noted that part of the countries arrange bilateral and multilateral agreements not for the internal instability, rather for maintaining well-neighboring relations.

After the arrangement of various forms of bilateral and multilateral agreements within the framework of the regional security cadre, the countries strive to establish cooperation on a higher international level. Here now we can discuss international security. The need for common security on an international/global scale stimulates the cooperation between the countries, harmonizes relations and interactions between the countries, and in that manner adjusts their national policies for different issues (protection of the environment, weapons of mass destruction proliferation, global warming and other forms of ecologic degradation, Carneiro, 2003).

After a consensus is achieved among themselves for the issues tackling the human kind, the countries further remain to be main, but not sole referent objects of security. On this level the focus of security is aimed toward the human being/the individual. It can be achieved only if the countries are relatively stable and mature liberal democracies with enough resources which can be directed toward the prevention of global warming, the neutralization of the ozone hole and other similar issues which burdens humanity. In other words, the focus of the security is toward the people, not the countries. This idealistic approach toward the paradigm for human security has an increasing number of supporters after the post-cold war period. This is a condition when the instruments of the country's security such as the armed forces will increasingly be used for prevention of human disasters instead of armed conflicts. As we can witness, the question for the human security presupposes cooperation in all of its spectrum of security issues.



### 3. INSTEAD OF A CONCLUSION: HOW TO RESPOND TO THE NEW CHALLENGES?

Globalization also brings changes in the system of values, from national to a global level and from the country to the individual. In contrast of the traditional concept for national security, which is focused on defending of the crucial values, such as national independence, sovereignty, territorial integrity, the challengers of the traditional approach claim that the process of values alternation is in progress and that it is desirable this process to continue and accelerate. The new values, which supposedly replace the central position of the country, are located on an individual and global level. On an individual level, the new values are connected with human rights and needs, while on a global level, the focus is set on the trans-national values common for the entire humanity, respectfully from one hand, spread of democracy and free markets and on the other hand, securing welfare of the human race against the common threats through environment protection and fight against trans-border pollution, diseases, drugs, crime and unconventional weapons proliferation (Slaveski, 2008). At the same time, the previous fundamental values such as sovereignty of the country are in decline as a result of the emergence of new values and development of trans-border technologic and socio-economic forces, which undermine the power of the country and the control by the authorities and make the countries more vulnerable in key areas (revolution in information technology achieves its maximum through the internet, instant massive financial transactions, the increase of the volume of trade in goods and services and the spread of ideas outside the borders).

The sovereignty gains a new form in the liberal democracy in which the countries are disciplined through adopted norms and practices, which define the global scene of liberal democracy. According to José Manuel Barroso, the sovereignty of the member states of the Union is not lost, it is rather “unified by the countries in order to achieve greater effect” (Barroso, 2007). Also, there are threats regarding the identity/culture of the newly established societies and dominant groups established with illegal migration and refugees. Globalization imposes a new “individualism culture” in which by accepting the norms of decentralized state authority and the overcoming of the different “ethnic identities” is in the favor of one “national”, as well as creating “supranational identities”, such as the European (Rosow, 2002). All of this also demands change of the responses to these threats with military and non-military nature. The alteration in the comprehension – diagnosing the roots and the nature of the security threats – leads to remedy change. If the source of the security problem is the nature of the domestic regime, then the accumulation of military capacities in the country would not be a useful solution, rather it will be a part of the problem because investing in the military sphere is made on the account of economic growth of the society and expenditure for the human needs, such as nutrition and health of the people. Furthermore, there is a great possibility that the purchased weapons will be more often used against the citizens. Instead of that, the non-military and civil solutions, such as democratization, state building, civil society development and economic growth and mutual dependence are far more useful.

All these processes for the individual countries also carry with them new threats for the national security, yet simultaneously offer new possibilities. The threats can come suddenly and unexpectedly. They could influence the global economy and the financial market on a regional and on a national level. Furthermore, the threats could be manifested through pressures for change of the lifestyle, the language of the communities, their culture, etc. On the other hand, new possibilities open (such as rapid military and economic aid if it is necessary for the national state, the utilization of the global market for economic development of the country, etc.).

The reaction of the particular countries to these new changes which carry with them the globalization processes could be reticence of the system for external influence or its opening and entry in the globalization and integration processes. Each of these alternatives carries certain dangers with them for the national countries. If the country decides for a complete system reticence in order to avoid negative influences from globalization, then the threats are far bigger than if the society is open. On the other hand, complete openness, in all the spheres of the security sector, could be risky as well. If we analyze the good sides and the bad sides of openness, respectfully reticence of the security sector regarding the external influence, we could conclude the following: from a military aspect of national security, with complete closure of the system, greater transparency is necessary among all of the actors on the global scene and leading defensive defense policies in order to avoid the trap of “security dilemma”, when everyone is arming in fear of the other which is a potential adversary. On the other hand, the openness of this sector presupposes reducing the military threats, internationalization of the armed forces and integration of the military-industrial complex. Regarding the political sector, openness presupposes an opportunity for every ideology, religion and party to compete under equal conditions on the political scene. Contrasted, the closure produces acuity and

accentuation of the differences between the political systems and religions. In the economic sphere, openness means a possibility for every force on the market to act under same conditions. In this sector the complete reticence is impossible because of the limitations of the national resources and hence closure can be an option only within the framework of some bigger unit. In the sphere of environment the entry of the globalization processes means adopting common standards for pollution control. While on the other hand, reticence can't be an option due to the imperilment of the planet system from which the survival of the human civilization depends. And at the end, in the societal sphere, openness means free movement of the people, information, cultures, etc (Kuus, 2002). It also presupposes adoption of common standards for human rights and minority ethnic groups. The reticence of this sector signifies restriction of people's movement, closing up in national cultural frames and emphasizing the ethnic predecessor of the national state (Waever, Buzan, Kelstrup & Lemaitre, 1993).

As we can perceive, extreme openness or reticence are neither feasible nor sustainable options for a longer time period. The image in all the elements of the security sphere is complex and demands more or less openness of the system to external influences, but it has to be noted that the economic sector is the one that connects and moves the other sectors.

If the openness of the system is enhancing then the discussions for the security are decreasing and it goes further from the state and contrary, reticence actualizes the security agenda and strengthens the national state.

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# SOCIAL, ETHICAL, AND SCIENTIFIC IMPLICATIONS FOR IDENTIFYING SUSPECTS BY USING FAMILIAL SEARCHES IN DNA DATABASES

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## 1. Introduction

The study of the genetic polymorphisms on the deoxyribonucleic acid, revolutionizes forensic science. The possibility of including genetic profiles derived from traces found at the site of a crime or victim's body, and those of persons that could be related to the events, in to the police DNA databases, make the DNA database a powerful tool in criminal investigation. The use of DNA in forensics has experienced prolonged growth in recent years, and today DNA analysis is one of the most valuable tools available to forensic scientists. Different countries conduct different search mechanisms in their police DNA databases, in order to increase the effectiveness of the tool. Some of these strategies are also based on the genetic similarity that exists between relatives, which increases according to the degree of kinship among individuals. This methodology is the same as that used for searching for missing persons in social databases, that is, to use the same mechanism to establish a kinship between a donor of biological evidence material found at the scene and a potential relative that can is registered in the police database.

This type of strategy is known as familiar search. The aim is to search for genotype coincidences between the genetic profiles being examined and those in the database in order to establish relationships between the donor of the trace and the existing DNA profiles in the database.

Generally speaking, the forensic use of familial DNA searches distinguishes two main types:

- Direct family search: identification of the potential donor of the DNA from unknown biological evidence, after comparison with the stored DNA profiles of the defendants, using a family search algorithm.
- Indirect family search: searching for people who are genetically related to the donor of unknown traces.

The use of family-based searches for the criminal investigations has its advantages and disadvantages from a legal point of view, with supporters and critics both in the legal and scientific fields, as well as with a variety of options and criteria that some countries envisage with their own legal solutions. This article aims to consider these aspects and give an overview of the current situation

## 2. Genetic inheritance and DNA search database strategies

The genetic material of the individual is found mainly in the nucleus of the cells (99%), where it is condensed and packaged in the form of chromosomes. The human species contains 23 pairs of chromosomes: 22 pairs of autosomes and one pair of sex chromosomes, each composed of one of the components of the chromosomal pairs from its ancestor. The sex of the individual is defined by the X and Y sex chromosomes, in the sense that in women this pair is composed of two X chromosomes, and in men of one X and one Y chromosome. Each man transmits his Y chromosome to his sons in an almost immutable manner, so all male members of the same father line will have an identical Y chromosome.

In addition, the remaining 1% of the genetic material is found in cytoplasmic organelles called mitochondria, of which the name of containing DNA - mitochondrial DNA (mtDNA), originates. This type of DNA is transmitted entirely and exclusively by mother to child, which means that, as with the Y-chromosome inheritance, the persons connected to the mother's side will share the same mtDNA.

Searching in most DNA bases around the world does not include routine comparisons with Y-chromosome and / or mtDNA markers, which *a priori* should help establish the relationship between fathers and / or mothers.

Comparison of short repetitive markers located in autosomal DNA chromosomes is a preferred search tool in DNA databases around the world. These markers are based on Mendeleev's rules of inheritance, where each of the marker alleles is transmitted by the direct ancestor. Based on this, and given the genetic profile of interest, a classification of the genetic profiles existing in the database can be established based on a greater or lesser number of alleles they divide, and thus a ranking of the similarity.

Normally, the method used is to search for matches in a large number of alleles, although apparently more combinations will occur in the most common alleles in the given population. Because of this, we can direct the search to less frequent alleles - those who normally, given their lack, give a poorer research success in terms of results. Another search strategy is aimed at using a mathematical algorithm for calculating kinship relationships (probability ratio [LR]: how often a family relationship is more or less likely between the two genetic profiles than the non-kinship relationship). This strategy seems to be better because it combines search for rarer alleles and the total number of shared alleles. (Bieber, F.R. et al., 2006; Gershaw, C.J. et al., 2011)

As a result of these searches, a list of possible related links between the donor of the unknown sample and the known samples contained in the DNA database is determined. Then, the police should conduct their investigations using the list of potential persons of interest in order to solve the crime.

### 3. Arguments in favor and against the use of family queries

#### 3.1 Arguments in favor

- Genetic profiles of close relatives are more similar than genetic profiles randomly selected by the population. Children receive the genetic information of their parents, half of each parent. There is no fixed value for the genetic information shared by brothers and sisters, although on average this value is just over 50% (Visscher, P.M. et al. 2006)
- Family search is a useful tool in police investigations, increasing the chances of success in resolving offenses.
- Allows creation of new directions of inquiry when others are rejected.
- From a criminological point of view, there are studies showing that antisocial parents are more likely to have antisocial children because they live together in the same economic and social setting (Rowe, D. C. et al 1997; Van de Rakt, M., et al.2008).
- Several studies point out that crime can be partially linked to a certain socioeconomic level and that lower-class cousins tend to live in close geographical areas. In addition, delinquents usually carry out their offenses in areas close to where they live (Shelton, N. and Grundy, E. 1999; Shelton, N. and Grundy, E., 2000; Bernasco, W. and Nieuwbeerta, P. , 2005; Bernasco, W., Kooistra, T., 2010).

#### 3.2 Arguments against

Several, primarily ethical issues must be taken into account when considering this type of investigation (E. Haines, 2010):

- This type of investigation requires a lot of time and economic effort, and in most cases it will not lead to the identification of the perpetrator of the crime. Therefore, all the resources involved in this type of investigations could be placed in traditional ways of investigation (E. Murphy, 2010).
- Violation of the privacy of the person who appears in the investigation, because of the knowledge of the relatives that a member of their family is included in the DNA database.
- By using this investigative technique, an individual whose genetic profile is referred to in the database exposes his or her relatives to surveillance without their knowledge or consent.
- Statistically speaking, certain groups (ethnic, racial or social class, etc.) have higher rates of persons arrested and / or imprisoned for committing crimes. Accordingly, these groups will be over-represented in the criminal database, which would lead to the use of this method in certain groups, which can lead to an increase in racial and ethnic discrimination and / or social inequality, etc. (Greely, H.T., 2006).
- Misuse of information obtained through family queries can be a harassment of innocent people or relatives of delinquents who may feel embarrassed that their names appear as potential candidates in the investigation, and may even cause family disorders.

- You can uncover concealed family information (adoption, incest, adultery, illegitimate children, etc.).
- Depending on the legislation of different countries, victims may or may not be included in the databases. In countries where they are involved, victims can refrain from reporting offenses because their genetic profiles can be used to incriminate their relatives in other offenses.
- Absence of legal standards and operational procedures for using this type of search.
- There is a risk of a distant relative in the search database to be mistakenly identified as a close relative (father / mother, son / daughter and brothers and sisters), which can lead to errors and delays in the police investigation (Rohlf, RV 2013) .
- In order to make family searches effective, databases with many genetic profiles are needed. (Maguire, C. N., et al. 2014)

#### 4. International legislation

This section provides an overview of the situation of family searches in different countries, as well as legal solutions that allow family searches in criminal DNA databases. In Europe, this investigative tool is primarily used in the UK and the Netherlands. In other countries, familial search is not used because of the small number of data in their DNA bases, or because in these countries specific laws are lacking.

##### **Netherlands**

The Code of Criminal Procedure (Code of Criminal Procedure, 2012) permits the use of a family search for investigations only for crimes involving prison sentences of 8 years or more and as a last resort in the investigation, that is, when there are no other clues or suspects to follow. The Dutch system does not impose a minimum number of genetic markers or appropriate alleles, and is based on the establishment of a minimum threshold of kinship.

##### **Great Britain**

There is no specific legislation that requires or allows the police or forensic experts to use the technique of family searches in national databases. Before using this technique, a license from the DNA database controllers must be requested. This request must be approved, after which there must be a link in at least 11 of the 20 analyzed alleles, and the suspects are later classified on the basis of their indices of kinship and other information (age, Y chromosome, place of residence, etc.). Since this technique was implemented in 2002, more than 200 such traces have been carried out so far, which have helped to solve about 40 criminal cases. (Maguire, C. N., et al. 2014)

##### **United States of America**

In the United States there is no legislation at the level of the federal states, but there are possibilities for this kind of search through federal legislation. The FBI distinguishes between a "partial hit", which is equivalent to the spontaneous identification of the suspect based on a search in the database, because it coincides with a large number of alleles between the suspect's genetic profile and the one in the database (for example, one allele in all examined loci) and a "family quest" that would be deliberate identification in the database, in order to identify potential candidates who were close relatives of the unknown genetic profile associated with the month the tooth of the event. According to this difference, most federal states search for partial DNA profiles, while only a few have specific regulations for the case of family queries.

In California (Myers, S. P., et al., 2011), their use is permitted only in cases of violent crimes that imply a high risk to public safety and when no additional information can be obtained from the other clues in the case being investigated. It is necessary to link at least 15 alleles, which usually occurs only in the genetic profiles with the highest relative index (parent-child and brother-sibling). Subsequent confirmation is performed using the Y-chromosome markers, taking into account three ethnic groups: Afro-Americans, Caucasians and southwestern Hispanics. This tool for the first time was used in October 2008 and so far 10 investigations have been conducted, which allowed the resolution of a criminal case. In Colorado (Kim, J., et al., 2011), familial searches are approved in cases where there are no direct comparisons with the DNA database, while in Virginia (Kim, J., et al., 2011) their use is legal since March 2011 in unsolved violent crimes, although only as the last investigative tool and if there is a serious concern about public safety. In Maryland and Washington (Kim, J., et al., 2011), on the other hand, the use of familial search is prohibited. In Washington, the law explicitly states that family searches can not be carried out in the state DNA database in order to identify an offender in connection with a crime for which DNA samples have been taken from

biological relatives of that person. Other states that do not perform partial connections or family searches, although not having a separate law, are Alaska, Nevada, Utah, New Mexico, Michigan, Vermont, Massachusetts, and Georgia (Rohlf, R.V., et al., 2013). Minnesota, Pennsylvania and Tennessee consider the issue to decide whether or not to include them in their respective legislation (Rohlf, R.V., et al., 2013).

### **Canada**

Canadian legislation does not allow this type of investigation (Milot, E., et al., 2013).

### **Australia and New Zealand**

In Australia, there is no specific legislation that permits or prohibits this type of search strategy. However, there is a public perception that the family search is something else i.e. it is not in the context of the basic purpose for which the biological samples were originally taken and for which the DNA database was generated (Rushton, S., 2019)

In New Zealand, familial search is used as the last instrument for dealing with criminal cases. So far, it has been used in at least 38 occasions, (Maguire, C.N., et al. 2014) of which the first identification was in 2004.

## **5. Successfully resolved cases with family searches**

In this section, there are several cases where the family search in the DNA database help to solve the cases being investigated, which involved arrest and prosecution of the suspects. As an example, in order to demonstrate the potential of the investigative tool, several cases have been collected which have had greater exposure in the media, especially in countries with specific laws that regulate this issue.

### **Great Britain**

A suspected person threw a brick from a bridge and broke the vehicle's windscreen and struck the driver in the chest, who eventually died. Before this incident, the person who threw the brick attempted to steal a car, leaving traces of blood, which after the DNA analysis, matched with the DNA profile found on the brick. During the search of the genetic profile in the database, no match was found, but a great similarity was found with another person - potential relative of the suspect, giving the police new information for further investigation. After the suspect was arrested and his DNA was analyzed, a complete match was found between the genetic profile of the subject and the DNA profile found in connection with the case of the stolen car and the brick. The suspect admitted that he was involved in the events and was sentenced to six years in prison. This case is the first successful family search of a DNA database (Clough, S., 2004).

### **USA**

Los Angeles police are suspecting the existence of a serial killer who they believe is responsible for the deaths of at least 10 young women in the southern Los Angeles area in the mid-1980s. The search for his genetic profile in the federal database was done in 2008 when it was negative. A re-search was made in April 2010, when a partial gene profile was obtained with a genetic profile of another person who was arrested for a firearm-related offense. This information led the police to the suspicion that this person might be the serial killer's father. After his son was located, a swab with biological material for DNA analysis was obtained from a piece of pizza found in his garbage, which confirmed a complete match with the genetic profile of the traces of the murders, after which the person was arrested (Miller, G., 2010)

### **Netherlands**

After a series of sexual assaults committed by the same person in Utrecht between 2013 and 2014, a genetic profile was obtained, which was compared to the DNA database but no match was found. Considering the social impact of this case, a family search was approved in the database, with a total of 26 people identified as potential relatives with the unknown person suspected of the events. For one DNA profile, a probability of a kinship index of sibling was found, from about 1 in 5 million (linking in 25 of 40 autosomal allele and one difference in the mtDNA and Y-chromosome marker) that was considered to be of greater importance in the investigation. This individual was examined, leading to the identification of one of his brothers, who had police records of sexual violence. After this, the person was arrested and a DNA swab was taken from him, after which a complete match of his genetic profile and the profile of the sexual assault in Utrecht was confirmed. The person is sentenced to 6 years in prison (Van Kooten, Kal, A and Slooten, K., 2015)

## France

In 2002, a rape and murder case was reported in northern Paris. For the genetic profile obtained from sperm samples, no match is found in the French database or in any other European database. The case remained unresolved until 2011, when an authorized family search was done in the French database. At that time, the database contains about 1,800,000 genetic profiles (3% of the French population), with a DNA match in one allele in each of the 18 autosomal analyzed markers determined and the full match of Y-chromosomal markers. After this information, the police examined the family members of this person, who lived near the scene of the crime. The father and one of the brothers were excluded because of their age, and the only other possible close candidate died shortly after the violation was committed. Because of this, permission was obtained to exhume the body, after which a DNA analysis was performed that showed a complete match with the traces of sperm found at the crime scene 10 years earlier (García, O., Crespillo, M., Yurrebaso, I., 2017 )

## New Zealand

In February 2001, a hairdresser from Auckland was raped and killed. Remains of sperm traces were found on her underwear, but from the obtained genetic profile no match was found in the DNA database. A year later, another female person was arrested for negligent driving, after which a DNA sample was taken and was inserted into the DNA database. In 2008, police were granted permission to conduct a family search in the database relating to the case of the hairdresser, and after the search, a list of 49 persons was generated who might be a potential relatives to the person of whom the sperm recovered on the underwear of the victim, originated. The DNA profile of the female person in connection with a traffic offense was first ranked on the list of potential relatives. LR obtained for a potential brother-sister index was more than 1,500,000. After the investigation, the police found that there was a brother with a large police record involving sexual assault and rape. In 2008, her brother was arrested for robbery in a supermarket, after which DNA sample was taken that matched with the DNA from the scene of the hairdresser's murder. He was sentenced to life imprisonment with a minimum term of 15 years and without the possibility of conditional release (García, O., Crespillo, M., Yurrebaso, I., 2017)

## 6. The situation in the Republic of Macedonia

There is no specific legislation in the Republic of Macedonia that allows or prohibits this type of search strategy. However, in 2015, the Forensic Department at the Ministry of Internal Affairs has hired an outsource company to upgrade the currently used DNA database software in order to perform familiar search. However, this tool must be submitted through the procedure of internal validation, after which, this tool might be opened for official police work. From the point of view of the authors of the article, a family search may be a valuable instrument for establishing criminal evidence provided that other investigative measures have been exhausted and if this investigative tool is used with a guarantee to ensure that the impact on human rights violation is minimal :

- Family connection is only a tool for investigation and must not be used as convincing evidence of guilt.
- The family search should only be used in serious crimes (such as serial killings, rape or other violent crimes).
- The family search must be authorized (court or public prosecutor).
- It will only be used for DNA profiles for which there are no matches in the DNA database and for cases in which all other investigative measures have been exhausted.
- The DNA profile of the evidence must be complete and there must be a sufficient DNA in order to be able to perform additional analyzes (Y chromosomal and Mitochondrial).
- The compatibility of a potential relative must also be confirmed by analyzing the Y chromosome and / or mtDNA.
- The LR value of the likelihood of compatibility must be at least  $1: 10^6$ .
- An detailed overview of all investigative data about potentially compatible persons must be made before the results are released and further investigation of those people is initiate.

## 7. Conclusions and future opportunities for family searches

This review points to the usefulness of family queries using the police DNA databases. However, the views of experts differ in relation to this issue. On the one hand, there are those who are against the use of such



practices, because they can cause public condemnation without proven guilt or racial and ethnic discrimination or because they could violate constitutional rights in different, since this type of investigation is a departure from the initial goal of establishing of the database, the sole purpose of which is to identify the person whose DNA is being compared (Murphy, E. 2010). The other side is advocating for wider application: if we already have databases with a large number of genetic profiles and if we can use the family search, the next step could be to create universal DNA databases, that is, profiling the overall population in the country (Orgánica, L., 2007). Finally, there is a third party that advocates enabling familial searches, although with strict legislation (Suter, S.M. 2010; Kaye, D.H., Smith M.E. 2004):

In this context, it would be advisable to provide clear legal regulations on this issue, including the following points:

- The possibility of doing this kind of family searches, if such an opportunity is accepted, must be for clearly defined types of crimes (murder, sexual assault, etc.).
- To determine if these investigations could be conducted with all individuals appearing in the DNA database or a distinction to be made between suspects, convicted, detainees, etc.
- To determine that the subject of the analysis will be the genetic profiles existing in the database, in accordance with certain scientific criteria (shared alleles, obtained LR values, etc.), and then, in order to direct the search between selected candidates, the information such as ethnicity, age and other possible demographic information to be taken into account, not vice versa.
- Once the family search generates a list of potential candidates, after the conducted police investigations, the majority of them (if not all of them) will ultimately be considered inadequate candidates, all authorized persons who have access to the findings of a family search must have clearly defined provisions for the protection of the privacy of those persons without any influence on the criminal offense being investigated. In addition, people who have access to this information should have specialized training.
- The need to set a deadline to resolve the case using this testing tool and, in case of a potential match, the need to take a new sample to carry out additional genetic analysis of the identified suspect.
- To be aware of all necessary evidence to enable the arrest of the suspect after the investigation of his relatives in the database. It should be remembered that this search (in a number of countries) can only be used to complement other evidences of a police investigation, and by itself it is not useful as evidence in the courts.
- All these issues must be widely debated in the legal and scientific field, taking into account criminological studies, the statistical potential of the technique and issues related to social rights and freedoms. The perfect balance between freedom, personal privacy and the interests of the people affected by one side, public security, the general safety and solving of various crimes is needed on the other.

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**INFORMATION SYSTEMS AND DISASTER RISK MANAGEMENT****Vladimir M. Cvetković***University of Belgrade, Faculty of Security Studies, Gospodara Vučića 50,  
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fmarina@fb.bg.ac.rs***Abstract**

Disaster risk management is nowadays hard to imagine without appropriate information systems that facilitate the decision-making process in phases before, during, and after the disaster. In the face of disasters, decision makers must look at and analyze various information on hazard characteristics such as nature, power, intensity, while on the other hand they must take timely measures to achieve a short-term and long-term recovery of the community from the consequences of such events. Certainly, the spatial dimension of disasters has a decisive importance in terms of rapid addressing the resulting consequences and preventing the further spread of harmful effects of various disasters. In the paper, the authors describe the existing information systems, their characteristics and ways of applying in the process of disaster risk management. In addition, special attention is paid to the description and the way of using geographic information systems as well as remote detection and satellite recording. Also, the role and significance of social media systems and interactive simulation and visualization for modern disaster risk management are examined.

*Keywords: disaster, risk, management, information systems, GIS.*

**1. INTRODUCTION**

In the process of disaster risk management, which is increasingly more frequent and disruptive, people have continuously improved their tactics and techniques of mitigating or preventing them. Not long ago, people around the world began to realize that the national reference values of the countries are more endangered by the consequences of natural disasters than conventional wars. Excessive use of advanced technologies and production processes multiply the problem by affecting climate change that coexists with the risk of disasters (Cvetković & Jakovljević, 2017). In the interaction of extreme dangerous events and increasingly vulnerable societies, it is necessary to develop risk management models to mitigate the emergence of disasters. Disaster risk management involves a systematic process of using administrative decisions, organization, operational skills, and capacity to implement policies, strategies and capacities of society and the community to address and reduce the effects of natural disasters as well as related ecological and technological disasters. This includes structural and non-structural measures for avoidance (prevention) or limitation (mitigation and preparedness) of negative effects of disasters. The aim of management is to reduce the risk of disasters, and this relates to the conceptual framework of the elements considered, with the possibility of reducing the vulnerability and risk of disasters in the wider context of sustainable development (Nations, 2004).

Establishing and using information systems in the disaster risk management process is a crucial step without which today's decision-making is unimaginable. An emergency management information system is a decision support system that integrates all phases of emergency management and response (Kwan & Lee, 2005). In dealing with disasters, decision makers must look at and analyze various information on hazard characteristics - nature, strength, intensity, etc., while on the other side they must take measures to achieve a short-term and long-term recovery of the community. Certainly, the spatial dimension of disasters has a decisive significance in rapid addressing the resulting consequences and preventing the further spread of harmful effects of various disasters. In addition to the spatial dimension, disasters as very complex events also include inputs such as wind speed, roughness of the surface, air temperature, flow of currents and geographical features (Pine, 2008). Thereby, it is important to point out that physical characteristics influence on the consequences and they are included in the hazard models presented in the form of mathematical algorithms or formulas. Certainly, for the use of such models it is very important to look at its

characteristics and data that are necessary for its functioning. Certain models, such as HAZUS-MH, have technical documentation that provides users with the necessary data.

Starting from the destructive consequences of numerous disasters and their suddenness, decision makers increasingly rely on the use of earth observation and geographic information systems that are a powerful tool in the risk management process. With the help of such tools, and all benefits offered by information systems, it is possible to mitigate the consequences of disasters in a timely and effective manner. From the local to the regional level, risk management is largely conditioned by spatial data on the emergence and spread of hazards, obstacles encountered, affected area, etc. The main goals of developing information systems are (Marko, Marjan, & Vlada, 2010): shortening the response time, that is, the response of organizational systems and better decision making, that is, acting; continuous data collection, data processing which provides information on all the essential performances of the system, condition, deadlines, costs, quality, results, reliability, etc.; ensuring the complete “history” of the system being monitored for the purpose of analyzing and forecasting the state of the system in the future. The basic principles on which the information system is based should be: data and/or information that are entered into the system only once where they are generated or where they are collected; requests for data and information that are set up to those who keep storage, which eliminates the classic reporting method by level; minimizing manual work on documentation; timely informing all management levels in accordance with their needs; elementary data processing, thereby avoiding the possibility of “refined” reporting; permanent data storage, as long as they are actual, and the ability to evaluate the efficiency of the system and its elements (Marko et al., 2010).

## **2. GEOGRAPHIC INFORMATION SYSTEMS AND DISASTER RISK MANAGEMENT**

The rapid development of technologies has greatly eased the process of disaster management and in the 1990s, relatively powerful and networked desktop computing systems have become an integral part of the disaster management operation (Stephenson & Anderson, 1997). Drabek (1991) pointed to a rather widespread use of computers based on decision system support in the US, especially during the damage assessment stage. Geographic information systems on the one hand and remote detection and satellite recording on the other hand represent the fundamental components of hazard research that create opportunities and improve new scientific approaches (Tobin & Montz, 2004). In hazard and disaster studies, the application of GIS started in the early 1990s, after Hurricane Andrew in 1992 (Hodgson & Palm, 1992). After better understanding of the potential of geographic information systems for disaster risk reduction, they started to be used for a number of purposes: allocation of public assistance, management of the area affected by disaster, mapping damaged and demolished homes, showing path and direction for hazard spreading, recording important points, risk mapping, etc.

In the literature, there are different definitions of geographic information systems that reflect the perspective of the author who defines them. However, there is also a traditional definition according to which the geographic information system (GIS) is a computer system for the collection, processing, transmission, archiving and analysis of data with geographical references (Čekerevac, Anđelić, Glumac, & Dragović, 2010). In addition, it can be said that GIS consists of four interactive subsystems: subsystem for entering that performs the conversion of maps and other spatial data into digital form (the so-called digitalization of data is performed); subsystem for storing and calling data; subsystem for analysis; and output subsystem for making maps, tables, and for providing answers to asked queries (Maguire, 1991). The analysis of natural hazards implies a professional combining the use of geographic information systems, ecological modeling and remotely detected datasets (Pine, 2008).

In recent years, the use of GIS by disaster researchers and decision makers has become increasingly popular and they are starting to use it in all phases of the disaster management cycle (Curtis & Mills, 2009). Penton and Overton (2007) used satellite images and certain models for modeling the volume and depth of floods in the complex river system in Australia (Penton & Overton, 2007). It particularly should be noted that for certain hazards such as tropical cyclones and forest fires, satellites are the main source of information collection and monitoring. On the other hand, in a number of hazards, certain network cells that measure specific measurable characteristics can be used. For certain hazards, information reflection methods are used in different parts of the electromagnetic spectrum obtained from different groups of optical and infrared area. Thus, satellites can be used to map events and sequential flood phases, such as duration, depth of flooding and direction of the current (Smith, 1997). Geomorphological information can be obtained using optical (landsat, spot, aster) and microwave (ers, radarsat) data (Marcus & Fonstad, 2008). Surely, there are many factors that interfere with the use of certain optical data, such as the presence of clouds and dense vegetation. Thermal sensors can provide data for mapping forest fires or destroyed areas (Giglio & Kendall, 2001). In

order for geographic information systems to function, it is necessary to establish appropriate hazard databases. Such databases should cover the dangers of high probability and low intensity, but also those of low probability and high intensity in order to create scenarios for the most likely and most significant events. For this reason, it is also important to carry out a large number of archival research in order to obtain information from the past, in addition to measurement, observation and mapping. For example, in China, an analysis of extreme precipitation was made based on data obtained on the basis of historical documents for the past 1500 years (Zheng, Wang, Ge, Man, & Zhang, 2006). Also, through participatory mapping and geographic information systems, with the help of local community participation in data production and spatial decision making, it is possible to create hazard lists (Westen, 2013). According to Pine (2008), spatial data is intended to be viewed on maps and geographic information systems allow interactive changing of such maps in order to reveal information from the landscape in various ways. With the help of such systems, different spatial layers can be added: where people live, transport routes, quarantine areas, key facilities or infrastructure, etc. Also, the aforementioned author points out that the presentation of the results of hazard analysis and the use of spatial analysis and mapping tools help the local community to: identify patterns in complex datasets or multiple datasets of related data; find meaning in large datasets; considering that local geospatial objects change over time; considering that geospatial objects may be similar, or to cross more often, in smaller geographical proportions; provide means of communicating complex information without oversimplification of data; provide managers of first responders at local, state or regional level with critical information on the nature of the hazards and their potential impacts. Stoimenov, Stanimirović, Milosavljević, and Živković (2012) point out that GIS can, with the appropriate spatial data base: enable mapping, search of geo-data and other basic GIS functions; provide a visual representation of the obtained data about the objects/buildings that are potentially endangered; provide information about the nearest fire, police stations, and emergency medical teams; provide information on existing water system installations, electricity network, telecommunication cables, road network, etc.

The emergence of geographic information systems has rapidly raised the researcher's ability to examine, in a systemic way, the spatial characteristics of hazards, as well as their impact on endangering people. In the integration with such a system, special data such as aerial photographs after disasters can be collected to see changes in topography and geography generated during such an event (Cutter, 2002). The local population has a wealth of important information that can be used to model risks. Therefore, the integration of geographic information systems and such hazard information is of great importance. Unfortunately, such integration is still in its initial phase and a large number of generated information from hazard projects is not taken into account for participatory mapping. Rautela (2005) shows that the sources of information about depths of floods, intensities and damages are most often generated in the local community (Rautela, 2005). The US Environmental Protection Agency used GIS to mark the locations of toxic chemicals in eight countries to show that spills are the largest in densely populated areas. On that occasion, it was found that the spread of hazardous industrial sites occurred primarily in the areas inhabited by the population with lower incomes and by minority groups of the population who had already lived before buildings and roads were built (Smith & Petley, 2009; Stockwell, Sorensen, Eckert, & Carreras, 1993).

Various examples of the use of geographic information systems are mentioned in the literature: Emmi and Horton (1993) show a method based on the use of geographic information systems for the assessment of seismic risk and material damage and which is used to plan a proactive community response; Mejia-Navarro and Garcia (1996) demonstrated a geographic information system that is suitable for assessing the range of geological hazards identified by the support systems for planning purposes; Dymon (1999) described how this information system can be used to calculate the level of damage of the wind wave before the Hurricane Fran reached the coast of North Carolina in 1996; Smith and Petley (2009) point out that the first responders in America use geographic information system support to identify areas that need to be evacuated when an upcoming storm is expected; geographic information systems as an addition to statistical analyzes and mathematical models represent the tools most commonly used in spatial analysis and their use is appropriate before, during and after the hazard investigation; they promote the development of standardized protocols in relation to exposure to hazards and data that can be electronically stored, merged and disseminated electronically (Challenges & Opportunities, 2006); using state-of-the-art approaches through the geographic information system and remote-based technologies, LandScan Global has developed a population census model that provides the best solution to the problems related to population census data available to the whole world and the continental United States. LandScan Global represents the "population in the neighborhood" in the area of 1 kilometer and as such is 2,400 times more accurate than the previous standard (Bhaduri, Bright, Coleman, & Dobson, 2002); geographic information system provides a tool for understanding certain risks and many hazard modeling programs are associated with GIS tools to show risk

zones or identify areas of population and infrastructure (roads, bridges, utility pipelines or industrial areas) at risk (Pine, 2008); it can be used as a tool for customizing data for use in model output presentation and for completing analytical processes in model result presentation (Tran, Shaw, Chantry, & Norton, 2009).

The use of satellites for remote detection purposes provides a basic platform for disaster risk management. Earth observation via satellites contributes greatly to improving the preparedness of countries for disaster response, but also ensuring communication when critical infrastructures are destroyed or damaged. For example, for years, hurricanes have been detected using geostationary satellites that provide global coverage between 50°N and 50°S in half-hour intervals. In addition, such repetitions enable a close monitoring of the storm, and consequently, no cyclone can now be formed without any detection (Smith & Petley, 2009). Surely, very high resolution satellites usually capture every area every few days. However, the problem lies in the fact that the instruments are of an optical character, which means they can not neutralize the clouds. Radar instruments can do it, but data of the resolutions are often too poor to be used to analyze short-term estimates of the damage. While on the other hand, high resolution data is much more expensive. By using differences in spectral labels for different types of floods - standing water, flooded crops, areas where flooding is in decline, flood mapping can be successfully carried out. In addition, the topographic information necessary for danger zone mapping can be provided by instruments such as SPOT and ERS satellites.

### **3. SOCIAL MEDIA SYSTEMS AND INTERACTIVE SIMULATION AND VISUALIZATION FOR MODERN DISASTER RISK MANAGEMENT**

Disaster risk management largely depends on new media technologies that have a major impact on reporting, which is critical to transmit certain information in a short period of time. Digital Television as one of the most important elements in reporting has many advantages (Valić Nedeljković & Pralica, 2013): Internet access and greater possibility of transmitting quality and important information to end users - viewers; access to databases and online information, the ability of consumers of disaster-sensitive information to track program-information contents that are exclusively directed to this target group; video on demand and partial video on demand - at the same time, several programs on crisis situations can be viewed, especially in cases of high risk and when the crisis is still ongoing; interactive news - the possibility of interactive communication between information consumers and media; crisis situations can also be followed by people with hearing impairment; for crisis reporting, the special convenience in digitization is a translation on demand. Before the Internet, the writing and sharing of educational materials on disasters was slow, limited in size and costly. Also, contacting various experts in this field to obtain detailed information on different segments of disasters was very difficult, especially since they were deployed in different parts of the world (Ovington, 2010: 35). However, today, thanks to the development of information technology, distribution of educational materials is very simple. This can be achieved by making websites, and by sending to email addresses. Today, a number of educational materials on disaster risk reduction can be found on the Internet. In November 2007, as a support to the Hjogo Framework for Action, the UNISDR Secretariat created a preventive website, called the "Knowledge Improvement Website" (<http://www.preventionweb.net/english>), sharing information on reducing disaster risk for professionals and the general public, local and global (UNISDR, 2007a).

Some examples of the application of simulations and the theory of mass servicing in the military field can also be useful for disaster studies: models of decontamination; evacuation of injured and diseased; reception a large number of refugees. In foreign literature, there are a lot of simulation applications in considering different types of emergency situations. Disaster simulations can be applied to a wide range of situations, such as natural disasters, prison riots, abductions and international conflicts (Boin, Kofman-Bos, & Overdik, 2006). However, these simulations are used for a limited number of goals. They are often used to illustrate the patterns and pathology of decision making in times of crisis. They have proven to be a very powerful tool for raising awareness among participants. Disasters are relatively rare events of great complexity and their unrepeatability and uniqueness limit the insight into the way of their occurring, and therefore the ability to study, prepare and train the people. That is why simulation training is an important, necessary and valuable tool in training future security managers. Certainly, the benefits of simulation training are multiple: they offer an almost perfect opportunity to get acquainted with all aspects of emergency management; represent a unique opportunity to gain an experience that can only be acquired in a real disaster; a good simulation generates the necessary awareness that extraordinary situations can indeed happen; it has an excellent educational character; can help to bridge the gap between theory and practice; if

the simulation is repeated periodically in the same environment, it can take over the training function; raising the level of training and preparedness of students to perform future complex tasks in protection and rescue systems from local to national level.

#### 4. CONCLUSION

Disaster risk management is a very complex process that incorporates a large number of elements and phases that are directly related to the characteristics of the disaster itself. That is why, with today's degree of scientific development, its functioning is unimaginable without certain information technologies that help decision makers to collect, analyze, display and understand specific spatial and temporal information. Lack of absolute prediction, intensity and destructive power alarmingly emphasize the need for a rapid decision-making process. The mentioned decision-making process in risk management, putting aside human errors, can be greatly enhanced by the use of fast information systems. The Geographic Information System improves the disaster risk management process in various ways. In the period prior to the occurrence of the disaster itself, the mentioned system can be used for planning activities, while during the disaster it can be used as a significant logistical support in the decision-making process. The advantages of using information systems in the disaster risk management process are multiple and they are reflected in the following: efficient and timely review of the overall situation on the ground, decision-making based on highly professional-operational information, improved coordination of short-term and long-term mitigation activities or elimination of consequences in the affected area by a disaster, improved communication in the field, better allocation of resources and assistance to affected citizens, etc. Surely, it is necessary to continue the development of information systems for the purposes of disaster risk management, because this can greatly overcome the catastrophic consequences caused by unprofessional and untimely decisions.

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# THE CAPACITIES FOR EDUCATION AND TRAINING IN THE AREA OF EMERGENCY MANAGEMENT IN THE REPUBLIC OF SERBIA

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## **Abstract**

Over the last few years, there have been major changes in the comprehensive treatment of natural and other disasters. The global tendency is to develop different methods of disaster risk reduction. One and very useful way is through education and training of different category of population. Also, many responsible institutions in the area of emergency management, as the United Nations and secretariats of the European Union, recommend to countries to develop own capacities for education and training. The point is to direct countries to have own training centres where professionals and other citizens will have opportunity to take different knowledge and skills for reacting in case of natural and other disasters. The main question of paper is the Republic of Serbia has enough capacities for education and training in the area of emergency management. The Sector for Emergency Management of the Ministry of Interior is responsible governmental institution in the Republic of Serbia. The Sector has one organizational unit for the purpose of training and that is National training centre for emergency situations. However, this centre does not work appropriately due to many reasons. Main problems are lack of human resources, objects and specialized equipment. Nevertheless, the National training centre for emergency situations made very good results in the last period as evidenced by statistic of educated people which is shown in the paper. Also, the other ministries have to be included in the process of education, especially Ministry of Education. During researching the authors use methods of definition and classification, comparative method and analytical - synthetic method. Results show that the actual capacities for education and training in the Republic of Serbia are in phase of development and are not enough. The authors concluded that in the future period the responsible institutions have to progressively work on new capacities and keeping available actual for education and training in the area of emergency management.

***Keywords:** education, training, disaster risk reduction, emergency management*

## **1. INTRODUCTION**

Emergency situations, as consequence of natural and other disasters, occur more often than before. Nowadays, many of countries are affected and have huge problems in this area. During the last decade the number of inhabitants and material goods increased and the urban areas grew. So, the question about safety and security is more complex than before. People have to be well prepared to combat against natural and other disasters. The consequences of emergency situations are different and recovery phase take a long time to back life conditions in previous state. There are plenty of measures which should be taken in order to minimize consequences of natural and other disasters. Global institutions, which are responsible for those measures, trying to find new options to protect citizens, material and cultural heritage in case of earthquake, floods, fires and others. The new term which is more and more in use is disaster risk reduction. This term includes different parts of preventive activities. But, the most important is education. Education in the area of emergency situations refers to all people, regardless of age. The idea is to start from young period, exactly from children in kindergartens and to continue in schools, universities, than in companies when people start to work and so on. So, this process never has the end. This is one side of education in the area of emergency situations which includes wide public groups. On the other side, the preparation and training of professional forces are also important. This means training of fire fighters, rescuers, engineers and others. In order to have adequately implementation of education and training in the area of emergency management recommendation is that each country need training centre which will be responsible for this process. Many of countries have those centres with all resources, such as the objects, simulators, classrooms with information – communication technologies. Also, human resources who work in training centres have to be professionals

with high experience in previous working. The Republic of Serbia recognizes the importance of the existence of training centre for emergency situation. So, in current time in the Republic of Serbia exists the National training centre for emergency situations, as the organizational unit of the Sector for emergency situations of the Ministry of Interior. The authors will present work of this centre and also will give some recommendations how work of this centre can be improved.

## **2. EDUCATION AND TRAINING IN THE AREA OF EMERGENCY MANAGEMNET**

Education and training are important parts of the concept of disaster risk reduction. Actually, education refers to different levels of people who are learning how to react and behave in case of some emergency situation cause by natural or other disaster. Everyone agrees that education for disaster risk reduction must become an integral part of any educational strategy aimed at promoting and creating prosperous and sustainable societies. This is a very important issue, since raising public awareness of disaster preparedness can be crucial to saving lives and alleviating damage (Terpstra & Gutteling, 2008). The link between building social capacity and education is also clear: building national capacities is the best way to ensure the sustainability of educational activity over a longer period of time (Building Research Institute (BRI) & National Graduate Institute for Policy Studies (GRIPS), 2007). It is necessary to work on building social capacities for short-term abilities, long-term adaptation capacities, and capacity for response in relation to disorders, such as the consequences of natural hazards (Gallopín, 2006). Education in the area of emergency management should be clear defined at national level through strategy. This is the first step and starting point. Without strategy definition it is not possible to implement education for disaster risk reduction. For example, the National strategy of search and rescue in the Republic of Serbia has one part which only defines the education in the area of emergency management. This the third part of this strategy. Some of the most important goals in this part which refers directly to education, are:

- contents and topics from the field of search and rescue and disaster risk reduction have to be introduced into national curricula of all institutions of education and upbringing,
- developed National training centre for emergency situations and regional training centres as well as other institutions of training and professional improvement of subjects of search and rescue system,
- functional connection of scientific-research organizations with key actors of integrated search and rescue system (The National strategy of search and rescue, 2011).

Key factor for successful education in the area of emergency management is formal education. That means implementation of some topics in schools, both in primary and secondary. There are several options how to implement this kind of education in schools. Formal education refers to education in institutions (mainly schools) and institutionalized contents of curricula (Komac, Ciglič, Erhartič, Gašperič, P, Kozina, Orožen Adamič, Pavše, Pipan, Volk, & Zorn, 2010). The first option is to implement special subject which will only have topics about natural and other disasters. The experts have different opinions about this option. One group think that this option gives the best results. The students, regardless of age, through lessons of this subject learn about different hazards, possibilities of prevention, and procedures of reaction in case of emergency situations. They have classes where they listen only about natural and other disasters. So, this option has many benefits, but also exist several threats. For example, schools need many professors who are having competencies to present lectures. It is not easy to find them, because the area of emergency management is very specific and there are not so many people who graduated for this profession. The second problem is a lack of time to have separate subject for disaster risk reduction. The representatives of the Ministry of education hardly agree to implement new subjects, with an excuse that the students are additionally burdened by this.

The second option for implementation of education in the area of emergency management in the formal frame is to include some topics in current subjects. For example, within the subject of geography is possible to include some topics such as information about each hazard (earthquake, floods, fire...). Also, useful should be to have some lessons how to react in case of some emergency. This method is maybe better than previous, especially in primary schools. Children will not be overloaded.

Also, it is important to have continuity in process of formal education for natural and other disasters. Disaster risk reduction education with a strong emphasis on mitigation, but also with a focus on emergency response, should begin in the first years of schooling and continue in secondary school. At that age, children have a smaller spatial perspective and will be more attracted to events in their local region, who are well acquainted with them (Komac, Ciglič, Erhartič, Gašperič, P, Kozina, Orožen Adamič, Pavše, Pipan, Volk, & Zorn, 2010). After, in secondary school responsible institutions for emergency management should organize

some exercise about response and reaction in case of emergency situations. During secondary school pupils do not need theory. For them is better to have practise work and to test in simulated situation how to use equipment for protection, such as fire extinguisher. Finally, during the university period, students should visit specialized institutions responsible for seismology, volcanology, climatology, the use of various information and communication technologies, such as the basic use of a geographic information system or other web tools that are relevant to emergencies.

Education in the area of emergency management should use some methods of informal education. The most commonly used methods are: trainings, awareness raising activities, publications, workshops and seminars, demonstrations, exhibitions and simulations, games (in the previous period available on the Internet), education through volunteer activities, etc. (Building Research Institute (BRI) and National Graduate Institute for Policy Studies (GRIPS), 2007). Trainings are mostly used, especially for professionals who work as firefighter or rescuer. The category of training includes all forms, such as those based on work in a classroom with lectures or on field exercises. This includes training conducted by training centres at the national level or, for example, the organization of the Red Cross. Trainings are used for the purpose of repetition or renewal of previously acquired competencies (Building Research Institute (BRI) and National Graduate Institute for Policy Studies (GRIPS), 2007).

For both, formal and informal education in the area of emergency management, the existence of the training centre at national level is necessary. Many countries recognize the importance of developed capacities for education and training in the area of emergency management. Nowadays, modern training centres for emergency situations have huge objects with equipment, simulators, and also with staff who are well experienced. The Republic of Serbia has the National training centre for emergency situations which will be presented in this paper.

### **3. THE NATIONAL TRAINING CENTRE FOR EMERGENCY SITUATIONS IN THE REPUBLIC OF SERBIA**

The area of civil protection was at high developed level in the former Yugoslavia. But, after war, during the nineties, the system of civil protection in this region was destroyed. This system was representative and many countries in Europe have implemented their own on the base of it. Also, the recognition of civil protection system in the ex Yugoslavia was seen through education in schools and developed training centres in all of countries which were parts of the Yugoslavia. In the Republic of Serbia, until 2010, the affairs related to emergency management were dealt with organizational units in two different ministries. These were the Sector for search and rescue within the Ministry of Internal Affairs, in charge of the fire inspectorate and the fire - rescue units, as well as the Department for emergency situations of the Ministry of Defence dealing with tasks related to civil protection units, civil protection headquarters and public alert and other. During this period, regarding to education only what was done was the departure of firefighters - rescue units into primary schools and the realization of theoretical and practical lessons in relation to fire protection.

In 2010 was formed Sector for emergency management within the Ministry of Internal Affairs, which united previously divided organizational units in the ministries of defence and interior. Nowadays, Sector of emergency management functioning as responsible governmental body for natural and manmade disasters. Sector has few departments for firefighter units, preventive protection, civil protection and risk management. Until 2016 the National training centre for emergency situations was part of Sector for emergency management. But, due to organizational changes this centre now is organizational part of Sector for human resources of the Ministry of Internal Affairs.

Based on Article 120 of the Law on emergency situations, it is clearly defined that "basic education and training of emergency staff professionals, specialized civil protection units and bodies of companies and other legal entities of importance for civil protection shall be carried out in the National and Regional Training Centres for emergency situations, established by the competent service" (Law on emergency situations, 2009). So, the National training centre is established regard to actual law. Otherwise, in the Republic of Serbia still not exists regional centre for education and training, except the one in city of Ruma which is specialized only for training of firefighters for traffic accidents.

The National training centre organisationally belongs to Sector of human resources. It consists of few organizational units. The first one is responsible for education and training of employees in the Sector for emergency management. This unit has name Section for training of employees in the Sector for emergency management, and as well as what the name says, is implemented in the work of training related to

employees in all departments of the Sector for emergency management. This section organizes the following types of training:

- basic course for firefighters - rescue units,
- specialist course for dealing with hazardous materials,
- specialized course for technical interventions in traffic,
- training of preventive protection inspectors,
- training of civil protection and risk management inspectors,
- training of chiefs of headquarters for emergency situations,
- training of members of the Service 112 (Annual report on the work of the National training centre for emergency situations, 2016).

The main focus of this section is to prepare employees of the Sector for emergency management to work in different areas which are core of work during preparedness, mitigation, response and recovery phase of emergency management. Also, this section is responsible for education development process for children and other citizens. The goal of this part of work is to educate citizens, especially children in all school age during formal education. However, it is necessary to allocate large financial amounts in order to implement this, and the current allocations within the budget of the Ministry of interior are minimal. A few years ago, the Sector for emergency management, in cooperation with the OSCE Mission to Serbia, created the so-called "Family Handbook for Emergency Behaviour" (Organization for Security and Co-operation in Europe, 2014).

The second organizational unit of the National training centre of emergency situations is responsible for training of subjects and strengths of search and rescue system. Strengths of search and rescue system are: headquarters for emergency situations, civil protection units, fire brigade units, police, army of Serbia, and strengths whose regular activity is search and rescue, as well as companies and other legal entities, Red Cross of Serbia, Mountain Service rescue of Serbia, and associations that are trained and equipped for search and rescue. The subjects of the search and rescue system are state administration bodies, autonomous provinces and local government units, companies, other legal and business entities, citizens, groups of citizens, associations, professional and other organizations (Law on emergency situations, 2009). There are several types of training which should be conducted for previous strengths and subjects. For the headquarters for emergency situations the National training centre organizes table – top exercises. Through those exercise headquarters test their capabilities to react in real situations. During exercise, members of headquarters have to solve different tasks which are designed in connection with historical events or on probability that some emergencies could be possible in real. After the exercise, the mandatory part is analysis of the exercise. The analysis of the exercise provides recommendations for the improvement of future work. The civil protection units are also part of training. There are several kinds of these units, specialized for search and rescue in urban conditions, water environment, chemical accidents, for sheltering etc. Those units went through the first multiday training. Nowadays, they go through one day training how they keep in touch with new tactic and equipment used in case of different emergencies. The focus in future work of this section will be training of legal and private entities. Legal and private entities are also important for all phases of emergency management, especially for response. They have resources, such as machines, equipment, and also man power. The headquarters for emergency management at all levels use them in case of some emergency situations. On the other side, it is necessary to provide them information how search and rescue system in Serbia functioning and what actions they need to take in case of some natural and other disasters. The National training centre for emergency situations organizes, regarding to requests from legal or private entities, trainings for people who have role of commissioner for civil protection. Training includes both theoretical and practice lessons. Firstly, the commissioners go through presentations about main topics of search and rescue system in Serbia. Secondly, they have possibility to learn how to use fire extinguisher or how to provide first medical aid. The plan for future work of this section is to organize training and exercises with legal or private entities which are recognized as critical infrastructure.

#### **4. POSSIBILITIES FOR IMPROVING CAPACITIES FOR EDUCATION AND TRAINING IN THE AREA OF EMERGENCY MANAGEMENT**

Current situation in the area of education and training for emergency situations provide many opportunities for improvement. The National training centre for emergency situations works with many obstacles. This centre does not has own object with facilities. Nowadays, centre use offices of the Academy of of Criminalistic and Police Studies. This is not adequate option. The modern training centre needs several objects with parts for simulation of different hazards. There should be pools, traffic and train roads, trucks and cars which will be destroyed for the purpose of the exercise. Modern centres have a lot of objects and

facilities which provide opportunities for different kinds of trainings. Also, the National training centre in Serbia needs simulators for fire-fighters and rescuers for floods, earthquakes, landslides, chemical accidents. Actually, the National training centre does not have enough professionals and instructors. In future, there should be made selection of persons who work in operating field in the Sector for emergency management. So, they are well experienced and should be instructors in training centre. Improving formal education about natural and other disasters is also important for work of training centre in Serbia. This goal should be achieved only through cooperation with the Ministry of education. Management of training centre in Serbia should continue with mutual activities with representatives of the Ministry of education on finding methods for inclusion of some topics about emergency situations in school curricula. Moreover, regarding to lack of financial resources, training centre should improve cooperation with international organizations which work in the area of emergency management. Nowadays, cooperation with those organization exists, such as with OSCE Mission in Serbia, CMEP from the USA, DEMA and etc. But, it should be better cooperation. The global practise is to cooperate in the area of trainings how the mutual response will be better, including the international teams in case of emergency situations.

## 5. CONCLUSION

Natural and other disasters are more frequent now than before. The consequences are serious and contain human victims and material damages. Global tendency is to develop different measures for minimizing consequences. One, and maybe the most important, is education as measure of disaster risk reduction. Many countries recognize the importance of education and training. So, they build modern training centres for education that are responsible for whole process of preparing different categories of citizens for response on natural and other disasters.

The Republic of Serbia follows the recommendations of global institutions and makes efforts to implement concept of disaster risk reduction. Within the Sector of emergency management of the Ministry of interior exists the National training centre for emergency situations. Nowadays, this centre has good results of trained people, regardless of whether it is the training of fire fighters or it is training of students. But, from training centre in Serbia is expected to make better outcomes and for that need better conditions. It is necessary to invest more funds in facilities, simulators and other related content. Also, in future the National training centre in Serbia has to improve cooperation with international organizations in the area of emergency management and maybe to offer it services for international search and rescue services.

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# NEW AND FUTURE CHALLENGES OF THE HIGH-TECH CRIME AND THEIR IMPACT ON NATIONAL SECURITY

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## ABSTRACT

Anonymity is an obvious advantage for the perpetrator and the digital technology, it makes it easier to carry out in many ways. Criminals can deliberately cover up their identity on the Internet using proxy servers, masked email or IP addresses or anonymous senders. A simple opening account or email does not require authentication and can be opened with a fake identity. Confidentiality can be protected by using easily accessible encryption, while digital evidence can be removed using free software. The networked nature of modern communications in itself means transferring data without leaving a trace. The Internet has brought high-tech crime. Computer security is one of the most important things in every country. Investing in computer security means investing in the national security of the state itself. Computer crimes will always involve some sort of disorder of computer security. Computer space, the computer world brought us new kinds of challenges, threats, for which we need to seek special solutions to deal with, to have equal legislation that will be harmonized with other laws, cooperation with other countries, as well as with all institutions, coordinated activity, exchange of information and evidence, in order to successfully deal with high-tech crime.

**KEY WORDS:** high-tech crime, national security, computer security, electronic evidence, malware.

## INTRODUCTION

We live in a technology-intensive world where the Internet is the most important source of information, a significant part of the communication is done electronically and data warehousing is digitized. This large transition to the digital world also means that information which have a convincing force and are used to be necessarily in the physical presence do not have to be physically present anymore. For example, an earlier letter had to be written on paper to be sent, but now an email can be sent electronically.

High-tech crime has become a part of our lives, although we are not aware of it. The computer has become a means of committing crimes. Today all developed informal countries, as well as those that pretend to be, form separate commissions, organs, working groups composed of experts who send it, investigate cybercrime on a national and international level. Due to the specificity of the High-tech crime, rapid growth is increasingly becoming a serious problem and a threat that the state, its institutions, and the entire international community should handle.

Our increased dependence on computers and digital networks makes the technology itself a tempting target for obtaining information or as a means of causing harm. In modern times, atrocities also have a digital dimension. They are committed to using digital equipment or information related to criminal offenses in electronic format. Criminal acts committed with the use of means of information and communication technologies, like computers, networks, mobile phones and other electronic devices, or tools, is called a computer crime.

Information or data relating to any crime stored or transmitted in a digital form, on the other hand, is called electronic evidence.

In addition, in a lawsuit or criminal prosecution, evidence is often found and collected in digital form by digital communications services or digital storage media. Evidence in electronic form serves for the same purposes with traditional evidence, but they are of concern especially during their collection, such as a violation of privacy.

With the widespread use of electronic information resources and services, it has become increasingly important and necessary for legislative bodies, together with intergovernmental and international organizations, to regulate issues relating to electronic evidence regarding the method of collecting electronic evidence. States strive for different purposes and adopt different laws. The most covert and comprehensive example of cybercrime is the Convention on Cybercrime.

The Convention on Cybercrime was adopted on 08.11.2001, and signed the same year in Budapest on 23.11.2001, and the Republic of Macedonia adopted the Law on Ratification of the Convention on Computer Crime, which came into force on 02.07.2004.<sup>21</sup> It is evident that among the States that have ratified the Convention there are no large technological developed countries, and in fact, the success of the convention on a global scale will depend on them. It is an unavoidable fact that most of the States that ratified the Convention are new members of the European Union or candidate countries for accession to the European Union.

This Convention falls within the scope of the so-called Framework Conventions, its provisions are not directly applicable, so that each State should implement it in its legislation. One of the reasons for its adoption is the belief that an effective fight against cybercrime requires increased, rapid, functional cooperation from a criminal perspective, and this must be taken into consideration by the countries of our region if they want to have a result and success in the fight against cybercrime.

Article 35 of the Computer Criminal Convention is a contact point 24/7, which requires each party signatory to determine a contact point that will be made available 24 hours during all seven days of the week in order to carry out investigative and other procedural actions in relation to criminal acts related to computer systems and data, or for the collection of evidence in electronic form for a particular crime. In the Republic of Macedonia since 2008 the duty center operates 24/7.

## **1. NEW AND FUTURE CHALLENGES OF HIGH-TECH CRIME**

Computer security includes challenges that cross national boundaries. There are huge gaps in understanding this problem, as well as in the technical abilities needed to deal with these challenges. In the past decade, advances in communication technologies and technology have generally led mankind into serious problems. It is obvious that computer threats are seen as one of the major problems of national security, and pose a challenging policy of Governments. A particular feature of computer security is that it is often very difficult to identify the perpetrators of the attack, as well as the country from which the attack comes. That is why individuals or groups very easily hide their engagement and trace, or mask as another user. Computer security is a threefold challenge.

There is a dual challenge to promote both public and private security and the provision of an information technology network and a victory over the criminal groups that they use to achieve their goals. However, computer security also poses an increasing challenge to the democratic system, the public and private sectors that provide the information technology network and traffic monitoring must be in balance with people's security, in particular human rights, privacy and freedom of expression.<sup>22</sup>

Cyber space is the new front line. This world - cyber space is a world that we all depend on every day. It is our hardware, software, our personal computers, paws, mobile phones, which have become an everyday life in our lives. These are broad internet networks under us, wireless signals around us, local networks in schools, hospitals and businesses.

An open nation can not shut down computer systems for fear of these threats. Instead, it must build the national elasticity needed to keep an open and secure computer space. In order to mitigate the risks of high-tech crime and make decisions about computer security, it is essential to have a clear understanding of the threat and perspective towards the future.

## **2. HIGH-TECH THREATS**

In our interconnected world, threats to our national and computer security can come unexpectedly from different sources and routes. This is what can be labeled as a 360 degree challenge. In recent years, computer exploitation and malicious (viruses) activities have become increasingly sophisticated and serious:

- Threats with short-term impact;
- Threats with long-term impact.

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<sup>21</sup>Law on Ratification of the Convention on Computer Crime, no. 07-2623 / 1, 16 June 2004, Republic of Macedonia, Skopje.

<sup>22</sup>Benjamin S, Buckland, Fred Schreier, Theodor H. Winkler „Democratic Governance Caiber Security Challenges“, pp.12.pdf

### **Threats with short-term impact:**

- Impact on the daily activities of individual end-users, for example to obtain information on financial transaction, the ability to access other information, etc .;
- Influencing day-to-day activities of the business community and governments. This can result in significant financial and other losses, such as increased costs due to fraudulent activities and increased security costs.

### **Threats with a long-term impact:**

- National security breaches (leakage of confidential information, government information);
- Social discontent and unrest (loss of public confidence in the government);
- The loss of intellectual property, which can affect the long-term competitiveness of businesses and governments.

The constant use of technology and the Internet in all aspects of everyday life contributes to becoming the target of criminals. As society relies more on technology, the danger of the aforementioned threats with short-term and long-term impacts makes it possible to become real threats. Fighting these threats requires countries to look beyond their roughly prescribed lines and to have more open approach and cooperation with the private sector.

### **CHALLENGE - (stolen personal and financial data)**

The stolen personal and financial data are used to gain access to existing bank accounts and payment cards, or falsely to take a loan.

#### **Scope of criminal activities:**

- Phishing;
- Pharming;
- Distribution of malicious software;
- Hacking a database, which is supported by malicious code;
- Specialists or individuals can purchase a network of thousands of compromised computers and perform an automatic attack.

### **CHALLENGE - (Malware)**

There is a significant increase in the number of amateur computer criminals who usually make their money from distributing spam messages or from selling stolen information. This results in a division between sophisticated and amateur computer criminals. Sophisticated cybercriminals are moving more in hidden forums.

**Malware** - a shortcut from malware is a general term that denotes a wide range of hostile or invasive software, i.e. software that is used to hinder the functioning of the computer, obtain sensitive information, or access to private computer systems. It can be in the form of code, script, active content and other types of software. The malware includes computer viruses, worms, Trojans, rootkits, spyware, adverbs, and other malicious programs. The majority of active malware threats are, usually, Trojans or worms, and a smaller part are viruses.

Some malware programs can be masked to look like legitimate software and can even come from the company's official website in the form of a handy or attractive program that inculcates malware along with surveillance software that collects statistics on marketing needs.<sup>23</sup>

The malware can be categorized into:

- Generic malware targeted to the general population and
- Malware which is directed to specific institutions. For example, a malware that is designed to exploit certain vulnerabilities of computers to end users, governments, and certain businesses.

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<sup>23</sup>Manual on Cybercrime, January 2014, p. 35, Skopje



## **CHALLENGE - (Cloud computers)**

Cloud computing can be defined as a set of virtual computing resources that allow users to access data, applications. Weaknesses in a particular cloud computing environment can be exploited by computer criminals with malware. Cloud Computing - is a type of service that is based on shared computer resources, not the service on a local server or personal device when using applications. In cloud computing, the word cloud is used as a metaphor for the Internet, hence the phrase cloud computing means "a type of computer operation on the Internet" where different services (servers, data storage and applications) are transmitted to computers and the devices of the organization or institution via the Internet.

Also, cyber criminals can abuse cloud services to work on servers and perform DDOS attacks, which are attacks from multiple sources.

Virtual infrastructure can be used as a springboard for new attacks.

## **CHALLENGE - (Electronic Evidence)**

### **Digital Forensics**

By using scientific methods and tools, the forensic collects a lot of evidence for the computer or media monitored, so models need to be synchronized for easier investigation, and in the course of the course, take into account the steps of the model and what is better documentation during the investigation and to choose a model that is responsible for investigating digital crime.

- Digital Forensics is the process of discovery and interpretation of data in electronic form, which are later used in the Court;
- Traditional forensics (analysis of computer equipment in the laboratory);
- Forensic Live, is used in order to provide evidence on the spot, so as not to lose data;

Analysis of mobile phones

### **Electronic evidence**

- Obtaining data stored by third parties, examining such data as a key element in high-tech crime, and allowing perpetrators and prosecutors to link key points used by criminals to commit criminal activities;
- Strengthen the cooperation between the public and the private sector, ie independent data carriers and law enforcers.

The stated challenges should lead us to better protection against high-tech threats, as well as the way we deal with them. By continually upgrading the protection systems, by monitoring the novelties we will reduce the risk of threats, and in doing so will increase the success rate in dealing with threats coming from high-tech crime.

## **3. CHALLENGE IN PREVENTION OF HIGH-TECH CRIME**

In recent years, computer crime activities that are financially motivated, such as: unauthorized access, Internet extortion, distribution of DDOS attacks, etc., are widely distributed.

Some organizations were not aware that they had experienced one or more computer security incidents, but they avoided reporting that such an incident had happened to them primarily because of:

- They believe that the incident was not serious enough to report to the law enforcement authorities;
- They believe that the chances of successful outreach are small;
- They are afraid of negative publicity, and think that such reporting in the public will result in an unfavourable competitive position.

In the context of high-tech crime, it is assumed that computer criminals are:

- Financially or criminally motivated;

- Use the opportunities offered by cyber space such as: anonymity, no geographical restrictions, acquired necessary resources they need to carry out criminal activities;
- Target poorly protected networks or systems, exploiting a situation where law enforcement authorities are hampered by the legal and legislative system, especially in international cases.

Although there is no absolute protection for the exposure of any information system to serious risks, the best way to fight high-tech criminality is to prevent it. Prevention must be organized in such a way as to deter potential perpetrators of high-tech crime from committing criminal offenses in such a way as to take adequate measures to select people who would deal with computer work to the extent of physical and software.

#### **4. POLICE AND PREVENTION STRATEGIES**

The role of the police in the suppression of high-tech crime as well as its prevention is crucial and of great importance. The police continuously work on strengthening their capacities and improving the quality of work in all segments of the scope of their competencies.

Each country should adopt a national strategy for high-tech crime and computer security, because the strategy is a complex task, bearing in mind the different aspects and actors that need to be involved in that process. Here it is thought of political, legislative, economic, military, police, etc. a view of adopting a strategy, as well as the integration of the private and public sectors. Each state is obliged to protect its national information infrastructure, as well as its cyber space that covers the national domain.

By adopting a strategy, the state aims to build an efficient, functional cyber space, which simultaneously complies with international standards and principles. To respond to threats coming from high-tech crime, which threatens to change constantly, states must have a flexible and dynamic strategy for high-tech crime. The strategy should have clearly defined goals and priorities, and represent a country's vision of high-tech crime.

Republic of Macedonia is in the final phase of developing a National Strategy for Computer Security, which of course will be of considerable benefit and will help deal with high-tech crime and all negative phenomena and threats coming from it.

Faced with traditional and non-traditional security challenges, states are chaotic. It is necessary to emphasize and strengthen the cooperation of Governments with the private sector, non-governmental and international organizations, which enables the use of geographical, technological, scientific resources that they themselves could not provide. Successful prevention of high-tech crime requires excellent cooperation between the public and the private sector, i.e. between the judiciary, the police services and the ISPs, coordinated activity and cooperation of the states and their institutions, especially the security, primarily for providing key evidence.

The implementation of the law is working on three levels:

- Crime prevention;
- Investigation and
- Prosecution.

Cyber attacks often cross national borders, while the conduct of investigations by the competent authorities may be prevented by the corporate ownership of information technology service providers.

There is a need for the delivery of modern technology to the law enforcement authorities, monitoring the latest trends in abuse and new types of crime and conducting training for them, the police officers who conduct high-tech crime investigations in order to successfully respond to needs and demands of society.

One of the most important recommendations is that for cases of high-tech crime, international cooperation is needed at the beginning of the investigation.

We can conclude that dealing with the challenges of high-tech crime is a wide area of work. The high-tech security in many countries is a new problem for actors in the field of security. For example, in the UK, the control of state cyber security is entrusted to the Inter-departmental Supervisory Committees, the Cabinet of the National Security Board, international relations and development, and its subcommittee on proactive security and responsiveness. In the US, the Office of the National Security Director is in control, but at the level of Congress, jurisdiction divides four boards with so many sub-boards and each board can perceptibly perceive the problem.

As these threats and challenges are international, transnational partnerships are also needed.

**We can also ask ourselves the following questions:**

- As evolution comes and identifies the challenges of high-tech crime, how to preserve the anonymity of networks?
- Are we unconsciously attending another wave of revolution in conflicts and wars, changing the appearance of conflicts from the root, and if so, which consequences we can have in our armed forces and the security sector, what consequences there will be on the counterintelligence agencies?<sup>24</sup>

## **CONCLUSION**

High-tech crime knows no borders. Security problems in cyber space, no matter how well we are aware, are one of the hyper-current topics in the time we live in. Therefore, special attention should be paid to these challenges, and countries should increase the potential of cyber space. The threats coming from the High-tech crime, especially cyber attacks, or harmonious assassination of vital national infrastructure, is what we should be most afraid of. International cooperation and data sharing are necessary to warn and prevent such an attack.

With the development of information technology, in recent years, and at a speed unnoticed in history, all governments, businesses, businessmen and ordinary people around the world use them to carry out their basic functions, and are part of their everyday lives. Facilitating the work with computers helped them to find themselves in factories and all industrial processes to reorient and base on their use. The overwhelming capacities for electronic data storage, their rapid transmission of long-range relationships and the possibilities for very quick manipulation of data are to blame for computers to penetrate all walks of life and make today's lives and lives of today's children unrecognizable for those generations before them.

With the computer, the impossible became impossible. The computer contributes large amounts of data to a huge density of compact media. Due to high speed even the most complex calculations can be performed in several milliseconds. Laws, criminal justice systems and international co-operation did not maintain the speed at which technology shifted. Only a few countries have adequate laws to address this problem, and none of them has been able to resolve all legal and preventive problems.

When this issue is assessed on the international scene, problems with inadequacies are noticeable. Ensuring the integrity of computer systems is a challenge for both developed and developing countries. It is predicted that in the next decade, it will be necessary for developing countries to experience significant technological developments in order to become economically strong as competitors in the world market. It is important to plan security and protection against crime at the same time, even computer technology is being implemented.

High-tech crime is a new form of international crime and to be considered effectively, international cooperation is necessary. This can only happen if there is a basis for understanding what the problem is and what the solutions can be.

There is a significant development. Of course, we still do not see the greatest magnitude of high-tech crime. Countries must be familiar with the problem and understand the implications for their social and economic development.

However, this first step is not enough: high-tech crime is not a national problem, but an international one.

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2. The Act on Ratification of the Convention on Computer Crime, no. 07-2623 / 1, 16 June 2004;
3. Benjamin S, Buckland, Fred Schreier, Theodor H. Winkler, „Democratic Governance Caiber Security Challenges“;
4. Marko Zvrlevski et al., Computer Crime Manual, January 2014.Skopje.

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<sup>24</sup>Benjamin S, Buckland, Fred Schreier, Theodor H. Winkler „Democratic Governance Caiber Security Challenges“ pp.30., pdf.

# INSTITUTE FOR SECURITY, DEFENSE AND PEACE AT 40: CURRENT MISSION AND CHALLENGES AHEAD

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## Апстракт

Современите општествени промени и потреби, меѓуостанатото иницираат нови предизвици и за наставниот процес во високото образование. Оваа година, Институтот за безбедност, одбрана и мир, прославува 40 години од своето постоење. Во тој контекст, неминовно се наметнува прашањето за неговите досегашни достигнувања, како и за актуелната мисија и нови предизвици. Притоа, современите предизвици за Институтот, овој труд ги анализира низ призмата на:

- 1) потребата за одредени промени на студиските програми на Институтот, согласно со последните предложени измени на Законот за високо образование во Р.Македонија;
- 2) поконретното негово адаптирање кон потребите на пазарот на трудот; и
- 3) потребата за унапредување на соработката со други високо-образовни институции на национално и меѓународно ниво. Анализата на посочените прашања, треба да овозможи креирање соодветна рамка за пристапите кои Институтот ќе треба да ги преземе во контекст на актуелните и идните образовни и наставни предизвици.

**Клучни зборови:** Институт, Везбедност, одбрана и мир, образовни предизвици, наставни предизвици.

## Abstract

Contemporary social changes and needs, inter alia initiate new challenges for the teaching process in higher education too. This year, the Institute for Security, Defense and Peace, is celebrating 40 years of its existence. In that context, the inevitable question arises about its past achievements as well as the current mission and new challenges. In addition, this paper analyzes the contemporary challenges for the institute, in the light of:

- 1) the need for certain changes to the curriculum of the Institute according to recent proposed amendments to the Law on Higher Education in Macedonia;
- 2) in particularly, adapting to the needs of the labor market; and
- 3) the need of promoted cooperation with other higher education institutions nationally and internationally. The analysis of those issues should enable creating an appropriate approaches framework that the Institute will have to take in the context of current and future educational and instructional challenges.

**Key words:** Institute, Security, Defense and Peace, educational challenges, teaching challenges.

## 1. Introduction

With the initiation of *Nationwide defense and socio self-protection studies* back in 1975, were set the foundations of the first higher education institution in the Republic Macedonia in sphere of the military - defense and security science. The establishment of new educational - scientific study group ONO and OSZ (Nationwide defense and socio self-protection) at the time was of enormous symbolic significance and

represented an act of priceless historical, political, cultural and educational importance for our country and nation.

Two years ago, in 2015, the Institute celebrated 40th anniversary of its establishment. In this context, this paper analyzes the historical dimension of the challenges and achievements of the Institute through the past 40 years, as well as the role and the contemporary challenges facing it today.

## **2. Historical dimension of development of the Institute of Security, Defense and Peace**

From a historical point of view, the establishment of the Institute for ONO in 1975, R. Macedonia get the first inter-disciplinary educational scientific – Institution that seriously started the scientific research and study of areas in the field of military, defense, and later more intensively the Security science also. The institutionalization and set up of the Institute within the University "Ss. Cyril and Methodius" enabled successful education of civilian personnel that their academic knowledge and skills purposefully and competently involved in the creation of all vital segments of the national security system and beyond within the Macedonian society.

During its forty-year existence, the Institute has passed through several inevitable and characteristic stages of development and transformation that were the product of the overall radical social changes and dynamic political - security constellations on national and regional level.

In order to effectively respond to all the new challenges that completely changed the overall social, political, economic, security and educational setting, the Institute in 1995 made significant structural changes whereby it was renamed the Institute of Defense. At that time, the new multidisciplinary curricula and overall scientific potential were used into profiling of staff according to the needs of modern times. In this regard, the educational staffs of Institute fully meet the requirements of an independent Republic Macedonia during the phase of its safe independence and conceptions of a modern and effective system of national security, compatible with the systems of the member states of NATO and the EU.

At the beginning of the 21st century, according to the specific changes in the immediate security environment of the Republic Macedonia, arose the need for a new redesign of curricula and definition of a new modern and live curricula that will provide a solid basis for personnel education in the field of peace studies and scientific research on conflicts and its management.

As a result, in 2002 the Institute of Defense was renamed Institute for Defense and Peace Studies defined with defined and verifiable study programs at European and world level. Under the new concept of scientific - educational placement, the Institute organized an undergraduate studies (with Analytical course and Teaching course), postgraduate (specialist and master) studies and doctoral studies in the field of defense and the field of peace, according to the European Credit Transfer System.

In the academic year 2009/2010 at the Institute for Defense and Peace Studies started a new study program on I cycle studies for *Course security* and with this act the Institute completed its complex activities in to the three significant science fields: Security, Defense and Peace. The new transformation inevitably enforced a change to the name of the Institute in Institute of Security, Defense and Peace.

More recently in the academic year 2017/2018 at the Institute for Defense and Peace Studies started a new study program on I and II cycle of studies for Corporate security. This new study program should provide a full filling of the scientific and theoretical vacuum in the corporate security sphere as well as satisfaction and meeting of the labor market needs related to the highly educated personnel in this sphere.

Today, the teaching at the Institute for Security, Defense and Peace is being performed by representatives of the younger generation of scholars, most of which are staff of the Institute. These personnel together with their older colleagues and professors built the foundations of the Macedonian military and security scientific thought appropriate to national, regional and global values, specifics and trends. The new scientific breakthroughs were presented in multitude of their works which number reaches more than 120 books, manuals and workshops and over 1300 articles published in Macedonian and foreign languages.

At the Institute for Security, Defense and Peace so far graduated 2036 students, 198 master's degree candidates and 24 candidates have obtained the university level doctor of Defense and Peace Studies.

It can be concluded that in its four decades of service the Institute created a solid potential necessary for profiling of a competent expert community which successfully explores, analyzes and offers appropriate solutions for problems related to national security, as well as issues of peace and resolution of conflicts on theoretical and practical level.

Institute for Security, Defense and Peace achieves good international cooperation with a number of prestigious institutes, universities and military academies - members of the International Consortium of this

area. At regional level it should be stressed the enhanced cooperation in past period with appropriate higher education institutions from Serbia, Bosna and Herzegovina and Croatia. It is also important that Institute for Security, Defense and Peace has developed cooperation with the various bodies of NATO, EU, OSCE and other international and European security organizations and institutions. In this regard, it should be noted that during the 2013 and 2014, the Institute was entrusted with the main coordinating role in the realization of the study visit to the NATO headquarters in Brussels. Representatives from five state higher education institutions in Republic of Macedonia were participated in this study visit.

Graduates of the Institute for Security, Defense and Peace its own professional engagement exercise in all institutions of the executive and judicial branches of R. Macedonia at central and local level (while their engagement primarily is being realized in the Ministry of Defense, the Ministry of Interior, the Ministry of Justice, the Army Intelligence Agency, the customs, at all levels of the educational process, as well as in other structures of governmental and non-governmental sector in Macedonia. Also worth noted is that, a small number of graduates actively involved in certain missions of international organizations in the country and abroad.

The staff of the Institute for Security, Defense and Peace today represent professional core that successfully was engaged in the creation and establishment of the Euro-Atlantic oriented defense and security policy. It is also worth to highlight their meaningful participation and presence of a large number of domestic and international symposia in the field of security, defense and peace studies.

### 3. Current status and challenges

Today, the objectives and tasks of the Institute for Security, Defense and Peace generate the purposes of higher education in Macedonia. In that context, main objectives are the following: quality transfer of significant scientific and professional knowledge and skills in the field of security, defense and peacekeeping theory and science, as well as permanent development and advancement of scientific and research activities. Regarding the educational goals and objectives, the Institute implemented a quality education and training of highly competent *defendologists*. However, according to the new needs of the labor market in Macedonia, currently in progress is a change of name of diplomas of graduates in to *Graduate manager for security, defense and peace*.

Also, in relation with the realization of its core tasks of teaching and educational activity, the Institute at present performs these levels and types of study programs:

- Study program of undergraduate studies in the field of security;
- Study program of undergraduate studies in the field of defense;
- Study program of undergraduate studies in peace;
- Study program of undergraduate studies in corporative security;
- Study program of graduate studies in the field of security;
- Study program of graduate studies in peace and development;
- Study program graduate strategic and defense Studies;
- Study program of graduate studies in corporative security;
- Study program of the third cycle doctoral studies in security, defense and peace.

With the study programs quoted above, the Institute implemented a comprehensive teaching and educational activity in the sphere of security, defense and peace. Therefore, the main objectives of the Institute today are:

- providing knowledge, skills, abilities and qualifications to the students of security, defense and peace, which are comparable to the standards of European and other International educational institutions;
- enabling students for critical thinking on social processes as well as their preparation to act as peacekeeping and integrated persons in the democratic processes in Macedonia;
- promoting peace and security as democratic values, as well as consequently promoting and strengthening the culture of peace and national security in the Macedonian society and the wider International community.<sup>25</sup>

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<sup>25</sup> Handbook for students, University St.Cyril and Methodius, Faculty of Philosophy, Institute for Security, Defence and Peace Studies, 2015, p.10.

However, as already stated, according to the new needs of the labor market in Macedonia, currently is being considered possibility of amendment the educational activities of the Institute with another study program i.e. the *Corporate security*. The adoption and implementation of this new study program would mean that in addition to public and state sector, the Institute will adequately contribute (through education of high quality personnel) for the private security sector.

In parallel with education, the Institute today also performs adequate scientific research activities that cover continuous planning and implementation of basic and applied and developed research and projects. In this regard, the current is project by name *Reforms and the defense*, which Institute draw in cooperation with the Ministry of Defense of Macedonia. Within this project, actively involved six representatives (researchers) of the teaching staff of the Institute.

Despite the multitude of national and international publications, the teaching staff of the Institute presented the results of their own scientific research, in the journal *Security Dialogue* which represents the Institutes indigenous magazine. The first issue of this magazine was published in 2010, and up to now are published a total of 10 issues of the magazine. They are available in electronic form on the following website: <http://sd.fzf.ukim.edu.mk/>.

Related to the scientific research activities, it is necessary to emphasize the need for more active involvement of the Institute in providing appropriate solutions to contemporary political security challenges and risks at national and regional level. Therefore, the Institute must take more active role in organizing more frequent roundtables, forums and other meetings, where will be presented possible solutions to the current security risks and threats.

Another significant challenge that is facing the Institute today is a need of increasing its human resources. Currently, there are regularly employed 14 persons at the Institute: nine of them are full-time professors, two are half-time professors and three of them are associate professors. Also, there is one employed person as a librarian. However, related to the number of Institute study programs, as well as to the number of enrolled students per year (on average 130 students at undergraduate studies and 20 students at postgraduate studies) it is no doubt that as the one of the most attractive department at the Faculty of Philosophy, the Institute has a need to increase the existing staff.

Related to the needs of the new age, the new staff needs to represent new generation, maybe from current PhD students who will successfully deal with the application of new scientific and modern educational techniques and approaches. Also, the need for employment new teaching staff is confirmed by the fact that almost 12 years (since 2003) there is no one employment at the Institute.

## **Conclusion**

Today, facing its 40th anniversary, it can be concluded that the Institute for Security, Defence and Peace had has and still has an important role in the system of higher education in Macedonia. As it was already mentioned, with the establishment of the Institute in 1975, Macedonia get the first inter-disciplinary educational scientific – Institution that seriously started the scientific research and study of areas in the field of military, defense, and later more intensively the Security science. During these 40 years, the Institute enabled successful education of civilian personnel that their academic knowledge and skills purposefully and competently involved in the creation of all vital segments of the national security system and beyond within the Macedonian society. Also, during these 40 years, the educational staffs of Institute fully meet the requirements of an independent Republic Macedonia during the phase of its safe independence and conceptions of a modern and effective system of national security, compatible with the systems of the member states of NATO and the EU.

Today, this mission is still successful realized by the Institute. Therefore, today the teaching at the Institute for Security, Defense and Peace is being performed by representatives of the younger generation of scholars, most of which are staff of the Institute. These personnel together with their older colleagues and professors built the foundations of the Macedonian military and security scientific thought appropriate to national, regional and global values, specifics and trends.

However, there is still several challenges that is facing the Institute today. The most actual ones are the need for more active involvement of the Institute in providing appropriate solutions to contemporary political security challenges and risks at national and regional level, as well as the need for increasing its human resources.

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# CONFISCATION OF PROCEEDS OF CRIME IN CRIMINAL LEGISLATION OF BOSNIA AND HERZEGOVINA FROM THE ASPECT OF SECURITY OF CITIZENS AND COUNTRY

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## Abstract

Since Bosnia and Herzegovina became a member of the United Nations in spring of 1992 until its becoming a member of the Council of Europe ten years later, and even afterwards, the legal system of Bosnia and Herzegovina has been faced with the need to change or upgrade the institutes from earlier times, as well as to actively accept the institutes that have not been known to this region till nowadays. Having implemented the institute of the confiscation of assets and proceeds of crime is necessary for an adequate repressive and preventive action against contemporary forms of crime. The main reason why the most serious forms of crime appear, grow and keep existing is the acquisition of assets. Financial investigations are being efficient due to a fact that proceeds of crime are being confiscated and crime, as one of the basic forms of threatening the security of the modern state, is being reduced. An individual financially profiting from a crime is being confiscated gained assets and potential perpetrators are being proved that they cannot retain proceeds of crime, which ensures stronger sense of security and safety of citizens. In addition, the effectiveness of conducting financial investigations and confiscation of proceeds of crime is also reflected in the fact that it enables the re-establishment of a violated legal system and contributes to the security of the modern state. In the Republic of Srpska, by having the Law on confiscation of proceeds of crime entered into force in 2010, a legal framework for the efficient conduct of financial investigations has been created. Since then, significant results have been achieved in confiscation of proceeds of crime. This will be further discusses in this paper.

**Key words:** crime, criminal offence, financial investigations, confiscation of proceeds of crime, security.

## INTRODUCTORY REMARKS

As it was already mentioned, the legal system of Bosnia and Herzegovina has been faced with the need to change or upgrade the institutes from earlier times, as well as to actively accept the institutes that have not been known to this region till nowadays, but have been present in other state and legal unions.<sup>26</sup> Bosnia and Herzegovina is among the few European countries that have recently adopted their new, systematic procedural laws, which in a significantly different way regulate criminal procedure.<sup>27</sup> This is the case with the adoption of the Law on confiscation of proceeds of crime of the Republic of Srpska, as well as in the Federation of Bosnia and Herzegovina and Brcko District of Bosnia and Herzegovina.<sup>28</sup>

Namely, confiscation of proceeds of crime is one of more significant criminal law institutes of recent date (material and procedural). Having implemented the institute of the confiscation of proceeds of crime is

<sup>26</sup> Sijerčić-Čolić, H. (2012), Aktuelna pitanja krivičnog postupka u Bosni i Hercegovini (ustavnopravni, legislativni i praktični aspekti), *Aktuelna pitanja krivičnog zakonodavstva (normativni i praktični aspekt)*, p. 288-316, Zlatibor, Serbian association of criminal law theory and practice (p. 290).

<sup>27</sup> Bubalović, T. (2008), Novela Zakona o kaznenom postupku Bosne i Hercegovine of 17 June 2008, Zagreb, *Hrvatski ljetopis za kazneno pravo i praksu*, Vol. 15, No 2/2008, p. 1129-1157, (p. 1132).

<sup>28</sup> Confiscation of proceeds of crime was introduced in the legislation of our former state as of early in 1959. Back then this measure had a criminal sanction character and was perceived as a measure of security. In 1976 CL SFRY kept the confiscation of proceeds of crime as a measure, but not as criminal sanction any more, but as a special measure of a special criminal-law status. Šuškić, I. (2013), *Oduzimanje imovine stečene krivičnim djelima u BiH, Oduzimanje imovine stečene krivičnim djelima u Bosni i Hercegovini – sadašnjost i izazovi za budućnost*, p. 163-183, Banja Luka, Project „EU support to law enforcement“, Police College Banja Luka

necessary for an adequate repressive and preventive action against contemporary forms of crime in general, but also against the crime based on the illegal acquisition and disposal of property regardless of its scope. The aspiration of every state, as well as of our own, that is of a procedural institution of a state, is to confiscate proceeds of crime by creating certain mechanisms (legislative, personal, organizational, technical, scientific) to ensure for a state not to end up in the power of criminals.<sup>29</sup>

In the Republic of Srpska, by having the Law on confiscation of proceeds of crime entered into force on July, 1 2010, a legal framework for the efficient conduct of financial investigations has been created. Financial investigations are conducted simultaneously with criminal investigations in accordance with the provisions of this Law. The aim of the financial investigation is to detect the assets and then to confiscate proceeds from crime, first temporarily, and then permanently. The purpose of a financial investigation is to primarily eliminate damage made to the public interest by committing criminal offences, and then to prevent illegally gained proceeds to enter legal economic flows keeping them from becoming funds for commission of new criminal offences (especially since the financial investigation allows to tackle the very top of organized criminal groups, which consequently strengthens the rule of law and the equality of all before the law). The effectiveness of financial investigations is reflected in the fact that proceeds of crime are being confiscated and crime, particularly organized one, is being reduced, contributing to the stronger sense of security and safety of citizens. In addition, the effectiveness of financial investigations and confiscation of proceeds of crime is also in the fact that it enables the re-establishment of a violated legal system.<sup>30</sup>

Therefore, according to this Law, prosecution conducts a financial investigation within a criminal one when there is a suspicion that the person owns proceeds from crime. When a financial investigation identifies the existence of assets obviously disproportionate to the legitimate income, prosecution requests from the court to make a decision on a temporary confiscation of assets for the purpose of protection (in order to enable its permanent confiscation without it being problematic or stalled in a stage of a permanent confiscation after the conviction of a person against whom criminal procedure is being conducted for a criminal offence referred to in Article 2 of the Law on confiscation of proceeds of crime of the Republic of Srpska).

In the Republic of Srpska, in addition to the goals of identification of a criminal offence and its perpetrators, as well as of finding out evidence of a criminal activity, additional goals of criminal investigation are those of tracing, seizure and confiscation of assets. Since basic goals of investigation do not represent a complete attack on criminal activity, particularly on organized criminal groups, the investigation is being completed by identifying and confiscating assets and profits obtained by committing a criminal offence, which significantly reduces or completely eliminates the power of organized criminal groups and prevents individuals to further engage in criminal activities or otherwise influence the criminal flows in the country and abroad.<sup>31</sup>

## **INTERNATIONAL LEGAL DOCUMENTS AND CONFISCATION OF PROCEEDS OF CRIME**

Different legal solutions in the area of criminal procedure law and criminal law, and different solutions in comparative law do not allow effective fight against the most serious forms of crime, and therefore an effective detection and confiscation of proceeds of crime. Having this in mind, the international community has initiated, throughout universal and regional cooperation, the adoption of a series of conventions, declarations, recommendations, decisions, conclusions regulating organized crime, money laundering, terrorist financing, controlling suspicious money transactions, determining the origin of assets, temporary and permanent confiscation, the management of confiscated property, international cooperation in

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<sup>29</sup> Govedarica, M. (2013), *Oduzimanje imovine stečene izvršenjem krivičnog djela (preventivni-represivni aspekt)*, Banja Luka, Police College, (p. 9-24).

<sup>30</sup> One of more important elements in the process of confiscation of proceeds of crime is a financial investigation. Therefore, one of the regional goals is "to strengthen law enforcement capacities in fight against serious crimes in the Southeast Europe", which at same time represents the capacity building for financial investigations whose aim is the confiscation of proceeds of crime. Šuškić, I. (2013), *Oduzimanje imovine stečene krivičnim djelima u BiH, Oduzimanje imovine stečene krivičnim djelima u Bosni i Hercegovini – sadašnjost i izazovi za budućnost*, p. 163-183, Banja Luka, Project „EU support to law enforcement“, Police College Banja Luka.

<sup>31</sup> Despite certain shortcomings, such as the non-existence of the Law on the Origin of Property, BiH has the legal basis for seizing proceeds of crime, but the greatest challenge remains implementation in practice. Šuškić, I. (2013), *Oduzimanje imovine stečene krivičnim djelima u BiH, Oduzimanje imovine stečene krivičnim djelima u Bosni i Hercegovini – sadašnjost i izazovi za budućnost*, p. 163-183, Banja Luka, Project „EU support to law enforcement“, Police College Banja Luka.

the detection and confiscation of proceeds of crime.<sup>32</sup> Most of these documents have been ratified by Bosnia and Herzegovina (or it has that obligation in the EU accession process).

The most important conventions in the area of confiscation of proceeds of crime are:

- 1) *United Nation Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, known as Vienna Convention*,<sup>33</sup>
- 2) *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, known as Strasbourg Convention*,<sup>34</sup>
- 3) *Council of Europe Civil Law Convention on Corruption adopted in Strasbourg, on November 4, 1999*.<sup>35</sup> *This Convention sets out the responsibility of the signatory state to provide compensation to those who have suffered damage due to the corruption of civil servants*,<sup>36</sup>
- 4) *UN Convention against Transnational Organized Crime adopted in Palermo on November 15, 2000*<sup>37</sup> *with supplementing protocols*<sup>38</sup>, *known as Palermo Convention*;
- 5) *United Nations Convention Against Corruption adopted on October 31, 2003, known as New York Convention*,<sup>39</sup>
- 6) *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on Financing of Terrorism, known as Warsaw Convention*.<sup>40</sup>

European Union adopted the following directives related to this area:

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<sup>32</sup> More on confiscation of assets and financial investigations, as well as on-going events at the EU level: Huremagić, R. (2013), *Oduzimanju imovinske koristi i finansijske istrage - aktuelna događanja na nivou Evropske unije: Oduzimanje imovine stečene krivičnim djelima u Bosni i Hercegovini – sadašnjost i izazovi za budućnost*, p. 231-236, Banja Luka, Project „EU support to law enforcement“, Police College Banja Luka.

<sup>33</sup> *United Nation Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, Vienna, December 20, 1988, came into force on November 11, 1990, BiH member based on succession, text published in the Official Gazette of the SFRY - International treaties number: 14/1990. The Parties to this Convention are aware that illegal traffic brings a great deal of financial gain and illegal wealth, which allows transnational criminal organizations to enter into the structures of government, the negative business and financial world and society at all levels, and "spoil" and corrupt them. By suppressing illegal profit, major incentives for such activities would be removed. This Convention is the first international document governing the issue of money laundering and the connection to illicit profit.

<sup>34</sup> *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*, Strasbourg, November 08, 1990, entered into force on September 1, 1993, entered into force in relation to BiH July 1, 2004, published in the Official Gazette of BiH - International agreements No. 04/2006). This convention points to the need to combine efforts in the fight against organized and other forms of crime by having common criminal policy, using modern methods at the international level in the fight against serious crimes, confiscating proceeds of crime from perpetrators and establishing an effective system of international cooperation. This Convention lays out an obligation for banks and financial organizations to report all suspicious transactions and introduces the possibility of applying special investigative actions and techniques for identifying revenues and tracing and collecting evidence, searches, temporary and permanent seizure.

<sup>35</sup> *Civil Law Convention on Corruption*, Strasbourg, November 4, 1999, entered into force on November 1, 2003, entered into force in relation to BiH on November 1, 2003; published in the Official Gazette of BiH 36/2001.

<sup>36</sup> *Additional Protocols to Criminal Law Convention of Council of Europe on Corruption*, Strasbourg, May 15, 2003. Entered into force in BiH on January 1, 2012.

<sup>37</sup> *UN Convention against Transnational Organized Crime*, Palermo, November 15, 2000, entered into force both internationally and nationally on September 29, 2003, published in the Official Gazette of BiH 03/2002. The purpose of this Convention is to provide for more efficient cooperation in the fight against transnational organized crime.

<sup>38</sup> *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime*, entered into force both internationally and nationally on January 28, 2004, published in the Official Gazette of BiH 03/2002; *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime*, entered into force both internationally and nationally on December 25, 2003, published in the Official Gazette of BiH 03/2002.

<sup>39</sup> *United Nations Convention against Corruption (UNCAC)*, adopted on October 31, 2003 at the General Assembly of the UN, by resolution 58/4, represents a global response to corruption. It is the first global legal instrument on corruption which includes measures for prevention, criminalization and international cooperation. The Convention simplifies international cooperation in terms of control and sanctioning of corruption. The Convention includes compulsory criminalization of money laundering in corruption offences, measures to prevent money laundering, confiscation of proceeds of crime with the possibility of reversing the burden of proof, as well as the division of the seized assets among states. A novelty in this Convention is the possibility of introducing the criminal offence of "the Unjust Enrichment" in the national legislation of the signatory states. The Convention was signed on December 9, 2003 in Merida, Mexico, and since then this day is being marked as International Anti-Corruption Day. This most important international legal instrument for fighting corruption was signed by BiH on September 16, 2005, and on March 27, 2006, at its 89th regular session, the Presidency of Bosnia and Herzegovina adopted the decision on the ratification of UNCAC.

<sup>40</sup> *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on Financing of Terrorism*, Warsaw, 16.05.2005, entered into force on May 1, 2008, in terms of BiH entry into force 01.05.2008, Official Gazette of BiH - International Agreements 14/2007. The Warsaw Convention takes into account up-to-then adopted international documents in this area and defines a number of notions: income, property, assets, seizure, freezing, confiscation, financial intelligence units, predicate criminal offences, terrorist financing, and measures to be adopted at the national level by signatories.

- 1) Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering;<sup>41</sup>
- 2) Directive 2001/97/EC amending Directive 91/308/EEC;<sup>42</sup>
- 3) Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing from 2005;<sup>43</sup>
- 4) Directive 2006/70/EC<sup>44</sup> laying down implementing measures for Directive 2005/60/EC.

In addition to the abovementioned documents, a series of other documents was adopted which refer to, directly or indirectly, the confiscation of proceeds of crime:

- 1) Council of Europe Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime (2001/500/JHA);<sup>45</sup>
- 2) Framework Decision of 22 July 2003 on the execution in the European Union of orders freezing property or evidence;<sup>46</sup>
- 3) Framework Decision on the application of the principle of mutual recognition to permanent confiscation orders supplementing previous Decision and regulating the issuance of confiscation order to another country for the automatic execution;
- 4) Council of Europe Framework Decision of 24 February 2005;<sup>47</sup>
- 5) Council of Europe Framework Decision of 6 September 2006 on the application of the principle of mutual recognition to confiscation orders;<sup>48</sup>
- 6) COUNCIL DECISION 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from crime or other property related to crime;<sup>49</sup>
- 7) The Council of Europe Recommendation on Concurrent Investigations refers to the improvement of investigative methods in the fight against organized crime, the simultaneous investigation of drug smuggling by criminal organizations and of their finances, from the very beginning of any illegal

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<sup>41</sup> Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering.

Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31991L0308>, downloaded on 01.09.2017.

<sup>42</sup> 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering - Commission Declaration.

Available at: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001L0097>, downloaded on 01.09.2017.

<sup>43</sup> Directive 2005/60/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

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<sup>44</sup> Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis.

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<sup>46</sup> Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.

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<sup>47</sup> Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime Related Proceeds, Instrumentalities and Property.

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<sup>48</sup> Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.

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<sup>49</sup> COUNCIL DECISION 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime.

Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:332:0103:0105:EN:PDF>, downloaded on 01.09.2017.

activities of the organization to the determination of the finances and assets owned by the organization.<sup>50</sup>

## LAW ON CONFISCATION OF PROCEEDS OF CRIME OF THE REPUBLIC OF SRPSKA

Legal framework for efficient implementation of financial investigations and confiscation of proceeds of crime<sup>51</sup> has been set after the Law on Confiscation of Proceeds of Crime entered into force on July 1, 2010<sup>52</sup> in the Republic of Srpska.

This Law consists of several units. The first unit contains basic provisions. The second unit refers to the bodies participating in the implementation of the Law (prosecutor's office, court, Republic of Srpska Ministry of Interior, Agency for Seized Property Management). The third unit includes procedure (financial investigation, temporary property seizure, permanent property seizure), whereas the fourth unit refers to seized property management. The fifth unit refers to international cooperation.

The implementation of the Law itself assumes the existence of appropriate material and formal requirements. Firstly, the assumption for the implementation of the Law are appropriate criminal offences prescribed by the Criminal Code of the Republic of Srpska<sup>53</sup> referred to in Article 2, paragraph 1) of the Law on Confiscation of Proceeds of Crime of the Republic of Srpska, and for some criminal offences the implementation is subject to the amount of the obtained property gain (Article 2, paragraph 2) of the Law on Confiscation of Proceeds of Crime of the Republic of Srpska).<sup>54</sup> Assets is also observed as the material requirement, and one should discern both the term of property, as well as the persons in possession of that property. Pursuant to Article 3 of the Law, *assets* refer to a set of property rights and obligations of the movable and immovable asset owner. Assets also refer to gain or other profit obtained directly or indirectly from the criminal offence, as well as assets it was turned into or connected with. *Proceeds of crime* refer to the property of the perpetrator, property owner, acquired prior to the initiation of the proceedings for the criminal offence referred to in Article 2 this Law that is in obvious disproportion with his/hers legal income. The *owner* refers to the perpetrator or the person connected with him/her, executor, and legal successor or a third person. *Connected persons* refer to: family members of the natural person: spouse, next of kin, brothers and sisters, adoptees and their offspring living in a shared household and cousins up to the third degree of kinship; persons controlling the legal person or persons who are together controlling the legal person, by possession of at least 50% of the property value or have at least 50% of shares in the joint-stock company, directly or via one or several natural, i.e. legal persons and other natural and legal persons; perpetrator, accomplice, organizers of the criminal association, initiators and accomplice (hereinafter: property owner) and *seizure* refers to temporary or permanent confiscation of proceeds of crime. *Executor* refers to the person against whom, in the event of death, no criminal proceedings have been initiated nor suspended, and during the criminal proceedings against other persons it was confirmed that that person owned property obtained from the commission of a criminal offence. Legal successor refers to the heir of the convicted, executor or their heirs. *Third person* refers to natural or legal person to whom the proceeds of crime have been transferred.<sup>55</sup>

Financial investigation against the property owner is initiated when there are grounds for suspicion that he/she owns property obtained by the commission of a criminal offence. During the financial investigation are collected evidence on property and legal income the property owner has obtained, i.e. acquired prior to the initiation of criminal proceedings for the criminal offence referred to in Article 2 of this Law, evidence on the property inherited by the legal successor and evidence on property and fee for which the property has been transferred to third person. Article 17 prescribes that financial investigation is initiated

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<sup>50</sup> More on international documents and international groups dealing with money laundering, illicit assets, law enforcement and legal aid: Govedarica, M. (2013), *op.cit.* (p. 29-48).

<sup>51</sup> See: Law on Seizure of Proceeds of Crime of the Federation of Bosnia and Herzegovina, *Official Gazette of the Federation of Bosnia and Herzegovina*, 71/14 and the Law on Seizure of Proceeds of Crime, *Official Gazette of the Brčko District of Bosnia and Herzegovina*, 29/16. The Law on Seizure of Proceeds of Crime has not been adopted on the level of Bosnia and Herzegovina.

<sup>52</sup> Law on Seizure of Proceeds of Crime of the Republic of Srpska, *Official Gazette of the Republic of Srpska*, 12/10

<sup>53</sup> Criminal Code of the Republic of Srpska, *Official Gazette of the Republic of Srpska*, 64/17

<sup>54</sup> The provisions of this Law are also applied to other criminal offences prescribed by the Criminal Code of the Republic of Srpska if the property gain, i.e. the value of the items that were used or were intended for the commission or were obtained by the commission of the criminal offence, is higher than 50.000,00 BAM.

<sup>55</sup> The Law on Seizure of Proceeds of Crime is applied in all the cases where property gain has been obtained by the commission of a criminal offence, which basically represents each kind of increase in the property of the perpetrator or third person as a result of a criminal offence. That property may include both movable and immovable property, and the property gain may represent every other type of profit obtained by the commission of a criminal offence.

by the order of the prosecutor, that the prosecutor is in charge of the financial investigation, and that the evidence referred to in Article 15, paragraph 2) of this Law are collected by the Unit/Department for Financial Investigations and Money Laundering upon request of the prosecutor or ex officio. Authorised official persons collect all evidence in the financial investigation in accordance with the Law on Confiscation of Proceeds of Crime as *lex specialis*.<sup>56</sup>

In compliance with Article 21 of the Law on Confiscation of Proceeds of Crime of the Republic of Srpska, and when there is danger that the subsequent confiscation of proceeds of crime would be difficult or impossible, the prosecutor may file a request for temporary seizure of property (Articles 21 to 27 of the Law on Confiscation of Proceeds of Crime of the Republic of Srpska).<sup>57</sup> After the confirmation of the indictment, and not later than one year after the valid completion of the criminal proceedings, the prosecutor files the request for permanent seizure of proceeds of crime (Articles 28 to 34 of the Law on Confiscation of Proceeds of Crime of the Republic of Srpska). The abovementioned measures are in place until the completion of the criminal procedure and the determination of all the necessary facts. Therefore, the abovementioned provisions enable blockage and temporary seizure of property, but in order to achieve the permanent seizure of property, it is necessary to have a valid judgement for the committed criminal offence.<sup>58</sup>

Agency for Seized Property Management established within the Republic of Srpska Ministry of Justice manages the seized property.

### **The analysis of the application of the law on confiscation of proceeds of crime of the republic of srpska from the point of view of the financial investigation and money laundering department**

Based on the Law on confiscation of proceeds of crime of the Republic of Srpska, the Republic of Srpska Ministry of Interior in its Rulebook on internal organization and systematization of workplaces in the Ministry has set out an organizational unit referring to the Article 6 of the Law on confiscation of proceeds of crime of the Republic of Srpska and established a Financial investigation and Money Laundering Department. This Department is situated within the Crime Police Directorate, Economic Crime Unit.

Table 1 shows the results of this Department for the period 2010 to 2016.

**Table 1: The results of financial investigations for the period 2010 to 2016.**<sup>59</sup>

No.	FINANCIAL INVESTIGATION AND DETECTION OF PROCEEDS OF CRIME	End 2010. And 2011.	2012.	2013.	2014.	2015.	2016.	Total
1.	No. of financial investigations and other reports	19	37	59	81	79	78	353
2.	No. of financial and other reports (criminal offence reports)	14	21	24	37	46	13	155
3.	No. of preliminary financial reports	2	4	0	1	0	0	7
4.	No. of supplements to financial and other reports (criminal offence reports)	2	3	12	3	4	4	32

<sup>56</sup> National regulations defining this area are BiH Criminal Code, BiH Law on Criminal Procedures, BiH Law on Execution of Criminal Sanctions, Detention and Other Measures and BiH Law on Administrative Procedures before the Court of BiH. More: Simović, Mi. Simović, Ma. (2013), Oduzimanje imovine pribavljene krivičnim djelom, sa posebnim osvrtom na odluke ustavnog suda Bosne i Hercegovine, *Seizure of Proceeds of Crime in Bosnia and Herzegovina – presence and future challenges*, Pages 77-96, Banja Luka, "Project EU Support to Law Enforcement", Police College Banja Luka.

<sup>57</sup> The following terms are often used in practice: blocked property, temporarily and permanently seized property, confiscated property, frozen or seized property etc. Without further detailed discussion on analysis of these terms and whether their use is justified and in which context, given it would go beyond this paper, it is necessary to emphasise that the Law on Seizure of Proceeds of Crime of the Republic of Srpska only recognises the terms *permanent and temporary seized property*, while the term *blocked property* is often used in practice, implying the property blocked pursuant to Article 138 of the Law on Criminal Procedures of the Republic of Srpska.

<sup>58</sup> After the confirmation of the indictment, and not later than one year after the valid completion of the criminal proceedings, the prosecutor files the request for permanent seizure of proceeds of crime.

<sup>59</sup> The Republic of Srpska Ministry of Interior data.

5.	No. of individuals being checked	154	138	467	263	148	105	1.275
6.	The value of blocked assets	24.667.883,35	12.538.885,50	7.000.000,00	3.086.600,00	0	9.547.000,00	56.867.369,35
7.	The value of temporarily seized assets	0	19.314.970,12	269.000,00	2.410.882,00	1.114.912,29	0	23.109.764,41
8.	The value of permanently seized assets	0	500.000,00	379.783,62	14.328.296,18	0	0	15.208.079,72

Since the Law on confiscation of proceeds of crime of the Republic of Srpska started implementing, significant results have been achieved in confiscation of proceeds of crime, and statistical data of the Ministry of Interior of the Republic of Srpska for a period October 2010 - end of 2016 show the total number of cases of 353 in which financial checks were conducted on the territory of the Republic of Srpska (with or without an order to initiate a financial investigation) against a total of 1.275 persons. The total value of the blocked property is 56.867.369,35 BAM. The value of the temporarily seized assets is 23.109.764,41 BAM, and the total value of the permanently seized assets is 15.208.079,72 BAM.

## CONCLUDING REMARKS

All the above mentioned leads to a conclusion that the professional and general public in Bosnia and Herzegovina, and even wider, has been recognizing more recently that the confiscation of proceeds of crime represents an effective tool in the fight against crime. The essence of this institute of confiscation of proceeds of crime is the obligation of those convicted of committing serious crimes to prove that the assets they own have been acquired legally. Otherwise, the state has the right and obligation to take away such assets. That is how organized criminal groups are being deprived of financial bases for the commission of new criminal offences, while legalization of illicit profit and its investment into legal financial flows is being prevented, which all protects economy, financial market and economic development. Having in mind the importance of the seizure of proceeds of crime, one should not be surprised that such attention has been paid to this issue in the last few decades. The best example is the number of adopted international legal acts and other undertaken activities on this issue. When it comes to it tackling in on the national level, special attention is paid to the fact that this issue is regulated by a special law, thus creating a normative basis for the desired level of efficiency of the state in the seizure of proceeds of crime. Referring to that, in 2010 our law-makers have passed the Law on confiscation of proceeds of crime of the Republic of Srpska, for the first time regulating the conditions, procedure and authorities responsible for the detection, seizure and management of such assets. It is undisputed that the practical application of this law provided good results, which unambiguously justifies the reasons for establishing the mentioned specialized bodies.

The above mentioned results of the implementation of the Law on confiscation of proceeds of crime of the Republic of Srpska indicate that the legislative solutions in the Republic of Srpska are, to the greatest extent, in line with international standards regarding financial investigations and money laundering and seizure of assets. Financial investigations are conducted in parallel with criminal investigations, and in accordance with the provisions of the Law on confiscation of proceeds of crime of the Republic of Srpska.

Implementation of the institute of confiscation of proceeds of crime is necessary for an adequate repressive as well as preventive action against modern forms of crime, where the joint action of state institutions at the state and international level is necessary. In this way, the threat to the security of the modern state and social values is impeded.

At the end of this paper, we can make a conclusion that there are adequate legal presuppositions, institutional capacities, judicial, as well as prosecutorial and police practice in the Republic of Srpska in order to effectively apply the measure of confiscation of proceeds of crime.

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  - 24) 2001/500/JHA: Council Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime.
  - 25) Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence.
  - 26) Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime Related Proceeds, Instrumentalities and Property.
  - 27) Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.
  - 28) COUNCIL DECISION 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime.

# RESILIENCE IN THE MODELS FOR PSYCHOLOGICAL PREPARATIONS OF THE PERSONNEL DEPLOYED IN HIGH RISK REGIONS WITHIN THE FRAMEWORK OF INTERNATIONAL OPERATIONS

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## Abstract

The employees in the field of security and defense are one of the groups most exposed to occupational hazards, especially those of a psychosocial nature. The changing characteristics of today's threats and conflicts also change the complexity, duration, and the degree of risk of the operations in which they participate. These factors of influence, with all their aspects, have the potential to cause physical, social and psychological consequences.

In the past period, much attention was given to those who "broke" under stress during operations, but we also know that many of them have survived coping with stress with considerable resilience and stability even when it comes to a severe traumatic experience. When talking about psychological resistance or resilience, it is not enough just to explore the deficiencies and risk factors, but we need a broader approach to understanding the resilience based on the strengths and capacities. These are the basics of psychological preparations incorporated into the training program of the units and represent one of the most fundamental requirements for effective execution of the mission.

Psychological preparedness is a mental state of focus on the performance of tasks in the mission. This kind of a situation is the result of several factors that can be planned, exercised, checked, and many of them can and should be influenced much earlier, that is, before mission deployment. Psychological preparations, through various methods and techniques, help to develop the resilience until developing strategies for coping, recovery, restoring the balance throughout the deployment cycle (before, during and after the missions). It provides positive results from critical events that jeopardize the safety of the individual.

The models of psychological preparation are an attempt to embrace the challenges of the profession itself and adapt the dynamics of the contemporary tasks, an attempt to see them through a different prism - through the prism of "affective variables". In this context, they are seen as indicators of competent psychosocial functioning of the personnel, in an important area of their profession - participation in operations through different periods of the process characterized by specific requirements and risks.

**Key words:** *resilience, models, psychological preparations, operations.*

## 1. INTRODUCTION

*The soldier above all others prays for peace, for it is a soldier who must suffer and bear the deepest wounds and scars of war* ~Douglas MacArthur<sup>60</sup>

Today we are aware of the large number of constant global threats that know no borders, nationalities, religions, ages, presenting a major challenge for countries and the international community. Security in all areas of everyday life is the key to personal, family and social well-being. There are many unusual, risky demands in relation to other professions, facing the professionals in defense and security.

Military personnel nowadays is predominantly engaged in operations other than war (OOTW), such as those of a domestic, peacekeeping, peace enforcement and humanitarian nature (Garbutt, 2006; Hancock & Krueger, 2010; Richards, Hodson, Wright, Churchill & Blain, 2003). Irrespective of the nature of the operation and the environment within which it occurs, military personnel are exposed to a range of stressors that may impact on their performance and wellbeing.

Each army has a moral, legal and financial obligation to provide adequate psychosocial care to its employees. To this end, countries allocate significant resources and assets that enable the effective fulfillment of the goals and missions of the armies and the strategic determinations of the countries. In order to achieve the strategic goals, what is needed is a comprehensive approach and investments that will provide

<sup>60</sup>Laurence, Janice H., and Michael D. Matthews. "The Handbook of Military Psychology." *The Oxford Handbook of Military Psychology* 2011 (2012): 1.

the necessary competencies and support, preventive and protective measures, care for the physical and mental health. There is no universal model for psychosocial care, but it is the national responsibility of each country to tailor its own resources, laws and conditions in favor of mental health care.

Different models of training with continuous assessment, training, support during the entire deployment cycle (before the mission, during the mission and after the mission) are used in the development of resilience, and it is intended not only for military personnel participating in missions, but also for their families and close relatives, superiors, colleagues and key community services.

## **2. STRESS AND RESILIENCE**

Over the last decade, the European Union gives special attention to the emergence of psychosocial dangers in the workplace, and since 2002, this risk is treated as the main topic in the European Union's occupational safety and health strategies. The International Labor Organization (ILO, 1986) defined psychosocial hazards as interactions among the job content, the way in which the work and the organization and the environmental conditions are managed, on the one hand, and the competencies and needs of the employees on the other. Cox and Griffiths, 1995 defined psychosocial factors as those aspects of work design and the organization and management of work, and their social and environmental context, which may have the potential to cause psychological or physical harm. The Human Factors and Medicine Panel (HFM) in NATO have set up an advisory team in the field of health to conduct research and respond to these problems.

Nowadays on military psychology in terms of theories of stress, there are few comprehensive approaches in the literature, where some cite all the research and theories related to stress and reactions to it (e.g. Byrt & Mouzakis, 2007; Hancock & Szalma, 2008; Kavanagh, 2005; Staal, 2004), while others develop a more general approach to the nature of the stresses that personnel can be exposed to, the factors that influence to increase vulnerability or are being protective. The common component of these approaches is that they all share the interest in the process in which the environment affects the burden or the exhaustion of the adaptive capacity of an organism, resulting in psychosocial or biological changes that can put the person at risk of an illness.

The reactions, as well as the symptoms of stress during war have been described by the participants in the war who felt themselves as victims in it, and those symptoms and reactions have been immutable for centuries. Post-traumatic stress disorder (PTSD) is defined by the American Psychiatric Association, which can be found in Holocaust survivors, survivors of traffic accidents, sexual abuse, and other traumatic experiences such as the war. The fact is that PTSD is a new name for an old story - the war has always had some psychological impact on people with short-term or long-term consequences. PTSD has a history that is significant as any disease for itself. It exists along with us for thousands of years, as well as the misfortunes, the tragedies throughout history.

In the past 30 years, there has been a significant increase in the interest in the study of PTSD. The biggest swing in the study of post-traumatic stress disorder followed during and after the Vietnam War. Recent research on the prevalence of PTSD in the major armies in the world, suggests a continuous increase in cases of impaired mental health and PTSD in troops participating in operations / missions abroad. For example, in the current data (David A. Boulous MSc, Mark A. Zamorski, 2013) for the Canadian armed forces, the most common diagnosis of mental illness is severe depression, and the most frequent mental illnesses among participants in operations is post-traumatic stress disorder. In addition, estimates by the UK Defense Ministry indicate that Mental Health cases are continuously growing among British Army personnel, from 1.8% in 2007/08 to 2.9% in 2014/15. This percentage is higher in terms of mental illness in the general population of the UK (2.4%).

Psychological resilience can be considered as a form of psychological behavior or as immunity to disasters and dysfunctions. There are many definitions of resilience. Generally speaking, resilience is the ability to recover after a severe stress or an accident, to stay calm, even if faced with difficulties and to solve problems. It is the ability to manage their own emotions and remain aware of the emotions of others.

In the recent decades, the approach has been altered by the interest in developing resilience among soldiers working in extremely difficult circumstances, to develop strategies that will help in the recovery, help restore the balance to provide positive results from critical events that threatened the well-being of individuals, families, communities and nations.

## **3. EFFICIENT TRAINING FOR HIGHER RESILIENCE**

As it is imperative for any army the military personnel sent on missions to be highly professional and efficiently prepared, also, no less important is the care for their mental health. It means undertaking a wide

range of measures and activities aimed at preventing, reducing or calming the effects of the stressful experience suffered during the deployment and the consequences of the reintegration process after deployment. Although the UN and NATO provide general guidelines for peace-support operations and other operations, however, the specificities of personnel selection, training and care are left to every nation that participates in the operations. These decisions may be limited by the experience of countries participating in the operations and the political and financial support of the army (Kidwell & Langholtz, 1998). Each country carries its own responsibility for its personnel in terms of health care.

**Developing resilience training involves developing the ability of an individual or a group, organization or even the entire population to literally resist the clinical manifestations of anxiety, disorder or dysfunction associated with critical events, terrorism and mass disasters.**

Controlled exposure to stress-related cues is a key feature of **resilience** training for people working in conditions where performance in the face of adversity is required (Meichenbaum, 2007; Stetz et al., 2007). A similar process also occurs during cognitive behavioral stress therapy for stress-induced psychopathology. Repeated exposure to relevant stressors is thought to induce learning as a process and thereby modify erroneous bio psychological conditions that underlie the disorder (De Raedt, 2006; Foa & Kozak, 1986).

Research from positive psychology shows that maintaining positive emotions while dealing with accidents or stress, helps flexibility in thinking and problem solving and neutralizes the physiological effects of negative emotions. Individuals who possess high coping skills show a difference in the amount of present hormones and the activation of the autonomic nervous system in the homeostatic condition (e.g., Feder, Charney & Collins, 2011). These individuals, better than other people, can cope and control unpredictable situations that potentially threaten homeostasis. The need for military personnel to be trained in realistic environments in which they will be exposed to different types of events and conditions (for example, sleep deprivation, temperature extremes, etc.) that potentially impair homeostasis is also noticed. When confronted with an extreme situation of military operations, soldiers usually resort to dominant, well-learned answers. This dominant response / reaction use less physiological and cognitive capacities, thereby reducing the likelihood of loss of homeostasis (alteration of the established balance). Training in various types of real and difficult conditions will increase the range of dominant responses that will be available to them, and thus increase the likelihood that not only that will they be used, but that the exact answer will be used (Mackey, 2008).

#### **4. METHODS AND TECHNIQUES FOR DEVELOPMENT OF RESILIENCE**

There are several approaches to the psychological preparations of peacekeepers that use theories, programs and / or methods, such as: emotional processing training, stress inoculation training, and adversity quotient.

##### **4.1. EMOTIONAL PROCESSING TRAINING (EPT)**

Lorcan Scanlon (1995) is a clinical psychologist who has explored the field of stress during deployment in peacekeeping missions. The condition that is a key element in dealing with stress is emotional processing. In an extract from his article, Scanlon explains the principles of emotional processing and recommends a Model for Emotional Processing Training for the Canadian Armed Forces. Adequate psychological preparation creates a climate of realistic expectations of what the real situation on the field is, educates the peacekeepers about the military and political situation and explains the rules of engagement, as well as the duties and limitations of their role. Emotional processing is the processing and organizing stressful experiences and, if necessary, changing the mental pattern for oneself in the world. Then, past experience becomes a filter for future experience. According to Scanlon, certain factors have a negative impact on emotional processing such as fatigue, anxiety, predisposed personality, several simultaneous stressors, and some cultural demands (not to show emotions). Others can have positive impacts, such as social support, a cohesive unit and a clear sense of mission goals.

The objective of the emotional processing training has 4 components: (1) formulating a framework of assumptions for yourself and the world; (2) exposure to experiences that are as close as possible to the stressful conditions of the mission; (3) objectivity and marking of the experience (4) acceptance and integration of the elements of the stressful experience in the adopted framework.

##### **4.2. STRESS INOCULATION TRAINING (SIT)**

The training by causing stress or stress inoculation is known as stress immunization or vaccination. It emerged out of an attempt to integrate experiences from research on the role of cognitive and affective

factors in coping processes with the emerging technology of cognitive behavior modification (Meichenbaum, 1977). SIT has been employed on a treatment basis to help individuals cope with the aftermath of exposure to stressful events and on a preventative basis to “inoculate” individuals to future and ongoing stressors. It is also a model and form of training that is considered to increase psychological resilience. Stress inoculation has the potential to help the personnel in the training for risky missions to cope with general, institutional and combat stress.

Meichenbaum, D., 1994, explains that this training is tailored to provide clients with a sense of superiority over their stress by learning different coping skills and then providing the opportunity to test these skills by gradually introducing them into a situation. It is taught to perceive the situation more realistically and to gradually reduce the reaction of fear, and find ways to deal with it. This training takes place in three phases: conceptualization, skills acquisition, application and follow through.

#### **4.3. Adversity Quotient-AQ**

This is the most scientifically powerful and widely used method in the world for measuring and strengthening human resilience. Paul Stoltz created the adversity quotient, techniques, and programs. He defined the system as an adversity quotient (AQ). It is a scientifically based theory that explains the measures and capacity how people respond to the great number of adversities that occur today on a daily basis. The assumption of this theory is that human capacity is expanding just like our ability to assimilate and implement new knowledge, first, to strengthen the human capacity, then the entire software (knowledge, skills, talents, experiences). Only in this way can the human capital be fully strengthened.

This theory also provides measurement tools and a set of applications to enhance the human capacity and the ability to receive and to do more, more effectively. Stolz uses self-assessment questionnaires called Adversity Response Profile (ARP) and trains people to help them improve their adversity quotient.

#### **4.4. Use of innovative technologies in training to develop resilience**

The widespread use of innovative technologies in current practices is to improve the mental health of military personnel. Their application implies complementing the positive self-empowering resilience approach and can be employed at different phases of the deployment cycle in support of primary, secondary and tertiary preventive activities. Examples of such application of technology are Neuro/Biofeedback and Serious Gaming or Virtual Reality.

Several decades of feedback research with electroencephalography (EEG) signals have shown that participants can be trained to influence the characteristics of scalp electric activity when they receive online feedback about the changes that occur in these characteristics when playing games/tasks (Birbaumer et al., 2006). This type of training, using brain signals, is referred to as Neurofeedback, while the use of peripheral signals is often called Biofeedback. Neuro/Biofeedback training has already successfully been employed to induce behavioral changes and to strengthen treatments (e.g. Heinrich et al., 2007; Tan et al. 2009; Keizer et al. 2010a and b; Raymond et al. 2005). Neuro/Biofeedback training may be especially efficient for stress regulation with service members. An ineffective way of dealing with stress is often not immediately visible as clear stress-related symptoms. However, it may be measured as increased stress responses during a (light) stressful task visible in certain neuro/biological signals (e.g. autonomous responses in reaction to stress like increased skin conductance, heart rate or blood pressure or certain neurological characteristics). By measuring these signals it would be possible to monitor the stress responses of a serviceman during a light stressful task and provide online feedback to the serviceman about these responses in the form of a simple game or listening to music. This way he/she could learn to gain control over these responses and to regulate atypical responses.

This type of stress regulation training could be used pre-deployment during operational practices to build stress resiliency. Additionally, it can be used in support of normalization of ineffective stress coping after a potentially traumatic incident in theatre/shortly after deployment, thereby preventing that beginning stress-related complaints develop into more persistent stress-related symptoms. Finally, it can be used as an add-on to standard treatment (e.g. CBT) to treat service members suffering from a stress-related disorder.

Virtual Reality can be used to practice certain real-life situations in a safe yet realistic way (e.g. a crisis situation or critical incident that may occur during deployment). This may help service members to recognize their own stress coping during an event and learn how to gain control over this. Virtual Reality (VR) could be used for resiliency building pre-deployment, but it could also be used for intervention after deployment. In fact VR is increasingly used as an alternative to standard in vivo exposure to deliver graded exposure therapies.

The biofeedback game was demonstrated for NATO RTO HFM-205 Symposium on "Mental Health Well-Being across the Military Spectrum," in Bergen, Norway, April 2011. Based on the emphasis on the significance of neurological processes, researched within extensive studies, it was concluded that with the application of both the biofeedback protocol and the neurofeedback interventions can be a positive benefit in the various phases before, during and after the mission.

## **5. TRAINING MODELS FOR DEVELOPING RESILIENCE**

In the past years, many studies have been published in which mental health experts, on the one hand, are trying to prove the effects of mental health on participants in missions abroad and military forces, and on the other hand, to minimize or mitigate the consequences. We are witnessing the efforts of the armies in the world in investing in the field of mental health protection for soldiers, with quite large fluctuations in the treatment of these issues, from overemphasizing it, to neglecting it or total denial of the problems. Nowadays many armies have established a permanent system of mental protection, psychological care for their personnel who are deployed in missions abroad. Within NATO members there are different models, approaches to implementing this protection of their forces that are constantly improving and complementing.

NATO member countries that jointly participate in international missions, such as ISAF in Afghanistan, are conducting a series of surveys to identify the consequences for the mental health of soldiers and thus take preventive measures, more effective training and measures to deal with the consequences. In most armies there is a continuous, systematic support from mental health services, some countries deploy mental health services together with contingents, some have continuous availability throughout the deployment cycle, some carry out incidental intervention, etc. According to their own concepts, the countries provide special resources for the mental health care and development of psychological services. Typically, the model covers programs, procedures and recommendations even in the selection phase, then in the pre-deployment phase and measures and procedures after the mission deployment. They provide maximum during deployment, strengthen the psychological resilience of peacekeepers and minimize the (long-term) effects of stress experienced during operations.

Most of the models for psychological preparation and support rely on the concept of resilience that focuses on mental health rather than mental illness and medical care. Through these models, the culture and attitude towards psychological resilience is developed, which affects the overall readiness of the soldier to participate in the missions and the readiness of their families for separation and reunion until the next rotation. Expert psychologists, social workers, medical staff and leaders are involved in this continuum of building a culture for resilience.

### **5.1 Examples of applying resilience training models**

*The United States* Training and Doctrine Command (TRADOC), in 2008, promoted the U.S. Army Human Dimension Concept, which covers human factors in the war in the full range of operations 2015-2024. Human dimensions are defined as the cognitive, physical and social components of the soldiers, the civilians in the army, the leaders, and the organizational development and work achievements as essential for the improvement, preparation and engagement of the army in joint operations. Also, the US Department of Defense has developed psychological training programs, such as the Combat Stress Control Program, which is well developed and is used by the Marines.

In 2008, General George Casey, Chief of Staff of the U.S. Army, taking into account the research data confirming the connection between physical and psychological health (Holmes & Rahe, 1967; Manderscheid et al., 2010; US Department of Health and Human Services, 1996, 2002; World Health Organization, 2007), initiated a special training program. It is the Comprehensive Soldier Fitness (CSF) program that is part of a long-term preventative strategy to improve the health of soldiers, their families and civilians in the army whose goal is to increase readiness through a holistic program of longitudinal assessments and education.

*The Australian* Defense Force has developed a mental health strategy that focuses on the promotion and prevention of mental health, early identification and intervention. The Australian Defense Force (ADF) Model is called the Model for Mental Health and Wellbeing in the Military Profession. The basis of this training program is an approach based on experiences from the characteristics of re-training and cognitive behavioral therapy. The aim of the program is to encourage optimal emotional and behavioral results in stress response events that are considered as promoters of resilient psychological functioning. This approach takes into account the environment, culture, the social support network and the influence of the families. This complex approach allows use of interventions in several key areas: Risk Reduction, Early Intervention, Treatment / Recovery, Transition.

*The Canadian Forces* have already implemented a great deal of training and education for their personnel and their families for the effects of operational stress. They conduct education and training at different levels, for officers, for leaders, and training for soldiers. The programs include families as well as veterans from previous missions. The Canadian Military Forces Health Services have developed an education and training program called "The Road to Mental Readiness" - R2MR. The main goal of adopting this program was to raise the awareness of mental health and improve resilience. R2MR is based on the principles of sports psychology and is designed to demystify mental illnesses, to provide individuals with skills to deal with stressful situations and to reduce the risk of developing mental illness. This program was introduced in 2007 and has since grown into a large-scale program.

*The German Army* at the Koblenz Center performs, among other things, selection and preparation for peacekeeping missions. Their special teams of psychologists are involved in several training programs for the peacekeepers and their families. Apart from group preparation, equal attention is given to individual work with each member of the unit. Teams of psychologists follow the unit throughout the deployment cycle. They have developed special programs for families, for wives, children, and parents of the peacekeepers.

In the British publication about the health of the soldiers (Military Behavioral Health) in 2013, the Model for the Mental Health of the Military Profession has been presented. The model is presented in a framework for a better understanding of the relationship between the challenges and requirements of the military profession and an adequate adjustment of the mental health, taking into account the individual and organizational capabilities and capacities that can mitigate the consequences of these requirements. In the article by Adler and Castro (Amy Adler and Carl Andrew Castro, 2013), the components of the occupational health model are described in detail. The professional health model is based on the Soldier Adaptation Model (SAM) developed by Blaise and Castro, 2003.

*The French Army* is implementing mental health care programs and raising the resilience of the personnel deployed in mission. Their approach is based on the conceptual model of a person fitting in the organization (Person-organization fit/P-O-fit). It is an integrative overview of its conceptualizations, measures and implications (according to Amy L. Kristof, Personnel psychology, 1996). This comprehensive approach relies on the two main pillars of support, such as social support (work resources) and individual self-help (which relies on one's own abilities knowledge and skills). Social support includes health services, psychologists, human resources services, unit representatives (platoon), leaders, priests, legal counselors, and help from colleagues, friends, and families. (Gelez, Lia Marie - H el ene, 2014). The pillar relating to self-help involves training in stress management, techniques and coping skills, mental preparation techniques, psycho-education, an open line for psychosocial support.

## **6. CONCLUSION**

Considering the need for the military personnel to prepare for the general, institutional and operational stress that they will face in their careers, and that education and training can influence this process, it becomes clear that the best concepts or models for preparation are needed. There are various theories and approaches on how to improve the resilience to stress and other training programs that claim to have the best system to achieve it.

In this paper, there is a review of theoretical and empirical approaches, as well as practical models for developing the psychological resistance of several modern armies in the world. The education and training approach is presented to strengthen and develop the resilience of military personnel and civilians in the army. The models are a true indicator of the useful correlation of theories in psychology and the research data to develop an applicable and comprehensive program that will strengthen the capabilities of the military personnel to deal with potential stress, hazards and high-risk situations. The main goal of these programs is to provide the personnel with a wide selection of protective mechanisms and coping strategies and the ability to adapt psychologically to, in some cases, the many risky challenges that the participants in the missions face.

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## **NATO ENLARGEMENT PROCESS AFTER THE COLD WAR: WEAKNESSES AND CHALLENGES**

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### **Abstract**

The process of NATO enlargement is based on the political will of the member states and their perception of security developments, both regionally and globally. The disintegration of the former socialist republics, after the Cold War, encouraged the insistence of the newly emerging countries in Central and Eastern Europe for their admission to the Alliance, with which begins the process for their Euro-Atlantic integration. NATO has done a lot to promote democracy, stability and security in Euro-Atlantic region. On the other hand, Alliance commitment to open door policy is often questionable, because of the weaknesses and inconsistent implementation of the open door policy.

The NATO enlargement is a complex multicriteria process related to the large number of quantitative and qualitative entry criteria, that applicant countries have to achieve. However, the analyses indicate that the political calculations are closely related to the enlargement of the Alliance. This paper analyzes the NATO enlargement process, after the Cold War. It is organized as follows: introduction, two sections and conclusion. Introduction gives a short explanation of the Alliance enlargement process. First section gives an overview of the enlargement process after the Cold War. With the end of the Cold War, Central and Eastern Europe increasingly insisted on their admission to the Alliance. The Alliance carefully avoided this issue till the Brussels Summit in 1994, when the Alliance has promoted the idea of NATO enlargement with the countries of the former Eastern Bloc. According to Article 10 of the North Atlantic Treaty, the total number of NATO member countries reached a milestone of 29. Section two focuses on the inconsistencies in the implementation of the open door policy of the Alliance. NATO's doors must remain open to deserving European countries especially Western Balkans. The case of enlargement should be on the top of the agenda. The conclusion wraps up the topic processed and discussed in the paper.

The aim of this paper is to stimulate and provoke discussion and additional research about weaknesses and challenges in the field of NATO enlargement.

***Keywords:** NATO, enlargement, membership, weaknesses, security.*

### **1. INTRODUCTION**

NATO's New Strategic Concept and all recent Summit's declarations, confirms the Alliance commitment for further enlargement, wide supporting the open door policy. The analyses of Ruzhin (Ружин 2005), Delova (Delova, 2009), Painter (Painter, 2014), Gaddy and Ickes (Gaddy and Ickes, 2014) indicate that the political calculations are closely related to the enlargement process. In fact, while common to the all summits is the broad support to the process of cooperation and partnership, which reflected in adoption of numerous initiatives and programs, some of them are summits of enlargement (Madrid, Prague and Bucharest). After the second round of enlargement, at the NATO summit in Prague in 2002, followed the third round of enlargement, at the NATO summit in Bucharest in 2008, which for many is a precedent. In fact, despite the strong commitment of the Alliance for consistent implementation of the open door policy, great work and enduring reforms of one country was marginalized. Invitation to join the NATO, at the summit, only got Albania and Croatia and there was no invitation for NATO membership for the Republic of Macedonia. Analyses of Rogin (Rogin, 2012) and Haltzel (Haltzel, 2014) have distinguished the name dispute with Greece as the only obstacle to Macedonia's membership in NATO. According to Haltzel, Macedonia was certified by the Alliance for membership six years ago, but it has been vetoed by Greece because of a dispute over its constitutional name. Besides that, Macedonia remains a credible partner of the Alliance, widely supporting the forms of cooperation and partnership, led by NATO.

Montenegro becomes 29th ally of NATO in June 2017, after the formal invitation issued by the Alliance in December 2015.

## 2. NATO AND THE ENLARGEMENT PROCESS AFTER THE COLD WAR, AN OVERVIEW

The Parties may, by unanimous agreement, invite any other European state in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any state so invited may become a party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession- article 10 of The North Atlantic Treaty (NATO Handbook, 2006:373).

In the past six decades, according to Article 10 of the North Atlantic Treaty, 16 countries have joined the 12 signatory's countries to the Treaty of 1949, which the total number of NATO member countries reached a milestone of 29. While four countries joined the Alliance between 1949 and the early 1980s (Turkey and Greece in 1952, Germany in 1955, Spain in 1982) the accession of new members since the end of the Cold War has been the most spectacular, in terms of numbers and political impact (NATO Handbook, 2006:183). Actually, with the end of the Cold War, Central and Eastern Europe increasingly insisted on their admission to the Alliance, despite the fact that the Alliance carefully avoided this issue at the beginning. This situation is until the summit of Heads of State and Government of NATO member states, held in Brussels in January 1994. The summit has promoted the idea of NATO enlargement with the countries of the former Eastern Bloc. In parallel with the preparation of the enlargement process, NATO promoted 'The Study on NATO Enlargement', which was published in September 1995 and divided to the countries which were interested for NATO membership. The Study defines the objectives and principles of the enlargement, as well as what the new members need to realize regarding the implementation of democratic reforms, improvement cooperation, promotion of good neighborly relations, and increase transparency in defence planning and defence budget allocations. It means that, the enlargement will support the already started processes of integration in Europe and will not pose a threat to any country. Ruzhin (Ружин 2005:162), related to future members, emphasized the importance of resolving disputes with neighbors peacefully, and the necessity of providing civil and democratic control of the armed forces. This is especially important, as Biermen (Biermann, 2009:5) points, for plethora of complex obfuscatory issues and multitude of unsolved and interlinked territorial disputes. As an example, Biermen emphasizes the territorial disputes in the Balkans and the Caucasus, makes it likely that NATO enlargement will soon reach a standstill. Additionally nowadays there is a crisis in Eastern Europe, in Ukraine. The Study (Study on NATO Enlargement, 1995) indicates that with the end of the Cold War there is no longer need for dividing lines, they should be erased and now there is a unique opportunity to build improved security architecture in the whole Euro-Atlantic area. The Alliance views security as a broad concept which includes political and economic, as well as defence components. NATO remains a purely defensive Alliance whose fundamental purpose is to preserve peace in the Euro-Atlantic area and to provide security for its members. Further, the Study points that any future NATO enlargement will be in accordance with Article 10 of the Washington Treaty and accession of the new members will be on the basis of the Treaty. The willingness expressed by practical achievements of the aspirant countries should be a decisive factor in the decision of any future membership. NATO enlargement is not based only on the criteria and requirements that the aspirant countries should fulfill. Aside from these requirements, the relations on the bilateral level, and the events and the relations on the international level seem to have a huge influence on the NATO enlargement (Delova, 2009). The Study also emphasizes that the enlargement will occur through a gradual, deliberate, and transparent process, encompassing dialogue with all interested parties. In addition, the enlargement will be decided on a case-by-case basis and Allies will decide by consensus whether to invite each new member to join because that decision will have its weight, so will contribute to security and stability in the Euro-Atlantic area. NATO's 'expectations', as laid down in the Study of Enlargement of 1995, are inherently vague, leaving much space to pursue national agendas (Biermann, 2009:3). Biermann highlights the fact that each member state, no matter how small, is a potential veto player who can take enlargement hostage for other purposes.

The enlargement process, among other things, initiated the countries of Central and Eastern Europe to undertake comprehensive political, economic and military reforms, in order to build up democratic societies, prosperous economies and military organizations which are based on peace and stability in Europe (Кљусев, Гоцевски, Славески и Бакрески, 2007:107). That was supposed to facilitate of strengthening the cooperation in Europe and its integration, based on shared democratic values. The Study on enlargement initiated establishment of dialogue with the countries interested for NATO membership, through which would be obtained a clear picture of the readiness of each aspirant country. During the dialogue on NATO enlargement, it became obvious that it requires strong motivation of aspiring countries for finding peaceful solutions for bilateral disputes with neighboring countries. It encouraged the strengthening of domestic

democratic reforms, especially the establishment of 'healthy' civil military relations and democratic control of the armed forces. During the dialogue, the NATO military experts also came to detailed information regarding for defense capabilities and capacities of the aspiring countries (Кљусев, Гоцевски, Славески и Бакрески, 2007:107-108). Since establishing the dialogue with 12 aspiring countries (Albania, Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Macedonia) only three, Poland, Czech Republic and Hungary were invited to join the Alliance at the NATO summit in Madrid in 1997, and got full membership in March 1999. The ceremony of raising the national flags of the three new member countries was held in NATO headquarters in Brussels, on 16 th March 1999 (Прирачник за НАТО, 2001:71). After the first round of enlargement, it became obvious that there will be a second round of enlargement. Proponents of NATO expansion saw the political and strategic importance of the enlargement, as a means to stabilize democracy in the newly emerging countries in Central and Eastern Europe, not as a military threat to Russia. This statement of Gaddy and Ickes (Gaddy and Ickes, 2014) is accompanied by another dimension. As they say, barely three years after Poland and the Czech Republic admission into NATO, the two countries began lobbying to have American missile defense systems deployed on their soil - a move regarded by many Russians as a more serious threat to Russia's security than NATO enlargement itself. Actually, in the minds of Russia's neighbors who feared a resurgent Russia, the need for insurance was real, and they were eager to purchase the security and insurance.

In order to strengthen the process of enlargement, at the NATO summit in Washington in 1999, the Membership Action Plan (MAP)<sup>61</sup> was presented. The MAP program is aimed to provide assistance to the activities of the aspirant countries on the road to their membership in the Alliance, but at the same time an instrument to measure the progress of aspiring countries for NATO membership. It should be noted that MAP is not a substitute for the Partnership for Peace, but one of the mechanisms of the Alliance to achieve the required standards and criteria by the aspiring countries for NATO membership. It does not guarantee membership, but membership is based on the consensus reached by all member states of NATO. The second round of the admission of new members occurred at the NATO summit in Prague in 2002, when by the Heads of State and Government of NATO were sent invitations to join the Alliance to Lithuania, Latvia, Estonia, Slovenia, Slovakia, Romania and Bulgaria. In this round of enlargement aspiring countries were included in the Membership Action Plan, in which candidates were evaluated annually for the five chapters of the MAP. After sending the invite for membership, follows the accession negotiations in order to define the time frame for meeting the overall reform and obligations deriving from membership in the Alliance. Lithuania, Latvia, Estonia, Slovenia, Slovakia, Romania and Bulgaria formally joined the Alliance in March 2004. The process of NATO second enlargement was burdened with a series of calculations and options pertaining to the 'list' of the new member states of NATO. In July 2001 were calculated with 5 options: minimalist option that involved only the inclusion of Slovenia; medium-option invitation for Slovenia, Slovakia and Romania; secondary enhanced option- Slovenia, Slovakia and Romania and Bulgaria; enlargement according the European model of calculation - means states of secondary enhanced option plus a state of the Baltic and finally total option, or an invitation to all candidates also called 'big bang', as it would avoid repetitive quarrels with Russia over the next enlargements (Ружин 2005:163). However it happened, the last, the option called 'big bang', primarily because of strong pressure by the US administration, but also because of the events of 11 September 2001. From today's perspective it can freely say that the enlargement is always a political decision rather than a real need and merit of the aspiring countries for membership. It is somewhat confirmed by Ms. Painter. In her lecture at the Military Academy 'General Mihailo Apostolski ' in Skopje, in July 2014, Painter pointed out that any enlargement of NATO to date is a challenge and for any enlargement there are member states that oppose. For the entering of Poland, the Czech Republic and Hungary to NATO in 1999 there was opposition, and the same was the case with the Baltic countries, however, there was enlargement. She said that the decisions are political and that they can be changed.

The NATO summit in Istanbul in 2004, even though is not a summit of enlargement, however it confirmed the determination of the Alliance that, in accordance with Article 10 of the Washington Treaty, the open door policy is left open for future possible members: Macedonia, Albania and Croatia (Ружин, 2005:160). Despite the expectations that the debate on the following enlargement will happen in 2006 or in 2007, yet it remained the only desire of aspiring counties. Among other things, what postpone the expected enlargement of NATO are the increased international security problems and the necessary internally

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<sup>61</sup> Key elements of the MAP is developing Individual Annual National Program for Membership, which contain issues of political-economic sphere, security, defense, legal sphere and resources, further, it is a feedback mechanism to measure the progress of the aspirant country, as well as it is strengthening defense planning.

consolidation of the Alliance. The enlargement process continued at the NATO summit in Bucharest in 2008, when Albania and Croatia were invited to join the Alliance, but not Macedonia, due to the veto by Greece. This has made a historic injustice despite the fulfillment of all conditions by the Republic of Macedonia, related to NATO membership. The Republic of Macedonia has not been invited to join the family of the North Atlantic Alliance, and it is conditioned first to resolve the name dispute with Greece, and then to join the Alliance. The fulfillment of the obligations for NATO membership, by the Republic of Macedonia, was not a sufficient condition for membership. The next NATO summit in Chicago in May 2012 brought nothing new in terms of enlargement. The Summit Declaration praised the contribution of aspiring countries in NATO-led operations and missions, and by writing of Rogin (Rogin, 2012) in 'Foreign Policy', from 21.05.2012<sup>62</sup>, in some ways can be interpreted as little more than polite thanks. The NATO enlargement is a complex process, primarily due to the fact that is not enough aspirant country to work hard to meet the obligations of membership but the interest of the member states to send an invitation for membership is crucial. These interests are closely related to the perception of security developments, both regionally and global. Perhaps to this should be added the conclusion of Ruzhin (Ружин, 2005:174-175) who pointed out that with any enlargement and increasing the number of members, the Alliance, like any multilateral institution, functional weakens and becomes more complex to manage. Noting spectacular, about the Alliance enlargement, happened on the next two NATO summits (Wels, 2014 and Warsaw, 2016). Montenegro joined the Membership Action Plan in 2009 and by the formal invitation issued by the Alliance in December 2015 Montenegro became 29 member of NATO in 2017. It is the first Alliance expansion in almost a decade, since Albania and Croatia became members in 2009.

### 3. NATO AND CHALLENGES OF THE ENLARGEMENT PROCESS

Currently, besides Macedonia, candidate countries for NATO membership are Bosnia and Herzegovina and Georgia. Bosnia and Herzegovina joined the Membership Action Plan in 2010. Joining of Georgia is an issue that will not be resolved in the near future, primarily due to the risk of confrontation with Russia. The same applies to Ukraine, which, from 2010, does not require membership into NATO, and especially not in terms of aggressive behavior by Russia, which questioned the territorial integrity of Ukraine. But, in December 2014 the Ukraine's parliament voted to drop its neutral 'non-aligned' status. The vote was successful and after years it is a first step on the path to eventually NATO membership. According to Georgieva (Георгиева, 2010:146), one of the advantages of the Alliance, related to the model of inclusive security institutions, is that the Alliance, after the end of the Cold War, expanded with new members who share the Euro-Atlantic values. On the other hand, strategic analysts conclude that a significant number of new members are the countries with minuscule military capabilities with problematic political systems and open and tense questions with neighbors, especially the neighboring countries of Russia. Georgieva emphasizes that, trying of Ukraine and Georgia to join the MAP is interpreted as an exciding of the red line with what the Alliance faced with the Russia's intervention in Georgia. It seems that, what is expected from the very enlargement of the Alliance with Ukraine and Georgia would be limiting the Russian assertiveness, but this process is followed by many problems that may question the credibility of NATO. It is necessary to note that Ukraine and Georgia are countries of great interest to Russia and it is not a mystery how Russia would respond to possible membership of these two countries into NATO. The recognition of the independence of both territories of Georgia (South Ossetia and Abkhazia) by Russia in 2008, after an abortive Russian military intervention in Georgia, is proof of this and it is a proven recipe in the case of Ukraine. The incorporation of former Warsaw Pact countries in to NATO has been a cause of increased tension between NATO and Russia, culminating in the crisis in Ukraine. Ukraine's relationship with NATO has been particularly divisive, and is part of a larger debate between Ukraine's political and cultural ties to both Europe and Russia (Chamberlain and Davis, 2014:1). What is important to add is that the crisis in Ukraine is and will be a 'stumbling block' for many issues related to NATO's relations with Russia. The relations between NATO and Russia have always been an important part of the enlargement process. There are also growing fissures in the alliance about how to deal with Russia. The older, West European powers tend to favor a cautious, conciliatory policy, while the Central and East European countries advocate a more confrontational, hard-line approach. The United States is caught in the middle of that intra-alliance squabble (Carpenter, 2009). To this should be added the point of Hadzi-Janev (Хаџи-Јанев, 2014), for the portal

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<sup>62</sup> See more in: Rogin, J. (2012) 'The NATO non-enlargement summit', *Foreign Policy*, MAY 21, 2012. [http://thecable.foreignpolicy.com/posts/2012/05/21/the\\_nato\\_non\\_enlargement\\_summit](http://thecable.foreignpolicy.com/posts/2012/05/21/the_nato_non_enlargement_summit)

'Република online' from 10.03.2014<sup>63</sup>, which refers to the adoption of the NATO New Strategic Concept in 2010. Actually, Hadzi-Janev highlights the fact that while Poland and the Baltic countries 'cried' on the NATO New Strategic Concept to focus on the reaffirmation of the Article 5 of the Washington Treaty, the United States, the Netherlands and some other states thought that strategic concept should be focus on the cooperative security.

Over the past several years, Europe has seen a crescendo of crises, including political, economic, and now military. With the resurgence of Russia's aggressive expansionism, Europe now faces what amounts to an existential threat on its eastern border. The turmoil in Ukraine has confirmed that a Europe 'Whole and Free' is more important - and more imperiled - than ever (Painter, 2014). Painter (Painter, 2014) in her analysis, in the eve of the Wales summit, points out that the enlargement will not seriously consider. Painter highlights the fact that there are a number of aspirants who have undergone the political and economic reforms necessary to qualify for NATO membership. In the analysis Painter highlights that the case of Macedonia is even more frustrating. Besides the fact that the country has been a superlative contributor to the security and stability of the region, with its troops fighting alongside NATO coalition forces in far flung missions such as Afghanistan, however neighboring Greece has managed to single handedly bring NATO expansion to a grinding halt by holding the process hostage to its dispute over the wording of Macedonia's official name. Painter points out that that we should not make mistakes in the definition of 'problem' associated with the enlargement process. She concluded that, NATO's refusal to expand is a political, not a technical, calculation. The problem is thus a shameful lack of political will. On top of this, she adds the lack of vision and leadership in NATO, which existed during the Clinton and Bush administrations. According to Painter Cardiff should were an expanding summit. At the Cardiff summit, the leadership should remember that they are there to overcome obstacles of expansion, rather than accumulate excuses for why it can't be done. But nothing happened. According to Coffey and Kochis (Coffey and Kochis, 2016) the past three NATO summits (Chicago in 2012, Wels in 2014 and Warsaw in 2016) did not feature any new invitation. In fact, until Montenegro was asked to join the Alliance in December 2015, President Obama was on track for being the first U.S. President since the end of the Cold War does not oversee NATO enlargement.

In reacting to Moscow's aggression in Ukraine, President Obama has reassured exposed NATO members Poland, Lithuania, Latvia and Estonia of firm U.S. support, but he has shown little inclination to show needed leadership by putting another integral element of NATO policy on the agenda of September's Cardiff summit: enlargement of the Alliance (Haltzel, 2014). Haltzel stresses that two Balkan countries Macedonia and Montenegro are ready and willing but so far unable to join NATO. Haltzel also addresses to the growing NATO pro-accession sentiment in two Nordic partner countries of the Alliance, Finland and Sweden. Additionally former Finland's Prime Minister, Alexander Stubb, was an advocate of joining NATO whose position reflects a widespread belief in Finland that Russia's invasion of Ukraine has endangered the country's security. This is due to the fact that Finland like Baltic countries which, additional, are member countries of NATO, as a neighboring country of Russia is concerned for its safety. On the other hand, according to the Russian allegations related to Ukrainian crisis, published on the Web site of NATO ('Russia's accusations - setting the record straight')<sup>64</sup>, Russian officials say that NATO should have been disbanded at the end of the Cold War, and that the accession of new Allies from Central and Eastern Europe undermines Russia's security. It also points out that Russia's long-time assertion that NATO tried to force Ukraine into its ranks. According to NATO that is not true because when Ukraine decided to pursue a 'non-bloc policy', NATO fully respected that choice. The key issue on which Russia should answer is why so many countries, particularly those on its periphery still strive for NATO membership. It was believed that the NATO summit in Chicago in 2012 will be the last summit that will not have expansion, but the last two NATO summits in Wales and Warsaw were again the no expansion summits. In front of the NATO's doors again remain aspirant countries, including the Republic of Macedonia. The Summit Declaration (Wales Summit Declaration, 2014) encourages aspiring countries to continue to implement the necessary reforms and decisions to advance their aspirations and prepare for membership, and NATO will continue to offer political and practical support to their efforts. Identical the Warsaw Summit Communiqué (Warsaw Summit Communiqué, 2016) states that the NATO remain fully committed to the integration of those countries that aspire to join the Alliance, judging each on its own merits. NATO encourages those partners who want to join the Alliance - Georgia, Republic of Macedonia and Bosnia and Herzegovina to continue to implement

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<sup>63</sup> See more in: Мирчевски, Н. (2014) 'Путин игра шах со добро осмислени потези', *Република online*, 10.03.2014. <http://republika.mk/?p=214960>

<sup>64</sup> 'Russia's accusations - setting the record straight', Fact sheet- April 2014, *NATO-OTAN*, 12 Maj. 2014. [http://www.nato.int/cps/en/natolive/topics\\_109141.htm](http://www.nato.int/cps/en/natolive/topics_109141.htm)

the necessary reforms and decisions to prepare for membership. Also the Warsaw Summit Communiqué (Warsaw Summit Communiqué, 2016) reaffirms NATO commitment to the Open Door Policy, the founding principle of the Washington Treaty and one of the Alliance's great successes. It states that Montenegro's presence with allies on the summit is a tangible demonstration of this, and NATO looks forward to welcoming the country as Alliance next member as soon as possible. In June next year Montenegro becomes 29th ally of NATO.

It would be inappropriate that the enlargement process is described with the use of the idiom 'carrot and stick approach', where aspiring countries couldn't come to their merits and take their place in to the Alliance (Figure 1). This condition needs to be change.

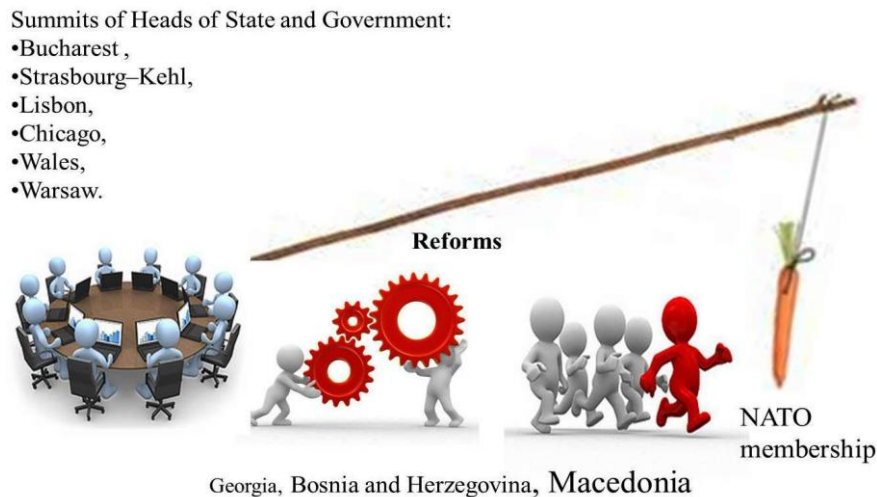


Figure 1 'Carrot and stick approach'

Macedonia should become 30th ally of NATO as soon as possible, especially when the 17th cycle of the NATO Membership Action Plan is officially closed. In fact on Meeting of the North Atlantic Council with the Republic of Macedonia (NAC+1) that was held in Brussel in September 2017, the 17th cycle of the NATO Membership Action Plan was officially closed. On the meeting, where the Macedonian delegation, was comprised of Deputy Prime Minister of the Republic of Macedonia and Minister of Defence, Radmila Shekerinska, and Minister of Foreign Affairs of the Republic of Macedonia, Nikola Dimitrov, the representatives of the Alliance stressed that the Republic of Macedonia is on the right path and expressed confidence that the current dynamics of the implementation of reforms will undoubtedly contribute to the integration of the Republic of Macedonia into the Alliance, sooner rather than later.

#### 4. CONCLUSION

After the Cold War, the question of accession of the countries from Central and Eastern Europe in to NATO has been in the focus of interest of the governments of the former socialist republics. This concern also applied to the Alliance and it was related to the promotion of the 'Study on NATO Enlargement' in 1995. The study defines the framework of the necessary reforms for Euro-Atlantic integration of emerging countries in Europe, after the Cold War. It also clearly confirms the commitment of the Alliance for the strong support of that process. The consensus regarding to the admission of the new members under Article 10 of the Washington Treaty is the basis of the study. However the vague expectations and favoritism of national agendas took in hostage the enlargement process. The established mechanisms and programs of cooperation between NATO and aspirant countries facilitated the enlargement process which resulted with enlargement of the Alliance in 1997, 2002 and 2008 with 12 new members. The Membership Action Plan (MAP) from 1999 contributes in promoting of the aspiring countries progress for NATO membership. The mentioned facts, despite some political disagreements between member states in terms of the admission of some of the aspiring countries, refer to the positive dimension of enlargement. But what happened at the summit in Bucharest in 2008, when the enlargement process got a completely different dimension, the negative, wherein the real merit of one of the aspiring countries for NATO membership was marginalized. Beside the political support and pressure of the US administration, which is a proven recipe for previous enlargements, there was no invitation for NATO membership for the Republic of Macedonia. It points to the conclusion that all enlargements have been politically motivated and they are accompanied by some

disagreements. The main facilitator of this process is the US administration (recently the enlargement with Montenegro), but despite the reforms implemented by the Republic of Macedonia it is not a sufficient condition to obtain an invitation for NATO membership. Perhaps, returns to the 'modified' methods of the past, by Greece, rather than support the democratic processes is the main culprit for the demotion of this process. Moreover, decisive is the interest of the member states to send an invitation for membership to the aspirant country, which depends on the perception of security developments at the regional and global level. Another difficulty is the question of the expansion of the Alliance with Ukraine and Georgia, primarily due to problematic political systems and open questions and tension with Russia. Ukraine and Georgia are countries of great interest to Russia and can easily guess how Russia will react to the possible accession of these countries into NATO. The current crisis in Ukraine further complicates the issue, but on the other hand causes contemplate in the Nordic countries (Sweden and Finland) for NATO membership. As a consequence of the Russia's behavior, they are concerned about their safety, and with the same problem are faced the Baltic member countries of NATO. The last held summit of the Alliance, in Warsaw in July 2016, again is not an enlargement summit. Still, in the waiting room of NATO remain three aspirant countries, including the Republic of Macedonia. Despite the encouraging message to aspiring countries to continue with the implementation of the necessary reforms, the idiom 'carrot and stick approach' somehow describes the process of NATO enlargement, a condition that must be change.

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