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CONTENTS

ПРЕДГОВОР	1
МАКЕДОНИЈА 1991-2021 - ТРИ ДЕЦЕНИИ РАЗВОЈ	5
Проф. д-р. Цане Т. Мојаноски	
SECURITY CHALLENGES IN LOCAL GOVERNMENTS: A CASE STUDY OF THE AUTONOMOUS PROVINCE OF VOJVODINA	23
SAMED KAROVIĆ SINIŠA DOMAZET JELENA JEŠIĆ	
THREE DECADES OF PRIVATE SECURITY: MACEDONIAN EXPERIENCES AND PERSPECTIVES	35
SAŠE GERASIMOSKI	
ELEMENTS OF THE MACEDONIAN SECURITY IDENTITY (ATTACHMENT TO THE FOUNDATION OF THE MACEDONIAN SECURITY HISTORY)	45
CANE MOJANOSKI GOCE ARIZANKOSKI	
SECURITY CHALLENGES OF WESTERN BALKANS COUNTRIES, A NECESSITY FOR A REGIONAL COOPERATION	59
BEJTUSH GASHI ARIAN KADRIU	
REGIONAL SECURITY AND ISLAM	73
FROSINA TASHEVSKA – REMENSKI	
NEED FOR PROTECTION OF THE CRITICAL INFRASTRUCTURE IN THE REPUBLIC OF NORTH MACEDONIA	87
TATJANA GERGINOVA	
MODERN SECURITY RISKS AND THREATS IN THE WESTERN BALKANS ..	97
NIKOLCO SPASOV BASRI KASTRATI	
FAN GROUPS AS A TOOL FOR IMPLEMENTATION OF THE POLITICAL AGENDA AND CAUSING SECURITY CRISIS	105
BLAGOJCHE PETREVSKI ANGELINA STANOJOSKA	
UNDERSTANDING AND MANAGING RISKS CAUSED BY COVID 19 PANDEMIC	113
SERGEJ CVETKOVSKI ALEKSANDAR PAVLESKI NIKOLCO SPASOV	

30 YEARS OF MACEDONIAN STATEHOOD: FUTURE SECURITY CHALLENGES	123
MIHAJLO SVIDERSKI BLAGOJCE PETREVSKI	
THE ROLE OF SECURITY SCIENCE IN THE CONTEMPORARY SOCIETY..	133
ORLANDO MARDNER	
CORRUPTION IN NON-ECONOMIC ACTIVITIES WITH SPECIAL FOCUS ON POLICE CORRUPTION	141
DRAGOMIR JOVIČIĆ	
QUEER CRIMINOLOGY: A NEW THEORETICAL DIRECTION OR A PART OF CRITICAL CRIMINOLOGY.....	155
STEFANOVSKA VESNA	
THE MEDIA INFLUENCE ON PUBLIC ATTITUDES ABOUT PUNITIVENESS	165
NATASHA PEOVSKA OLIVER BACANOVIC VESNA TRAJANOVSKA	
THE RELATIONSHIP BETWEEN CRIMINAL GROUPS AND PUBLIC FUNCTIONS.....	177
ILIJA ŽIVOTIĆ IVAN PEKIĆ	
ANALYSIS OF CRIMINAL ACTS OF A GROUP OF SEXUAL LIBERTIES WHICH ARE CONSIDERED CYBERCRIME	185
ZVONIMIR IVANOVIC VALENTINA BAIC	
LEGALIZATION OF CANNABIS PRODUCTION FOR MEDICAL PURPOSES IN MACEDONIA - IMPLICATION FOR LEGAL AMENDMENTS (POSITIVE VS NEGATIVE EFFECTS)	201
IVICA SIMONOVSKI BILJANA BOGDANOVA – SMILEVSKA	
PUBLIC PERCEPTION OF JUVENILE DELINQUENCY IN THE REPUBLIC OF NORTH MACEDONIA	211
SLAVICA DIMITRIEVSKA	
COMMUNITY SAFETY AND ITS INFLUENCE ON YOUTH INVOLVEMENT IN CRIME ACROSS THE CARICOM.....	221
ERIC JACKSON ORLANDO MARDNER	
TOLERANCE OF HATE SPEECH AS A VERBAL CRIME - A SAFETY FACTOR IN THE SOCIETY	227
DRAGAN SEKULOVSKI	
SECONDARY VICTIMIZATION OF VICTIMS OF HUMAN TRAFFICKING IN JUDICIAL PROSEEDINGS IN THE REPUBLIC OF NORTH MACEDONIA	239
OLJA RISTOVA	

RADICALIZATION TOWARDS VIOLENT EXTREMISM: MACEDONIAN CONTEXT	253
ANGELA NIKOLOSKA STOJANKA MIRCHEVA	
LIFE IMPRISONMENT- WORLD SITUATION AND EXPERIENCE IN EXECUTION.....	263
JASMINA IGRAČKI	
21ST CENTURY CHALLENGES AND SOLUTIONS IN THE LIGHT OF HISTORY	273
JÁNOS SALLAI JOHANNA FARKAS	

Почитувани,

Во годината кога обележуваме значаен јубилеј од референдумот за независност во 1991 година, со кој Република Македонија стекна независност од поранешната југословенска федерација, Факултетот за безбедност одлучи на меѓународната научна конференција да и посвети свечен наслов „Три децении независна македонска држава“. Токму во тој тридецениски развој се испреплетени бројни успеси и достигнувања, но и многу разочарувања, пропуштени шанси и неостварени цели. Во овој период научивме дека воопшто не е лесно да се воспостави и одржува функционален систем кој ќе ги следи и ќе одговори на потребите на граѓаните во современото демократско општество. Во регионот во кој географски се наоѓаме, особено за мали држави како нашата, ништо не е лесно, но тоа не значи дека е и невозможно.

Со мудри и храбри одлуки успеавме да останеме надвор од воените конфликти кои ја зафатија поранешната држава, но и да изградиме функционална демократија која денес е земја членка на НАТО и подготвена за преговори за членство во Европската унија. Сепак, често можеме да слушнеме, но и непосредно да се увериме дека работите не функционираат на соодветно ниво, од што не е исклучок ниту безбедносниот сектор, па ниту високото образование во областа на безбедноста.

Најсвеж пример за ова тврдење се пожарите кои во текот на месец август 2021 година ја зафатија Северна Македонија и во кои изгориа големи површини на висококвалитетна шума, штета која нема да биде надоместена ни за неколку децении. Опрременоста, подготвеноста, но и начинот на координација која ја покажаа тимовите од Австрија, Словенија и од другите држави беше сериозен пример за успешно менаџирање со кризите и вистински показател во кој правец треба да се развива системот за одговор на кризи во нашата држава. Ваквите примери се бројни и не може да се направи исклучок за ниту еден сектор во државата. Доколку сакаме да ги постигнеме реалните цели и членство во ЕУ, потребно е веднаш од декларативните заложби за имплементирање на европски практики (па дури и со европски закони) да преминеме на сериозни промени во општеството и да градиме институции кои ќе одговорат на потребите на граѓаните со многу повисок квалитет отколку во изминатите три децении. Во спротивно, сонот за македонското членство во унијата нема да биде ниту реален ниту остварлив.

Науката и научните работници ги споделуваат истите прилики и можности како и сите други професии во општеството и се носат со предизвиците на модерното образование на 21 век, кое се менува со забрзано темпо и бара од секој професионалец силна посветеност и мотивираност за да се постигне посакуваната цел. Факултетот за безбедност организирајќи ја Меѓународната научна конференција ги поддржува активностите на научните работници за развој на научната мисла од областа на безбедноста и ги поттикнува истражувачите од земјата, регионот и пошироко да ги презентираат најновите научни сознанија за развојот во областа на безбедноста, како и во сите други полиња на истражување во општествените, техничките, хуманистичките науки.

Уште пред дванаесет години ја утврдивме јасната цел посветено да работиме на развојот на науката за безбедност и да овозможиме простор за размена на искуства што ќе води кон имплементирање на современи модели на работа и управување во безбедносните институции. На почетокот на втората деценија на меѓународната научна конференција, го променивме и името на зборникот на трудови

кој од минатата година е со наслов „Безбедносни хоризонти“. Изминатите единаесет изданија (во многу повеќе томови) имаат повеќе од 1000 научни и стручни трудови од автори од повеќе од 40 земји од целиот свет. За овогодинашната конференција се пријавени вкупно 49 трудови, а авторите се од дванаесет земји од регионот и од Европа. Значајно е да се потенцира и фактот што и во време на сериозните предизвици на корона вирусот, Факултетот има капацитет да организира настани со доследно почитување на сите мерки и препораки за заштита на јавното здравје, но и да овозможи паралелно следење и учество на конференцијата преку средствата за електронска комуникација.

Факултетот води грижа и за академскиот подмладок, па секоја година овозможува на студентите на докторски студии и магистри на науки да учествуваат на конференцијата со свои реферати. На мислење сме дека ова е многу значајно за да продолжи да се развива научната мисла и да добие на квалитет, затоа што младите и посветени луѓе се особено мотивирани, но и подготвени да се прилагодуваат на се побрзиот развој на технологијата, а се во чекор и со тоа што го прават нивните колеги – млади истражувачи во целиот свет.

Организацијата на конференцијата е макотрпна работа која бара големо внимание и посветеност за секој па макар и најситен детаљ од конференцијата да биде на своето место и во вистинското време. Дванаесет години организација на настан со значење како што е Меѓународната научна конференција на Факултетот за безбедност подразбира стотици и стотици организациски состаноци (во просек околу 50 годишно), но и многу испратени пораки, реализирани повици, договорени услуги, овозможени барања и реализирани очекувања. Би сакал да оддадам благодарност на досегашните Претседатели на организацискиот одбор, проф. Цане Мојаноски и проф. Марјан Ѓуровски, како и на сите колешки и колеги професори кои беа членови на одборот, на сите секретари и на сите членови на овогодинашниот и сите поранешни програмски одбори од земјата и од странство. Поддршката која ја добиваме од нашите студенти и вработените во стручно административната служба е извонредна и без нивното залагање немаше да биде можно организирање на конференцијата на така високо ниво, како за оваа година, така и за сите минати конференции.

Посебна благодарност им должам на членовите на организацискиот одбор за организирање на Дванаесеттата меѓународна научна конференција на Факултетот за безбедност, проф. Светлана Николоска, проф. Снежана Мојсоска, проф. Катерина Крстевска и проф. Весна Стефановска, како и на колешката Оливера Трајанова Ѓорѓијовски, Кемал Рушид и д-р Аљоша Недев кој беше и организациски секретар. Без нивната посветеност и внимателност, квалитетот на организацијата на конференцијата немаше да биде на нивото кое го покажавме.

Оваа конференција е карактеристична по многу работи, но секако и по тоа што е прва конференција на Факултетот за безбедност која речиси во целост е организирана преку средствата за електронска комуникација.

Покажавме дека и во услови на сериозна закана по јавното здравје, може да се организираат настани со целосно почитување на протоколите за заштита на населението, без да се почувствува било каков недостаток во организациските активности во сите аспекти.

На сите учесници на конференцијата Ви посакувам добро здравје и успех во работењето, со силна желба ова да биде последна конференција на која ќе се делиме на луѓе присутни со физичко присуство или он-лајн.

Со почит,

ПРЕТСЕДАТЕЛ НА ОРГАНИЗАЦИСКИ ОДБОР

Проф. д-р Никола Дујовски

МАКЕДОНИЈА 1991-2021 - ТРИ ДЕЦЕНИИ РАЗВОЈ

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Резиме

Во трудот, во облик на хипотези, се отворени определен број од прашањата, што во изминатите три децении беа секојдневие на македонските граѓани и ја исполнуваа содржината на политичкиот и општествениот живот. Во текстот се актуелизираат определени гледишта за случувањата во изминатите три децении, но тој е ослободен од идејата, да се занимава со историската димензија и приказ на настаните. Тој, е обид низ аналитичката диоптрија на некои (не на сите) значајни процеси да се доловат клучните настани за развојот на македонската држава.

Клучни поими: демократски развој, устав, избори, начин на владеење, заробена држава

Вовед

На триесет годишнината од осамостојувањето на македонската држава, на самиот почеток треба да се подвлече дека тоа е пат, од Социјалистичка Република Македонија, преку Република Македонија (во ООН и еден дел од светот Поранешна југословенска република Македонија) и по Преспанскиот договор до Северна Македонија. Затоа, во текстот, ќе се користи само името Македонија. За да нема забуни, друга држава во светот освен Република Северна Македонија, не го содржи името Македонија. И затоа ословувањето со тоа име ќе се однесува на тој државно-правен субјект.

Кој аналитички концепт да се примени при анализата на тридеценискиот развоен период? Без пошироки елаборации, идеја водилка во овој текст е низ неколку хипотези да се создаде основа за градење аналитички продукти кои ќе расветлуваат одделни аспекти на развојот на македонската држава и на напорите на македонското граѓанство во идејата, (ако не е претерано) и желбата да се вклучат во евроатланските интеграции, посебно во НАТО и Европската унија. На, тој пат, идејата за членство во НАТО се реализира во 2020 година, а пристапот за Европската унија е стопиран и е „условен“ од бугарското читање на Историјата.

Тридеценискиот самостоен развој на Македонија е исполнет со парадокси.

Првиот, се појави на почетокот, кога и беше оспорено правото да се именува како „Република Македонија“. Започна, со прием во ООН, како исклучок, спротивно на начелата на Повелбата на Обединетите нации. Заврши со Преспанскиот договор според кој земјата може да се именува со „Северна Македонија“.

Вториот парадокс се однесува на користењето на војната како облик за решавање на внатре етничките релации. Тој парадокс заврши со потпишувањето на охридскиот, Рамковен договор.

И третиот парадокс е Билатералниот договор со соседна Република Бугарија и нејзиното инсистирање дека историјата се чита и се интерпретира само на начинот на кој тие тоа го чинат. Тие ја имаат апсолвирано апсолутната „вистина“. Тој парадокс е отворен. Се трага по решение.

Што покажуваат овие три парадокси? Модерните држави и нивните елити се преполни со демагогии за принципите и правилата, но дека на теренот владеат интересите и правото на посилниот. Меѓународното право и политика, како да ги напуштаат принципите на Атланската повелба и на Повелбата на Обединетите нации, како се повеќе да се потпираат на принципот на „државната причина“, а во одделни случаи, како на пример Македонскиот, да се враќаат на империјалните начела. Непринципиелните практики, поточно пренагласувањето на интересите над принципите ја покажува сложеноста на современиот свет, а особено на Европската унија која е „глорификувана“ со принципи, а обременета со практика спротивна на таквите принципи.

На Внатрешен план, три деценискиот развој се одвиваше низ следните етапи, кои може лапидарно да ги претставиме на следниот начин:

Првата деценија: Процес на редефинирање на сопственичките односи, односно процес на формирање на новата сопственичка класа во Македонија;

Втората деценија: период на учење на разликите и почитување на истите изразени низ процесот на имплементација на Рамковниот договор; и

Третата како процес на (зло)употреба на власта. Тој процес започна со прифаќање и практикување на слободите и правата на човекот и граѓанинот, се појави и се одвиваше како процес на слободарски занес, а заврши со „рушење на заробената држава и обновата на демократијата и демократските принципи на владеење.

Основна карактеристика на тридеценискиот развој е дека Македонија е неразвиена, со слаба економија, со изразена корупција, особено високата корупција, со карактеристики на заробена држава, во која не функционираат институциите и не владее правото, со партиски субјекти во чија основа и чија главна функција е заштитата на интересите на новосоздадената класа

Како се одвиваше триесет годишниот од на Македонија?

Најгрубо: првата деценија беше период на соочување со стварноста. Барањето одговор „Македонија може“!

Втората деценија, започна со вооружен конфликт и беше посветена на барање решенија и градење на доверба меѓу различните етнички, верски и политички заедници и групи.

Третата деценија, ги покажа „квалитетите“ на апсолутната власт и техниките на владеењето, посебно техниките на злоупотребата на власта и неказнивоста како основно обележје на таквото владеење, проследено со нефункционални институции, корупција и организиран криминал. Неа ја карактеризираат и зголемени директни акции и самоорганизирање на граѓаните, во барањето на излез од заробената држава. Македонија го има искуството на „шарената револуција“, како движење на слободарски ориентираното граѓанство.

Нешто за почетокот: - пред 30 години

Доколку се бараат настани што особено влијаеле на политичкиот процес во Македонија, несомнено особено место има Десеттиот конгрес на СКМ, кој се одржа во Декември 1989 година. Тој е „пресвртна точка во поновата (најновата) политичка

историја на Република Македонија“ (Милосавлевски, С.: Европа... 1993, стр. 139). Со неговите одлуки, особено со победата на реформистичката струја над „догматско-конзервативната“, ќе се отвори процесот на „трансформацијата на СКМ од политичка партија од большевички тип во демократска политичка партија од социјалдемократска варијанта“. Таквата нејзина трансформација во тој историски момент била „една многу важна, можеби најважна работа и за политичкиот живот во Републиката“ (Исто, стр.146).

Да потсетиме. Почетокот на деведесеттата за многумина оставаше впечаток дека Македонија е една од „уплашените републики“, и заедно со уште неколку беше категоризирана во „конзервативните“ средини и неприемлива за новите идеи за промени. Процесот на демократизација и политичка плурализација ја зафати и македонската средина, на почетокот срамежливо, инцидентно и внимателно. Тој процес не се течеше непречено, туку напротив, „беше оспоруван и забавуван од актуелниот административен државен апарат и владејачката партија“, кој во текот на 1989 година се колебаше да го прифати партискиот плурализам како императив на времето и потребите на граѓаните. Тогаш се нудеа „сурогат решенија кои не ја доведуваа во прашање монополската позиција на државната партија“. Тоа беше период кога се лансираше идејата за „непартиски плурализам“, кој што Lamentowicz го беше нарекол „куц“ плурализам. Карактеристично е дека овој вид плурализам го „прифаќа постоењето на легално организирани групи на притисок кои имаат свој идентитети и се независни од државната партија“, (Јовевска, А., 1994, стр.81), (Габер & Јовевска, 1997). Тој беше амалгам за егзистенција на монополската улога на партијата, што значи дека не беше дозволено дејствувањето на опозиционите партии како „легитимна форма на политичкото преставување“ (Goati, V., стр.15). Во такви услови особена доследност во следењето на таквата ориентација покажуваше македонското раководство на монополската политичката партија. Таа ориентација беше победена на Десеттиот конгрес на СКМ каде „убедлива победа“ ќе однесе „проектот за натамошниот развој на Македонија како демократска граѓанска и социјална држава“. (Милосавлевски, С., Европа, 1993, стр.140). Во тој период владејачката партија ги држеше „сите важни лостови, па можеше, најблаго речено, да го забави започнатиот процес на државата и општеството“. Но новата структура на СКМ покажа дека е „решителна во врска со радикалните промени“ (Исто, стр.146), односно дека излезот од кризата е можен само со структурни реформи, особено со развој на мешовитото стопанство, пазарната економија и повеќепартиската демократија. Имено, процесите во земјите на источна Европа добиваа драматичен развој. Во републиките на југословенската федерација се појавија и веќе дејствуваа алтернативни облици, како директна опозиција на доминантната политичка и идеолошка политичка партија. Беше отпочнат бран на плурализација. Тој се доживуваше како процес на општа преродба, процес на излегување од монистичката идеолошка и политичка структура. Тој процес, во источноевропските земји се манифестираше и како акција за „бришење на минатото“ или преку агресивни потфати, пред сè преку рушењето на обележјата што ги потсетуваат на изминатиот период, или преку процес на крвава пресметка со носителите на дотогашниот режим. Тоа беше време на демократска ренесанса, своевидна идеолошка преродба, или поедноставено, период и години на демократско чистилиште. Во Македонија тој процес се одвиваше тивко, со иницијативи што недоволно се пробиваа или ја немаа потребната гласност. Токму затоа се случуваше аналитичарите да ја сместуваат во конзервативните средини (Мојаноски, 2000).

Таквата состојба траеше до средината на 1990 година кога дојде до вистинска "поплава" од иницијативи, и како да се ослободи "заробениот" дух на македонската алтернативна енергија. На таквите процеси особено позитивно влијаеше поттикот што го чинеше тогаш владејачката политичка партија, која иако имаше уставна положба на доминантен и беше единствен политички фактор, создаваше претпоставки за сопствената демисија. Во таа смисла, одлуката на Сојузот на комунистите на Македонија, да се откаже од монополската положба и да се определи за развој на политичката демократија, посебно за афирмацијата на политичкиот плурализам има далекусежно влијание, како во однос на брзината, така и во однос на начинот на трансформацијата на македонското политичко општество.

Во вој период, токму по иницијатива на политичката структура вклучена во тогаш владејачката партија, беше иницирано, одложување на изборите со цел, да се создаде уставна и законска рамка за воведувањето на плуралистичката концепција за развојот на Република Македонија. На политички план беше формирана Комисијата за општествени реформи, како своевиден "политички и интелектуален детонатор" на процесот на политичката транзиција во Македонија. Овие процеси укажуваат дека во Македонија докрај е инсистирано на јакнење на свеста за законито однесување на политичките субјекти. На политичката сцена во земјата, како резултат на поволната општествена клима, по распадот на југословенскиот Сојуз на комунистите, политичка партија која на еден или друг начин дејствуваше како катализатор на активностите во земјата, а особено поради демократската провиниенција и ангажираност на македонското раководство, во Македонија се намножија иницијативите и активностите за формирање на нови политички субјекти.

Првиот облик на политичко организирање во Македонија, значи, е промовиран на 4-ти Февруари 1990 година, кога на Филозофскиот факултет неколку стотици граѓани учествуваа на конститутивното собрание на Движењето за семакедонска акција МААК. Појавата на МААК беше детонаторот кој несомнено ќе влијае на ширината и брзината на политичката плурализација во земјата. На тој ден во Сачево, струмичко формиран е иницијативен одбор за формирање на Сојузот на земјоделците. Следната седмица (на 11 Јануари 1990, иако оваа политичка партија е најавувана повеќе пати), основачко собрание одржа Лигата за демократија.

Тоа беше почетокот на плуралистичката експлозија. И нај елементарниот приказ на политичките партии ќе ги укаже дека почетните години од плурализацијата во Македонија ги карактеризира масовно промовирање на политички опции и понуда. „Заробениот политички дух“ како да ги напушти децениските стеги и погледи кон модерниот развој. Но несомнено, една од централните политички одлуки во овој период е онаа на тогашната владејачка политичка партија, која според Уставот го имаше идеолошкиот и политичкиот монопол, да се откаже од монополската положба и се трансформира во Партија за демократска преобразба, односно своевиден *spiritus movens* што ќе ги поттикнува и ќе влијае врз процесите на политичката трансформација на земјата.

Првите повеќепатиски парламентарни избори во Македонија се одржаа на 11.11. 1990 година. На нив учествуваа 18 политички партии со 1115 кандидати. На избирачките ливчиња се наоѓаа и заеднички кандидати на одреден број на политички партии (СКМ-ПДП, ЛД, НПМ, ДС-ПЗ, СЈ, РП, РЗПМ, МААК, ВМРО - ДПМНЕ, СРСМ, МДСМ, СПМ-ПЦЕР; ПДП-НДП и ДСТ), едно здружение (Сојузот на пензионерите на Битола) и 43 независни кандидати. На изборите во 120 изборни единици беа регистрирани 1.339.021 граѓани со право на глас. Во првиот круг на

изборите вкупно гласале 1.135.728 или 84,82 % избирачи. Вака високиот процент на граѓани кои излегле на изборите укажува дека избирачкото тело е особено заинтересирано за политиката и конституирањето на органите на власта и изразува висок степен на свест за обврските и сопствената граѓанска должност. Тоа значи и висок степен на партиципација на граѓаните во власта. Изборите во првиот круг се завршени во 24 изборни единици. Во вториот круг учествуваа 372 кандидати од 15 политички партии и 3 независни кандидати, или вкупно 375 кандидати. Македонскиот парламент го сочинуваа 38 или 31,7% од ВМРО-ДПМНЕ, 31 или 25,8% од СКМ-ПДП, 23 или 19,2% од ПДП-НДП, 18 или 15,0% од СРСМ и МДСМ, 5 или 3,3% на Социјалистичката партија, 2 или 1,7% на Странката на југословените, 1 или 0,8% на ПЦЕР и 3 или 2,5% независни кандидати.

На почетокот, особено во текот на 1990 година, новоотворените демократски процеси покажуваат дека во македонското општество беше присутна свест и се манифестираше подготвеност за реформи. Емпириската состојба зборува дека огромен дел од населението е определено и дејствува реформски.

И најелементарната анализа ќе покаже дека во републиките од поранешната југословенска федерација народите ги подржале бројните новосоздадени политички субјекти. Тоа е еден од индикаторите кои зборуваат за степенот на прифатеноста на политичката плурализација и на подготвеноста на населението за прифаќање на новиот пристап во уредувањето на односите во сопствената средина. Изборните резултати „потврдуваат дека во повеќето републики изборите ги освоија опозиционите партии со антикомунистички ориентации“ (Михајловски, С., 1993, стр.96) и дека во нив покрај бројните субјекти доминираат националните програми. Врз основа на изнесеното можеме да подвлечеме дека првите повеќепартиски избори во Република Македонија беа првиот демократски тест за македонското избирачко тело, на македонскиот народ и сите нејзини граѓани, во прифаќањето на новиот вредносен код на современите демократски системи. Времето на првите повеќепартиски избори се одликуваше со нагласена свртеност кон системските промени. Тоа беше време на промоција на политички субјекти што се експонираа како национални епигони, „исполнети со национална еуфорија“, односно субјекти што се јавуваа како „единствени спасители на својата нација, односно етникумот“. (Михајловски, С., Вериѓиќ, М.Д., 1998, стр.187).

Македонскиот бд по маките

1991 година ќе биде запаметена како година на историски одлуки за македонската држава. Тогаш се распаѓаше југословенската федерација, Македонија го доби својот прв плуралистички Парламент кој се конституира на 8 јануари 1991 година. Официјалната смена на еднопартискиот систем со парламентарната демократија настапи тогаш кога практично беше конституиран првиот повеќепартиски парламент. Почетокот беше во знакот на донесување на значајни политички одлуки, од кои во голема мера зависеше иднината на Македонија како самостојна и суверена земја. Само еден ден по конституирањето на Собранието, на 9 јануари, ќе „падне“ и првиот предлог за донесување на Декларација за сувереност на Македонија од страна на најбројната пратеничка група на ВМРО-ДПМНЕ. Два дена подоцна тие ќе достават и готов текст, меѓутоа парламентот во тој момент ќе оцени дека нема потреба од донесување на избрзани решенија, а донесувањето на

Декларацијата ќе биде одложено за две седмици, кога ќе биде утврден и текстот на Платформата на Македонија за разговорите за иднината на земјата.

Една од најзначајните одлуки на Собранието на Република Македонија е „Декларацијата за сувереност на Социјалистичка Република Македонија“, донесена на седницата на Собранието одржана на 25 јануари 1991 година. Со неа јасно се изразува волјата за суверено регулирање на односите преку донесување на „нов устав со кој покрај другото ќе се определи општественото уредување“ (член 3) и како „суверена држава самостојно ќе одлучува за идните односи со државите на другите народи на Југославија, во согласност со своите интереси“ (Декларацијата... член 4). Овој акт на Собранието е основа за одлучување и дејствување на органите на државата и во овластувањето „самостојно да преземаат мерки“ за заштита на интересите на македонскиот народ и граѓаните. Исто така, се утврдува дека Собранието „ќе донесе уставен закон со кој ќе ги утврди другите прашања од уставно-правен карактер со кои СРМ како самостојна и независна држава ќе го преземе извршувањето на суверените права што ги остварувала преку органите на СФРЈ“. (исто, член7).

На 20 март 1991 година беше формирана и првата плуралистичка Влада на чело со премиерот Никола Кљусев, а на 7 јуни од името на државата беше избришана одредницата „социјалистичка“. Како резултат на новонастанатите општествени односи, особено како резултат на изразената волја на народите на Словенија и Хрватска да се осамостојат во независни држави, а во согласност со Декларацијата за сувереност на Република Македонија, на 6-ти август 1991 година беше донесена Одлука за референдумско изјаснување на граѓаните на Република Македонија. Имено како и мноштвото расправи во тој период, и по прашањето на референдумот, по долги емотивни дискусии меѓу пратениците во опција беа две солуции: а) референдум и б) осамостојување со помош на уставен закон. Носители на првата солуција беа политичките групации на СДСМ, СПМ и РСМ-ЛП, а додека за вториот концепт најбројната пратеничка група ВМРО-ДПМНЕ. Сепак, по долготрајната исцрпувачка дебата, несогласувањата се стопија и се претворија во одлука за референдум.

На 8 Септември се одржа референдумот на кој македонскиот народ и националностите се изјаснија за суверена и самостојна држава Македонија. На референдумското ливче беше побарано да се изјаснат на прашањето: „Дали сте за суверена и самостојна држава Македонија со право да стапи во иден сојуз на суверените држави на Југославија?“ На гласањето, според официјалните податоци, од 1.495.626 гласачи излегле 1.074.658 граѓани со право на глас или 71,65%. Од вкупниот број на граѓани кои гласале на референдумот позитивно се изјасниле 95,09 отсто. Гледајќи ги овие факти, успешноста на референдумот за осамостојување е неспорна. Во официјалниот извештај на Комисијата за спроведување на референдумот се вели дека за начинот на кој беше спроведен референдумот не беа поднесени приговори или жалби поради неправилности или повреди на одредбите на Законот за републички референдум. Масовен беше одзивот и на Македонците во дијаспората. Во САД, Канада и Австралија гласањето беше завршено предвреме, а на повеќе места е констатирано дека сите гласачи се изјасниле позитивно. Во предреферендумските денови, наспроти повиците на сите политички лидери упатени до граѓаните да одат на референдум, партиите на албанската националност во јавноста често повикуваа на бојкот на овој историски чин, манипулирајќи со припадниците на националноста и сервирајќи им теза дека се обесправени граѓани. Тоа резултираше со бојкот на референдумот од еден број граѓани од албанската националност. Така, со одбивањето на демократски начин да се изрази волјата на Албанците во Македонија, тие ја

испуштија историската можност рамноправно да учествуваат во поставувањето на темелите на новата демократска држава (Мојаноски, 2000).

По повод плебисцитарно изразената волја на граѓаните за суверена и самостојна држава Македонија, македонскиот парламент, на седницата одржана на 17 Септември, донесе Декларација во која се истакнува дека „граѓаните на Република Македонија на демократски начин испишаа нова страница во македонската многувековна историја за заокружување на самостојноста и на сувереноста на Република Македонија како држава“, „самопотврдувајќи ја плебисцитарно државноста и сувереноста на Република Македонија“ (Декларација, 1991 член 1). Како самостојна и суверена држава почитувајќи ги меѓународните стандарди и норми за односите меѓу државите“ (член 2) „изградувајќи се како модерна демократска држава“ (член 6), "својот меѓународно-правен субјективитет Република Македонија ќе го засновува врз почитување на меѓународните норми за односите меѓу државите и врз целосно почитување на принципите за територијалниот интегритет и суверенитет, немешањето во внатрешните работи, јакнењето на меѓусебното почитување и доверба и јакнењето на сестрана соработка со сите земји и народи од взамен интерес". (Декларација за независност на Република Македонија, член 2).

Првиот устав на независната Република

Логичен след на ваквите процеси беше донесувањето на Уставот на Република Македонија од 1991 година. На 17 ноември Собранието на Република Македонија донесе одлука со која беше усвоен Уставот на Република Македонија како највисок државен акт. Неговото донесување го означува почетокот на изградба на нов општествен и политички систем и нова политичка и економска стратегија за развојот на државата, како независна во семејството на современите држави. Тој „претставува наполно самостоен уставен акт кој, според својата концепција и основни карактеристики воведува нов уставен поредок во Република Македонија“ и како таков „ја изразува визијата и потребата на една современа држава и општество, засновани на сувереноста и правата на граѓаните“ (Климовски, С., (1997), стр. 201). Тој според својата концепција спаѓа во групата на „либерално-демократските уставни“ и претставува а) дисконтинуитет на претходниот систем, б) е устав на суверена држава конципирана врз начелата на граѓанскиот суверенитет, в) е напуштен едностранскиот монопол, г) го прифаќа начелото на поделбата на власта, д) го реafirмира концептот на локална самоуправа (Исто, стр.204-206).

Уставот на Република Македонија припаѓа на „новата генерација европски уставни“, затоа што се „темели врз традицијата на нововековниот европски конституционализам“. Тој е „релативно краток, јасен, и урамнотежен во воопштеноста и прецизноста на нормите“ (Шкарик, 1995). Тој е дезидеологизиран, односно нема твр. „идеолошки и идеен карактер или политичко-филозофска парадигма што би му се наметнале на општеството и на односите во него содржи определена концепциско - вредносна и целна рамка, визија и проекција на општеството“. (Исто, стр. 54). Уставната визија на општеството е отвореноста, автономијата и слободата, општество со развиени материјални политичко-демократски и културо-духовни структури, односно основа за целосна афирмација на човекот и граѓанинот со својата слобода, субјективност и граѓанска сувереност. Тој ја определува Република Македонија како „суверена, самостојна, демократска и социјална држава“ (член 1), чиј суверенитет е „неделив, неотуѓив и непренослив“

(член 2), во која „суверенитетот произлегува од граѓаните и им припаѓа на граѓаните“, во која граѓаните „власта ја остваруваат преку демократски избрани претставници, по пат на референдум и други облици на непосредно изјаснување“ (Устав на РМ, 1991, член 3).

Донесувањето на Уставот на Република Македонија е вододелница во однос на правното и фактичкото осамостојување на Македонија. Тоа е почетокот на меѓународното осамостојување од една страна и период на забрзани процеси на внатрешна реформа на економскиот систем во земјата, од друга.

Во историска смисла референдумското изјаснување на граѓаните, а во тој контекст донесувањето на Уставот значеше финализирање на македонскиот сон и идеал, воспоставен со Илинденското востание и Крушевската република 1903 година и АСНОМ 1944 година. Тоа беше реализација на дел од визиите и идеите на мноштвото македонски револуционери кои се бореа за македонска држава, за „Автономна Македонија“. Востанијата на македонскиот народ беа првиот сеопфатен чекор кон изборување самостојност. Првата конкретизација по 1903 -та беше АСНОМ на 2 август 1944 година во манастирот „Свети Прохор Пчињски“. На ова заседание Македонија de facto за првпат стана држава, каде беше изразена суверената волја на македонскиот народ, посебно правото на самоопределување и на сопствена држава. Антифашистичкото собрание на народното ослободување на Македонија стана врховно законодавно тело на македонска држава, првата слободна македонска држава по повеќе вековните борби на македонскиот народ за национална и социјална слобода. Тој процес, речиси пет децении потоа, своја финализација доби во Одлуката на повеќепартиското собрание на Република Македонија со прогласувањето на македонскиот Устав.

Освојувањето на политичката власт -пат кон демократскиот пургаториум

На внатрешен план, тоа беше период на интензивно „учење на демократија“, кога заради неискуството, преголемите желби, амбициите за сопствено и партиско промовирање или, пак, од незнаење, македонскиот парламентарен дом ги прележуваше своите први „детски болести“. Наместо со примарната законодавна функција, претставниците на народот многу повеќе се занимаваа со меѓупартиски вербални пресметки. Јавноста беше сведок на долги, исцрпувачки и емотивни собраниски сесии, кога не се штедеа зборови за дисквалификација на политичкиот противник. Тоа беше и време во кое беа донесени судбоносни и историски одлуки со кои се кроеше натамошната иднина на Македонија.

Во текот на 1992 година се среќаваат неколку слојни процеси. Тоа е година кога Македонија и правно и фактички беше самостојна држава. Неколку одлуки и изградба на институции ја сместија во земјите со самостојна положба. Имено во овој период: а) на внатрешен план продолжи дебатата меѓу значајните политички субјекти во Македонија, б) се јавуваат нови политички субјекти, в) земјата монетарно се осамостојува, г) гради сопствена армија, д) се конституира првата политичка влада и парламентарна опозиција, е) отпочна макотрпна борба за меѓународно признавање.

Годината 1992 отпочна со измени и дополнини на Уставот на Република Македонија според кои таа „нема територијални претензии кон соседните држави“ и дека границата „може да се менува само во согласност со Уставот“, со почитување на „принципот на доброволност и во согласност со општо прифатените меѓународни

норми” (Амандман 1 на Уставот.), како и тоа дека ”таа нема да се меша во суверените права на други држави и во нивните внатрешни работи” (Амандман 2 на Уставот на РМ). Таа година македонскиот парламент ја воведо македонската валута денар, целосно го обезбеди својот територијален простор со единиците на сопствената армија, во септември ја формира политичката влада на чело со Бранко Црвенковски.

Во таа година, непосредно пред изјаснувањето на Бадинтеровата комисија во Република Македонија, од страна на Партијата за демократски просперитет беше организиран „референдум“ за политичка и територијална автономија на Албанците во Република Македонија. Како последица на таквата активност кај овој дел од населението, во пролетта 1992 година од страна на Партијата за демократски просперитет, поточно од нејзиниот разгранок во Струга, беше промовирана автономијата на Албанците во Македонија тнр. „Автономна република Илирида“, како прв чекор кон постојаното затегнување на меѓуетничките состојби во Република Македонија. Појавата на оваа политичка творба на Албанците во Република Македонија, долгорочно негативно влијае на градењето на сожителството како вредност на македонската демократија. Нивото на недовербата го зголемуваше и неучеството на овој дел од популацијата во пописот на населението, што во клучните години на меѓународното етаблирање на државата имаше особено негативни реперкусии.

Меѓуетничките односи во овој период се особено заладени не само како резултат на зголеменото присуство на национализам во земјите на поранешната федерација, појавата на воени конфликти меѓу народите и државите, појавите на масовен егзодус, туку, и како резултат на концептот и сфаќањето дека албанската националност во Република Македонија, а особено во земјите на поранешната југословенска федерација имаат право на самоопределување, вклучувајќи го и правото на отцепување. Впрочем, само со умешност, толеранција и меѓусебно разбирање ќе можат да се градат новите односи меѓу Македонците и Албанците во Република Македонија.

Во првата деценија од развојот се случи и првата мирна промена на власта. Имено, во 1998 година, изборната коалиција на ВМРО-ДПМНЕ и ДА под мотото „промени“ и особено со потпишувањето на разните „договори“, остварија убедлива победа што услови мирен трансфер на власта како резултат на изборниот резултат.

Вооружениот конфликт како средство за решавање проблеми

Изминатиот период беше исполнет со активности кои беа насочени кон институционалното заокружување на општеството, државата и нејзините институции. Во таа смисла присутни се два значајни процеси: а) процес на создавање на услови за интеграција на разните социјални, етнички и религиски групи и поединци, односно, јакнење на интегритетот на земјата и односите во неа и б) процесот на дезинтеграција кој некогаш јавно, а по правило прикриено се јавуваат тенденции за федерализација или кантонизација на Македонија. Во определени периоди тие тенденции беа изострени, отворени и беа манифестирани преку барања и појавата на извесни облици на „осамостојувања“, дефинирани преку барањата или конституирањето на паралелни институции, „пара институции“ (парауниверзитет, паравојска и сл.) или преку прогласување на различни „автономии“ (Мојаноски, 2000, стр. 96). Овие процеси кулминација добија во текот на 2001 година, кога на дел од подрачјето на земјата се водеше вооружен судир. Актуелноста на конфликтот во Македонија во 2001 година,

е повеќедимензионална. Пред се, станува збор за еден феномен кој е несекојдневен, кој во еден период предизвика исклучително ангажирање на институциите во Македонија, но и на меѓународната заедница, заради тоа што беше употребено оружје, имаше жртви, или по неговото окончување следеа и определен број институционални проекции во уредувањето на институционалната рамка и во рedefинирањето на институционалниот и политичкиот живот на земјата. Беше решен на уникатен начин, со договор, (станува збор за процесот на имплементацијата на охридскиот Рамковен договор). Тоа е процес кој во научната и стручната јавност предизвика дебата која беше концентрирана околу дефинирањето на карактерот на конфликтот, создавањето на правна рамка и анализирањето на политиките на операционализација на правните и политичките решенија.

Во конфликтот од 2001 година учествуваа структури на полицијата, армијата, нивните резервни состави и воената формација УЧК, (воена и борбена формација во која доминираа учесници од албанската етничка заедница). Покрај сложените политички и општествени односи, конфликтот предизвика и соодветни придвижувања во општеството и општествената стварност, посебно на планот на продлабочувањето на стереотипите меѓу одделни етнички заедници, манифестирани низ степенот на недоверба, нефункционирањето на институциите, потребата од воведување на позитивна афирмација (етнички клучеви) во организациски и институционални решенија, како што беа на почеток мешаните полициски состави кои имаа задача и придонесоа во надминувањето на создадената недоверба по конфликтната 2001 година. Ваквите состојби беа на соодветен начин користени како дел на политичката (партиската) борба во Македонија, посебно прашањето на декриминализација на конфликтот.

Охридскиот „Рамковен договор“ обезбеди институционални претпоставки за изградба на интегрирано општество. Уставните промени создадоа нормативни претпоставки и ги институционализираа механизмите за заштита на малцинствата преку тнр. „Бадинтеров принцип“, односно двојното мнозинство како услов за донесување на одлуките. Без сомнение примената на Рамковниот договор влијаеше на јакнењето на интегративните процеси во земјата, но тој сеуште е моќно оружје кај дел од политичките партии на албанската заедница во земјата во подигањето на национализмот, манифестирањето на политичката хомогенизација, до присутноста на различни облици на вербални притисоци околу обемот на правата и начинот на нивното остварување.

Македонија економски е неразвиена земја

Македонија по стекнувањето на својата независност од СФРЈ излегува како нејзина најсиромашна република. Во април 1992 година, Македонија прогласи монетарна самостојност, преку воведување сопствена парична единица - македонскиот денар. Во првата половина на 1990-тите, македонската економија се наоѓаше во длабока рецесија, предизвикана од бројни фактори: распадот на заедничкиот пазар, војните во поранешна Југославија, грчката блокада, санкциите кон СР Југославија, начинот на спроведување на процесот на приватизација на претпријатијата, проблемите во банкарскиот сектор и многу други. Од 1996 година, економијата полаку почнува да забележува раст, но тоа повторно се прекинува со војната во Косово од 1999 и домашниот етнички конфликт од 2001.

Според класификацијата на Светската банка, Македонија спаѓа во земјите со повисок среден доход (upper middle income). Македонија е пост-транзициска економија, со голем број сè уште нерешени транзициски проблеми. Невработеноста е најголем проблем, 38% (2005). Корупцијата е системска појава. Неефикасното судство, исто така, негативно се одразува врз економијата. Нивото на домашни и странски инвестиции е ниско. Пазарното стопанство го нарушуваат неколку монополи. Сивата економија е распространета и има проценки дека таа е до една третина од економската активност. Од друга страна макроекономските показатели веќе подолго време се добри, т.е. од средината на 1990-тите се одржува ниска, едноцифрена стапка на инфлација и низок буџетски дефицит. Државата располага со средно квалификувана но евтина работна сила. Инфраструктурата е во релативно добра состојба, но сепак, потребни се дополнителни инвестиции во оваа област (пред сè во транспортно-комуникациско поврзување исток-запад). Македонија е членка на Светската трговска организација и има отворена економија, високо интегрирана во меѓународната трговска размена (во 2005 г., вкупната размена со странство изнесуваше 79,5% во БДП).

Некои карактеристики на демократскиот процес во Македонија

Демократскиот процес во Македонија бележи различна динамика. Ако годините на плурализацијата можат да се наречат со поимот „демократска пролет“, веќе, во средината на деведесетите години од XX век отпочнаа процесите на авторитарни облици на владеење. Во традиционалното општество општествената структура се карактеризира со бројни специфичности, меѓу кои и тоа дека станува збор за неразвиена и проста технологија; едноставна поделба на трудот и недостатокот на економска рационалност; во ниското ниво на писменост и образование; односно дека целокупноста на општествениот живот се одвива во рамките на локалната заедница; преовладуваат примарните односи меѓу поединците; доминира еднообразноста во однесувањето и е воочлива затвореноста кон новите општествени улоги; формите на знаења се религиска догма, а општествениот живот се уредува со обичајното право (Веуме, 2002, стр. 78). Режимите кои се оценувани како недемократски, по правило, немале долг век. Треба да се има предвид дека во глобализираниот свет критериумите за демократија, ако не станува збор за големите и моќни држави, во националните држави, повеќе не е волјата на мнозинството (Кесмановиќ, стр. 10), (Токвил, 2002).

За Македонија не важи констатацијата дека изборниот модел е особено стабилен елемент на изборниот систем. Пред секои избори, се отвара расправата за изборните реформи, но, ефектите од тие дебати немаат некое особено значење. „Имаше некои мали промени, но историјата била сурова кон изборните реформатори, имено, изборните системи се стабилни и отпорни на промените“ (Липхарт, 1994, стр. 162). Распределбата на мандатите на првите (1990) и на вторите (1994) избори беше според мнозинскиот изборен систем, во два круга и балотажа за втор круг – кандидатите со најголем број гласови; на третите (1998) избори усвоен е мешовит модел на мнозински, во два круга) и пропорционален систем во еден круг (85 мандати од вкупно 120 според мнозинскиот модел и 35 според пропорционалниот), а Македонија (за пропорционалниот избор) беше една изборна единица. Од четвртите (2002) и на сите избори до денес, изборите се организираат во 6 изборни единици и е применет пропорционалниот систем без изборен праг, а распределбата на мандатите

се врши според Донтовата формула (D'Hont). Во изборниот систем во 2011 година се воведени уште три изборни единици за државјаните на Македонија кои што живеат во странство. Вкупниот број на пратеници е зголемен на 123 избраници. Во овие изборни единици е применет мнозинскиот систем. Граѓаните во земјите во кои што живеат, во дипломатско-конзуларните претставништва бираат по еден пратеник од Европа и Африка, од Северна и Јужна Америка и од Австралија и Азија. Но, без разлика на тоа кој изборен систем е применет, факт е дека сите досегашни влади се коалициони. Може да се оцени дека, партискиот систем и покрај мултиплуралната партиска сцена во Македонија, во основа е биполарен, или поточно е тој е двоипол партиски систем, во кој една партија, најчесто политички профилирана како носител на интересите на етничките Албанци се јавува како зглобна партија. Имено, партискиот систем во Македонија, го сочинуваат две коалиции (кои се “идеолошки, програмски и етнички омнимус“) со две доминантни партии, СДСМ и ВМРО-ДПМНЕ кои во изминативе триесет години се менуваат на кормилото на власта.

Досегашното искуство покажува дека, по сите избори (освен на последните избори во 2020 година), без разлика на изборниот резултат е применувано постизборното „коалицирање“ за формирање на влада, на победничката коалиција со политичка партија од албанската заедница. Таквото искуство укажува на асиметричната биполарност на македонскиот партиски систем. Значи, може да се констатира дека во македонската варијанта на партискиот систем станува збор за важен елемент на консоцијативната демократија, односно за „коалицијата на сите позначајни сегменти“ на македонското „плурално општество“ (Липхарт, 1994, стр. 25). Липхарт утврдил четири главни димензии на изборниот систем: изборната формула, претворањето на гласовите во мандати, бројот на претставниците кои се избираат во изборната единица (*district magnitude*), изборниот цензус, и големината (бројноста на мандатите) на парламентот (собранието, односно, *assembly size*), односно, бројот на пратениците во едно законодавно тело. Главните типови на изборната формула, според Липхарт, ги образува и нејзините подтипови. Мнозинската формула може да е проста, на пример мнозински систем во еден круг, потоа може да е со апсолутно мнозинство во два круга и систем со алтернативно гласање. Да споменеме, пропорционалните формули кои се среќаваат во изборната практика се: системот на најголем остаток, систем највисок просек и поединечен преносив глас. Изборниот систем функционира во рамките и во контекстот на поширокиот политички систем, а начинот на кој актерите се однесуваат кон него, се детерминирани, пред се, од политичката култура и од општествениот контекст (Orlović S. , 2015, стр. 4).

Ако се набљудуваат изборните резултати може да се констатира дека партискиот систем, е обликуван со елементи на доминантна партија затоа што СДСМ бил на власт од 1990-1994;1994-1998 и 2002-2006, и 2017 година до денес, а ВМРО-ДПМНЕ од 1998-2002 и од 2006 година до 2017 година. Македонската партиска сцена и партиски систем го карактеризира и етно плурализам, затоа што во земјата и во власта, во сите влади, егзистираат етнички партии на македонската и албанската заедница. За слична закономерност укажува и Мирјана Касаповиќ кога вели: „одвај се помислува за премин од еден основен пат на друг, од еден изборен систем на друг, од мнозински на пропорционален или од пропорционален на мнозински“ (Nolen & Kasarović, 1997, стр. 13).

Политичките партии заземаат значајно место во политичкиот живот на сите развиени општества и скоро да е незамисливо остварувањето на демократскиот

систем без постоење на политичките партии. Иако појавата на политичките партии е спонтан и постепен, „па во таа смисла партиите се случајно општествено откритие“ (Goati, 1990). Политичките партии во современото општество имаат бројни функции, како што се: а) да ги идентификува и јавно претстави општествените интереси, да ја обезбеди структурата за политичко учество во општеството; б) да служи како подрачје за обука на политичките лидери кои се подготвуваат да ја преземат владејачката улога во општеството; в) да се натпреварува и да тежнее да победи на изборите, како и да управува со владините институции; г) да именува кандидати, да организира политички натпревар, да ги хомогенизира деловите на бирачкото тело и политичките приоритети да ги предочи на јазикот на јавна политика; д) да биде конструктивна и критичка опозиција (кога не е на власт), да се претставува и да се нуди себе си како алтернативна влада која бирачите можат и да посакуваат да ја изберат, како и да врши притисок на актуелната власт за таа да би имала повеќе разбирање за јавните интереси (Matić & Podunavac, 1993, стр. 836).

Процесот на изградбата на демократското општество повеќе или помалку се одвиваше со девијации на демократскиот процес. Имено, освен прифаќањето на „волшебната“ формула за мирна смена на власта по пат на избор, односно, како што вели Линц, со помош на базичниот консензус, според останатите параметри може се зборува дека власта ефикасно ги (зло)употребува алатките на владеење специфични за еднопартиските и авторитарни режими. Остварена е симетричност меѓу партиското и државното раководство. Членовите на извршните, а по некогаш и некој од централните, органи се носители на сите значајни државни функции. Клучните државни функции се во рацете на Шефот на партијата и неговите најблиски соработници. Изборот (за жал и вработувањето) се одвива исклучиво со партиска препорака, (дури и за изборот на Декан на Факултетот се вршеше според партиска согласност), нема автономија на институциите, (партискиот комитет, на пример објавува кого го „зафатил бранот на промените“, а потоа следат одлуките на надлежните органи за разрешување (Мојаноски, 2009, стр. 420-423). Или, како илустрација; Министерот објавува конкурси за прием на лекари, полициските службеници (полицајците) се регрутираат на предлог на Комитетот на владејачката партија (пример: на предлог на Комитетот подготвена е приоритетна листа од 200 активисти кои се вработени во „тајната“ полиција, односно во тогашната Управа за државна безбедност).

Социјалната демагогија се шири на тој начин што секојдневно се наговестуваат намерите за инвестирање на некој странски инвеститор (во кој понекогаш можат да се препознаат домашни сопственици) и се подгреваат надежите и очекувањата дека во догледно време ќе бидат вработени определен број (толку и толку). Во изминатите години бевме сведоци на груба и класична редистибуција на кадрите. Да се потсетиме: Јавното претпријатие „Македонски шуми“ вработи 1500 лица со социјални проблеми, но во основа партиски активисти (или симпатизери) на владејачката коалиција. Потоа, Владата со одлука врши распоредување на тие работници по институциите. Најчесто тоа се проценки на редиструбутерот што и е потребно на институцијата.

Владата и министерствата се рекламираа на националниот сервис и на приватните телевизии. Начинот на известување беше поригиден од начинот на известувањето на медиумите во еднопартискиот монопол. При тоа, не се почитуваше правото на приватност, се вршеше стигматизација и јавно им се судеше на медиумите, со воведувањето на новото кривично дело „граѓанска одговорност“, кое, во суштина

занчеше обнова на кривичното дело од еднопартискиот систем познато како „приговор на совеста“, па затоа ни се случуваше во судските постапки, како најоштететени да се јавуваат носители на функции, односно влијателни политичари кои доживеале „духовна болка“. Всушност тоа беше период во кој јавно изразената критика се претвораше во облик на заштита од „граѓанската неодговорност“. Ако, се случеше да се критикува однесувањето на министер или друг носител на јавна функција, тогаш, одговорот, главно преку медиумите беше претворен во осуда на „критичарот“, како некој ја минимизира, девестира и ги навредува вработените во тоа министерство. Едноставно индивидуалната одговорност се покриваше со колективните заслуги. Всушност станува збор, за период во кој беше извршена персонализација и партизација на институциите, односно беше период во кој се констатираше дека Македонија е заробена држава.

Зошто настана „заробената“ држава?

Како и во другите реалсоцијалистички држави по 1989 година, така и кај нас слепо се следеше неолиберализмот на западните општества, кои во тој период доживуваа бум, наспроти последиците за кои укажуваше J. Stiglitz и други лево ориентирани економисти – дека „шок-терапијата“ која е применета во процесот на приватизацијата негативно ќе дејствува на економскиот развој и модернизацијата на сопственичките односи, а исто така и на демократизацијата на политичките односи. Едностраната трансформација на сопственичките односи создадоа нова класа, која се нарекува со разни називи, како што се „тајкуни“, „нова буржоазија“, „нови сопственици“, „лумпенбуржуазија“ и „лумпенпролетаријат“.

И воспоставената власт на тој нов моќен приватен сопственик, кој владее неконтролирано (под фирмата на дерегулација) со сите ресурси на општеството и кој ги укинува сите порано освоени и стекнати права на работниците, неа ја претвора во стока на пазарот на трудот, која се купува како и сите производи на нејзиниот труд. Кога таа нова класа се сокрива позади изразот „тајкун“ (или криминалец), како што вели Голубовиќ, се замаглува природата на новото класно неолиберално потрошувачко општество, во кое сопствениците на големиот капитал се основни арбитри во определувањето на структурата на и политиката и општеството (Bauman, 2009). „Оние кои се заразени со вирусот на „духовниот лумпенпролетаријат“ живеат во сегашноста и по неа. Тие живеат за да преживеат (до кога тоа е можно), и да добијат задоволување (се разбира доколку тоа е можно). ... Светот населен со „духовни лумпенпролетери“ не остава простор за грижи за било што друго, освен за тоа што може, макар и во принцип, да биде конзумирано и во што може да се ужива на лице место, сега и овде“ (Bauman, 2009, стр. 16). Затоа треба да се постави прашањето дали постмодерната држава е партиска држава на приватните сопственици, затоа што во структурите на партиите и со сцената владеат новите сопственици, тие фактичките се управувачи со судбината на општеството. А „тајкуните“ се посредници кои ги купуваат партиите и со тоа (позади сцената) одлучуваат за политичките програми и за сменувањето на постојните и доведување на нови кадри во владејачки гарнитури (Golubović, 2014). Слободно може да се констатира дека корупцијата е главното политичко, а не само економско средство на општествената транзиција на современото општество, а особено на македонското.

Дискурсот и објаснувањето на процесот на „тајкунизација“ во основа е обид да се прикрие најгрубиот облик на експлоатација на осиромашеното население, преку

која на сопствениците на капиталот им се дава легитимитет за условите на работа и живот на така осиромашената популација. Во такви услови, партиската припадност игра особено значајна улога во политиката на денешниот „груб капитализам“ (таа улога на Партијата е многу позначајна од онаа што таа ја имаше во „комунистичките“ држави) (Golubović, 2014).

Политичкиот живот во Македонија, ги поседува сите карактеристики на авторитарно владеење. Како што вели Весна Пешић “кога ќе се каже „промена“, ние во тоа не веруваме, чувствуваме безнадежност и немаме за кого да гласаме”.... „Да кажеме, кој и било кога да каже „промена“, ние одговараме: те молам немој да ме лажеш. Било кој да ветува промена или кога ќе прочиташ – промена, секогаш си велиш: тој се обидува за нешто да ме излаже“. Всушност, „станува збор за недостаток на политички идеологии, срушен е политичкиот живот, како динамичен живот, тој не може и нема од каде да почне определен расплет за било што, затоа што политичкиот живот е окупиран со нешто друго што не е дел од јавната сфера, односно политичкиот живот. Заради тоа, кога ќе се каже „промена“, ние во тоа не веруваме, ја чувствуваме безнадежноста и нема за кого да гласаме. “Падот на капацитетот на институциите постана особено опасен. Ако капацитетот на институциите не постои, односно тие не функционираат, тогаш логички се поставува прашањето, како може да се излезе од таа ситуација која, секако, не е добра практика, односно е особено лошо искуство” (Ideološki i politički konflikti (Osvrt na kulturu dijaloga), 2011, стр. 14).

Кога се анализира структурата и функционирањето на институциите кај нас, може без многу двоумење, да се говори за практикување на „авторитарната демократија”. Таквата констатација се темели на постоењето на формалната поделба на власта, која во суштина е авторитарно устроена, во која централна улога има извршната власт, нејзиното арбитрерно користење, партизирањето на институциите и нивно подведување под „диктатот на Комитетот“, како и медиумскиот притисок со пренагласена присутност на извршната власт и носителите на функциите, како и појавата на препишување на секоја успешна постапка на органите како „успех на Владата“, но и како последица на воспоставената практика на неказниот криминалот и криминалното поведение, доведува до тоа загарантираните права и слободи на граѓаните да се кршат отворено и бескрупулозно. Заради тоа, може да се подвлече дена не постои „кохабитација на современиот капитализам со воведувањето на демократијата”, затоа што тоа е само фасада позади која се сокрива наметнувањето на суровоста на денешниот капитализам (Golubović, 2014, стр. 6). На сцена е облик на „грабливиот капитализам“.

Политичката положба на шефот на партијата е неприкосновен. Медиумската перцепција за шефот е дека е тој политички „супермен“, дека е чесен, решителен, непоколеблив и смел. Наспроти таквата претстава за „шефот“, се води медиумска хајка против опозицијата и „нејзината издајничка улога“. Во практикувањето на демократскиот живот во земјата, применети се механизми на насилно исфрлање на политичката опозиција од парламентот, што придизвика да се организираат третите по ред предвремени избори, кои пак завршија со ново насилство на 27 Април 2017 година. Прв пат во плуралниот демократски развој не беше пројавена подготвеност за мирна смена на власта. Настаните од 27 Април, се видлив пример на отсуство на демократска политичка култура и губењето на вербата во Линцовиот базичен консензус.

Во плуралните системи, не е непознато искуството, владејачката партија да го користи и вонпрламенланото дејствување, дури и тогаш кога има мнозинство во

парламентот и отворена надмоќ во него. Покрај односот кон опозицијата ванпарламентарното дејствување беше насочувано кон јакнење на врските со бирачите и граѓаните. Со изборната победа владејачката партија не само што добива право на составување на Влада и влијание на законодавната иницијатива, туку, таа смета дека има и право на сопственост на државата, па така, не само реторички, туку и практично се воспоставува изедначување на активностите на државната со партиските структури. Во македонскиот политички простор право на граѓанство имаат вредносните ориентации дека „владата на...“ политичката партија која ја формирала владата: „гради училишта, спортски сали, амбуланти, патишта, градинки, распишува конкурси за разни струки“ и бројни други активности во кои тешко може да се препознае автономијата и одговорноста на институционалната структура и на одговорноста на истите за состојбите во определено подрачје. Во еден период, владејачката партија, поточно коалиција, изврши целосна етатизација на општеството, покажувајќи, практично, дека не ја интересира суверенитетот на народот. Во овој облик на владеење, владејачката партија без посебни стеги и за свои потреби ја користеше државната телевизија за присвојување на националниот дух и славењето на сопствените заслуги, а исто така и за држење на граѓаните во латентен страв од неизвесната иднина. Медиумите, обично, се користат за пропаганда на владејачките ставови и за изборниот натпревар, како и за напади врз опозицијата, поточно за нејзина сатанизација и дисквалификација на нејзините погледи (Pećujlić & Milić, 1994, str. 199).

Граѓанскиот одговор на етатизацијата на односите и партизацијата на институциите, посебно, на замирањето на демократските односи беше проследена со директна акција, организирана во мирен ненасилен марш, познат под името „Шарена револуција“ (Мојаноски, 2017). Духот на таа „револуција“ потсетува за нивото и свеста на македонското граѓанство за општественото значење на демократијата и демократските процеси и се силна брана против обидите на наметнување на авторитарни облици и арбитрерни поведенија во остварувањето на демократскиот процес.

Наместо заклучок

Може да се констатира дека во изминатите три децении, во историјата на Македонија држава клучна е првата деценија. Таквата одредница произлегува од сознанието дека во овој период се одвиваа два паралелни процеси: а) процес на доконституирање на македонската државност преку осамостојувањето и меѓународното признавање и б) процес на плурализација и демократизација на македонското општество, особено преку воспоставувањето на основите за конституирањето на граѓанското општество.

Со процесите на плурализација на источно-европските земји, непосредно по паѓањето на Берлинскиот ѕид и пропаѓањето на реалсоцијализмот како систем, и Македонија ја зафати процесот на демократизацијата. Во него се одвиваше и процесот на осамостојувањето на македонската држава. Тој процес се заокружи со плебисцитот организиран на 8-ми септември 1991 година, а институционалната рамка се заокружи со донесувањето на Уставот на Република Македонија од 1991 година. Тоа е период на институционалното заокружување на македонската самостојност и сувереност, проткаен со мноштво активности на политичките субјекти и нивните концепти за уредувањето на македонската држава. При тоа, присутни се два значајни процеси.

Имено, тоа е процесот на зајакнување и етаблирање на националната самобитност преку постојано надоградување на институционалната рамка и на создавање на услови за интеграција на разните социјални, етнички и религиски групи и поединци, односно, на јакнење на интегритетот на земјата и односите во неа.

Македонија е колекција на националности, татковина на граѓани од различна етничка припадност, вероисповест и земја со високо развиено чувство за сожителство и заедништво со сите оние што, на еден или друг начин, ја изразуваат различноста и самосвојноста на единките и групите. Токму таквата традиција и искуство кај нас го промовира моделот за специфична демократска култура и однесување во чија основа се мирољубивоста, толеранцијата и способноста да се сфати и прифати различноста. Тука може да се бара и отсуството на политички асоцијации со ултра идеолошка матрица.

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SECURITY CHALLENGES IN LOCAL GOVERNMENTS: A CASE STUDY OF THE AUTONOMOUS PROVINCE OF VOJVODINA*

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Abstract

Local self-governments in the area of the Autonomous Province of Vojvodina (Republic of Serbia) are facing various security challenges. The paper analyzes the challenges related to epidemics of infectious diseases and the damage caused by such events. The functioning of the local self-government in such situations requires quality organization, maximum effort of the local self-government bodies and other structures involved in providing recovery assistance. The research conducted in the local self-governments in the area of the Autonomous Province of Vojvodina included a representative sample that provided an overview of the overall situation and preparedness of the local self-governments in emergency situations.

The results obtained show that the local governments have limited resources and opportunities, in part a weaker organization, to be able to successfully resolve such a situation on their own. It is necessary to reorganize the entire system at the level of the local self-governments with a systematic approach and a comprehensive analysis of the protection and rescue plans, and to make assessments of the vulnerability of the local self-government to events that condition the declaration of an emergency situation. Special emphasis is placed on the necessity of qualified staff and material provision with modern means of communication and information support of the local self-government and importing a unique system of information support to the level of the autonomous province.

Data on the situation in the local self-governments were collected by examination, i.e., by making a checklist. The statistical method was used in data processing and the results were presented at the level of scientific description and scientific explanation.

Keywords: *local self-government, emergency situation, security, law, economy*

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1. INTRODUCTION

Local governments in the area of the Autonomous Province of Vojvodina are facing various security challenges. One of the most significant challenges faced by the local governments in the Autonomous Province of Vojvodina is related to the epidemic of an infectious disease caused by the COVID-19 virus. The functioning of the local self-government in such situations requires quality organization, maximum effort of the local self-government bodies and other structures involved in providing rehabilitation assistance.

In order to prevent the spread of the COVID-19 pandemic by a joint decision of the President of the Republic, the President of the National Assembly and the Prime Minister of the Republic of Serbia a state of emergency was introduced in the Republic of Serbia on March 15th 2020. During the state of emergency, a number of decrees, decisions and conclusions were adopted to regulate the work of state institutions and companies in Serbia, as well as through measures related to the restriction of the personal freedom of citizens, all in order to prevent the spread of the pandemic. The state of emergency was lifted on May 6th 2020 by the decision of the National Assembly of the Republic of Serbia (NALED, 2020). Local self-government units (LSGs) represent the level of government that is closest to the citizens, which by its acts significantly contribute to a safe environment and affect the quality of life. Their role is important not only in the everyday circumstances, but also in emergencies of violated security, natural disasters, but also a pandemic.

This raises the question of how cities and municipalities in the Autonomous Province of Vojvodina reacted to the suppression of the corona virus pandemic of COVID-19 during a state of emergency. Was the legal framework adequate for the successful operation of LSGs and the extent to which cities and municipalities had built institutional mechanisms and strategic planning documents and procedures that were usable in the pandemic control? The question of communication and coordination of competent services and institutions at the local level is particularly important, and another question was the cooperation of Vojvodina with the Government of Serbia and the competent ministries and institutions, as well as whether there was cooperation with neighboring cities and municipalities.

This crisis represents an unprecedented shock that surprised the world and its economy. The countries have shifted to staying at home to slow down and stop the spread of the virus, and governments and societies face great human, social and economic costs (World Bank, 2020).

2. SECURITY AS A FUNCTION OF LOCAL SELF-GOVERNMENT

Local self-government is clearly defined in the legal acts of the Republic of Serbia. The security function of LSG is a key issue and the basis of all other existential issues of its citizens and the society as a whole. In modern conditions, society is exposed to various types of dangers, crises and emergencies that threaten the functioning of human life and health. In that sense, security at the level of LSG can be understood as efficient management of various crises and emergencies.

Emergencies occur relatively more often than in crisis situations. However, in such situations, the operation and functioning of LSG is similar. If we look at the crisis at the level of LSG, regardless of the crisis, its resolution is similar to emergency management. The crisis resolution process implies a process of planning and reacting in such situations. It should be noted that the property of a crisis is sudden and requires a short response time.

These are the characteristics of all dangers that threaten society. In that sense, the LSG gained importance in the protection and rescue of the population and material goods. Local self government preparedness for crises and security risks is an essential issue. In the context, as Stuart C. Strother points out, "... crisis and emergency response planning, local government must necessarily generate a "risk picture" at an early stage that describes the stakeholder attitudes about threats. The risk picture contains the probability of events and the potential consequences of those events." (Strother, 2016).

The leaders responsible for the functioning of LSG, at the moment of resolving the crisis, must necessarily focus their actions on reducing the damage. This issue also has its specific implication, and when crises like the COVID-19 pandemic, with consequences which transcend local borders, affect all people and become a global problem. In such a situation, the security system at the state level must operate in depth and in every segment. Especially at the level of LSG, measures and activities must be implemented to each individual.

What should be especially emphasized at the level of LSG is how to ensure crisis control. Also, a significant issue is the communication within the holders of functions in LSG and with the population. The concept of communication is very sensitive, and significant organizational activity should be dedicated to it. It is especially pronounced at the moment of lack of data on the consequences of a crisis or emergency situation. The lack of good communication by the LSG will have a negative impact on the reputation of the government. This speaks volumes about how complex the issue of security at the LSG level is, and how important Emergency Protection and Rescue Plans are.

Ultimately, security issues at the LSG level are complex, extensive, and deeply connected. The successful realization of the security function at the level of LSG is closely related to the organizational processes of work of LSG in emergency situations, risk identification and realistic protection and rescue plans in emergency situations. This issue should be seriously paid attention to and the issue of functioning and organization of the work of LSG in emergency situations will be more and more topical and should be in the constant focus of government officials at all levels.

3. THE PANDEMIC AS A SECURITY CHALLENGE FOR LOCAL SELF-GOVERNMENT

Pandemics of infectious diseases represent a real challenge for countries around the world, which was especially shown by the pandemic caused by the COVID-19 virus. From January to October 2020 the COVID-19 crisis developed into a global pandemic, reaching nearly every country, infecting 44 million of people, and causing more than 1.17 million deaths worldwide. Europe reported 20% of all cases, with France, Germany, Italy and Spain seeing the highest numbers among the European Union member countries. Europe now accounts for 22% of the reported deaths due to COVID-19 globally, with Belgium, France, Italy and Spain reporting the highest numbers. In June-July 2020, one-third of the world's population, and most European countries, had or were experiencing a lockdown, with some European countries in the early phase of lifting their restrictions. Since then, the situation is deteriorating again, and Europe is confronted with a growing second wave of infections. Many European countries are now introducing new virus-containment measures, such as curfews and lockdowns, either at the local or national level. Beyond the health and human tragedy of the pandemic, the crisis is profoundly affecting economies, employment-levels, and the sustainability of public finance (OECD, 2020).

The extraordinary situation brought about by the COVID-19 pandemic has led to unprecedented public policy action on the part of authorities at all levels, as shown in the previous section. The effectiveness and appropriateness of this action is more important than ever, in a fast-changing situation with many lives – and livings – directly at stake. In critical aspects of public action, from health care to social services and business support, responsibilities are frequently shared among levels of government, often with a major role for local and regional authorities. This raises important questions with regard to the role of governance and policy coordination mechanisms in this crisis, and concerning the impact of the crisis on these mechanisms, as well as on the trust in the EU and in the government action (OECD, 2020).

The pandemic did not bypass the Republic of Serbia, i.e., the Autonomous Province of Vojvodina. As in the European Union, the question has been raised on how to resist the pandemic and how to distribute the roles of responsibility at different levels of government. Of particular importance are the local governments in the province, which (as well as the rest of the country) faced numerous problems: a lack of material and technical resources, a lack of professional staff, a lack of appropriate crisis action plans in case of epidemics of infectious diseases, as well as a lack of existing legal regulations. This is somewhat understandable, given that the rest of the world did not have a ready response to the COVID-19 pandemic. In their protection and rescue plans, the LSGs have foreseen the manner of acting in emergency situations in case of floods, fires, droughts, etc., but practically no attention has been paid to epidemics of infectious diseases. This was best seen during the epidemic caused by the COVID-19 virus, when it was shown that local governments do not have sufficient capacity to cope with the new security challenge on their own. Of course, the degree of readiness of LSG in the province to respond to emergencies caused by epidemics of infectious diseases varies, taking into account demographic indicators, economic development, material and technical resources, organizational skills of local government leaders, the number of people engaged in local headquarters. emergencies, and the like. So the situation in some local governments is far better than in others.

In addition to the need to overcome these shortcomings, it was important to innovate the existing, i.e., the adoption of new legal regulations at the level of the Republic of Serbia and the Autonomous Province of Vojvodina, in response to COVID-19. Regarding the legal regulations of the Republic of Serbia, respectively Vojvodina, the main regulation is the Law on Protection of the Population from Infectious Diseases (Official Gazette of the Republic of Serbia no. 15/2016, 68/2020 i 136/2020). It should be mentioned that the provisions of this law have proven to be particularly important due to the outbreak of the COVID-19 virus epidemic. Moreover, due to the epidemic, this law was amended, and numerous bylaws (decrees, orders, decisions, etc.) were passed, which specified the legal provisions.

4. CASE STUDY

Existing research on crisis management or security in emergencies and crisis situations at the local government level is largely non-transparent, especially response strategies and how local governments should manage emergencies and crises. The current issue of the COVID-19 pandemic is especially important, which has fundamentally changed the way of life and work of the social community.

The paper presents the situation of LSGs in the area of Vojvodina that face the situations of COVID-19, a pandemic that has been researched in the context of effective

confrontation and providing potentially new knowledge that may be applicable in the future in crisis management and emergencies.

The case study will enable, on specific LSGs, to find some solutions and procedures in the organizational sense of the functioning of LSG in the conditions of an infectious disease pandemic. In particular, the basic problems of a systemic nature and elements of organizational processes in depth, from the state level to LSG, will be analyzed.

4.1 Methodological approach

The following text presents the methodological framework of the research together with the method for data collection. The research was conducted in the area of Vojvodina within the project "Model of functioning of local self-government in the conditions of an emergency situation caused by an epidemic of infectious disease", funded by the Provincial Secretariat for Higher Education and Scientific Research. Project number: 142-451-3077 / 2020-02.

A total of 19 LSGs are included. A checklist was constructed to conduct the research. The checklist consists of structurally nine key questions that are decomposed by elements and practically include sub-questions within the defined main questions.

The research includes persons who are holders of security functions at the level of LSG and persons who are direct organizers and executors of the development of protection and rescue plans in emergency situations. The collected data were analyzed and brought to a relation that explains the situation in LSGs caused by the COVID-19 infectious disease pandemic.

We should note the specificity of research manifested in empirical data in the field and the data provide clarification of reality, which is crucial for explaining the phenomenon of countering the pandemic COVID-19. The collected data and formed database provide an open approach to research LSGs, and practically this data is used to determine the direction of the research.

4.2 Results

The results of the research, which are directly related to LSG in the conditions of a pandemic, are presented by questions that reflect the current situation. The paper covers two key issues and they are decomposed with a number of sub-questions. This provides an analysis that can gain insight into the current situation in LSG. Orientation will be only on those issues that show the problems in LSGs and the root causes of such problems.

4.2.1 Organizing local self-government bodies

In considering the organization of LSG bodies to act in the conditions of a pandemic, based on the research conducted on a sample of 19 LSGs in the area of Vojvodina, it was shown that the situation on this issue is different. The results of the research are shown in Table 1.

Table 1: Organization of local self-governments

Ser. No.	Claims (sub-groups of conditions)	Condition	
		Yes	No
1.	the reaction time of LSG bodies after the appearance of the first signs of an epidemic is an adequate event	17	2
2.	protection and rescue system at the level of LSG is integrated into the system at the level of the Autonomous Province	11	8
3.	system integration is comprehensive	11	8
4.	funds for the functioning of LSG bodies for work in the event of an emergency situation in the event of an epidemic are sufficient	8	11
5.	civil protection units at the level of LSG are organized to respond to emergencies caused by the epidemic	6	13
6.	at the level of LSG, there are an organized headquarters for emergency situations caused by the epidemic	17	2
7.	there is a plan to check the functioning of LSG bodies in case of emergencies	6	13
8.	in the event of an emergency caused by an epidemic, the responsibility for monitoring the situation, issuing tasks for elimination of consequences and issuing precise tasks to the forces participating in the elimination of consequences is defined	13	6
9.	at the level of LSG there is a Plan for protection and rescue in case of an epidemic	9	10
10.	the procedure for seeking assistance from the bodies of the Ministry of the Internal Affairs, the Ministry of Defense and other ministries in case of emergencies has been harmonized	17	2
11.	during the year, the emergency response plans of the epidemic are checked and harmonized twice	5	14
12.	the LSG budget provides funds for this purpose of emergency response	8	11
13.	the funds allocated for training and verification are sufficient for LSG bodies to function	6	13

14.	an annual analysis of the functioning of LSG bodies in the event of emergencies is performed	12	7
15.	funds received in the form of donations after previous cases of the epidemic are used adequately	15	4
16.	your LSG also has persons / teams in charge of the business sector within the established Emergency Situations Headquarters.	14	5
17.	there is a clear organizational scheme of LSG in emergencies caused by an epidemic of infectious diseases	12	7
18.	there are clearly defined procedures and procedures for the protection of the emergency management team	10	9
19.	there are evacuation procedures for the infected in the team	9	10
20.	the place of each team member and the tasks he/she performs are clearly defined	14	5
21.	the interchangeability of team members is defined	13	6
22.	there is a plan to check the functioning of LSG bodies in case of emergencies	15	4

Based on the presented table, it can be noticed that the elements related to the availability of funds for the functioning of LSG in the conditions of a pandemic are not sufficient, which calls into question the quality of planning. At the same time, in most LSGs there are no action plans in a pandemic, but it is done "ad-hoc", which greatly affects the effectiveness of the implementation of measures adopted by LSGs. Most of the measures implemented by the LSG are conducted from a higher instance, so that at the level of the LSG there is no initiative and organized activities that are taken before the instruction from a higher level.

Bearing in mind that there are no action plans in epidemic situations, certain checks on the readiness of LSG for situations of pandemic infectious diseases have not been conducted. Also, an important issue is the lack of funds so that organizational and professional inspections of LSG bodies for action in emergency situations caused by a pandemic of infectious diseases can be performed rationally and realistically.

Finally, it should be pointed out that it is directly related to the quality of protection and rescue plans in emergency situations, that the evacuation measures of infected people are not specially developed, and they directly participate in helping and rehabilitating the consequences of emergencies caused by pandemic infectious diseases.

It can be concluded that at the level of LSGs there are many problems of different nature in terms of its efficient functioning in a pandemic of infectious diseases. It is obvious that at the level of LSG there is no a single approach to this problem and that there is no systemic action at the state level, which has implications for the current situation. Long-term solution to this problem will require a systematic approach and planned solution with clearly emphasized phases of solving the problem of protection of the population in emergency situations caused by a pandemic. It is not excluded that in the future the pandemic will be

more frequent and inevitably imposes the need to actualize this problem and the approach to the quality organization of LSG so that it can effectively confront such a challenge.

4.2.2 Legal regulation related to the the activities of local self-government in case of endangering the operations of business entities

In Table 2 we can see the answers to the set of subgroups of questions related to legal regulation in epidemic crisis, collected from 19 LSGs located in the Autonomous Province Vojvodina.

Table 2: Legal regulation related to the the activities of LSG in case of endangering the operations of business entities

Ser. No.	Claims (sub-groups of conditions)	Condition	
		Yes	No
1.	legal regulations related to LSGs are applied	18	1
2.	all provisions of the law have been implemented	14	5
3.	the legally prescribed work procedures of LSG in the event of an epidemic have been implemented	15	4
4.	the documentation defined by law has been prepared	16	3
5.	the procedure for amending the documents has been determined	12	7
6.	amended documents are checked and approved	14	5
7.	procedures for marking, collecting, registering, making available, disposing of, storing and arranging documents have been defined and established	11	8
8.	obligations and responsibilities for all employees in local self-government have been determined	17	2
9.	all employees are notified with a signature of obligations and responsibilities	7	12
10.	a person has been appointed as an emergency manager	15	4
11.	persons who perform tasks within the framework of acting in emergency situations are competent	18	1
12.	procedures are defined for determining the needs of education and conducting training	8	11
13.	there are records of training, qualifications, certificates, etc. required to perform special tasks	9	10
14.	efficient communication and a clear division of responsibilities are ensured	17	2
15.	a system of communication about the efficiency in functioning of the work system has been established	17	2
16.	the LSG is prepared to react in the event of an epidemic	13	6
17.	the assessment of the damage caused by the consequences of the epidemic is performed by a commission formed by the head of the LSG	11	8
18.	there are planned financial resources in the budget of LSG for the development, construction and execution of tasks for the protection and rescue of property of business entities	15	4

19.	there are preventive measures implemented by your LSG in order to protect persons and property of business entities from emergency situations	15	4
20.	A plan for the implementation of measures to prevent the occurrence and spread of an epidemic of an infectious disease has been adopted	11	8
21.	Measures and activities have been taken to prevent the outbreak of an infectious disease	16	3
22.	Employees implement preventive measures of safety and health at work	16	3
23.	Your organization has obligations and responsibilities related to monitoring and controlling the implementation of safety and health measures at work.	17	2
24.	The area where the infected employee stayed is regularly physically and chemically disinfected and ventilated	15	4
25.	The procedures for entering and leaving the employer's premises are respected, the prescribed means and equipment for personal protection at work and other protection measures during the work process are used	17	2
26.	The directions of movement of employees through work and auxiliary rooms are precisely defined	13	6
27.	Strict control of the movement of employees from the organizational unit in which the infected employee worked is organized	11	8
28.	Contacts of employees from the organizational unit in which the employee who was infected with other employees was staying are reduced to the necessary ones with the prescribed protection measures	15	4

Regarding the legal regulations related to activities in connection with the affairs of LSG in case of endangering the business of economic entities, and based on a sample of 19 LSGs, the following can be stated: practically in all LSGs (except in one case) regulations related to LSGs; in several LSGs certain bylaws have not been implemented or adopted; in the vast majority of analyzed LSGs, the legally prescribed procedures for the work of the LSG in the event of an epidemic were implemented, while this was not the case with five LSGs; LSGs have, for the most part, fulfilled their obligations to amend planning documents, but in many cases the procedures for amending planning documents have not been completed; in many LSGs procedures for marking, collecting, registering, making available, disposing of, storing and arranging documents have not been defined and established; in almost all LSGs, obligations and responsibilities have been established for all employees in LSG; a serious shortcoming was detected in terms of informing employees (with signature) about obligations and responsibilities, where this was noticed in as many as 12 LSGs.

In most LSGs, a person has been appointed as a manager in emergency situations and it has been determined that they are competent persons, except in the case of one LSG; in many LSGs (11 of them) there are no defined procedures for determining the needs of education and conducting training for emergency situations, which is partly the result of lack of financial resources for these purposes, and in those where training and education of employees there are records of training, qualifications, certificates, etc. required to perform

special tasks; in practically all LSGs (except in two) efficient communication and clear distribution of responsibilities is provided, and a system of communication on the efficiency of the functioning of the work system is established; most LSGs are prepared to respond in the event of an epidemic, while an unsatisfactory situation has been registered in 6 LSGs; in 11 LSGs it was determined that the assessment of the damage caused by the consequences of the epidemic is performed by a commission formed by the head of the LSG, while this was not the case in 8 LSGs. The largest number of LSGs (15) planned financial resources in the budget for the development, construction and execution of tasks of protection and rescue of property and persons of economic entities, while 4 LSGs did the same; for the most part, LSGs envisaged preventive measures in order to protect persons and property of economic entities from emergency situations, while in 4 LSGs this was not the case; eight LSGs did not adopt a Plan for the implementation of measures to prevent the occurrence and spread of an epidemic of infectious diseases, while 11 of them did so; almost all analyzed LSGs have taken measures and activities to prevent the outbreak of infectious diseases, except for three LSGs; an identical result was established with regard to the implementation of preventive measures for safety and health at work; Obligations and responsibilities related to the monitoring and control of the implementation of safety and health measures at work are envisaged in almost all analyzed LSGs.

In 15 LSGs it was determined that the area where the infected employee stayed was regularly physically and chemically disinfected and ventilated, and a negative answer was obtained in 4 LSGs; in practically all LSGs (except 2) the procedures for entering and leaving the employer's premises are respected, the prescribed means and equipment for personal protection at work and other protection measures during the work process are used; in a number of analyzed LSGs the directions of movement of employees through work and auxiliary premises are not precisely defined, and it is similar with the strict control of movement of employees from the organizational unit where the infected employee worked; most LSGs (15) conducted a procedure whereby contacts of employees from the organizational unit in which the employee was infected with other employees were reduced to necessary with the prescribed protection measures, while this was not complied with in 4 LSGs.

5. CONCLUSION

With the introduction of the state of emergency, cities and municipalities in Vojvodina have faced the challenge of organizing their bodies and institutions in order to effectively implement a large number of regulations and measures prescribed by the Government of the Republic of Serbia and other republican institutions. LSGs were particularly challenged to put the prescribed measures in the local context in order to make them applicable either in urban areas or in rural areas. It should also be noted that the application of the measures took place in the complex circumstances of the movement ban and under the threat of the virus spreading among managers, employees and volunteers. As also underlined in National Convention on the European Union (Open society Fondation Serbia, 2020), the LSG units were left to fend for themselves in the procurement of sanitary material and means for disinfection of public areas in times of deficit of these goods on the local market, in cooperation with the private sector and citizens in large. In a number of cases, LSG units managed to organize the sewing of necessary masks, which was especially important in the first weeks after the introduction of the emergency state.

The Union of Employers in Serbia has stated that it is proposing the reorganization of the Crisis Staff, which would grow into the Medical Staff and be in charge of the health and medical aspects of the COVID-19 pandemic. Based on the information gathered by the UES from a large number of companies of all sectors and sizes, the measures of the Crisis Staff seemed vague and ambiguous. Also, they were adopted and published untimely and non-transparently, which caused great problems in the organization of business activities of economic entities.

In addition to health and financial challenges, LSGs faced crucial security and crisis management and organizational problems. Communication with the provincial and state authorities went smoothly as far as the conditions and speed of reaction allowed. The main challenges were to create trust among citizens and timely and accurate information through crisis management public relations and communications.

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THREE DECADES OF PRIVATE SECURITY: MACEDONIAN EXPERIENCES AND PERSPECTIVES

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Abstract

Slowly but surely, three decades have passed since private security appeared as a new and unknown security phenomenon in Macedonia. Decades full of ups and downs, successes and lessons to be learned, a period of time sufficient to strike a line and summarize the experiences and perspectives of its future development. Besides being a new security phenomenon, private security was established as a new and indispensable part of the security system of the country. Today, private security in Macedonia is an integral and inevitable segment of the contemporary security reality, reaching a certain level of development. The paper deals with highlighting and assessing the development of the private security in Macedonia in the last three decades of its advent, primarily focusing on the development of private security activity and private detective activity.

Theoretically, the paper is based on structural and functional theory of private security, while methodologically, the paper uses comparison of scientific, professional and legal sources as well as conceptual content analysis. The aim of the paper is to highlight the experiences of the development of Macedonian private security so far and on that grounds to determine the possible future perspectives of its development. The findings of the paper could be of use to scholars and professionals in the sphere of private security, in terms of better understanding of Macedonian private security, as well as in designing and implementing security policies in this field.

***Keywords:** private security activity, private detective activity, Macedonia, experiences, perspectives*

1. INTRODUCTION

Three decades is a fairly decent time distance to evaluate the development of Macedonian private security. It is a period filled with ups and downs, but generally, a period which could be deemed as mainly positive. Private security in Macedonia appeared as a completely new and unknown security phenomenon, so the expectations and uncertainties that surrounded it were immense. Private security gradually evolved in what is nowadays considered a vital and indispensable part of the contemporary Macedonian security system. Surely, this path of development was and will continue to be a permanent struggle to convert the inherent public-private security strain to public-private security synergy (Бакрески, Ахик, Наф, 2019: 246; Спасески, Аслимоски, Герасимоски, 2017: 21).

Parallel with the development of private security as practice, the first scientific and professional works slowly emerged. Private security as a completely new security reality has undoubtedly provoked a scientific and professional interest that continues to grow. From a

theoretical point of view, we can place most of the scientific and professional work on the Macedonian private security within the structural and functional theoretical paradigm, significantly less within the neoliberal and critical paradigm. This fact only adds to the awareness that private security was and to some extent even today is considered by many scholars and professionals from relatively constrained point of view, as something that we should always be wary of. This is not surprising considering the fact that private security in Macedonia emerged for the first time during the early 90s of the previous century and did not have any tradition. Besides, the process of privatization of the security was, to many scholars and professionals pretty challenging, especially for a country which developed for more than half a century a security system where the state was solely a security provider. All of a sudden, it changed overnight and the security system found itself in a situation of adapting to this new security development. Of course, many issues related to private security will continue to be posed not only in Macedonia, but everywhere where there is private security. These issues move between possibilities and limits of development of private security (Gerasimoski, 2012: 179-192). We can also be satisfied that the Macedonian case of security privatization did not turn into a privatized security (Герасимоски, 2007: 32-39).

The private security subsystem in Macedonia, also called a sector, primarily consists of two core activities: private security activity and private detective activity. There is a clear gap and imbalance between the relatively highly developed private security activity and underdeveloped private detective activity. This is one of the most important peculiarities of the private security development in Macedonia, but there are much more to be enumerated and explained, and in the lines of the paper to follow, we will try to address them.

2. PRIVATE SECURITY ACTIVITY

The first association amongst general public when talking about private security is actually private security activity. This is not characteristic of Macedonia only, but broadly speaking, very often, when private security is mentioned and discussed worldwide. So, in a way, it is not surprising at all to see that private security in Macedonia primarily and most notably is consisted of private security activity and much less of private detective activity, private security consulting and risk assessment. This stark imbalance in the development of private security is pretty stressed in Macedonia and is much more expressed than in other countries in the region. There are numerous reasons for this and we will try to explain them in the process.

Macedonian private security activity appeared for the first time in Macedonian history in the beginning of the 90's of the previous century. The first decade of its development was marked with many challenges, problems and anomalies. In actual fact, this was a period of chaotic development, without any proper regulation in this sphere. The development was to a great extent uncontrolled, spontaneous, and unorganised. This brought about many negative consequences which could be summarized under the notion of privatized security. Such negative phenomena included clientelism, political influences and relations, relations with criminal underground, unprofessionalism, a low level of public support, distrust from the state and public security authorities, etc. Some of these anomalies left serious scars to private security activity and some of them are to a smaller extent present even nowadays.

The next two decades of the development of the private security activity were not as turbulent as the first one. They could be characterized in general as positive. This period saw legal regulation of the private security activity with specific regulation (*lex specialis*),

with organized approach in the development, raising the level of professionalism and constant efforts to surmount the negative phenomena which affected the private security activity in the previous period. This development of the private security activity in this period could be characterized as controlled, thought out and organized. Also, slowly but surely, the private security activity improved trust amongst the other state and public security authorities as well as acceptability and support from the general public (Ванковска, 2016: 57-58).

The process of privatization concerning the private security activity in Macedonia has developed without larger turbulences since 2000. The private security slowly increased in number and also improved in quality of private security services. Nowadays, there are more than 100 private security entities as well as more than 6500 private security officers working in the Macedonian private security (in contract and proprietary security together) (Комора на Република Македонија за приватно обезбедување, 2016: 13-14; Gerasimoski & Arsovski, 2020: 135; CoESS, 2015: 1). In contract security only, precisely in the so called agencies for private security, there are 4600 private security officers, out of which 3575 are private security officers that work in the top 5 private security agencies (Nikob, S.G.S., OSA, Perpetuumobile and MDN) (Томик, 2021). Quantitatively, this number is satisfactory and it puts Macedonia in the middle of the countries when comparing ratio of police vs. private security officers.

In terms of quality of the services it offers, Macedonian private security activity can be evaluated as satisfactory, with a lot of room for improvements in different spheres. Speaking of professionalism, it has been significantly improved compared to the very beginnings of this subsystem (Комора на Република Македонија за приватно обезбедување, 2016: 21).

Macedonian private security entities nowadays offer a large specter of private security services, generally categorized in physical and technical security, offering amongst other services, protection of persons, property, public events and cash-in-transit, as well as CIP (Critical Infrastructure Protection) (Бакрески, Герасимоски, Милеска Стефановска, Спасов, Керметчиева, 2016; Gerasimoski & Sotlar, 2013a). There has been a clearly recorded practice of offering security risk assessment and security consulting, a practice that is evidenced recently and takes a swing.

In the recent years, there has been an evident tendency of decrease of the interest for work in the private security activity. The private security officer as profession is perceived as a “temporary profession”, i.e., until another job is found, mostly in police (Комора на Република Македонија за приватно обезбедување, 2016: 21). The reasons for this are mainly related to low salaries, inadequate working conditions, lack of implementation of merit system, etc. Also, in order to raise the level of professionalism, the quality of the training must be improved, both in physical and technical security, in basic, special and follow-up training (Митревска и Кениг, 2019: 43).

Concerning legislation, the legal framework for private security activity development could be considered as adequate, up to date and generally it changes according to the rapid development of this subsystem (Спасески, Аслимоски, Герасимоски, 2017: 193). However, to this day, the private security in Macedonia remains closed for foreign private security entities, since the Macedonian Law on Private Security requires Macedonian citizenship for anyone who wants to establish private security entity in Macedonia (Закон за приватно обезбедување, чл. 10). This restrictive provision, nevertheless, cannot be found in the respective private security legislations in the surroundings.

The legal development of the private security activity can be divided in two periods. The first one from gaining the independence of the country up until 1999 when the first Law on Securing Persons and Property was adopted (Закон за обезбедување лица и имот, Службен весник на РМ, бр. 80/99) which replaced the outdated and non-functional bylaw legislation inherited from the previous socialist security system. The second one can be traced from 1999 until nowadays, marked with the adoption of a completely new legislation concerning private security. This was achieved with the adoption of the Law on Private Security from 2012 (Закон за приватно обезбедување на РМ, бр. 166/12). This new Law can be considered as a qualitative step forward since it introduces the generic notion of private security, regulates the basic notions of the private security activity, different ways of providing private security services, such as proprietary and contract security, as well as also regulating physical and technical security. Issuing the licenses for private security officers still remains within the domain of the Chamber for private security, while issuing the licenses for legal entities still remains within the competence of the Ministry of Interior. The new Law of Private Security also expands the powers of the private security services compared to the previous Law on Securing Persons and Property, adding retention, for instance. In addition, the new Law on Private Security also introduces novelties in the penal provisions, such as the introduction of a settlement procedure for misdemeanors (Закон за приватно обезбедување, чл. 78). Here, it should also be added that several new bylaws were adopted that did not exist in the previous legal solution, such as the Rulebook on transport and transfer of money and value shipments and the Guidelines on the usage of means of coercion. Both of them contributed significantly in reduction of the crimes related with the transport and transfer of money and valuables, as well as decreased the cases of exceeding the authority when using coercive means.

The development of private security activity in Macedonia in the recent years can also be seen in the ever-growing role of private security entities that work in the protection of the critical infrastructure. According to the Macedonian Law on Private Security and the Decision on mandatory private security, every legal entity (operator of critical infrastructure), is obliged to either have private security, or a contract of proprietary. Thus, the role and significance, as well as responsibility of the Macedonian private security activity has been considerably raised. This is something that both public and private security must pay more attention in the future in order to gain a real insight and to help designing the crime prevention policies. However, there is a need to adopt a more comprehensive legislation of CIP in Macedonia, fostering private-public security partnership in this field (Гуровски, 2019: 11).

The most important role of private security is to contribute to crime prevention. i.e., secondary crime prevention. The Macedonian private security activity also contributes to crime prevention, but, unfortunately, it is not clear what is the extent of this contribution since there is not a relevant and credible record system of crime prevention in Macedonia. This record system should be established as soon as possible in order to design not only an optimal private security, but also an optimal security system and prevention policy in general.

Another essential area of development of the contemporary private security is of course the public-private cooperation and partnership. In this respect, the Macedonian private security activity has passed a long way from anonymity and non-recognition by the public security to establishing a level of cooperation that can be best described as a coexistence (Gerasimoski, 2013b: 294-308). However, there is a will and more and more efforts have been put recently, especially by private security, to heighten this cooperation to

the level of partnership, i.e., cooperation between completely equal security entities. It will surely take long time, since establishing long lasting security partnership requires building mutual trust and this is long and painstaking process (Бакрески, Даничиќ, Кешетовиќ, Митевски, 2015: 254-255).

The private security activity has witnessed positive developments in this three-decade period. Among them we can enumerate the following:

- a generally successful process of privatization in the private security activity;
- a raised level of professionalism;
- a developed market of private security services;
- an updated legislation;
- a relatively positive image of private security amongst the public.

However, when considering the future areas of improvement in the private security activity in Macedonia, one has to be very critical and point out the issues that need to be addressed with much more scrutiny and attention in the future. The areas of improvement can be summarized in the following:

- putting more attention on the quality instead of the quantity aspects of development;
- further improvement of the legislation;
- diversification of the market of private security services;
- increasing of the interest for private security as a profession and overcoming the status of private security profession as a “temporary profession”;
- establishing a record system for determining the contribution of the private security in crime prevention;
- improvement of the public-private security cooperation to the level of partnership;
- strengthening of the mutual trust between the private security and other subsystems of the security system;
- improvement of the training both in quantitative and qualitative terms.

3. PRIVATE DETECTIVE ACTIVITY

Private detective activity represents the other side of the coin, regarding Macedonian private security. The development of this activity was to a great extent obscured by the development of the much more visible and obtrusive segment of private security, and that is exactly the private security activity. Although it is not uncommon to have serious imbalance between the development of these two activities within private security elsewhere owing to the different nature of these two activities in security terms, in Macedonia it has been present in its extreme. We have a pretty developed, if not strongly developed private security activity and almost not developed private detective activity at all. Of course, we must address the reasons that stay behind this underdevelopment and in the following few passages we will try to highlight them.

Similar pathways of development as in the private security activity can be traced back in private detective activity as well. The only major difference when private detective activity is concerned, however, is the fact that legal regulation of this sphere did not result in development of private detective activity as it was the case with the private security activity. Namely, the private detective activity in Macedonia was and still is in its infancy (Бакрески, Славески, Гацовски, 2018: 225-227). The very character of this sphere surely contributes to this, but a variety of other objective and subjective factors also played their role. Nonetheless, it is certain that the first decade of development of private detective

activity in Macedonia was very similar to the first decade of development of private security activity, but on a smaller scale. Here, the development can also be evaluated as spontaneous, uncontrolled and unorganized.

The following two decades of the development of the private detective activity were marked by legal regulation of this sphere. Consequently, the development can be deemed as controlled, thought out and organized. However, here we did not see development of this sphere in terms of economic and security parameters. Neither a significant private detective market, nor a significant variety of private security services was developed. The development remained within the so called classical private investigations, whereas the corporate private investigations made up a tiny part of all private security investigations. The private detective activity for the entire three decades of development did not gain any considerable public recognition and support and remained mostly unknown and anonymous. Also, the negative and suspicious attitudes towards the private detective activity coupled with the distrust by the state and public security authorities, proved to be even much more accentuated when compared to the private security activity.

Private detective activity in Macedonia appeared and has been developing for the last two out of three decades in the shadow of the private security activity. The very fact that the Ministry of Interior issued the first license for private detectives only in 2010, tells us a lot about the problems that the private detective activity encounters in Macedonia (Спасески, Аслимоски, Герасимоски, 2017: 176). The total number of issued private detective licenses is around 10 and the number of private detectives is around this number (Gerasimoski & Sotlar, 2014: 493). Usually, not only in Macedonia but almost everywhere in the world, it is hard to determine the real number of private detectives, since this activity is prone to lot of abuses and even illegal private detective work. Thus, even the countries with most developed private detective activity do not dispose with exact numbers. Nevertheless, Macedonia is lagging behind the countries of the region (Slovenia, Serbia and Croatia) both in quantitative and qualitative terms when private detective activity is concerned.

As we already mentioned, Macedonia did not have any institutional experience related to the private detective activity. So, when the first private detectives and private detective agencies (entities) appeared, the majority of the public opinion was not favoured to the private detective activity, especially the state and public security officials, who deemed the private detective activity unnecessary and even detrimental to the security and intelligence community. It seems that Macedonian private detective activity did not manage to get free of this stigma up to the present moment.

When speaking of private detective activity, we have to bear in mind that private detective activity elsewhere, not only in Macedonia, is to a large extent dependent on the development of the overall socio-economic system, material and financial wellbeing and the purchase power of the population. So, it is not at all surprising to see that Macedonia, as the poorest country from the ex-Yugoslavia and one of the poorest in Europe, did not manage to develop a significant market for private detective services. The services that private detectives and private detective agencies from Macedonia offer to their clients today are mostly classified within the so-called classical private investigations, like investigating missing persons, marital infidelity, perpetrators of crimes, etc. (Славески и Божиновска, 2016: 264; Gerasimoski & Sotlar, 2014: 496; Цветковски, 2011; Котушевска, 2019). There are very few private detective services offered in Macedonia which belong to the group of the so-called corporative investigations, such as due diligence.

The obsolete legislation proved to be a real obstacle for developing private detective activity in Macedonia. The legislation is pretty outdated and with the exception of minor interventions it has not been substantially changed for more than two decades. Some of the provisions in the Law on detective activity contribute directly towards the underdevelopment of this activity. For instance, the Law did not contain any provision which could allow founding an association of private detectives. Also, among the many controversial provisions of the Law, we could mention the one contained in Article 4, which refers to the prohibition for submitting an application for issuance of a license if in the previous two years the person performed works and tasks in the field of public and state security (Закон за детективската дејност, чл. 4, ст. 2, т. 6). In many foreign legislations this is considered an advantage, and even a condition, not a disadvantage for someone to apply and gain the right to perform a private detective activity. This is especially characteristic of the United States as one of the countries with the most developed private detective activity, where some legal solutions in the federal states prescribe mandatory previous work experience as a detective in public (state) security (usually lasting 3-5 years) (Dempsey, 2011: 331).

Truly, we cannot single out many positive developments in the private detective activity in Macedonia. There are few and they can be summarized in the following:

- Advent and initial development of the private detective activity;
- Developing of a poor market for private detective services;
- Adopting of the first legislation.

However, there are many more weaknesses, issues to be resolved and improved in the future when it comes to the private detective activity. Among these areas of improvement in the private detective activity in Macedonia in the future, we can highlight the following:

- Raising the general level of the living standard and the purchase power of the population as a precondition for developing a significant market of private detective services;
- Developing the private detective market both in quantitative and qualitative terms;
- Adopting of a completely new legislation;
- Affirmation of the private detective activity amongst the public;
- Establishing a professional association of private detectives;
- Improvement of the training;
- Development of the public-private cooperation;
- Overcoming the negative, suspicious and distrustful attitude of the state and public security authorities towards the private detective activity.

4. CONCLUSION

Private security in Macedonia is celebrating 30 years since its introduction as a new and fairly unknown security phenomenon. 30 years is a period long enough to make sound scientific evaluation of its development and to outline the possible directions of its further development. Macedonian private security was mostly viewed by the domestic scientists in this field through the lenses of structural and functional theory of private security, as an inevitable and valuable part of the contemporary security system, which must be framed and controlled. The very practice of development of Macedonian private security has shown so far, the striking imbalance of the development of its core activities. Namely, private security activity developed with strong dynamics and gained public recognition, while quite the opposite happened with the private detective activity, the development of which could be

evaluated as sluggish, relatively anonymous and to a great extent problematic. Also, we stressed both the achievements and future areas of improvement of both segments within the private security. It seems that private security in general, in Macedonia, has not reached its full potential, especially in private detective activity. The future development of private security should surely be focused on providing more balanced development between private security and private detective activity. Also, it is expected that in the time to follow, the private security activity will have to prove itself more in the field of emergencies, risk assessment, critical infrastructure protection, crime prevention, public and private security partnerships and security culture as well. When we talk about the private detective activity, it must find its way to a real and deserved place within the private security and prove itself much more in the field of corporate investigations.

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**ELEMENTS OF THE MACEDONIAN SECURITY IDENTITY
(ATTACHMENT TO THE FOUNDATION OF THE
MACEDONIAN SECURITY HISTORY)**

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Abstract

The paper is an attempt to determine the security identity of the Macedonian state and the Macedonian society, i.e., a synthesis of the essential elements of the structure of the Macedonian security identity from the establishment of the independence of the Macedonian state until today.

We define **Macedonian security identity** as a coherent organization of recognizable and relatively unchangeable security relevant elements that refer to: national values and the resulting permanent, vital and important interests of the Macedonian society and state; the national security policy, i.e., the goals and areas for its realization (functioning); the holders of the national security policy, i.e., the institutional set-up of the national security system; the legal-normative and conceptual-doctrinal regulation, as well as the regulation of the strategic positions and determinations of the national security system; the national security forces; the subjects of security in the Macedonian society and state; forms of security threats, risks and dangers) to national security; long-term phenomena present in the Macedonian society and state generated by the security-threatening and security-stimulating influence of the global, regional and immediate environment; the constants that participate in achieving, maintaining and promoting the internal political (instability) in the Macedonian society and state; active and equal membership in the North Atlantic Treaty Organization (NATO); the strategic commitment and goal of the Macedonian society and state for political, economic and security integration in the European Union (EU); regional cooperation and relations with the neighboring countries; the security opportunities of the Macedonian society and state; the economic power and prosperity of the Macedonian state; the establishment and implementation of the security sector control; and the legal-normative and functional-organizational set-up of security in the private sector in the Macedonian society.

Key words: *Macedonian security identity, Macedonian state, Macedonian society.*

1. PARADIGMAL, METHODOLOGICAL AND CONCEPTUAL SETTLEMENTS ON THE ELEMENTS OF THE MACEDONIAN SECURITY IDENTITY

The beginning of the 1990s left many with the impression that the Republic of Macedonia was one of the "frightened republics", and along with several others it was categorized in conservative environments, close minded to new ideas for change.¹ One of the questions which caused particular attention was the road to the international establishment of the Republic of Macedonia, which began in late 1991 and lasted until mid-1993.² It was a purgatory kind of period, in which politics and political power dominated at the expense of principles and, contrary to the democratic tradition, new "game rules" were established.³ We will contextually note that the Macedonian state was and still is in a heterogeneous geopolitical environment, which included various historical and new antagonistic political interests that were characterized, among other things, by the identical attitude of all our neighbors who manifested a negative attitude towards the existence, independence and uniqueness of the Macedonian people, the Macedonian nation and the Macedonian state (regardless of the fact that some of them sooner or later formally recognized us as an independent country).⁴ Particularly, political destabilizing and security-threatening was the geopolitical content expressed through the attempts to create new Balkan political alliances that endangered the territorial integrity, sovereignty and independence of the Republic of Macedonia, as well as its constitutional order and its security.⁵ The multiple attempts for general social destabilization of Macedonia were not absent - from the most destabilizing motivated attempts I will list two: the illegal intrusion of military units of the Army of the Federal Republic of Yugoslavia (FRY) on the state territory of the Republic of Macedonia and the assassination of the first president of the Macedonian state Kiro Gligorov. On the threshold of the Third Millennium, in fear of the existential sword of Damocles, the exalting years of 1944 and 1991 were quickly forgotten, in order to gradually renew the discussions about the so-called Macedonian question from the end of the 19th and the beginning of the 20th century in 2015 at the world diplomatic "green table".⁶ The term was used lightly, topically and locally, which in the past did not mean anything else than the issue of division of a territory known as Macedonia, without any essential reference to the ethno-cultural characteristics of the people who inhabited it.⁷

Parallely and causally related to the general social processes, conditions and relations in the security, geopolitical, geostrategic and geoeconomic environment of the Macedonian state, as well as in the country, the Macedonian security identity was formed and shaped. Namely, the design of the security profile of the Macedonian society and state

¹ Цане Т. Мојаноски, *Летопис на македонската демократија*, Скопје, Пакунг, 2000 година, стр. 10

² *ibidem*

³ Цане Т. Мојаноски, *op. cit.*, стр. 41

⁴ Гоце Аризанкоски, *Хипотетички ставови за атентатот врз првиот претседател на Република Македонија Киро Глигоров (прилог кон обидот за научно осветлување на одредени елементи на криминолошката, криминалистичката, виџимолошката, кривично-правната и политолошката димензија на атентатот во услови на официјален информациски дефицит)*, Научно-стручна дебата „15 години од атентатот врз претседателот Киро Глигоров – мистерија или настан *ad acta*“ (Скопје, септември 2010 год.), Форум за безбедност, Здружение на ветерани од одбраната и безбедноста на Република Македонија, Скопје, септември, 2012 година, стр. 78

⁵ *ibidem*

⁶ Виктор Габер, *Од објект до субјект: Македонија во меѓународните односи*, Фондација „Фридрих Еберт“, Канцеларија во Македонија, 2017 година, стр. 214

⁷ *ibidem*

started with the independence of the Macedonian state, evolving from a security profile directed towards the outside (towards external threats, challenges and risks), to a security profile directed towards the inside, i.e., towards the "soft" security threats, challenges and risks, such as organized crime, corruption (as a separate form of crime) and other forms of serious crime, as well as internal forms of endangering the constitutional order of the country (terrorism, association due to hostile activity, etc.).

The projection of the security profile and the formation and shaping of the security identity of the Macedonian society and state, among other things, implies perception of the ideological bases on which its integration is based, so the Macedonian state found itself after its independence at a historical milestone, moving from one to another historical process, i.e., from one socio-political system to another, which created conditions and circumstances for the formation of a new security identity based on a new ideological matrix.⁸

Otherwise, profiling and formulating the security identity of the Macedonian society, among other things, is a *key segment of establishing the continuity of the security policy of the Macedonian state*, which includes not only specification and standardization of mechanisms that are allowed to be used in combating the forms of endangering national security, but also specification and standardization of the *values, political-ideological, legal-normative, economic, concept-doctrinal, strategic, organizational and internal-political assumptions, as well as the assumptions arising from the constellation of the condition, relations and processes in the global, regional and immediate environment of the country*, in the context of security.⁹

The brief description above and differentiation of the social security reality in the Macedonian society and state, as well as their narrower and wider (security, geostrategic, geopolitical, and geoeconomic) environment of categories, will enable us to classify and determine two groups of relevant security elements. The first group consists of elements that in aspect of their function, quality and quantity, are characterized by potential variability and discontinuity, while the second group consists of elements that are characterized by relative but noticeable similarity, immutability and continuity. In the context of the Macedonian society and state, the latter develop relationships and relations, both with each other and with the variables of security relevant elements (which are located inside and outside the Macedonian society and state), thus forming and shaping a complex unity, i.e., a separate entity expressed as the **security identity of the Macedonian society and state (Macedonian security identity)**. In theoretical and empirical terms, the notion of the Macedonian security identity (by scope and content) would be defined as a coherent organization of recognizable and relatively unchanging security relevant elements relating to: national values and the resulting permanent, vital and important interests of the Macedonian society and state; the national security policy, i.e., the goals and areas for its realization (functioning); the holders of the national security policy, i.e., the institutional set-up of the national security system; the legal-normative and conceptual-doctrinal regulation, as well as the regulation of the strategic views and determinations of the national security system; national security forces; the subjects of security in the Macedonian society and state; forms of security threats, risks and dangers to the national security; long-term phenomena

⁸ Гоце Аризанкоски, *Безбедносниот идентитет на македонското општество и држава (синтеза на суштинските елементи на македонскиот безбедносен идентитет)*, Compilation of works from the Scientific Conference "Security, ecologic security and the challenges of the Republic of Macedonia" (Ohrid, 17-18 September 2010), St. Kliment Ohridski Universite – Bitola, Faculty of Security – Skopje, Skopje, 2010, p. 370

⁹ *ibidem*

present in the Macedonian society and state generated by the security-threatening and security-stimulating influence of the global, regional and immediate environment; the constants who participate in the achievement, maintenance and advancement of the internal political (in)stability in the Macedonian society and state; active and equal membership in the North Atlantic Treaty Organization; the strategic commitment and goal of Macedonian society and state for political, economic and security integration in the European Union (EU); regional cooperation and relations with the neighboring countries; the security opportunities of the Macedonian society and state; the economic power and prosperity of the Republic of Macedonia; the setup and realization of control over the security sector; and the legal-normative and functional-organizational set-up of security in the private sector in the Macedonian society.

We consider the mentioned coherent organization of recognizable and relatively unchangeable security relevant elements that make up the Macedonian security identity to be an essential part of the recent Macedonian security history, for which there is a scientific and social justification for its establishment as a separate scientific discipline.

2. SYNTHESIS OF THE ESSENTIAL ELEMENTS OF THE MACEDONIAN SECURITY IDENTITY

Synthesized, the structure of the Macedonian security identity, among others, consists of the following essential elements:

1. National values and the resulting permanent, vital and important interests of the Macedonian society and state. These are based on the long-term needs of the Macedonian society which are crucial for the life and safety of the citizens, but also for the stability, functioning, and continuity of the state.¹⁰

The lasting interest of the Macedonian state is the preservation and advancement of its state identity with the free expression of the ethnic identity of all its citizens, as well as the protection of independence and territorial integrity.¹¹

Vital interests of the Macedonian state that improve the security situation and create conditions for a better life for the Macedonian citizens and the functioning of the state and society are: the protection and advancement of peace and security, life, health, property and personal safety of Macedonian citizens; development of a multiethnic society based on mutual trust, joint efforts and aspirations of all ethnic communities for stability and comprehensive progress of the country; economic development based on the principles of the market economy, private property, continuous improvement of the living standards and quality of life, as well as protection of the vital infrastructure and resources of the Macedonian state; protection and advancement of the democratic foundations of the rule of law - political pluralism, parliamentary democracy, separation of authority and democratic and fair elections, the rule of law, consistent respect for human rights and freedoms, as well as the freedom and rights of citizens belonging to all communities and continuous maintenance and improvement of the overall internal security of the state and its society; and the already active NATO membership, political, economic and security integration in the European Union, as well as in other systems of collective security.¹²

¹⁰ *Национална концепција за безбедност и одбрана*, Службен весник на РМ, бр. 40/03

¹¹ *ibidem*

¹² *ibidem*

Important interests of the Macedonian state, which are preconditions for the creation and realization of its lasting and vital interests, are: construction and development of all forms of cooperation with neighbors in the interest of peace, security and development of the Macedonian state and its neighbors; its own contribution to the preservation and advancement of the peace and stability in South East Europe (SEE) in order to strengthen the zone of democracy, security and prosperity of all countries in the region; Participation in the construction of peace and stability in the region, Europe and the world, as well as prevention and construction of instruments for early warning of tensions and crises in order to timely and effectively resolve peacefully; preservation and progress of the international order based on justice, mutual respect for the international order based on the international law, as well as political and economic equality of the states; providing conditions and advancement to the internal political stability and opportunities for equal right to participation, which should include a generally accepted consensus on issues of lasting, vital and important interest to the country; creating conditions for the advancement the security culture; building a just, social state with equal opportunities for all citizens regardless of their gender, race, religion, political, social, cultural and other affiliation; creating conditions for building a society with communications and relations that will develop the common values and living culture, especially among the young generation, in the spirit of tolerance, nurturing the democratic values and respecting personal integrity, rooted in the European democratic tradition, regardless of ethnic, religious or other affiliation; and preservation and protection of the environment in the country in cooperation with the wider environment.¹³

2. National security policy is a complex interdependent set of measures, activities, plans and programs undertaken to protect, maintain and enhance the security of the country and its citizens, in accordance with available resources and active cooperation with the international organisation. It systematically contains the political, economic, defensive, internal security, social, environmental and other areas. *The basic and long-term goal* of the national security policy is to protect, maintain and improve the security condition of the country, creating an environment for achieving the national interests of the Macedonian state.¹⁴

3. National security policy makers who represent the foundation - the basis of the organization and functioning of the security system are: The Assembly, the President, the Security Council, the Government, the Ministry of Internal Affairs (MIA), the Ministry of Defense (MoD) and the General Staff, the Ministry of Foreign Affairs (MFA), the Agency for National Security (ANS), the Intelligence Agency (IA), The Crisis Management Center (CMC), the Directorate for Protection and Rescue (DPR), as well as other state administration bodies that within their scope of work, among others, perform certain direct or indirect security-relevant activities.

4. From the aspect of the legal-normative and conceptual-doctrinal regulation, as well as the regulation of the strategic positions and determinations of the national security system, the following strategic documents have been developed for the needs of the security and defense planning process¹⁵: **(1) *The National Security and Defense Concept (NSDC)***¹⁶ which is the foundation in the security and defense planning process, as well as the basis for

¹³ ibidem

¹⁴ ibidem

¹⁵ In the paper we will present only part of the strategic documents from the framework of the legal-normative and conceptual-doctrinal regulation, as well as the regulation of the strategic positions and determinations of the national security system.

¹⁶ *Национална концепција за безбедност и одбрана*, Службен весник на РМ, бр. 40/03

the development of strategic documents. The NSDC determines and expresses the views of the Macedonian state on its national interests, its security environment, national security policy, as well as goals, directions, areas and instruments for its realization; (2) ***The Strategic Defense Review (SDR)***¹⁷ which provides guidance for the future development and continuous transformation of the defense, in order to create a modern and flexible Macedonian army, which can perform the assigned defense missions and tasks as a full member of NATO; (3) **The defense strategy** which provides strategic directions for the functioning and development of the defense system of the Macedonian state; (4) ***The long-term plan for development of the defense capabilities 2019-2028***¹⁸ which is a basic document that projects the development of defense and military capability of the Armed Forces and the Ministry of Defense for a period of 10 years and which consolidates the long-term development goals for capacity development of the Macedonian state as a NATO member in order to develop, procure, operate and maintain adequate capabilities to support the key tasks of the Alliance in accordance with the NATO Strategic Concept; (5) ***The defense plan*** as part of the defense planning mechanisms, which is a kind of report composed of the following documents: *Plan for the use of armed forces*, *Mobilization Development Plan*, and a *Plan for Readiness of the System Institutions*; (6) ***The strategic plan of the Ministry of Internal Affairs*** in which it evaluates its position, quality of work and identifies the challenges and its potentials, in order to improve the effectiveness and efficiency in the implementation of policies, evaluation and transparency in the spending of certain budget funds; (7) ***The strategic plan of the Crisis Management Center***, which presents specific program activities that contribute to the realization of the Government policies from the field of crisis management; and the (8) ***National Accident and Disaster Risk Reduction Platform***, which is a nationally designed and managed form of participation of all the stakeholders in risk reduction, which provides coordination, analysis and recommendations for priority areas and requires concentrated activity through coordination processes and active participation of the bearers of responsibilities. From a *normative-legal aspect*, the national security system of the Macedonian state is regulated by the Macedonian Constitution, as well as with the multitude of laws and bylaws in the field of security.

5. The National Security Forces of the Macedonian state represent the specially organized, trained, equipped and authorized organizational units of those security entities that directly realize a certain type of security, and those are: The Ministry of Internal Affairs, the Ministry of Defense - MoD (and the Army of the Republic of Macedonia - ARM), the National Security Agency, the Intelligence Agency - IA, the Financial Police, the Forest Police, the Judicial Police, the Correctional Institutions and the Firefighting Units.

6. Subjects of security in the Macedonian society are those institutions, organs and bodies that, performing their regular activities, directly or indirectly realize the security function or contribute to its realization. We will classify them into:

- **conventional security entities** which, with the regular performance of their activities directly realize the security function, and those are: MIA, MoD (and ARM), ANS, IA, Crisis Management Center - CMC, Directorate for Protection and Rescue - DPR, Customs Administration, Directorate for Security of Classified Information, Financial Police (at the Ministry of Finance), Forest Police (at the Ministry of Agriculture, Forestry and Water Economy), Firefighting Units,

¹⁷ *Стратегиски одбранбен преглед – Кон членството во НАТО и „Идни вооружени сили 2028“*, Ministry of Defence, June 2018

¹⁸ *Долгорочниот план за развој на одбранбените способности 2019-2028*, Ministry of Defence, Maj, 2019

Inspections (in the areas related to protection of natural resources, health security of Macedonian citizens, as well as maintaining balance in the market of goods, services and labor), the Public Prosecutor's Office, the Courts, the Judicial Police and the institutions responsible for the execution of criminal sanctions (Penitentiary-Correctional and Educational-Correctional Institutions);

- **unconventional security entities** which indirectly perform the security function by regularly performing their activities, which are: the Macedonian Parliament, the Macedonian Government, the President of the Macedonian State and the Ministry of Foreign Affairs; and
- **supplementary security entities** that with the regular performance of their activities contribute to the realization of the security function, namely: the local community and local self-government bodies, state administration bodies, public services, enterprises and other similar organizations, non-governmental organizations (associations of citizens and foundations), the educational system, the health system, the religious entities (churches, religious communities and religious groups), the mass media and the Macedonian citizens (the individual).

7. From the aspect of **the security environment of the Macedonian state and society**, the prevailing assessment is that the security environment of the Macedonian state has significantly improved in the past few years. We have established good relations with our neighbors, most of which are members of NATO and / or the EU (Albania, Bulgaria and Greece) despite the current problems with Bulgaria. Kosovo has a Euro-Atlantic agenda, while Serbia is negotiating for a EU membership and maintains constructive relations with NATO. The geostrategic location of the Macedonian state and its geopolitical position are of interest and under the influence of key economic and political actors, which has an impact on our national security. Conflicts in the Middle East (Iraq, Syria), South Asia (Afghanistan) and North Africa (Libya) also affect the security condition through the arrival and transit of migrants, radical extremists and returnees. The threat of military aggression by another state against the Macedonian state in the short, medium and long term is unlikely. The most significant risks we face are asymmetric, hybrid, cyber-threats and other non-military threats, including those caused by non-state actors. The Natural and technical-technological disasters, epidemics and the impact of climate change continue to pose an additional risk for the Macedonian state, the region and wider around the world. No country is immune to these risks, as they do not recognize state borders.

8. Security threats, risks and challenges. As basic threats, risks and challenges according to the current Strategic Defense Review are recognized the following¹⁹:

8.1. Economic and political conditions remain a serious challenge for the Macedonian state and the main generator of instability. These include: slow economic growth, corruption, organized crime, unemployment, underdeveloped institutions, weaknesses in the judiciary and the partisanship of democratic institutions, for which comprehensive and complex reforms are under way. Energy security is an additional problem, given our dependence on external sources, especially oil and gas. Interruptions in energy supply, whether as a result of instability in certain countries or due to bad intentions, would have a serious impact on the national stability.

8.2. Organized crime in the Macedonian state and society is manifested primarily through illegal trafficking, including narcotics and people. The safety in the region is further

¹⁹ Стратегиски одбранбен преглед – Кон членството во НАТО и „Идни вооружени сили 2028”, Ministry of Defence, June 2018

threatened by the presence of illegal weapons and ammunition that may become available to criminal and extremist groups.

8.3. Foreign intelligence services and their covert actions are a threat to the security of the state and society. Prior to our NATO membership, their goal was to hamper or halt our efforts to integrate into the Euro-Atlantic community, especially to achieve a full NATO and EU membership. Their actions are aimed at weakening the political, economic and security determinations of the country, eroding the capacities of the defense system and undermining public confidence in government policies.

8.4. The violent extremism and radicalism in all its forms (national, political and religious), in some cases originates from historical circumstances and disagreements, and is intensified by the slow social and economic development of the region. Externally funded non-state actors can exploit these weaknesses to provoke internal, inter-ethnic strife and conflict.

8.5. Terrorism remains a current threat to the security of the state and society. Contemporary terrorism is closely linked to violent extremism, especially religious extremism. The Macedonian state and society are vulnerable to terrorist attacks, but Macedonian territory is more likely to be used as a corridor for terrorist infiltration in Western Europe.

8.6. Illegal migration, which is primarily a result of the conflicts in the Middle East and North Africa, but at the same time the need to improve the economic situation, is not a direct threat to the national security of the Macedonian state, but can seriously burden a number of state institutions, medium and long term. The nature of this risk will depend on the future dynamics of migration and the consolidated international response to it.

8.7. Cybercrime and the threat to information security is a current and growing challenge to global security. The most serious potential consequences of cybercrime are the endangerment of the functioning of the elements of the critical infrastructure, including the security and defense system of the Macedonian state.

8.8. Natural disasters, technical and technological catastrophes, epidemics and climate change are indirect threats that are difficult to predict and can seriously burden security and other state institutions.

8.9. Environmental degradation and destruction are closely linked to climate change and global warming. This can be one of the most significant problems and security risk for the Macedonian state and society in the long run, which can indirectly affect the defense system. Contextually, we will note that the massive threat to individual security from the existence and spread of the COVID-19 pandemic is a real or potential threat to national, regional and global security.²⁰ The stated, pandemically determined (real or potential) causality between the threats of different types to security, has its argumentation, among other things, in the determination of a state of emergency in many countries in the world as a general social circumstance.²¹

²⁰ Цане Мојаноски, Гоце Аризанкоски, *Филозофско-безбедносна концептуализација на загрозувањата на безбедноста предизвикани со егзистирањето и ширењето на пандемијата COVID-19 (синтетизирани ставови)*, International Scientific Journal "Security", No. 3, Ministry of Internal Affairs, Skopje, 2021, p. 42

²¹ ibidem

9. The operationalization of the strategic benefit from the already started active membership of the Macedonian state in NATO has its expression in the following possible benefits:²² **1)** securing the permanent interest of the Macedonian state, in other words, protecting the independence, sovereignty, the territorial integrity and the unitary character of the country, as an essential frame for keeping and improving the national identity of Macedonian state, and freely keeping and expressing the ethnic and cultural identity of all citizens; **2)** improving the national security conditions, that will help in creating better living conditions for the citizens, and a better functioning of the country; **3)** discouraging the countries in our neighborhood to ask for (new) concessions that could have fatal consequences for the Macedonian state and will put in danger the national security; and what is extremely important – to guarantee the Macedonians the feeling of national identity, whose recognition is a necessary condition for stopping the big nationalistic projects, that are obviously still present in this part of Europe; **4)** achieving, maintaining, obtaining and developing a durable and stable national, and related to the security - political status (position) that will allow the Macedonian state an economic and social growth and development; **5)** consequently, achieving optimum conditions for political, economic and security integration of the Macedonian state in the European Union; **6)** stimulation of the development of the multi-ethnic society, so it can be more capable for suitable communication with the globalized world, as well as improving the mutual confidence, efforts and endeavor of all ethnic communities in the Macedonian state for achieving stability and progress of the country; **7)** the Euro-Atlantic integration will stimulate and strengthen the capability of the Macedonian state for its own contribution, in a process of keeping and improving the peace and stability of Southeastern Europe, and at the same time keeping and improving the democracy, security and prosperity of all countries in the region; **8)** equal participation of the Macedonian state in the joint decision making process about the present and future security challenges in the region, Europe and in the world; **9)** this participation of the Macedonian state, as an egalitarian member state, also carries responsibilities in the prevention and creation of instruments that will warn in time about tensions and crises, with the main purpose – efficient and timely solution of the problems peacefully; **10)** the Euro-Atlantic integration of the Macedonian state will strengthen the international order based on justice, mutual respect of the international order established according to the international law and political equality of the countries and their equal participation on the global market, in other words, the open movement of goods, services and ideas; **11)** active involvement of the Macedonian state in scientific, technological, informational and the military and industrial courses of the NATO member states; **12)** strengthening the military cooperation of the Macedonian state with the most developed countries in the world; **13)** possibility for development of military-industrial facilities in the Macedonian state; **14)** providing conditions for further development of the internal and political stability of the country, whereby, its defense costs will reduce.

10. The constants that participate in achieving, maintaining and promoting the internal political (in)stability in the Macedonian society and state. One of the constants of the political (in)stability in the country are *the interethnic relations, processes and conditions and their impact on the security profiling of the Macedonian society*. In this context, and in the future, the political manipulation will continue to be a key security-

²² Goce Arizankoski, Jonche Ivanovski, *The perspectives of the commitment of the Republic of Macedonia to NATO integration and the new security challenges in creating the Macedonian security identity*, International Scientific Conference „Macedonia and the Balkans, a hundred years after the world war I-security and Euro-Atlantic integrations book of abstracts”, Ohrid, 03-05 June, 2014., p. 391

threatening instrument expressed in organized and deliberate disruption of the interethnic relations in the form of a *typified scenario of security threat which is an expression of socially harmful securitization of the interethnic relations*. Namely, despite the signing of the Ohrid Framework Agreement whose main goal was to promote the peaceful and harmonious development of the civil society and respect for the ethnic identity and interests of all citizens of the Republic of Macedonia²³, and the change of the state normative-institutional framework, some political and quasi-political entities develop political behavior contrary to the constitutional order of the state. There are indications that the constitutional order does not correspond to the model of political culture of some ethnic communities, which among other things has security implications.²⁴

11. The permanent strategic commitment of the Macedonian state to realize its future as a member of the European Union (EU). It will continue to fulfill its obligations under the *Stabilization and Association Agreement* and align with the European legislation by implementing the measures and activities envisaged under the *National Program for the Adoption of the Acquis*.²⁵ It will also continue to implement reforms aimed at meeting the standards required for entry in the EU, actively promoting good neighborly relations and regional co-operation. The Macedonian Government is also committed to supporting the *Common Foreign and Security Policy (CFSP)* and will continue to contribute to civilian and military operations under the Common Security and Defense Policy. It participated in the EU Battle Groups in the second half of 2012 (EUBG 2012-2) and the last 6 months of 2014 (EUBG 2014-2). Within the EU Battle Groups, the Macedonian contribution consisted of approximately 150 military personnel in each of the groups. The Macedonian government is also considering further co-operation with the *European Defense Agency*. The Macedonian state has declared ARM units for EU-led operations, and the size of the force will depend on the requirements of specific missions. These declared forces include: one mechanized infantry company, one platoon of the Air Force and a medical team (level 1).

12. Regional co-operation and relations with the neighboring countries are an essential part of the country's EU accession process. They contribute to stability, reconciliation and a climate conducive to resolving outstanding bilateral issues and legacies of the past.²⁶ The Macedonian government has taken a positive approach to regional co-operation and good neighborly relations. The Macedonian state continued to participate actively in regional initiatives such as the Central European Free Trade Agreement (CEFTA), the Energy Community, the Transport Community, the South East European Cooperation Process (SEECPP), the Regional Cooperation Council, RECOM and the Regional Youth Cooperation Office (RYCO). In April 2020, the Macedonian state became a member of the EU Strategy for the Adriatic-Ionian Region (EUSAIR). During the KOVID-19 crisis, inclusive regional cooperation, proved necessary. The establishment of green lanes in the region has proven the capacity of the region to deal quickly and efficiently with common challenges. Inclusive regional organizations - the Regional Cooperation Council,

²³ Stated by the Secretariate for implementation of the Ohrid Framework Agreement of the Government of the Republic of Macedonia

²⁴ Гоце Аризанкоски, *Безбедносниот идентитет на македонското општество и држава (синтеза на суштинските елементи на македонскиот безбедносен идентитет)*, Compilation of works from the Scientific Conference "Security, ecologic security and the challenges of the Republic of Macedonia" (Ohrid, 17-18 September 2010), St. Kliment Ohridski Universite – Bitola, Faculty of Security – Skopje, Skopje, 2010, p. 378

²⁵ *Стратегиски одбранбен преглед – Кон членството во НАТО и „Идни вооружени сили 2028“*, Ministry of Defence, June, 2018

²⁶ North Macedonia 2020 Report, Brussels, 6.10.2020

the Transport Association and CEFTA - played the key role in the response to the COVID-19 crisis.²⁷ Based on the results of previous summits in the region, the Western Balkans Summit in Poznan focused on strengthening the regional co-operation in the fields of economy and trade, the digital agenda, connectivity, security, the fight against corruption, promoting reconciliation and youth. The summit endorsed a number of achievements in these fields, in particular the Podgorica Declaration on Clean Energy Transition, the Regional Roaming Agreement signed in Belgrade, a substantial connectivity package and the Declaration on Roma Integration. It was also an occasion to start preparing a Green Agenda for the Western Balkans. The Macedonian state demonstrated its efforts to provide renewed impetus for regional cooperation and enhanced regional ownership at the Summits in Novi Sad, Ohrid and Tirana. It is important that regional initiatives involve all partners in the Western Balkans and are based on the EU rules, building on commitments previously made under CEFTA, the Regional Economic Area (REA) or the Transport Community Treaty. Many duties and decisions have already been made within these regional frameworks and they need to be implemented quickly.²⁸ At the Zagreb Summit on 6th May 2020, EU and Western Balkan leaders agreed that deepening regional economic integration should be a highlight of the efforts to revitalize the Western Balkans. In this direction, the Macedonian state needs to play a constructive role in building a common regional market, which will be crucial to increase the region's attractiveness and competitiveness.²⁹ It will help the Macedonian state to accelerate its recovery from the effects of the pandemic - especially by attracting investors seeking diversification of supply and shorter value chains. Such a common regional market should be inclusive, based on EU rules and based on the achievements of the multiannual action plan of the regional economic area. The Macedonian state has remained constructively committed to bilateral relations with other enlargement countries and neighboring EU countries.³⁰

13. The security capabilities of the Macedonian society and state are a permanent source for their construction and progress, and among the most important are: the active participation in the spread of peace and stability in order to increase general security in the region and Europe, by permanently increasing the opportunities and capacities for crisis prevention and management; involvement in all international, global, political, economic, social and other currents, led by international institutions and organizations; full participation and integration in the Euro-Atlantic security structures for maintaining stability and security, expressed through the processes and activities in the already started active membership in NATO and preparation for EU membership, but constantly and in close cooperation with the OSCE and the UN; permanent advancement and development of good neighborly relations and regional cooperation in order to improve the security and the environment, as well as political and economic stability and progress; completion and promotion of the democratic foundations of the state, based on the respect of the fundamental freedoms and rights citizens; achieving equitable and adequate representation of all ethnic communities in the bodies of the state government and public administration at all levels, especially in the security structures; completion of the public administration, as a service to the citizens, with high professionalism, political neutrality, competence and efficiency; creating conditions for functioning of the market economy, socially and ecologically

²⁷ North Macedonia 2020 Report, Brussels, 6.10.2020

²⁸ North Macedonia 2020 Report, Brussels, 6.10.2020

²⁹ North Macedonia 2020 Report, Brussels, 6.10.2020

³⁰ North Macedonia 2020 Report, Brussels, 6.10.2020

oriented, and improving the living and working conditions of the citizens; advancing the scientific, technical-technological, information and infrastructural basis of the state and creating conditions for the use of economic and other own resources and opportunities for the function of security and defense.³¹

14. The economic power and welfare of the Macedonian state. From the aspect of *social and economic security* of the Macedonian society and state, according to the *European Commission Report on the Macedonian state for 2020*, the country remains moderately prepared in this area with some progress in reducing the unemployment rate and increasing the benefits of social assistance. The Youth Guarantee Scheme has been successfully implemented throughout the country, including underdeveloped regions. The employment and social reform program has been partially implemented. Implementation of the new Law on Social Protection should reduce the poverty rate, which remains a serious problem. As a continuation of the KOVID-19 crisis, the Macedonian government has taken a number of facilitating socio-economic measures. In the upcoming year, according to the above-mentioned European report, the country especially needs: (1) to continue to implement measures for activating the long-term unemployed and unskilled people, including women, people with disabilities and Roma; (2) to improve the capacity of the State Labor Inspectorate and strengthen the bipartisan social dialogue between employers and workers; and (3) to continue providing assistance to all vulnerable groups in the society while tackling poverty and anti-discrimination.

15. The control of the security sector in the Macedonian state is executed through: *formal control mechanisms (level of vertical control)*; **parliamentary, executive and judicial control**; *informal control mechanisms (level of horizontal control)* that are in the process of crystallization (civil society organizations - associations, unions and foundations) and *special forms of control* (control by the Ombudsman and the civil inspection).

16. The normative and functional-organizational set-up of the security in the private sector in the Macedonian society and state. The legal basis for establishing entities which will deal with private security in the Macedonian state, the *Law on Private Security* and the *Law on Procurement, Possession and Carrying of Weapons*. Private security of people and property is performed as physical and technical security and it is performed only by people who have a work license issued by the *Chamber of Private Security of the Macedonian State*.

3. CONCLUSION

The identification, analysis and synthesis of the elements of the Macedonian security identity established the following essential conclusions:

1. The differentiation of the social security reality of the Macedonian society and state, as well as their narrower and wider (security, geostrategic, geopolitical and geoeconomic) environment of categories, enabled the identification, among others, of a multitude of recognizable and relatively unchangeable security elements which form and shape the Macedonian security identity. Thus, it can be concluded that it is multifactorially determined by organized, legal-normative and conceptual-doctrinal creation, editing, maintaining and developing a **general-social (societal) concept of security of the Macedonian state and society**.

³¹ *Национална концепција за безбедност и одбрана*, Службен весник на РМ, бр. 40/03

2. The membership of the Macedonian state in NATO, strategically and long-term ensures the lasting interest of the Macedonian state, i.e., ensures the preservation of independence, sovereignty, territorial integrity and the unitary character of the state as an essential framework for preserving and advancing the state identity and free nurturing and expression of the ethnic and cultural identity of all citizens.

3. The insurance of the lasting interest of the Macedonian state is causally related to the creation and realization of the vital and important interests, i.e., preserving the independence, sovereignty, territorial integrity and the unitary character of the state will enable the maintenance and advancement of individual (humanitarian), social, societal and national security at an optimal level, creating capacities for contribution of the Macedonian state in maintaining and advancing regional and global security.

4. We define Macedonian security identity as a coherent organization of recognizable and relatively unchangeable security relevant elements that refer to: national values and the resulting permanent, vital and important interests of the Macedonian society and state; national security policy, i.e., the goals and areas for its achievement (functioning); the holders of the national security policy, i.e., the institutional set-up of the national security system; the legal-normative and conceptual-doctrinal regulation, as well as the regulation of the strategic positions and determinations of the national security system; national security forces; the subjects of security in the Macedonian state and society; forms of security threats, risks and dangers to the national security; long-term phenomena present in the Macedonian society and state generated by the security-threatening and security-stimulating influence of the global, regional and immediate environment; constants which participate in achieving, maintaining and advancing internal political (in)stability in the Macedonian society and state; equal membership in the North Atlantic Treaty Organization; strategic commitment and goal of the Macedonian society and state for political, economic and security integration in the European Union; the regional cooperation and relations with the neighboring countries; the security opportunities of the Macedonian society and state; the economic power and welfare of the Macedonian state; the establishment and implementation of the security sector control; and the legal-normative and functional-organizational set-up of the security in the private sector in the Macedonian society.

5. We consider the coherent organization of recognizable and relatively unchangeable security relevant elements that make up the Macedonian security identity as an essential part of the recent Macedonian security history, for which there is scientific and social justification for establishing the security history as a separate scientific discipline.

6. Based on the identification, analysis and synthesis of the elements of the Macedonian security identity, we believe that a usable basis is founded for organized, legal-normative and conceptual-doctrinal creating, editing, maintaining, and developing a **general-social (societal) concept of optimal security resistance of the Macedonian society and state.**

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SECURITY CHALLENGES OF WESTERN BALKANS COUNTRIES, A NECESSITY FOR A REGIONAL COOPERATION

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Abstract

After the end of the Cold War in the 1990s, the Western Balkan was one of the regions that experienced the most difficult transition because this process was accompanied by bilateral and multilateral conflicts, with local and regional wars, as well as with political and ethnic clashes. As a consequence, it was also politically fragmented on its map. The international community intervened in the Balkans with various civilian and military missions, respectively during the conflicts in Bosnia and Herzegovina, Kosovo and North Macedonia. These international interventions have yielded concrete results in the process of overall democratic reforms of the region countries, with particular emphasis on the security field, as well as the aspect of integration reforms in both NATO and the EU. The fragmentation of Western Balkans came as a result of many historical, political, economic, military, geopolitical and strategic reasons. This process has also had consequences in the integration process of this region. But it is currently fully oriented towards European and Euro-Atlantic structures. Most Balkan countries are now members of NATO, while Kosovo has the primary and long-term strategic objective of its policy of integration into Euro-Atlantic Security structures.

The outbreak of the COVID-19 pandemic has tested the Euro-Atlantic integration process and could be a turning point in relations between the EU and the enlargement countries in the Western Balkans.

Keywords: Western Balkans, Covid-19, Regional security, North Macedonia, NATO, Kosovo

1. INTRODUCTION

The democratic processes of the 1990s in the Western Balkans, with particular emphasis after the fall of the Berlin Wall, were followed entirely by different challenges compared to those during the Cold War. This phase brought major changes in the political and security scene, such as the scenario of the Germany, dissolution of the Soviet Union in 1991 was also realized, which affected the course of many conflicts around the world, including many conflicts and the breakup of federal states in South Africa, in the Middle East, in some parts of Europe as well as conflicts in the Western Balkans. (Gashi, Hidri, 2008, 2009)

The Western Balkans was one of the regions that experienced the most difficult transition, because this process was accompanied by bilateral and multilateral conflicts, local and regional wars, as well as political and ethnic clashes. Consequently, the Balkans were politically fragmented on its map as well. Of the six main Balkans states that we had after World War II, which included Albania, Greece, Turkey, Yugoslavia, Bulgaria and Romania, after the Cold War we have a Balkans with new states such as Slovenia, Croatia, Bosnia and Herzegovina, North Macedonia, Montenegro and Kosovo. The fragmentation of the Balkans came for many historical, political, economic, military, geopolitical and strategic reasons. This process also had consequences in the integration process of this region. The international community has actively intervened in the Balkans, namely in the conflict period in Bosnia and Herzegovina, Kosovo and North Macedonia. In these international engagements, the USA, NATO, the EU, the UN, the OSCE, the EC and a number of regional organizations and non-political bodies have played a decisive role.

Actually, the Western Balkans is entirely oriented towards European and Euro-Atlantic structures. No Western Balkans country, including Kosovo, has any other orientations besides these. This makes the process easier because we are dealing with the acceptance of the same values and access to the same regional, European and global interests.

Regional cooperation should be short and long term objective of the security institutions of the Western Balkans states in order to create a new spirit and order through dialogue, cooperation and trust. Basically, this strategic vision is the recognition of the state of Kosovo by neighboring states and its return to a factor of security and stability in Southeast Europe. The Republic of Kosovo aims to be a factor of stability and peace in the region and does not express hostility and territorial claims for changing the boundaries with the use of force. Kosovo is against creating regional crises and conflicts and resolving them by means of violence. In this context, one of the strategic goals is to build the structure of the security system and to provide the capacity to develop peace support operations, in support of international law and humanitarian principles, under the guidance of the United Nations, NATO and the European Union.

The strategic objective of Kosovo's security policy is to integrate into Euro-Atlantic security structures. The membership of Kosovo in NATO and EU is a primary and long-term objective, which has the full support of the people and the political spectrum of Kosovo. Kosovo does not rely on the security of the country simply on its own forces, but on joint efforts, integration and cooperation with international organizations.

An important challenge in the issue of global security has emerged from the COVID-19 pandemic, as states lacked common strategies and capacities for such a challenge. This pandemic, in addition to negative influences on health, has caused negative influences on the economy, politics and external influences. States that seek to extend their interests, or as it is otherwise called 'donation diplomacy', have used aid to extend their influence.

2. THEORETICAL REVIEW OF THE COOPERATION OF WESTERN BALKANS COUNTRIES

There is peer-reviewed research on the two methodical approaches created from the observation over the Western Balkans region (Kosovo, Albania, North Macedonia, Montenegro and Serbia). The first approach is *widespread regional inland* and the second one is *beyond the interaction of the region*. We have taken five theories related to international relations and security policies to elaborate these two approaches. These theories include: domino theory, prisoner dilemma, security theory, functionalist theory and chaos (Gerasimov's) theory. Within these two approaches and five theories, we provide a historical and analytical treatment of events by drawing conclusions of the region's imposing cooperation, which will be explained at the end of the paper.

Domino Theory - The domino theory emerged during the 1950s and 1980s and was being used as a requirement by the USA government to justify its foreign policy actions. Domino theory was subordinate to the Truman Doctrine, or rather Kennan's, where this doctrine foresaw the suppression of communism in every country in the world where it appeared.

It was Dwight Eisenhower, the USA President, who stated this theory during a conference on April 7th, 1954, referring to the problems that were emerging in Indochina. At the conference he said: "Finally, you have broader considerations that might follow what you would call the "falling domino" principle. You have a row of dominoes set up, you knock over the first one, and what will happen to the last one is the certainty that it will go over very quickly. So you could have a beginning of a disintegration that would have the most profound influences". (Eisenhower 2020)

Eisenhower warned that the collapse of a state in a particular region under communism meant that the whole region would be swept away by communism and states would begin to fall one by one under communism. He called this the "dominoes collapse" where a collapse of states would be almost unstoppable as in Indochina. If Vietnam had fallen into communism, the surrounding countries such as Laos, Cambodia and other surrounding countries were also in the queue.

Today the "effect of domino theory" has gone beyond the Cold War use and regional dimensions. Domino theory is now used in economics, as Baldwin (Baldwin, 1993) argues, and in many other fields, e.g. political, economic, social, ecological, etc. One effect of domino theory today can be traced back to the spread of viral diseases that the world faces from time to time, as in the present time with Coronavirus or earlier with SARS, Ebola, etc.

The effect of domino theory has also been applied during the 1990s in the Western Balkans by UN and NATO forces using preventive measures to escalate war from state to state, as in the case of North Macedonia or Albania which deployed peacekeeping forces under the UN mission. But that theory still holds true today in the Western Balkans in the field of security when it comes to regional co-operation in preventing vicious campaigns like Russia's "chaos theory" created by Russian General Gerasimov.

Prisoner Dilemma - is an example of a game theory similar to probability theory, where it shows the rationality of the parties' action in a scheme that can pull both winning parties or only one winning party, or all losers.

This strategy as well was created during the Cold War of 1950 by Melvin Dresher and Albert Tucker. The theory says: Two members of a criminal gang are arrested and jailed. Each of the prisoners is in isolation and has no means of communicating with the other.

Prosecutors don't have enough evidence to convict the party on the main charge, but they have enough to convict both on a lesser charge. At the same time, prosecutors offer each prisoner a deal. Each prisoner is given the opportunity to either betray the other by proving that the other has committed the crime, or to cooperate with the other by remaining silent.

The possible outcomes are:

- If A and B each betray the other, they each serve two years in prison;
- If A betrays B but B remains silent, A will be released and B will serve three years in prison (and vice versa);
- If A and B both remain silent, both will serve only one year in prison (on a lesser charge). (Nicholas, 2014)

Indeed, this theory shows that treachery test rationality of the real-political style where it shows that the parties are in fact more likely to betray, but in another version the prisoner's dilemma pushed states into solidarity for two reasons: since they can have the same fate in another case where they will be betrayed and have the bad image of a traitor in a world where the image of a country is the most important element and in the second case the betrayed country will seek revenge and he will do this without choosing the means or becoming an ally with the enemies of the traitor.

In this case, we have to move towards co-operation in order to achieve faster the states towards the promotion and elimination of waste and revenge. So betrayal is a zero-sum game.

Theory of Security - or International Security has been put into prominent studies shortly after World War II, but as an area it is not new as the security issues are, and it is as old as the history itself.

Kolodziej compared international security with the Tower of Babel (Kolodziej, 2005, 11), same as the space that the higher you try to get, the more it is destroyed and changed. Walter Lippman viewed security as a country's ability to safeguard its core values, while David Baldwin emphasized that pursuing security sometimes requires sacrificing some values (Ullman, 1983). Barry Buzan views security as a study of international security rather than just a threat study, but also as a study of threats that require immediate action. He also considers that security is something between peace and power. (Croft, Terriff, 2000)

So the theory of security becomes completely uncertain, and, in the future, it surely requires cooperation and sacrifice of some values, which can make the future safer.

Today the security sphere extends not only to the classical military, but also to terrorism, ecology, and the political, social and economic spheres. In states and regions that are powerless to face such challenges alone, the cooperation is an inevitable means of ensuring the existence, development and integration of something like peace and power, as something between progress and sovereignty, as something between anger and good, or something between history and future.

Functionalist theory - Functionalism is a theory of regional and global international integration and as such it had been developed mainly during the Cold War era, but its origin can also be traced to Immanuel Kant or earlier.

This theory of integration is based on classical alliances, the alliances that comprise regional and international organizations such as the European Union, NATO, UN, IMF, NAFTA, OPEC, etc.

Functionalism proposes to build a form of authority based on functions and requirement, which link authority with requirements, scientific knowledge, etc., thus providing a supranational concept of authority. This approach rejects realization in interpreting the proliferation of international organizations. (Wolf, 1973)

Functionalism has also changed over time and has become a more regional approach, and has been termed neofunctionalism, as a more pragmatic method of making supraterritorial, supranational initiatives, or international governmental and non-governmental organizations.

This approach offers the space and opportunity that cooperation is a need in the world of interdependence, and as such, it drives the states to necessarily cooperate because of the needs in different spheres.

Doctrine of Chaos (Gerasimov's Doctrine) - In February 2013, Russia's Chief of General Staff, Valery Gerasimov, developed a hybrid theory in a published article.

According to Molly McKew in that document, "the value of science is foresight". Gerasimov took the tactics developed by the Soviets by mixing them with strategic military thinking for total war, and put forward a new theory of modern warfare, one that looks more like revenge on enemy society than an attack on the leader. (Mckew, Glorioso, 2020)

Explaining Gerasimov's doctrine, Zev Shalev says that the doctrine foreshadows a "hybrid war" where information and protests are more effective weaponry and nuclear weapons. "Non-military means to achieve political and strategic goals have outstripped the power of the weapons force in their effectiveness. In other words, it uses propaganda and protests to polarize a population and plant chaos behind enemy lines. (Shaley, 2017)

3. THE TWO HISTORIES OF INTRA-BALKAN AND OUTSIDE-BALKAN COOPERATION

The first approach: intra-Balkan cooperation from 1912

The history of Balkan cooperation doesn't have a good track record, namely the cooperation of the Balkan countries is in fact alliances of war for the persecution of an invader, the seizure of lands of any people, or the creation of circumstances for the existence of kingdoms or federations.

The Western Balkans is an area that had been occupied and ruled by the Ottoman Empire, excluding the present-day Croatia and Slovenia. But even under this empire, this region differed in its rule, as regions such as the Serbian, Bulgarian or Greek kingdoms had wide autonomy, while the Albanian lands were under pure Ottoman rule.

The First Balkan War had united the Balkan Slavs in the fight against the Ottoman Empire in October 1912. Serbia, Montenegro, Greece and Bulgaria had an alliance with each other, and even a guarantor of the alliance between Serbia and Bulgaria, which was Russia. This agreement also provided for the division of territories after the war.

An invasion of Albania with the intention of Serbia's exit into the Adriatic Sea was seen as a danger to Serbia's domination of the Adriatic, and Serbia's bases were also conceived as Russian bases by the Austro-Hungarian and Italian diplomats of that time. (Hall, 2000, 54)

Particular attention to the agreement between Greece and Serbia was the disregard of Albanian existence as a political entity. The agreement stipulated that the borders of Serbia and Greece would meet on the Shkumbin River, which separates northern Albania from the south. (Ion, 1918)

According to this two-part treaty (a secret part), after the war Serbia gained the Albanian territories north of the Shkumbin River, Greece gained the Albanian territories south of the Shkumbin River, while Montenegro agreed with Serbia to keep Shkodra, Peja, Deçani and Gjakova under its occupation. (Bytyçi, 2012, 28). One such idea was brought to light in 1992 during Slobodan Milosevic's visit to the Greek Riviera that had begun on June 26th. (Ajvazi, 2009) He had even gone further when he publicly proposed a confederation between Greece, Macedonia and Serbia. (Reuters, 1992) Such an idea had received support, and this idea was most liked by some politicians in Macedonia. (Liqui Search)

Cooperation in the Western Balkans was also attempted by the second Yugoslavia under the leadership of Josip Broz-Tito. An agreement for a Balkan confederacy had also been reached in 1941 between the Kingdom of Yugoslavia (Serbia, Croatia and Slovenia) and Greece, with the mediation of Great Britain, but with the intention of uniting Bulgaria and Romania as well. (History Commons)

Even a feasible project of work was the project of the "Balkan Federation" that would include Yugoslavia, Bulgaria and Albania.(Buxhovi) However, Tito wanted hegemony in the region, including Albania, and to fix the historical problem of Macedonia where he wanted to unify the entire territory of Macedonia from Vardar, then Pirin Macedonia in Bulgaria, with the exit of Macedonia to the Aegean sea to Greece, and thus to create a large federation that would include Bulgaria and Greece (Perovic, 2007), as Albania had already been economically and culturally integrated within Yugoslavia under an agreement. (Buxhovi)

These plans would spur Stalin's demise with Tito, and Russia wouldn't allow such actions as it would disrupt the geostrategic balances established after World War II but also allow competition within the communist bloc. Arben Xhaferi said that today's Macedonia exists because of its role as a buffer zone, which prevents friction between Balkan states. (Robelli, 2011, 139)

All this cooperation would change radically after the beginning of the destruction of Yugoslavia, the start of the war in Bosnia and Herzegovina, and the Christmas Ultimatum by George H. W. Bush in 1992.

Second Approach: Outside Cooperation for the Balkans "Preventive Diplomacy"

The coming to power of Slobodan Milosevic in Serbia and the beginning of the destruction of Yugoslavia due to Serbian megalomaniac ideas for the creation of a Greater Serbia and the disappearance of Albanians based on the memorandum of the Serbian academy SANU, created new circumstances not only for the region but also for the international community.

These events immediately after the Cold War and during the Gulf War crisis, where Iraq had invaded Kuwait, and the US-led international community was preparing to intervene there, were intentions for Milosevic to surprise the international community for invasion of communist Yugoslavia under the national-chauvinist Greater Serbia. Moreover, when the change of administration in the USA in late 1992 from the old Bush to Bill Clinton was taking place, Serbia had taken action in the Albanian search for weapons, enabling the creation of an occupied and surrendered territory that under international law would be known as a *fait accompli*.

But Bush hadn't fallen prey to this tactic and sent a letter to Milosevic on December 25, 1992, stating: "In the event of a conflict in Kosovo caused by Serbian actions, the United States have prepared 50,000 troops to intervene with its military forces against Serbs in Kosovo and Serbia". (The New York Times, 1999)

The same statement was repeated on February 13, 1993, by Secretary of State, Warren Christopher, who said: “We remain prepared to respond to the Serbs in the event of a conflict in Kosovo caused by Serbia’s actions”. (The New York Times, 1999) After these events, there began the development of the second approach to the Western Balkans, the Carrington Conference, which was about solving the problem of Yugoslavia, also known as the International Conference on the Former Yugoslavia, where Kosovo wasn’t part of it.

In Kosovo, Sandzak and Vojvodina there was a mission of the Conference for Security and Cooperation in Europe (CSCE), later the Organization for Security and Cooperation in Europe (OSCE). After this came the London Conference, which was to be held on August 26-27, 1992, where Kosovo was still not part of the conference. After all these events, the EU, US, NATO, CSCE/OSCE and the UN would be involved in the Western Balkans more than ever.

The new thing of all this external engagement under the second approach in the Western Balkans was with the beginnings of “preventive diplomacy”. This was a new doctrine that we could draw in parallel with Truman’s old doctrine of curbing communism, but that was about curbing Milosevic to pass the conflict in Macedonia and potentially Albania.

This kind of diplomacy began when some former Yugoslav countries signed a ceasefire and a UN mission was established with UNPROFOR peacekeeping purposes under Resolution 743 of 21 February 1992 (UN S/RES/743, 1992), which would then extend to Bosnia and Herzegovina. Whereas, by Resolution 795 of December 11, UNPROFOR required that it extend its authority and forces to the territory of Macedonia and have full coordination with the OSCE mission operating there. (UN S/RES/795, 1992)

The introduction of UN peacekeeping forces in Macedonia has been seen as a success of “preventive diplomacy”. Such a mission was undertaken for the first time in the world in Macedonia, and its success in Macedonia in stopping any inter-ethnic crisis or conflict showed that if potentially such actions were taken earlier in other countries of the former Yugoslavia, wars could be prevented. (Cvetkovska, 1999)

This commitment would prevent the escalation of the war in Macedonia, but an external commitment to the Balkans to resolve the Bosnian issue couldn’t be made until 1995 after the Dayton agreement, after a long war, thousands of victims, the Srebrenica massacre, and NATO bombing for fifteen days over Serbian military targets.

After this, it was Kosovo’s turn, and Milosevic hoped that after Bosnia and the concessions there, he could invade and cleanse Kosovo based on the “Horseshoe” plan. However, the international community, especially the West, didn’t allow this to happen, and after many negotiations led by Christopher Hill, Richard Holbrooke, and negotiations in Rambouillet, the NATO bombing of Serbian military targets in Kosovo and Serbia happened, which ended with the capitulation of Milosevic and the withdrawal of Serbian forces from Kosovo.

4. THE TWO APPROACHES FOR STABILITY AND PEACE IN THE WESTERN BALKANS

With the end of the Kosovo War, a new phase began for the entire Western Balkans, a phase where cooperation within the region and abroad would be primary to maintaining peace in the region and beyond. Many governmental and non-governmental organizations were involved in the process, including the EU, USA and UN, with key roles both through UNMIK, KFOR, EULEX missions, and through direct actions.

The EU would also begin to create space for EU membership and aspirations for the Western Balkan countries, as the stabilization process was long and painful. Kosovo was under the management of a foreign mission until independence, while other countries were all strained by the post-Yugoslav processes and wars, including Albania.

However, countries in the region did not have many options for accessing each other internally and externally because:

- The Western Balkan countries couldn't cross each other for cooperation with other neighbors as they were confined to countries that were already or would soon become part of the European Union and NATO.

- The Western Balkan countries also had no better option than cooperating overseas with the EU, US, and NATO, while options, such as Russia, were irrelevant because the country itself was already in economic turmoil.

- The remaining option of approaching the West was that the latter required first stabilization and integration of the region internally with external assistance to continue integration with the outside.

This process of EU integration of the Western Balkans would begin in 2003, during the European Council meeting in Thessaloniki, the decision was made to open the European Union Programs to countries outside the EU and the EEA, which were in the process of Stabilization and Association.

The aim of the participation of candidate countries and potential candidates in EU programs is to support their EU accession, to make them familiar with EU methods and policies, and to strengthen cooperation between countries in different fields: research and innovation, education, culture, health, environmental protection, customs and taxation, justice, etc.

This process required the region to have internal stability and cooperation, as the EU refuses to import the region's problems within it.

On the other hand, NATO was also involved in peacekeeping with its military mission in Kosovo called KFOR and cooperative missions and agreements with countries such as Albania and Macedonia.

The region would remain stable and continue to do so even when Montenegro in 2006 and Kosovo in 2008 declared their independence, because external oversight of stability was overwhelming, and from the inside there was no significant interest to be undermined, only Serbia was opposed to peace and to these two declarations of independence. That functionalism and security were crucial before the other ends of the war would also prove the recognition of Kosovo by its two neighbors, Macedonia and Montenegro.

The Western Balkans has been traveling through this integration process without Slovenia since May 1st, 2004, which had joined the EU, and later without Croatia, which joined on July 1st, 2013.

The countries of the Western Balkans were also integrating in the economic sphere, first with the Stability Pact for South Eastern Europe, and in 2006 with the extension of the CEFTA agreement (Central European Free Trade Agreement).

But in the whole process there was no particular security cooperation between the Western Balkans countries. It was existent only through NATO at that time.

5. GLOBALIZATION AND WESTERN BALKANS SECURITY COOPERATION

The post-Cold War ideals have never become reality because the American hegemony, as an unchallenged power, was under question. The peak of that was especially during the invasion of Iraq, that later continued to lead as a major leader, even though not as the only superpower of the World. Moreover, the innovations and the technology in the other countries, the nuclear weapons, the investments in IT, and the creation of new areas of interest constituted a balance of powers.

In 2005 Russian President Vladimir Putin had declared that USSR's breakup was a mistake. (Putin, 2005) Whereas, following Kosovo's declaration of independence on February 17, 2008, in response to the West and especially the United States, Putin would intervene to break up Georgia's two provinces, South Ossetia and Abkhazia. On the other hand, Turkey had begun to show signs of leaving the West after many rejections by the EU, so Turkey had its own geo-strategy divided by the West, devised by Ahmet Davutoglu, implemented by Erdogan. The economic challenge of 2008 that had overwhelmed the world, and the threats of terrorism, all these exits and polarizations of the world, would in fact for the Western Balkans be the impetus for deeper integration within it and wider cooperation abroad, with EU and NATO.

Russia in the Western Balkans, through Gerasimov's strategy of causing chaos, had seriously begun to undermine integration into the EU and NATO, but also towards peace in the region through its interventions as in the case of Montenegro, where it had sought it was a coup d'etat in the case of Macedonia as well, but various reports testify to influence in countries such as Albania and Kosovo and declaratively in Serbia.

6. THE COVID-19 PANDEMIC AND DONATION DIPLOMACY: THE INFLUENCE IN THE WESTERN BALKANS

With the onset of crises, both charities and beneficiaries usually appear, and sometimes charities use the opportunity for benefits. The outbreak of the COVID-19 pandemic was by no means a factor for states to set aside their *raison d'etat* style interests. It is just that this crisis has led many countries to use coronavirus aid to extend their geopolitical interests as well. The Chinese government had offered aid to 82 countries in the fight against coronavirus, and even came to the aid of Italy before the EU. The lack of EU aid had provoked so much reaction in Italy, that in April a poll found out that 49% of citizens were in favor of Italy leaving the European Union. The EU's reaction was almost immediate after this poll, where in addition to aid, they also publicly apologized to Italy. This Chinese aid is also called "Donation Diplomacy". China has also helped the Western Balkans with aid in the fight against coronavirus in Albania, Serbia and other countries, but not in Kosovo. Turkey has helped all the countries of the Western Balkans, same as the US and the EU. The Western Balkans had to be unique and to maintain its order. It had to become part of the Euro-integration process, as these projects would not come only for specific countries, but as a general measure. A cooperative approach of the region would facilitate the exit from the economic crisis and the preparation in the future, that in such cases the measures will be more effective in terms of health and economy.

CONCLUSIONS ACCORDING TO THEORIES

Domino theory - this theory in the case of the Western Balkans warns that the wrong moves of each country can lead to uncontrolled events with effects outside the region, that would in turn lead to the potential disappearance of states like Kosovo, North Macedonia, or Montenegro. As such, the domino theory in this case teaches us about the inevitability of the region's cooperation towards preserving its own peace first, and secondly, towards preserving the peace in the region and beyond. Any movement or collapse of any of these would mean breaking down a complicated historical and political system.

Prisoner's Dilemma - this theoretical example shows us that the cooperation of the Western Balkan countries is destined to be mandatory, because every other variant sends us back to a bloody history, and also to a total destruction of uncontrollable proportions. Also, this theory convinces us that any form of action of the countries of this region, based on the principles of *raison d'etat*, which can affect the biting, destroying, or damaging the other party, in fact has the domino and revenge effect, that brings the game to points with many zeros.

Theory of Security- instructs the region that in order to preserve its existence, its values, its space, its state systems and continuity, it must find the form of internal cooperation and external secure support that doesn't require the disappearance of core values, but only a necessary evolution, as Baldwin points out. This form of functioning of the region, from the region's requirements for external support, then turns into a support that both sides need, as in the case NATO-Western Balkans, when the latter had the need of NATO for the next stage, and the cooperation becomes deeper, and the security brings not only stability, but also peace and progress.

Functionalist Theory as Integration - this theory placing its importance on the integration of states and peoples, and especially its neo-functionalist version, in a world heading for multi-polarity, is essential to the ranking of the region. The region is inevitably of great importance and cannot be divided, because in a small region with many great powers, functional peace does not exist. Thus, neo-functionalism, seeking pragmatism, instructs us to pursue integration as a goal of peoples towards freedom and progress. Neo-functionalism makes it easier for the Western Balkans to integrate internally and externally into the EU and NATO.

Doctrine of Chaos (Gerasimov's Doctrine) - this doctrine, originated by the Russian general, and attempting to create irregularities in the Balkans, is a prophetic teaching of the region how cooperation and support with Russia does not bring freedom, progress and democracy, but corruption, oligarchy and autocracy. Among other things, the intentions of this doctrine are, in fact, to create chaos and disruption of order created by the West, which beyond the reach of influence is chaos and bloodshed. The states aim for influence, but when the influence shifts to chaos, it leads to wars and genocides.

7. PRACTICAL CONCLUSIONS

The debate during the paper also includes conclusions and recommendations, but to facilitate the understanding of the paper, we will summarize in some points the explanation of the paper, the inevitability of the region's actions, and the importance of the practice.

- The Western Balkans region, due to its borders with EU member states and to being a peninsula, constitutes an inevitable regional cooperation. From land borders, the region finds it almost impossible to play real political neighborly policies with countries that are part of the EU, and examples of Peninsula and Islands show that co-operation solutions outside geographical constraints are compelling, especially in the Western Balkans region, where there are other restrictions with EU countries.
- The EU doesn't carry within itself the Balkanization problems of the region, does not accept separate countries within itself to avoid a veto vote on the Balkan countries and disunity, and also does not accept countries that are not integrated with each other, and this imposes inevitable cooperation on the Western Balkans.
- The small geographical area of the Western Balkans makes its stability impossible by having states that belong to different global polarizations, and if such a thing exists, peace, security, and stability become impossible, therefore the unity of the region towards the EU and NATO remains the opportunity to integrate and preserve values, without alienating, but evolving.
- Looking at the history and the aftermath of the breakup of Yugoslavia makes it essential to preserve the current political structure of the region and integrate it only towards the prospect of preserving this form of sharing and cooperation that is guaranteed only by NATO, the EU and the USA.
- Small geographic space and large historical divisions are the two problems that need to be incorporated to bring development back to the region because in the world economy, where large companies require large markets, none of them will invest in the single market, in a regional country, but as a whole the opportunities are real. Also, in a tense and divisive region, where uncertainty is high, the economy and investments remain far away from demand, and this only enables destabilization and even depletion of the region.
- The theories and practices that are part of our research teach us even in the last case with the COVID-19 pandemic that cooperation is necessary to cope with disasters and other risks. The current one-size-fits-all approach reduces the capacity of each country to cope individually with any threat, and as such, getting out of control of the threat has domino effects.

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REGIONAL SECURITY AND ISLAM

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Abstract

Globalization, Islamic fundamentalism, terrorism, stagnation in the economic development, poverty in the countries of the Third World and the ascendancy of the American security policy, followed closely by a rise in Islamophobia, have escalated tensions between the Western and the Muslim world. The international society believes that through a dialogue and understanding, these cultures can coexist peacefully and respectfully.

Key words: regional security, global security, Islamic fundamentalism, conflict.

1. CHANGING THE POLITICAL-SECURITY REGIONAL CONTEXT

The analytical framework of regional security implies a degree of a relative autonomy in relation to other analytical security levels. However, regardless of certain specifics that vary from region to region, the analytical framework of regional security cannot be understood without understanding the general framework of the security system in the international community. It is difficult to understand the regional security issue without understanding all aspects of security: the individual, national and international.

The issue of regional security primarily refers to the issue of security in the so-called Third World countries. The term "Third World countries" has been somewhat transformed after the disintegration of the Soviet Union, i.e., the Eastern European political and military complex. During the Cold War, the world was globally divided between two blocs: the Western and Eastern systems, which differed on both political and ideological issues, and the economic system. Outside the ideological-military and political-economic division, the so-called Third World countries did not belong to any of the leading military-political blocs, which did not have sufficient military and political power to independently create their own military-political gravitational center, but possessed the necessary individuality to pursue their own independent policy. The lack of military and economic power to create its own military-political bloc and independence in conducting foreign policy remained the defining criteria for classifying countries such as those that belonged to the Third World also in the post-Cold War period. However, in the post-Cold War period, many Eastern European countries which belonged to the Eastern military bloc could be considered Third World countries by these criteria. This was also the case with the post-Soviet countries.

The main characteristics of this group of countries are: they were born as a result of the anti-colonial struggles of their peoples; their borders were arbitrarily determined by a decision of the great powers or by a decision of the political institutions of the country in which these countries were incorporated.³² In addition to this geopolitical feature, the

³² Leslie Wolf-Phillips, Why Third World? Third World Quarterly, Vol. 1, No. 2, (1979), S. D. Muni, The Third World: Concept and Controversy, Third World Quarterly, Vol. 1, No. 3, (1979)

borders of these countries were determined by the economic development determinant which conditions a large discrepancy in urbanization, in literacy, in the level of health and social protection, both among the most developed and the least developed countries within this group, as well as among the regions in the countries.³³

The stated characteristics of this group of countries created a specific internal political and cultural structure. The relatively low level of economic development caused a low level of development of the democratic institutions in these countries which resulted in the installation of authoritarian and undemocratic regimes. This often caused a high degree of violence and conflict within these countries, which made their security paradigm very different from the security paradigm of developed, democratic countries. This specificity of the internal social and political structure in these countries was accompanied by external guarantees for the survival of these states by the former colonial powers,³⁴ which increasingly led to a lack of internal social cohesion and the inability of the national governments to guarantee a high degree of coherence. The lack of external threats to these countries has contributed to the growing lack of internal loyalty of the population to the central institutions of government. The loyalty of the population in these countries was increasingly shifting from identification with the state to tribal and religious identification.³⁵

With such an internal social and political structure that conditioned different relations between these and other countries, theories of international relations were unable to give the answer to a number of regional security questions concerning these countries, so that these theories became inadequate to explain the relations between the Third World countries and the issue of national security in them.³⁶

The main threat to the survival of these countries most often comes from internal threats created by a lack of social and political coherence, rather than from external threats. The formation of alliances in these states is determined more by the interest of the governing structures in those countries to remove the common internal danger that threatens their survival in power (rebellions, national and religious movements, revolutions, etc.), than to remove external threats coming from another state.³⁷

The internal social, ethnic and cultural divisions of these countries and the increasing gravity of the identity of large social groups towards the ethnic, religious or cultural background, rather than the nation state in which they live, have made Third World countries an unstable institutional partner. Due to the underdevelopment of the democratic environment and democratic institutions, even institutionalist theories could not offer an appropriate concept of security system in these countries in the post-Cold War period. Changes in the international economy, especially in international trade, have had a major impact on the security of the Third World countries and on the relations between these countries and their relations with third countries. The lack of social and political homogeneity of society in these countries has resulted in the allocation of large funds from national budgets to ensure national security, which, in turn, is a major obstacle to the economic and technological development of these countries and their successful inclusion in high integrated economic, financial and trade network.

³³ Benjamin Cohen (1973), *The Question of Imperialism*, New York: Basic Books, p 145-172;

³⁴ Jeffrey Herbst, *War and State in Africa*, *International Security*, Vol. 14, No. 4 (Spring 1990)

³⁵ Joel Migdal, *Strong Society, Weak States*, Princeton, N. J., Princeton University Press, 1988;

³⁶ Mohamed Ayoob, *Security in the Third World: The Worm About to Turn*, *International Affairs*, 60, No. 1, (Winter 1983-84)

³⁷ Steven D. David, *Explaining Third World Alignment*, *World Politics* 43, No. 2, (January 1991);

2. CHANGING THE INTERNAL STRUCTURE OF THE REGIONAL CONFLICT

The end of the Cold War marked the end of the conflict of interests of the great powers and regional conflicts, which is one of the main determinants of the policy of the great powers in the period after the end of World War II. With the disintegration of the bipolar conception of the international community, regional conflicts have gained a new political content, resulting in the creation of a new form of threat that remains beyond the control and determination of the great powers. With the structural change of the political environment after the Cold War, regional conflicts have been presented as less dangerous to global interests. However, the absence of a conflict of interest of the great powers through regional conflicts makes these conflicts a bit restrictive, which will make them one of the most frequent sources of new conflicts in the post-cold, military period.³⁸

The end of the Cold War and the collapse of the bipolar structure of the international community significantly influenced the changing nature of threats within the regions, which significantly contributed to changing the structure of regional conflicts, the changed way of resolving them, and the form of mutual cooperation between the countries in one region.

With the collapse of the bipolar international system, a number of regional nuclear powers emerged; this brought new dynamics to the regional policy. The emergence of new nuclear powers (Ukraine, Kazakhstan, Belarus), with already established regional nuclear powers (Pakistan, India, North Korea, Israel, Iran and South Africa), in the context of the stability of the governments of the new states, their incompetence to respond to the political, economic and cultural demands of its own population (often fragmented ethnically, religiously, culturally and racially in these countries), opens up new threats to regional security that require new forms of conflict resolution. In the regional diffusion of nuclear potential after the collapse of the Soviet Union, some see it as a factor of regional stability and the prevention of a new form of hegemony, while others see it as a danger of uncontrolled proliferation of nuclear weapons. The great importance of regional conflicts for the regional and global security is especially evident in cases where with the cessation of the influence of the great powers in the region, an empty political space remains; in such political space, often effectively non-state are included, and these entities can easily transform the regional and state security system. It is an atypical security environment in which transnational factors (international terrorist organizations, international criminal groups, transnational religious and ethnic movements, etc.) play a decisive role. Intensive action of these factors in the new political, global and regional environment eliminates or relativizes the state political structure, which prevents the establishment of a legitimate local government that can establish appropriate relations with the political environment leading to a high degree of political instability. An example of such an atypical regional security complex is Afghanistan, Somalia, etc.³⁹

³⁸ Phil Williams, James E. Goodby (ed), *Regional Conflicts*, SIPRI, 1995, p. 23;

³⁹ Same;

3. REGIONAL SECURITY COMPLEX

In security terms, the term "region" implies a subsystem of security relations which exists between a set of countries which geographically belong to the same environment. However, the regional security sub-system is in an interdependent relationship with the international security system, due to which its structure and functioning cannot be understood outside its framework. It always implies analysis of the relations both within this sub-system, and between different regional security sub-systems and their mutual functioning. It is important to note that the internal structure and functioning of the regional security sub-system, regardless of the great importance of regional, geographical, ideological, ethnic and religious factors, is highly dependent on the global relationship of major powers that have had a key impact on the internal structure of the regional security subsystem.⁴⁰

Regardless of the significance of the structure of the global power system and the global power relations in understanding the regional security structure, in defining the regional security structure a basic element that must be added to the balance of the power among states is the compatibility model - friendship and support, and the model of incompatibility - contradiction and hostility between countries in the same region. Although the relationship of compatibility and incompatibility is often a consequence of the establishment of balance of power in a given region or a reflex of the establishment of a balance of power in global international relations, the analysis must not neglect the fact that this relationship is often a product of historical development which determines the relations of friendship / enmity between the peoples of certain regions. This is very important in the process of analysis of the regional security complex. The friendship model is a complex model and can rarely be understood based on regional and global power distribution alone.⁴¹

The relationship between countries in the same regional system is usually determined by specific dimensions of positive and negative relations between them, such as: 1. border disagreements, 2. interests in relations between different ethnic communities that are spread in two or more countries in a given region, 3. the ideological connection of the peoples in a given region, 4. long historical contacts of cooperation or conflicts between the peoples. In this model of relations, regional security can be seen as a friendship / hostility relationship within a particular region where the security of one side cannot be considered without considering the security of the other side. That relationship of interdependence of rivalry and division of interests is referred to as a security complex / conglomerate.⁴²

For the regional security to be more clearly placed in the global framework of security issues in the international community, it is necessary to conceptualize a hierarchical analytical framework in which all dimensions of the relationship between individual, national, regional and international security makes regional security extremely complex and not always easy to understand.

The identification of the regional security complex primarily includes the assessment of the security interdependence of the countries in the region, and their common interests. The security interdependence in its intensity can be very strong, or in another case

⁴⁰ Barry Buzan (1991), *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, Boulder, Colorado, p 189;

⁴¹ Same;

⁴² More in: Barry Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, Boulder, Colorado, p. 186-230;

weak, and according to the value determination it can be positive or negative. Recently, the identification of the regional security complex is often determined by the common danger under the ruling regimes of the countries in a region, which is most often expressed in the form of action of the transnational regional factor, such as the Islamic militant movement of danger to the ruling regimes in Islamic countries.

The main problem in defining a regional security complex is the unbalanced security relationship between two major states in a region. In the absence of a balance of power between the two countries, there is a problem of uncertainty and difficulty in defining and determining the security complex. This situation indicates the existence of a low and high level of security complex. The low level of security complex is composed of local states that have no power to extend their influence beyond their regional environment.

The high level of security complex is determined by the role of the large powers whose power can influence multiple regions. The high level of security complex determines the global level of analysis.

The distinction between the high and low level of a regional security complex becomes significant when all levels of security analysis (national, regional, supra-national and global) are integrated. The main advantage of the idea of a security complex is that it provides a view inside the regional security dynamics.

4. CULTURAL, RELIGIOUS AND RACIAL DIMENSION OF THE SECURITY COMPLEX

The cultural and racial dimension of the regional security complex is becoming an increasingly important factor in the analysis of regional security issues. The cultural, ethnic and racial identification of a state with a group of states belonging to the same ethnic, religious, cultural or racial group, as a rule, condition a high degree of interdependence on the issue of security. Often, groups of states that are religiously, culturally, or racially related are grouped into broader communities that are often identified as separate civilizations or "communities of states" building a broader security complex. The religious, cultural and racial dimensions are of great importance in creating security interdependence in the Arab world and in Islamic countries where Islam is legitimized as the foundation of the security complex. A similar role is played by religion and culture in Eastern Europe, which is emerging as a Christian community of nations. Different religious, cultural and racial dimensions can also emerge as major drivers of conflicts between different security complexes. This feature is especially emphasized in the security complex of Arabs and Jews in the Middle East, Turks and Greeks, Albanians and Slavic peoples in the Balkans.

However, the cultural, racial and religious identification of large social groups living in two or more countries in a region often occurs as a cause of internal inter-communal conflict and the disintegration of multinational or multi religious social communities. Large transnational ethnic or religious groups seek to integrate into a single state community, building a broad so-called ethnic or religious complex. This problem often jeopardizes regional security by opening numerous conflicts between states that often support internal ethnic or religious collaborators in neighboring states. Here I would mention the "dreamy" idea of a "Greater Albania", which in this area dates back to after the end of World War II until today, and which alternately fades or intensifies after the independence of Kosovo and the expectation of a political agreement on its recognition by the Republic of Serbia, which insists on its protectorate status under UN Resolution 1244. This issue becomes even more important, given the fact that the Republic of Albania and the Republic of North Macedonia

are members of the NATO Alliance and significantly contribute to regional security. But the fact is that the security instability in the Balkans as a bipolar religious and ethnic complex is only part of the global security and national security of the Balkan countries.

5. CRITERIA FOR DISTINGUISHING BETWEEN DIFFERENT SECURITY COMPLEXES

The security complex is seen as a consequence of the anachronistic structure of the international community, then of racial, cultural, religious and ethnic differences between major social groups. All this can hinder the establishment of security complexes between groups of countries.

1. If the states in certain regions are weak so that their power is not projected beyond their borders, in this case the security policy of these states is primarily directed towards the internal borders and there is no greater interaction between the states in that region. In this case, internal social, economic and political processes are key determinants of the regional security complex, within which the religious, racial or cultural influences of large social groups play a determining role. For example, Albania's foreign policy has a serious impact on the Balkans, but internal political, cultural and religious processes have a major impact on Kosovo, Macedonian and Greek Albanians, on whom the Balkan regional security complex depends.

2. When we have a direct presence of external forces in the region with an influence strong enough to control the normal operations of the security dynamics between the regional forces. This is especially the case with the stationing of military forces in a given region in which those forces control and ensure the internal security of a given country or countries. A good example of this is the US presence in the Middle East, which significantly changes the internal security dynamics in this region. The direct US military presence has the most direct impact on relations between Islamic countries and their non-Muslim neighbors, most notably Israel, which is likely to change the region's security complex.

6. ISLAM AND REGIONAL SECURITY

In the context of the relations between the cultural-religious and security structure in the Third World countries, Islam attracts special attention, both because of its significant influence on the internal relations in the Islamic countries and on the relations between the Islamic countries.⁴³ The importance of Islam in contemporary international relations is not so much determined by the politics of the Islamic countries as it is determined by the geostrategic position of these countries on whose territory are large deposits of non-renewable natural oil resources which has one of the most important functions in the economic development of Western civilization and the great world empire China. This will increasingly show interest in accessing oil resources in Islamic countries. The determining foreign policy influences of the Islamic world were not left without strong influences on the domestic political scene in those countries. External political influences have generally relied on the legacies of colonialism in these countries, which in addition to the internal

⁴³ More in: Graham E. Fuller, *The Future of Political Islam*, *Foreign Affairs*, March/April 2002; Mahmud A. Faksh, *The Prospects of Islamic Fundamentalism in the Post-Gulf War Period*, *International Journal* XLIX Spring 1994; John L. Esposito, *The Islamic Threat: Myth or Reality*, New York Oxford University Press, 1992; Judith Miller, *The Challenge of Radical Islam*, *Foreign Affairs*, Spring, 1993;

religious traditional fragmentation of Islam (Sunni and Shiite Islam)⁴⁴ and its strong influence on political and social processes have left the Islamic world out of social and political influences, and these changes affected the international community in the late 18th and early 19th centuries.

The economic, political and cultural changes that affected the international community at the beginning of the 20th century, in one sense, were left without major effects on the internal cultural and religious structure in the Islamic world⁴⁵, while the other came to the conclusion that global changes in the international community affected creating perceptions in the Islamic world of the necessity of changes in the relations between the internal cultural-religious and political structure of the Islamic world.

The specificity of the Western external influence on Islamic countries, which did not directly affect the social stratification of the Islamic world, resulted in a lack of fundamental social changes that prevented the formation of a national identity in these countries. Secular nationalism, which sporadically emerged in the form of liberal nationalism, has failed to create prosperous and powerful communities in the Islamic world. Authoritarian governments in Islamic countries, most of which relied on internal traditional fragmentation and opposition within Islam as a religion, possessed neither the political nor the religious authority needed for radical reform of the Islamic community. Based primarily on repressive military and police apparatus, governments in Islamic countries have relied heavily on Western military and political support, further reducing their ability and legitimacy to take measures for internal reform. The inability of the governments to bring the community to a higher level of economic development, to bridge the gap between the extremely rich and the extremely poor in these countries, to eliminate corruption, will increasingly influence the emergence of Islamic movements not as a result of absence in the interest of the state elite to create modern national programs in Islamic countries, but as a consequence of the radicalization of Islam on the political scene in this part of the world. Although Islamic movements refer to Islamic Sharia in their programs, interpreting Islam as a symbiosis of beliefs, rituals, ideology, and politics that have a profound effect on the entire life of the individual and the community, their ultimate goal will be to create a specific identity in the Islamic world, to avoid the cultural and political hegemony of the West. Drawing social power primarily from the middle classes of society, many Islamic renewal movements with their political programs have attracted the sympathy of the young generation of highly educated people who through the activities of these movements find space for their political activity aimed at political change in the Islamic world.⁴⁶

Movements to rebuild Islam are becoming one of the most significant internal threats to the security of the ruling regimes in Islamic countries. This threat has reached a particularly high level of political valorization, following the parliamentary victory of the

⁴⁴ There are numerous factions and movements today, so that the Islamic spectrum today represents numerous organizations, movements, teachings and sects. Here I will present only one typology that is found today in the literature on modern Islam: 1. Islamic Secularism; 2. Islamic Populism; Philanthropism; 4. Islamic Spiritualism (Sufi Passivize, Sufi Activism); 5. Political Islam Sunni; Puritan Traditionalist, Mainstream Gradualist, Revolutionary Messianist, Revolutionary Jihadist, reformist Revisionist, Modernist Rationalist; 6. Political Islam Shi'i: Revolutionary Marji'ist, Reformist Gradualist; 7. Official Islam; 8. Major Branches of Islam> Sunni, Ithna'ashari, Isma'ili, Zaidi, Nusayri, Druz, Ibadi. Типологијата ја дава R. Hrain Dekmejin, Multiple Faces of Islam, во A. Jerichow and J. Beak Simonese (eds. 1997), Islam in Changing World, 3;

⁴⁵ Ernest Gellener in the foreword to Akbar Ahmed and Hastings Donan (1994), Islam, Globalization and Post modernity, emphasizes that the process of secularization of industrial societies did not find much response in the Islamic community, but rather the impact of Islam on feelings and beliefs. of his followers is on the rise.

⁴⁶ John L. Esposito, Political Islam: Beyond the Green Menace, Current History, January 1994, 20-21;

Islamic Renewal Movement in Algeria in 1991 and the mass return of "holy Islamic troops" from Afghanistan in the early 1990s to Islamic countries. The threat has reached a high degree of political alarm in countries around the Islamic world.⁴⁷

The declining amplitude of Islamic renewal movements in many Islamic countries tends to create increasingly strong coalitions between different factions in Islamic renewal movements with Islamic extremism, which will give a special imprint to the dramatic processes within the Islamic world at the very beginning of the 21st century. At the same time, the threat posed by these coalitions will have a major impact on the growing alliance between the regimes in Islamic countries and their affiliation with Western governments, particularly the United States, leading to a growing confrontation between the one-Islamist renewal movements on the one hand, and the ruling dynasties in Islamic countries on the other. This intro-Islamic conflict will soon have the epithet of a broad international confrontation that will have a special connotation after the terrorist attack on the Islamic terrorist network Al Qaeda in New York and Washington in 2001, then the elimination of the ruling Taliban regime in Afghanistan, of the United States and Great Britain to Iraq, which will cause a new spiral of developments in the international community that can surely be marked as a new historical stage in the regional security threat. The resumption of the deep-rooted Israeli-Palestinian conflict and developments in Syria further underscore this confrontation⁴⁸

Especially after the I and II Iraq wars, the revitalization of the Islamic Reconstruction Movement is visible, which is increasingly gaining the epithet of a mass Islamic movement. Two hypotheses will occupy a special place in the strategy of rebuilding Islam. The Islamic Military Movement for Reconstruction will point out in its proclamations that the West is now more prepared to fight on the side of the rich Islamic world against the poor Islamic population, giving it easier access to rich oil fields, so realizing this strategy requires greater military presence of the West in Islamic countries than during the Cold War. The second thesis is widely exploited and actively used in the Islamic Movement for Reconstruction's global strategy, which is that the West is more inclined to intervene in conflicts within the Islamic world, while refraining from being involved in conflicts between Muslims and non-Muslims in which Muslims suffer. Using these two hypotheses, the Islamic Reconstruction Movement will gain sympathy among the broadest sections of the population in the Islamic world, presenting it as a general revolutionary movement in the Islamic world.⁴⁹

Although the Cold War left weak revolutionary movements and governments in Islamic countries, the secular nationalism that spread in the Islamic world during the Cold War posed a great danger to the Islamic movement for the renewal of Islam. However, the collapse of the Soviet Union, the cooperation of regimes in Islamic countries with the West, will take central stage in the external threat to the Islamic Reconstruction Movement, which in that cooperation recognized a major obstacle to political, cultural and economic change in the Islamic world. Hence, in the post-Cold War period, the main confrontation of the Islamic Movement for Reconstruction will shift to the confrontation with pro-Western regimes in Islamic countries.⁵⁰

⁴⁷ Tatsuya Sahara, *The Islamic World and the Bosnian Crisis*, *Current History*, November 1994, 387;

⁴⁸ Samuel P. Huntington, *The Clash of Civilizations?* *Foreign Affairs*, Vol. 72, No. 3, 41;

⁴⁹ Ghassan Salame, *Islam and the West*, *Foreign Policy* 90, (Spring 1993), 28;

⁵⁰ Graham E. Fuller, *The Future of Political Islam*, *Foreign Affairs*, March/April 2002, 48-60;

7. IS ISLAM A THREAT TO REGIONAL AND GLOBAL SECURITY?

The question of the role and significance of Islam in regional and global security is causing a great deal of controversy and dilemma today. For some, Islam poses the greatest threat to the future development of Western civilization and the world peace. Any democratization in Islamic countries by majority decision-making (considered by Western political doctrines to be the main measure of a society's democracy) is seen as a path to the "democratic enthronement of the extremely undemocratic regimes" of fundamentalist forces in Islamic countries.⁵¹

The rapid growth of the Muslim population in Islamic countries (over 1 billion), together with the rapid growth of the Muslim minority in Europe and the United States, in light of such perceptions are considered a great danger that threatens Western civilization. The general picture of the danger of Islam is especially emphasized with the publication of the study "Clash of Civilizations" by Samuel P. Huntington, where it is emphasized that the next general danger comes from the Islamic world where the Islamic movement from Macbeth to Palestine has risen to struggle for a new world order. As a general framework for this analysis are taken: the tension between Muslims and Greek Orthodox Christians in Africa; violence between Muslims and Christians in Nigeria; the implementation of measures by the Sudanese authorities against the Christian minority; the clash of Muslims and Hindus on the Asian continent; the intensification of fighting in India; the conflict between the Christian and Muslim minorities in Lebanon; the struggles between Christian Serbs, Croats and Bosnian-Muslims in the Balkans, Serbs and Albanians in Kosovo, Muslims and Jews in Israel and others.⁵²

After the collapse of the Soviet Union, this picture was reinforced by the conflict between Christian Armenians and Muslims in Nagoya-Karabakh, as well as the conflict between Christian Russians and Muslims in Chechnya. According to these understandings, all the borders of Islam are bloody borders of demarcation and their expansion.

Combining some of the current processes in certain Islamic countries (the mullah regime in Iran, the Taliban regime in Afghanistan, Saddam Hussein's call for a holy war, jihad against the West during the Gulf War, and the death sentence of the novelist Salman Rushdie of the regime in Iran because of his "Satanic verses", the connection of some Islamic groups with international terrorism...⁵³) the clashes and confrontations that marked the early stage of relations between the civilization of Islam and Christianity, the proponents of the theory of general Islamic danger go a step further, coming up with the thesis that the "hostility" of Islam to Western Christian civilization is inherently grounded in the promise and philosophy of fundamentalist Islam.

At the UN Conference on Human Rights in Vienna in June 1993, the idea of universal human rights as a cornerstone of international morality was rejected by delegations from Islamic countries who argued that human rights for Muslims could be derived only from Islamic Sharia law. Focusing on the nature of human rights, the conflict between the universality of human rights and the cultural dimension of the Islamic law manifested at the

⁵¹ Judith Miller, *The Challenge of Radical Islam*, Foreign Affairs, Spring, 1993;

⁵² Samuel P. Huntington, pp. 22-49;

⁵³ In January 2001, The New York Times published a three-part report entitled "Holy Warriors: A Network of Terror" (Stephen Engelberg) detailing the activities of a number of Islamic groups aimed at creating a single Islamic order by force.

conference⁵⁴, theorists have taken this as evidence of the spread of Islamic fundamentalism.⁵⁵ Proponents of its case have been working to make the actual transcript of this statement available online. Stressing that it is quite clear that this is a strong will and movement that enjoys significant political support from governments in Islamic countries, these authors will highlight the anti-Christian and anti-Jewish irrational dimension of Islam that targets Christian culture and history, against its secular present and against its future.⁵⁶

Fundamentalism is the building of a collective world by identifying individual behavior and social institutions with norms derived from "the law of God." Fundamentalist organizations and movements are those that try to avoid disorientation, typical of secular society, and return to religious roots. In our sense, fundamentalism implies the aspiration of a consciously and hierarchically organized radical minority, whose goal is to create a society that they say is the only authentic community of Muslims.

8. ISLAM AS A PARTNER IN THE NEW CONCEPT OF GLOBAL SECURITY

For others, Islam is a challenge and a new, very important partner in building world peace and security. Writing an essay on the new international order, Professor Zbigniew Brzezinski will write that the future world order will depend on solving fundamental problems within three, according to him, important regions of the world. In defining this new geostrategic agenda, Brzezinski draws a line from Brussels to Tokyo, from Tokyo to Cairo and from Cairo back to Brussels. In the political, economic and spiritual processes in that resulting triangle, he seeks the key to the future international order. The processes of political integration which are taking place in Europe, the processes of technological determination which are taking place under the influence of Japan, and the processes which are taking place inside the Islamic countries and beyond, will be the processes of the future of the world in the new millennium.⁵⁷

The famous Islamologist Augustus R. Norton (Augustus R. Norton), writes with great respect and admiration about the cultural, philosophical and political heritage of Islam. For him, "Islam is a great historical civilization and its influence has played a decisive role in the creation and development of the Western Christian civilization"⁵⁸. In his numerous papers this author points out that "the concepts of the Western democracy and the Islam are

⁵⁴ Bassam Tibi, *Islamic Law/Shari`a, Human Rights, Universal Morality and International Relations*, *Human Rights Quarterly*, 16 (1994), 277-299;

⁵⁵ Fundamentalist Islamic currents occupy a central place in the movement for the renewal of Islam. This current inclines towards the renewal of Islam to the fundamental values of Islam interpreted on the basis of the linguistic interpretation of the Qur'an and the speech of the Prophet Muhammad (Sunna). In order to purify Islam of all other interpretations, values, customs and traditions that are not tied to the pure linguistic interpretation of the Qur'an and Sunnah, this Islamist current is often referred to as the Puritan current. The most famous representatives of this current in Islam are: Muhammad Abd al-Wahhab, who together with Muhammad ibn Saud founded Wahhabism (Wahhab) as a movement on the Arabian Peninsula, now very active in the Balkans. Muhammed Ahmad Abdallah al-Mahdi founded the Islamic State of Sudan, while Hassan al-Bana founded the first Muslim transnational urban organization in the Islamic world in Egypt. However, for the modern world public, the most famous leader of the fundamentalist Islamic current is Ayatollah Ruhollah Khomeini, who founded the first modern Islamic state in Iran. More in Zohar Husain, *The Ideologization of Islam in A. Jerichow and J. Beak Simonesn (eds. 1997), Islam in Changing World*, p. 98-99;

⁵⁶ Charles Krauthammer, *The New Crescent of Crisis: Global Intifada*, *Washington Post*, January 1, 1993;

⁵⁷ Zbigniew Brzezinski, *Order, Disorder and U.S. Leadership*, *The Washington Quarterly*, Spring 1992;

⁵⁸ Ahmad S. Moussalli, *Discourses of Human Rights and Pluralistic Democracy*, in A. Jerichow and J. Beak Simonesn (eds. 1997), *Islam in Changing World*, p 50;

not inherently incompatible, but changes in the better understanding of the internal values and the specific role of the masses in the political sphere in Islam by Western secular systems lead towards certain political changes and compromises in the relations between the West and the Islam".⁵⁹

Dr. John L. Esposito, a professor at Georgetown University, believes that "Islam is more of a challenge than a threat to Western civilization," and that it has a very important role to play in the further development of humanity. In that sense, he would write, "Today's actualization of the Islam in the world is more a social than a political movement that is not necessarily anti-Western, anti-American or anti-democratic."⁶⁰

The idea of the general danger of Islam will also be rejected by the Western Islamologist Leon T. Hadat (Leon T. Hadar), who rejects it in his views, explaining it by the fact that Islam today is far from, as a united force, reaching the gates of Vienna and the coast of Spain. According to him, today's actualization of Islam is more a consequence of the action of anti-Muslim fundamentalism, which after the collapse of socialism in Islam will try to find the so-called "Green Comintern" as a substitute for the "red danger" of the former communist order.⁶¹

Former US President Richard Nixon will also warn the West that "by frequently pointing out the danger of Islam and seeking that danger in every conflict where Muslims suffer the most, the West is getting closer to a general conflict with the Islamic world." The famous French sociologist Xavier Bougarel will warn about that, stating that "the biggest producers of Islamic danger are above all those who warn of it".⁶²

9. THE NEW STRATEGY OF ISLAMIC MILITARY RADICALISM AND AMERICAN HEGEMONY

After the Al-Qaeda terrorist attacks in New York and Washington, the declaration of war on Islamic terrorism and the war in Afghanistan, the subsequent US-British invasion of Iraq, the strained relations between the United States and the Arab League, the more active movement for the renewal of Islam and the increasingly common struggle of the various factions within Islam against the Anglo-American presence in the Islamic world, the West and the Islamic world are increasingly seen as two sides in a global international conflict. Amid growing global tensions between Islam and the Anglo-American Alliance, new methods of acting Islamic radicalism are emerging, and they are becoming increasingly effective with their influence on the Islamist revival movement.

The goal of Islamic radicalism is not a global confrontation with the West. Neutral and layered analysis clearly indicates that there is no deep clash between Islam and the West and that there are no signs of a clash between these two civilizations. On the one hand, the confrontation between Islam and the West is fundamentally a need for an internal transformation of Islam that is increasingly peeking through the confrontation between rich, corrupt and increasingly powerful regimes in Islamic countries that enjoy Western support and the impoverished, illiterate, disenfranchised and powerless on the other side. On the other hand, the highly developed countries of the West, especially the United States, faced a great challenge arising from the level of rights and freedoms of the individual in those countries, which increasingly required transformation of political power from traditional

⁵⁹ Same;

⁶⁰ John L. Esposito, *Islamic threat, Myth or Reality*, Oxford University Press, 1992;

⁶¹ Leon T. Hadar, *What Green Peril?*, *Foreign Affairs*, Spring 1993;

⁶² *Time*, May 2, 1994;

state bureaucratic structures to new transnational centers of power that increasingly emphasize the tendency for individuals and groups to act independently and freely.

When an Al-Qaeda leader (?) planned the attack on the New York Mall and the Pentagon in Washington, he certainly had no intention of opening war games with America; much less had the ambition to win that clinch. The demolition of the World Trade Center and the mass killing of thousands of innocent people only served as a detonator to set up a powerful military and propaganda machine and steer it in the desired direction.

Commenting on the US anti-terrorism campaign, Salam Rushdie said: "Why do you say that this fight is against terrorism? It is clear that this is a struggle against political Islam. If fundamentalism is a return to the roots of Islam, then extreme fundamentalism is an extreme return to the roots. A logical question arises: How can you have faith at all if you do not have the foundations of faith? "This implies that every believer must be a fundamentalist, no matter what religion he or she belongs to."⁶³

The goal of the Bin Laden terrorist network was not just to kill thousands of people who did nothing to anger the bombers. The deaths of these unfortunates are marked in their strategy of "general chaos" only as collateral damage arising from another, much more important strategic goal aimed more at those who rule the Islamic world in the name of Islam than at Americans as enemies of Islam. The aim, of course, was to thicken the lines of discord in the Islamic world between those who rule in the name of Islam and those who rule in the name of the West.

The main strategic goal of the Islamic Radical Movement is to incite the brutality of those in power; to inflame the anger of those who are oppressed in the Islamic world, and to challenge the legitimacy of Islamic ruling dynasties. The current situation in the Islamic world confirms that developments are increasingly leading the Islamic world to the Bin Laden's concept of Islam. The second strategic goal of the Islamic radical militarist movement was certainly driven by the Western broad front of action against human rights and freedoms. Everyone has the right to freedom of movement and residence within the borders of each State, and is not in second order only because it belongs to another religion, cultural or racial origin. These are inviolable civil rights that cannot be revoked by a state decree. The strategic goal of the Islamic Radical Military Movement was to destroy the concept of a democratic West, to discredit the Western democratic concept of society in the eyes of the world, and above all in the eyes of their subjects, to question the democratic proclamations of the West, to discredit the legitimacy of the West in the name of the democratic rights and freedoms of the human being, spoke out against the cruel and intolerant traditions of the East. The long line of citizens with Islamic cultural background in front of police stations in Western countries waiting for forensic processing with mandatory photography and fingerprinting, just because they belong to the Islamic cultural tradition by birth, today make the Islamic radical militaristic movement more homogeneous than ever.

The coalition of despotic regimes in Islamic countries with the ruling circles of the West has also been encouraged, which further awakens the gap of intolerance between the domestic Islamic, drastically growing social insurgency of poor, illiterate, disenfranchised and desperate masses and military tyranny, corruption, which closes the circle of despair, rebellion and violence. The Democratic West is increasingly entering into a coalition with the most brutal opponents of natural human rights and increasingly de-legitimizing its own right to appear as a protector of democracy.

63 Joel Beinin, Joe Stork, *Political Islam: Essays from Middle East Report*, 1996, p 67,

In a stifling throng of military machinery heading for the imaginary Al-Qaeda terrorist network, accusing the Islamic world of links to collaboration with bin Laden's network of terror, the Western leadership had in mind not only the elimination of the Al-Qaeda global network, but above all the suspension of certain human rights and freedoms that emerged as a serious threat to the system of unrestricted control of individuals by the internal center of power, which led to a dangerous restriction on the global operation of Western politics. The urgent rejection of any argument against the war in Afghanistan, and then increasingly expressed against the war in Iraq by numerous individuals, groups and institutions, and especially the demands coming from the global anti-war movements, reducing any such activity to support or cooperate with terrorism, the state administration of many Western countries openly stated that the degree of freedom achieved is increasingly proven in the form of restriction of central government and national military and political power, which seriously threatens to endanger the national security and the primacy of the West in international relations. Hence the fixation of Al-Qaeda as a hungry creator of the global threat to the national security of the West, will effectively serve as a calculation of the achieved level of freedom of the individual, which will increasingly be expressed in the form of limiting the power of the state bureaucratic structure. Hence, the administrations of most Western countries will express a great deal of suspicion and disgust towards any global movement that could in any way limit the power and influence of bureaucratic state administrations in these countries.

Hence the conflict between the radical current of Islam and the governments of Western countries, today grow into the strongest reflex of the increasingly challenged degree of achieved freedoms and human rights, which today appears as the greatest danger to any radical concept of the future of humanity whether it is expressed in the form of a radical religious movement or in the form of a radical state hegemony. Both are inherently undemocratic and restrictive of the future development of the international community, unable to offer an answer to the contradictions arising from the new form of conflict between the microeconomic processes of globalization and the macropolitical processes of interdependence. Hence, today radical militant Islam will serve the hegemonic claims of Western politics as legalization to restrict human rights and freedoms, while the hegemonic claims of the West will be the legitimate basis for the action and spread of Islamic military radicalism. Thus, the circle closes in a framework in which Islam is growing stronger and stronger in the main determinant of the global security complex.⁶⁴

⁶⁴ For more on the relationship between terrorism and international law, see Michel N. Schmitt, Counter-terrorism and the Use of Force in International Law, The Marshall Center Papers, no. 5, (2002);

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NEED FOR PROTECTION OF THE CRITICAL INFRASTRUCTURE IN THE REPUBLIC OF NORTH MACEDONIA

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Abstract

Within this paper, the author intends to contribute to the creation of appropriate solutions for shaping future development strategies in the protection of the critical infrastructure as a top priority and interest of a nation state. The author will analyze the need for protection of the critical infrastructure within the private sector of security in the Republic of North Macedonia. In the introductory part of the paper, the author analyzes the definitional approach to critical infrastructure. The author will make a comparative analysis of the situation regarding critical infrastructure and the realization of its protection in the Republic of North Macedonia and the Republic of Croatia. By clearly defining and concretizing the problem and the subject during the research, the author will give concrete proposals and solutions, which from a scientific and practical aspect will contribute to socio-scientific goals. The content will be prepared on the basis of analysis of foreign literature and using electronic content. In the preparation of the content of the paper, the author will apply the general scientific methods: the descriptive method, the normative method, the comparative method and the method of content analysis as a separate scientific method.

***Keywords:** critical infrastructure, need for protection, private sector for security*

1. INTRODUCTION

The understanding of the term "critical infrastructure" moves within the description of critical infrastructure as an important component of the national security of each country because the threat to such facilities/infrastructure jeopardizes the normal course of life and safety of citizens but also the general functioning of the state (Mikac, Cesarec & Larkin, 2018 : 23) or as a set of all facilities, systems, networks and functions, vital for the survival of the state, the destruction of which will negatively affect security, national security, public health, etc. (Mitreska, Mikac, 2017:19). Critical infrastructure could be defined as a value or set of values and goods that are essential to the economy, the state and society often identified as complex tangible and intangible systems, the disruption of which could have long-term detrimental consequences on the basic values of the economy of the state and the society as a whole (Bakreski, Gerasimoski, Mileska-Stefanovska, Spasov, Kermetchieva, 2016:10).

In the European Union, the process of identifying critical infrastructures is based on three factors, namely: (Bakreski, Gerasimoski, Mileska-Stefanovska, Spasov, Kermetchieva, 2016:28)⁶⁵

- human losses, in which the potential number of human losses or injuries is estimated;
- the economic effect by which the significance and magnitude of economic losses and/or degradation of products or services, including adverse effects on the human environment, are assessed;
- the social effect, which assesses the effects of public self-esteem, physical anxiety, and disturbances in daily life, including basic services.

The European Union defines critical infrastructure through Directive 2008/114 / EC, which calls on member states to identify and design European critical infrastructure, as well as to assess the need to improve their protection. All Member States have implemented the Directive by establishing a process for identifying and designating critical European infrastructure in the energy and transport sectors. According to the Directive, critical infrastructure is defined as: "an asset, system or part thereof located in the Member States which is essential for the maintenance of vital social functions, health, safety, economic or social well-being of the people and whose disruption or destruction would significantly impact in the Member State as a result of failure to maintain those functions" (According to DIRECTIVE 2008/114/EC – identification and designation of European critical infrastructures and assessment of the need to improve their protection).

The Directive specifically recognizes the European Critical Infrastructure (ECI) as a critical infrastructure whose disruption or destruction would have cross-border effects in the Member States and which as such should be set aside through a common procedure. In the Tallinn Manual, critical infrastructure means physical or virtual assets, as well as assets that are under the jurisdiction of the state and are so vital that disabling or destroying them could weaken national security, the economy, public health and safety, or the environment (Poposka, 2019:26).

In NATO, facilities, services, and information systems that are vital to a nation are considered critical and their destruction can endanger the security, economy, health or general security of the nation or hinder the effective functioning of states (Mitreska, Mileski, Mikac, 2019:22).

Analyzing the national definitions of critical infrastructure, it can be determined that they contain two elements: first, they emphasize the subject of the infrastructure (the object, i.e., the processes) and second, they state the threats and/or consequences. Critical feature indicates that the infrastructure provides essential support for economic and social well-being, public safety and the functioning of key Government competencies (<http://www.merriam-webster.com/dictionary/critical> available at 07.02.2021).

However, not every national infrastructure is defined as critical. The infrastructure characteristics mainly refer to the physical infrastructure (e.g., facilities, installations, equipment, etc.), but often the infrastructure includes intangible assets and / or production and communication networks, and in addition the critical national infrastructure of the United Kingdom stands out as a "logical" means of infrastructure, including information networks or systems.

⁶⁵ For this area See more: Methodology for selection of critical information infrastructure, Ministry of Information Society - Telecommunications of Montenegro - October, 2014, p. 8

2. PROTECTION OF THE CRITICAL INFRASTRUCTURE

The protection of the critical infrastructure generally implies a set of measures and activities of different nature aimed at maintaining, enhancing and preserving the character and functionality of the critical infrastructure as such. In this context, different sectors or different countries have different understandings of critical infrastructure protection. In modern conditions, the understanding and application of the protection of critical infrastructure is strongly influenced by several factors, namely, the complexity of the critical infrastructure, regulation of competencies, lack of responsibility in sectors where several state and private institutions are engaged, insufficient exchange of information, primarily between institutions, which, in turn, increases vulnerability and directly affects the effective approach to the protection of the critical infrastructure, the amount of knowledge and skills regarding the protection of critical infrastructure and the interdependence of the critical infrastructure sectors.

Therefore, the authors conclude that the protection of critical infrastructure is a very broad and dynamic activity and is achieved in two different ways. The first is carried out by public bodies, such as various legislative institutions, law enforcement agencies, inspection and judicial bodies and private security organizations. The latter are activities carried out by international bodies such as the European Union and NATO. Other theorists, in a similar way, argue that each case is special, so it is necessary to pay special attention and realize the fact that many actors participate (Mitreska, Mileski, Mikac, 2019:30).

The main threat to the critical infrastructure is conditioned by two factors. The first is the natural factor and here the dangers are caused by earthquakes, fires, volcanoes, epidemics, floods and similar. These consequences are merciless in the damage they inflict and therefore the sense of danger itself can have a lasting impact on the infrastructure with catastrophic consequences and its collapse, while the second factor refers to the deliberate causing of damage (theft, vandalism, terrorism, and sabotage) here, too, the consequences are also great and cause general danger. The analysis of the need for protection of the critical infrastructure is a good example to indicate that there is a whole range of necessary and previously undertaken activities through which structural measures can avoid and reduce the vulnerability of critical infrastructure.

3. REPUBLIC OF CROATIA - NEED FOR PROTECTION OF THE CRITICAL INFRASTRUCTURE

When it comes to the legislation on the protection of critical infrastructure, the Republic of Croatia has regulated this area with the Law on Critical Infrastructure in 2013, according to Zakon o kritičnim infrastrukturama (Narodne novine 56/2013), which is based on Directive 114 of 2008 of the European Union. The Republic of Croatia has also adopted two more by-laws, as follows: Decision on determining the sectors from which the central bodies of the state administration identify the national critical infrastructures (according to Odluku o određivanju sektora iz kojih središnja tijela državne uprave identificiraju nacionalne kritične infrastrukture te liste redoslijeda sektora kritičnih infrastrukture, Narodne novine 108/2013. 282), as well as the List of the order of the critical infrastructure sectors and the Rulebook on the methodology of preparation of risk analysis in the critical infrastructure management (according to Pravilnik o metodologiji za izradu analize rizika poslovanja kritičnih infrastrukture, Narodne novine 128/2013).

The Law on Critical Infrastructure of the Republic of Croatia regulates the national and European critical infrastructures, sectors of national critical infrastructures, critical infrastructure management, preparation of risk analysis, owner safety plan / managers, security coordinator for critical infrastructure, handling of sensitive and classified data and overseeing the implementation of this law (according to Zakon o kritičnim infrastrukturnama - Narodne novine 56/2013). This Law in the legislation of the Republic of Croatia assumes the legal property of the European Union contained in Council Directive 2008/114 / EC of 8th December 2008 on the identification and designation of the European critical infrastructure and the assessment of the need to enhance their protection.

This Law determines certain terms that have the following meaning:

- Risk analysis (means considering possible manifestations of threats to assess vulnerability and possible assessment of disruptions in the functioning of critical infrastructure or to assess its destruction);
- European Critical Infrastructure - means critical infrastructure of interest to at least two Member States or one Member State, located on the territory of another Member State;
- Cross-sectoral metrics (benchmarks) - denote a set of general metrics according to which the risk is assessed for individual critical infrastructure systems and networks in all sectors.
- Sensitive data - critical infrastructure data that are marked as classified data in accordance with special regulations.
- Contact point - a central body of the state administration that communicates on behalf of the state with the competent authorities of the European Union and other countries in order to exchange information on critical infrastructures and implement identified activities to achieve their protection and ensure continuity of operation;
- Sector metrics (benchmarks) - a set of specific metrics according to which the risk for the composition and network of critical infrastructure in a given sector is assessed;
- Critical Infrastructure Security Coordinator - a person who acts on issues related to the protection of critical infrastructure between the owner / manager and the central bodies of the state administration responsible for a certain critical infrastructure sector;
- The owner / manager security plan - a plan that ensures confidentiality, integrity and availability with organizational, personnel, material, information-communication and other solutions, as well as permanent and step-by-step security measures necessary for the continuous functioning of the critical infrastructure;
- Critical infrastructure management - the provision of working conditions and continuous functioning of the critical infrastructure;
- Owners / managers - legal entities responsible for critical infrastructure management;
- Protection of critical infrastructure - activities that aim at achieving functionality, continuous operation and delivery of services / goods to critical infrastructure as well as prevention of endangerment of critical infrastructure.

Furthermore, this Law of Croatia defines the term "National Critical Infrastructures" as systems, networks and facilities of national importance, and the interruption of operation or interruption of the procurement of goods or services of these, may have serious consequences on national security, human health and life, property and the environment, security and economic stability, and the continued functioning of the Government.

This Law as Sectors of National Critical Infrastructures determines:

- energy (production, including accumulation and dams, transmission, storage, transport of energy and energy, distribution systems);
- communication and information technology (electronic communications, data transmission, information systems, provision of audio and audiovisual media services);
- traffic (road, rail, air, sea and inland water transport);
- health (health care, production, trade, and supervision of drugs);
- water management (regulatory and protective structures of water and communal structures of water);
- food (food production and supply and food safety system, stocks);
- finance (banking, stock exchanges, investments, insurance and payment systems);
- production, storage and transport of hazardous substances (chemical, biological, radiological and nuclear materials);
- public services (ensuring public order and peace, protection and rescue, emergency medical care),
- national monuments and values.

Also, the Government of the Republic of Croatia, by decision, may designate critical infrastructures from other sectors. The Government of the Republic of Croatia with a special decision will determine the sectors from which the bodies of the central state administration identify individual national critical infrastructures in order to provide comprehensive action for protection and reduction of negative effects in case of threats to critical infrastructures, at the proposal of the body, of the central state administration responsible for protection and rescue, and establishes a List of the order of the critical infrastructure sectors due to their importance for the general functioning of the country (ranking of the critical infrastructure sectors due to their criticality) and achieving protection of the critical infrastructure at the state level.

Most of the remarks about the Law come from the expert community which, first of all, points out that the Law itself does not mention protection in the title, which is a fundamental weakness - everything that is done in the area of establishing critical infrastructure and critical infrastructure management is ultimately better to protect (Bakreski, Gerasimoski, Mileska-Stefanovska, Spasov, Kermetchieva, 2016:33). Furthermore, the comments refer to the role of the Croatian State Protection and Rescue Directorate (DUZS). This body is the central coordinating body, and it is given most of the responsibilities in the field of national critical infrastructure management. Then, it is stated that this body reacts reactively, and the management and protection of critical infrastructure means above all proactive (preventive) action. This body, with its primary responsibilities to protect and rescue, cannot perform such a complex, managerial and coordinating function related to critical infrastructure. It is also stated that this body cannot perform risk assessment for protection of the critical infrastructure, that this body is not competent in the development of quality risk assessments and risk management in the protection of the critical infrastructure, and how at sectoral as well as at cross-sectoral level.

However, it should be emphasized that the legal and practical experience of the Republic of Croatia in this area can be extremely useful if only the positive sides are accepted in the legal regulation of the matter related to the critical infrastructure in the Republic of North Macedonia.

4. THE REPUBLIC OF NORTH MACEDONIA - NEED FOR PROTECTION OF THE CRITICAL INFRASTRUCTURE

In the Republic of North Macedonia, the term critical infrastructure is a relatively new area and is legally unregulated. In fact, there is still no legal framework in terms of identification, definition or protection of the critical infrastructure, and thus, a formally established list of critical infrastructure does not exist. However, it should be emphasized that the identification of the critical infrastructure will not start from the beginning because it is realistic to expect it to be based on some existing acts recognizing this area.

As a result of the Euro-Atlantic commitments, the Republic of North Macedonia undertakes and implements a large number of reforms that cover the range of issues related to the protection of the critical infrastructure.

The protection of the critical infrastructure is one of the most important activities, on the basis of which the security policy is further built.

These activities include: (Mitreska, Mileski, Mikac, 2019:158)

- defining facilities as critical infrastructure;
- defining measures for their protection and security and
- defining duties and responsibilities.

From this aspect, it is especially important to note that the determination of the critical infrastructure in the Republic of North Macedonia is not in line with the guidelines of the European Union. In this regard, there is a lack of clear concretization of the term critical infrastructure. Therefore, it is generally accepted that in concretizing the facilities as critical infrastructure, one should start from the analysis of several decisions, as follows: The Decision to determine persons and objects for protection. This Decision was adopted on the basis of the Law on Internal Affairs. The Decision precisely lists the facilities of interest for the security of the Republic of North Macedonia, as follows: electricity, PTT traffic, railways, airports, water supply systems, etc.

The Government of the Republic of North Macedonia in 2013 adopted a Decision on determining legal entities that are obliged to have private security. The need for adoption arises from the Law on Private Security of 2012 and the Law on Amendments to the Law on Private Security adopted in 2013 (according to the Decision on determining legal entities that are obliged to have private security, the Government of the Republic of Macedonia, Official Gazette of the Republic of Macedonia No. 106 of 29.07.2013).

The Decision explicitly states the provision of legal entities, engaged in activity related to handling, as follows:

- with radioactive substances or other dangerous substances for people and the environment;
- legal entities registered for production and wholesale of medicines and medical devices;
- legal entities registered for production and trade of flammable liquids and gases; •
- legal entities registered for transport of dangerous goods;

- legal entities registered for handling objects and objects of special cultural and historical significance (according to the Decision on determining the legal entities that are obliged to have private security, "Official Gazette of the Republic of Macedonia", No. 106/2013, Article 2).

According to this Government Decision, legal entities that are obliged to have private security are defined in three groups of legal entities. Both groups of legal entities are formulated according to the activity of legal entities, so in that sense the first group of legal entities performs "activity related to the handling of radioactive substances or other substances dangerous to humans and the environment", and the second group of legal entities performs "activity related to the handling of objects and objects of special cultural and historical significance". Additionally, the Decision prescribes a third group of legal entities that are obliged to have private security on the basis of a special criterion, i.e., they are of interest for the security and defense of the Republic of North Macedonia.

In order to be able to operationally, professionally and efficiently protect the critical infrastructure in the Republic of North Macedonia, part IV of this Decision defines mandatory private security of legal entities when it is in the interest of achieving the security of the Republic of North Macedonia. In particular, several activities are defined, as follows:

- energy (production, transmission and distribution of energy);
- water supply;
- environment;
- Macedonian Radio and Television, electronic and print media;
- The National Bank of the Republic of North Macedonia and other legal entities registered for performing banking activities (according to the Decision on determining the legal entities that are obliged to have private security, "Official Gazette of the Republic of Macedonia", No. 106/2013, Article 2).

If we analyze the current situation in the Republic of North Macedonia related to building an efficient system for protection of the critical infrastructure, it can be concluded that the protection and provision of the critical infrastructure in the Republic of North Macedonia should be focused on several key activities: the energy sector; information technologies; water systems; and air traffic.

In each of the indicated sectors, as a result of the reform efforts of the state, there are certain laws and by-laws that can enable effective regulation of the protection of the critical infrastructure. Based on the analysis of the situation, appropriate measures and recommendations that would be most expedient in the organization of the protection of critical infrastructure can be offered.

For example, it is proposed to create an effective strategy for the protection of the energy critical infrastructure (Mitreska, Mileski, Mikac, 2019:173). The strategy, after identifying the existing risks, should give the right direction to overcome the situation regarding the lack of positive legislation on the energy critical infrastructure. However, partial solutions have been identified in various sectors of the critical infrastructure, which are not wrong, but can most likely contribute to the "suffocation" of the whole process for the creation and efficient functioning of the optimal system for protection of the critical infrastructure.

5. CONCLUSION

There are many different solutions and practices, but every country needs to recognize the most appropriate model for achieving critical infrastructure protection. That is why it is necessary to protect the critical infrastructure to regulate it through an integrated approach, starting with identification and preventing. Furthermore, by reducing the vulnerability of critical infrastructures, mitigation of critical infrastructure may occur.

Regarding the improvement of the situation with the protection of the critical infrastructure in the Republic of North Macedonia, it is necessary to undertake some important activities. The critical infrastructure is a platform for maintaining the development of every society and country. Hence, the Government should be included in the system of protection of the critical infrastructure as a proposer of laws and bylaws and has the task to authorize certain ministries to be coordinators of the whole system. The Government provides a strategic framework that is essential for the successful functioning of the system, cooperation, communication, and coordination of all actors involved. The Government also designates (by separate decision) the sectors of certain critical infrastructures in order to provide a holistic approach to protection and mitigation in the event of a threat to critical infrastructure.

After the Government, the next most important actor is the coordinator (a specific ministry) of the entire system for protection of the critical infrastructure. There are various examples and practices as to which body is appropriate for this role. In many European countries, the post is assigned to the Ministries of the Interior. Hence, there are different solutions and practices, but each country should recognize the most appropriate model. In Macedonia, many suggest that the Macedonian Ministry of Interior must be the coordinator of the entire critical infrastructure protection system.

Normatively, the drafting of a Law on Protection of Critical Infrastructure can be proposed. When drafting the critical infrastructure regulations, the recommendation is to regulate primarily the energy and transport areas - these two segments are required by the European Union from its member states and those who intend to join. If the other sectors of the critical infrastructure are involved, the experience of Croatia can be repeated immediately at the beginning to slow down and complicate the process. It is therefore recommended to start with the energy and transport sectors. The law or by-laws must mention the security coordinator who is a key figure and will be in charge of critical infrastructure matters in all bodies and organs. The law or by-laws need to emphasize the place and role of public-private partnership, and they should also emphasize schooling, education and training. The location and role of the newly established Critical Infrastructure Protection Center is extremely important.

In the Republic of Croatia, all challenges related to the development of the critical infrastructure protection system can be identified as follows:

- Insufficient and inadequate communication and cooperation of the liaison officers for critical infrastructure security with the decision makers in the state administration bodies at all levels on one hand, and insufficient cooperation of the state administration bodies at central level with the competent agencies and professional associations on the other hand;
- insufficient education of the stakeholders, lack of regulation; the responsible state bodies do not have the necessary tools (software) in the field of risk management for critical infrastructures and lack of scientific research activities in this field.

According to the analysis of the needs for establishing a high-quality system for protection of the critical infrastructure that has been made so far, certain recommendations can really be offered in that regard.

In the phase of marking the critical infrastructure that follows the identification, great attention should be paid to the criterion of criticality and the national importance of the specific infrastructure. In certain sectors of the infrastructure, the degree of importance is overemphasized. This slows down the process of determining the critical infrastructure implemented by the Government, and is achieved through the adoption of a Decision for granting the status of critical infrastructure.

Following the marking, prioritization is required, bearing in mind that the overall critical infrastructure does not require an equal level of protection, and also that not all critical infrastructures are of equal importance. Regarding the further activities and phases in the realization of the protection of the critical infrastructure, it is necessary to introduce in the system appropriate internationally recognized standards (such as the International Standard ISO 31000: 2009 Risk Management: Principles and guidelines) which are in function of risk assessment and maintaining continuity in the operation of the critical infrastructure.

In terms of cooperation between the stakeholders, a key element is the existence of public-private partnerships and the establishment of quality cooperation.

The private sector has the responsibility to protect the infrastructure that is important to the functioning of society as a whole.

Such a ratio raises a number of open questions in this regard, such as the development of joint procedures, the exchange of the aforementioned sensitive data, which, in turn, requires building trust, as well as the exchange of knowledge and experience.

Therefore, in the Republic of Croatia, it is necessary to establish an acceptable common model of cooperation in this area with clearly defined mutual rights and obligations.

The development of the model and in general of all components related to the system for protection of the critical infrastructure should be aimed at the establishment of a special body that in fulfilling its tasks will have institutional powers and influence on all stakeholders in the system.

In many countries there are good examples (such as the United States, Great Britain, Romania) of the successful establishment of such bodies as the Critical Infrastructure Protection Centers. By analyzing their activities, it is possible to adapt them and to properly establish such a center in the Republic of Croatia. In 2017, the National Security Strategy and the Law on Internal Security were adopted in Croatia - these acts recognize the importance of the concept of protection of critical infrastructure.

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MODERN SECURITY RISKS AND THREATS IN THE WESTERN BALKANS

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Abstract

The Euro-Atlantic perspective and regional cooperation can be listed as the key ingredients of stability in the Western Balkans countries. In fact, the regional cooperation has not only tied together all Western Balkans under a shared purpose, but it has also been the most essential tool of stabilization and association - a process that is effectively paving the way of EU integration for the six Western Balkan countries. Regional cooperation covers a wide range of sectors, among which security cooperation is one of the top priorities. Manifesting many challenges, security cooperation among the Western Balkan countries is a project heavily promoted by the EU, especially some EU member states that have a strong interest in the region. The enhanced cooperation in the security sector is indeed driven by the overall EU objectives in the framework of the EU criteria on good neighborly relations, but also on the resilience and preparedness of the region to respond to security challenges with serious implications for EU countries.

Keywords: *security, risks, threats, EU, Western Balkan.*

1. INTRODUCTION

The Euro-Atlantic perspective and regional cooperation can be listed as the key ingredients of stability in the Western Balkans countries. In fact, the regional cooperation has not only tied together all Western Balkans under a shared purpose, but it has also been the most essential tool of stabilization and association - a process that is effectively paving the way of EU integration for the six Western Balkan countries. Regional cooperation covers a wide range of sectors, among which security cooperation is one of the top priorities. Manifesting many challenges, security cooperation among the Western Balkan countries is a project heavily promoted by the EU, especially some EU member states that have a strong interest in the region. The enhanced cooperation in the security sector is indeed driven by the overall EU objectives in the framework of the EU criteria on good neighborly relations, but also on the resilience and preparedness of the region to respond to security challenges with serious implications for EU countries.

2. CHALLENGES

The importance of enhanced regional security cooperation in the Western Balkans is multi-layered. First, stronger security cooperation contributes to creating political stability, security, and economic prosperity in the region.⁶⁶

Second, regional security cooperation is a solid instrument for addressing key security challenges in the region with serious implications for the EU, such as organized crime, corruption, illegal migration, and border management. Multilateral security cooperation schemes represent one of the most challenging cooperation frameworks. This situation is even more complex in post-conflict and transitioning regions, such as the case of the Western Balkans.

One of the key obstacles in fostering cooperation in the field of security is the lack of trust among countries that have shared a conflicted past. Owing to the problematic past and continuing lack of trust among Western Balkan countries, there could not be too many successful regional security initiatives. Hence, regional initiatives are considered the most successful and effective if they involve joint work in a specific field of action at a relatively low level and in a less sensitive field.⁶⁷

The second issue that hinders security cooperation is the fact that countries of the Western Balkans have been more reluctant to cooperate in multilateral schemes as they have perceived them as somewhat of a threat to their independence, or in some cases even as an attempt by the EU to re-establish and revive some kind of Yugoslav space.⁶⁸ As a result, more of the Western Balkan countries have preferred to work and cooperate on a bilateral level. Another push factor against increased multilateral regional cooperation is the language and legacy issues/heritage. A study carried out among think tanks in the region operating in the field of security shows that language plays a major role in cooperation in the security sector in the region. For instance, the cooperation between countries speaking the same or a similar language was more solid. This applies more to the countries sharing a Slavic background, excluding Kosovo and Albania. The language barrier has determined the way those countries develop their cooperation. On a more operational level, the study shows that the Montenegrin police or military officers would prefer their Serbian or Bosnian counterparts, rather than Albanian or Kosovar counterparts. The same applied to the other side; for a Kosovar police officer, it was easier to cooperate with Albanian counterparts.⁶⁹ The differentiated cooperation has also had a major impact on how the countries behave on a multilateral regional level. Henceforth, most of the communication that takes place on a regional security initiatives level yields limited results in establishing substantial and practical cooperation between the countries that have very little cooperation on a bilateral level.⁷⁰

⁶⁶ Levitin, O, and Peter S.(2018) “Regional Cooperation in the Western Balkans.” European Bank for Reconstruction and Development.. <https://www.ebrd.com/documents/epa/western-balkans-summit-2018-paper.pdf>.

⁶⁷ Emini D. (2019)“Kosovo’s Membership and Representation in Regional Security Initiatives.” Kosovar Centre for Security Studies. 2014. Accessed 2019. http://www.qkss.org/repository/docs/Kosovo’s_Membership_and_Representation_in_Regional_Security_Initiatives_668693.pdf

⁶⁸ Karnitschnig M.(2019) “Serbia’s Plan to Bring Back (best Of) Yugoslavia.. <https://www.politico.eu/article/for-serbias-vucic-road-to-eu-runs-throughbalkans/>

⁶⁹ Qehaja F. (2019) “Uneven Regional Security Cooperation: Lessons Learned and next Steps.” Aspen Institute Germany. <http://www.aspeninstitute.de/wp-content/uploads/Publication-EU-Enlargement-and-Regional-Cooperation-1.pdf>

⁷⁰ Stojanović S., Ejodus, F. (2018)Security Community Practices in the Western Balkans. Abingdon:

3. SECURITY COOPERATION

Establishing and maintaining sustainable security cooperation in the Western Balkans has become the most important interest of the EU, in particular of some member countries. As such, the EU would see it as a key mechanism to generate political stability, security and economic perspective. More importantly for the EU, regional security cooperation would turn the region into a proactive partner to address key security challenges, fight transnational organized crime, corruption, border management and illegal migration as a key priority area for the EU.⁷¹

The multi-frontal engagement of the EU in fostering regional security cooperation has created the perception that this was a more externally driven project, rather than a necessity, that internally derives from the region itself.⁷² While in many ways, by being part of the EU conditionality, regional security cooperation in the Western Balkans can be seen as a success story, it has sometimes been regarded as a form of ‘homework’ set by the EU and the international community rather than something that derived out of the internal needs in the region.⁷³

One of the first steps to internalize the externally driven push by the EU was the transformation of the Stability Pact into a Regional Security Council (RCC) in 2007. RCC has gradually become an ‘umbrella’ of regional initiatives in the Balkans covering various fields, such as economic and social growth, infrastructure and energy, justice and internal affairs, cooperation for greater security, and improving the quality of human resources. With an office in the Balkans and one in Brussels, RCC marked the first effort in the Balkans to promote stronger regional ownership.⁷⁴ Moreover, it was meant to play a crucial role in enhancing regional cooperation while diminishing the influence of the still-present divisions among Western Balkan countries. Increased responsibilities and ownership required more effective regional leadership and management. However, the independence of Kosovo in 2008 placed RCC into a challenging position following the emergence of two major bilateral disputes in the Western Balkans with major implications for regional cooperation platforms.

Even though the Kosovo case still remains questionable due to the fact that the obstructive approach of Serbia and Bosnia and Herzegovina still continues, in 2013 the board of RCC decided to amend the statute and its founding declaration, to replace UNMIK’s reference and enable Kosovo to be represented in this platform.⁷⁵ To date, RCC has integrated a large number of ongoing security initiatives in the Western Balkans and South East Europe, working actively to generate stability through cooperation in the region, but also respond to major security threats that cannot be addressed by the countries individually.

Routledge.

⁷¹ “Regional Cooperation In Western Balkans: A View From Inside The European Union. The Premises and Obstacles “ Accessed 13 June, 2019. <https://dergipark.org.tr/download/article-file/117968>.

⁷² Marciacq F. (2019) “The European Union and the Western Balkans after the Berlin Process Reflecting on the EU Enlargement in Times of Uncertainty.” FES South East Europe. <https://library.fes.de/pdf-files/bueros/sarajevo/13948.pdf>

⁷³ Mogildea M. (2019) A Regional Integration Model for Advancing the Europeanization Process in Central and Eastern Europe.” Slovak Foreign Policy Association. https://think.visegradfund.org/wp-content/uploads/Mogildea_The-Visegrad-Group-A-regional-integration-model-for-advancingthe-Europeanization-process-in-Central-and-Eastern-Europe.pdf

⁷⁴ Minic J. (2019) “Ownership for Regional Cooperation in the Western Balkan Countries.” Friedrich Ebert Stiftung. <https://library.fes.de/pdf-files/bueros/sarajevo/06609.pdf>.

⁷⁵ Demjaha A. (2019) “Kosovo’s Participation in Regional Organizations and Initiatives.” Kosovar Institute for Policy Research and Development. 2010. Accessed 2019. http://www.kipred.org/repository/docs/Kosovo's_Participation_in_Regional_Organizations_and_Initiatives_359638.pdf

The graph below offers a clear mapping of regional security cooperation initiatives and the number of partner countries they include.

In another attempt to internalize security cooperation – beyond the RCC on a regional level – the EU has imposed regional cooperation in the security sector through EU integration Chapters 23 and 24. The need for more effective regional security cooperation is more emphasized in the fight against transnational organized crime, border control, police and customs cooperation, etc. To date, these chapters are opened only with the so-called ‘front-runners’ Serbia and Montenegro. In the case of Serbia, cooperation is also stressed in Chapter 35 on Kosovo.⁷⁶

An effective tool for internalizing cooperation – yet again through the EU push – comes through the SAA. The SAA, signed between each of the Western Balkan countries and the EU, provides a unique possibility for each country to move on its own path and pace towards the EU. However, it demands regional cooperation among Western Balkan countries in all relevant fields, including security.

In spite of all challenges deriving from the uneven cooperation in the Western Balkans, differentiated EU integration paths, lack of trust to share information in sensitive areas, security cooperation has been quite successful. This success can be attributed to several regional level initiatives – based on projects or institutionalized platforms.

4. UPGRADING COOPERATION KOSOVO VIS-À-VIS SERBIA AND BOSNIA AND HERZEGOVINA

Regional cooperation schemes have offered a multi-lateral platform in which all countries would effectively cooperate and share information. This is particularly important for Kosovo – as the only country in the Western Balkans lacking recognition by two neighbouring countries and five EU member states. The open dispute between Kosovo and Serbia, followed by a non-recognition of Kosovo by Bosnia and Herzegovina, created major challenges and obstacles in the regional cooperation, especially in the security sector. On the other hand, it provided ‘creative’ ways of communication and created opportunities for Kosovo to use the multi-lateral platforms to increase its presence and share information, albeit in limited initiatives.

Kosovo has been facing major challenges in joining regional security cooperation schemes. As such, Kosovo was either represented by UNMIK, EULEX or even by KFOR in certain military initiatives.⁷⁷ Kosovo’s cooperation has taken place on a very limited level, many times using creativity so that it is acceptable for Serbia and Bosnia and Herzegovina. Kosovo’s regional prospects have been and still continue to be openly hindered by the proactive position of the Serbian Government to block Kosovo’s membership in regional security cooperation. Sporadically, Bosnia and Herzegovina additionally complicates the regional cooperation by joining Serbia in the act of blocking. This attitude pattern is purely based on the political position each of the two countries has taken by not recognizing the state of Kosovo, hence the security providers’ authorities are not being acknowledged.

This issue has been addressed in the framework of the EU facilitated dialogue between Kosovo and Serbia. In 2012, the regional representation and cooperation, or the so-

⁷⁶ “Chapter 35: Normalisation of Relations between Serbia and Kosovo.” European Commission. November 2015. Accessed June 2019. <http://data.consilium.europa.eu/doc/document/AD-12-2015-INIT/en/pdf>

⁷⁷ Emni D. (2019) “Kosovo’s Membership and Representation in Regional Security Initiatives.” Kosovar Centre for Security Studies. http://www.qkss.org/repository/docs/Kosovo's_Membership_and_Representation_in_Regional_Security_Initiatives_668693.pdf

called footnote agreement, was signed between both parties. It is through this agreement that both Kosovo and Serbia confirmed their commitment to the fundamental EU value of effective, inclusive, and representative regional cooperation. The agreement would allow Kosovo to participate and sign new agreements on its own account and to speak for itself at all regional meetings.⁷⁸ In spite of the agreement, Kosovo has been struggling to find its way to the regional security cooperation schemes. The footnote agreement foresaw a more inclusive future for Kosovo in the regional arena; unfortunately, the obstacles in the implementation process and the opposition of Serbia have made this process harder and prolonged for Kosovar institutions. The strong identification of security institutions with statehood has made Kosovo's integration in regional security initiatives and also the multilateral and bilateral level of cooperation between Kosovo and Serbia more difficult. The complexity of the lack of cooperation between Kosovo and Serbia in the field of justice and security was explicitly reflected in the case of murder of Oliver Ivanovic – a Kosovo Serb politician – who was murdered in 2018 in the northern part of Kosovo. The case will take longer to be effectively solved due to the lack of direct cooperation between the authorities of Kosovo and Serbia. Regional cooperation schemes and projects have served as means to overcome complexities between Kosovo and Serbia by providing a 'middle-ground' solution to the problem. For instance, a project level cooperation based on an informal exchange of information between the police forces from Kosovo and Serbia has led to many successful cases.

While this regional project level cooperation scheme has brought criminals to the authorities in a successful way, this type of cooperation is not sustainable, and the information exchanged on such levels of informal communication cannot be used as evidence in courts. This 'creative' way of coordination, however, was the only tool of communication back then. The case took place in 2015, and to date there is no advancement in strengthening cooperation between Kosovo and Serbia in both bilateral and multilateral regional platforms.

5. A WAY AHEAD FOR WESTERN BALKAN COUNTRIES

Regional security cooperation is gradually becoming a norm in the Western Balkans deriving from the need to furtherly strengthen the security in the Western Balkans by jointly tackling issues such as organized crime, fight against violent extremism that could lead to terrorism, and strengthening disaster preparedness. The security framework is becoming increasingly complex and aggravated, in turn affecting the whole region's functioning and development and also the stability and prosperity of the entire EU. Henceforth, a close regional and enhanced cooperation among Western Balkan countries, through dialogue and various forms of cooperation, will prove an effective response to contemporary security challenges and gradually pave the way to building trust among the countries. There are many institutional forms of regional cooperation and several of them have produced effective results. Regional cooperation was initially a project led by the EU, which has been serving as a proactive external force in pushing the region to cooperate in the security sector. Henceforth, much of the progress has taken place for the sake of 'trying to please Brussels' but not to address the security concerns of the region per se.

⁷⁸ "EU Facilitated Dialogue: Agreement on Regional Cooperation and IBM Technical Protocol." European External Action Services (EEAS). February 2012. Accessed May 2019.
https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/128138.pdf

More intense work is needed among the Western Balkans and the EU to make it clear that increasing cooperation in the security sector is also one of the criteria for Euro-Atlantic membership. In addition, Western Balkan countries shall be aware that regional cooperation is for the benefit of the region and its citizens, thus it shall derive internally from the region and not be implemented for the sake of box ticking in the framework of the EU integration process.

A more proactive approach of the EU is needed in ensuring that Kosovo and Serbia are implementing the so called ‘footnote agreement’. There should be effective mechanisms to prevent further blockades by Serbia and Bosnia and Herzegovina for Kosovo. Cooperation in the security sector is crucial for building resilience in the region and successful response toward internal and external security challenges, thus security vacuums shall not be allowed to exist in the Western Balkans as a result of limited cooperation between the Kosovo-Serbia-Bosnia and Herzegovina triangle.

On the other hand, EU’s motivation for Western Balkan countries lies on the need for stability within the EU. Regional initiatives hold great potential in terms of improving relations between Western Balkan countries. Increased cooperation in the security sector between Western Balkan countries will yield successful in dealing with major security threats that can derive from the region and those externally imposed. As such, regional cooperation should be continuously promoted, while the EU and its member states must remain actively engaged in the region.

6. CONCLUSION

Effective regional cooperation is seen as an important preparation for future EU and NATO membership. Regional cooperation schemes have been actively preparing the Western Balkan and South Eastern European countries to join larger security cooperation mechanisms. During the past decade, seven countries from South East Europe and two from the Western Balkans (Albania and Montenegro) have joined the North Atlantic Treaty Organization (NATO), whereas North Macedonia is expected to finalize its journey toward NATO membership by the end of this year.

Regional security cooperation needs to increase interactions between independent professionals, be it academics or civil society actors. This is particularly important in sharing experiences and learning how to successfully oversee the internal security sector reform but also closely observe the trend of regional security cooperation in the Western Balkans. This is particularly important in the case of Kosovo, Serbia, and Bosnia and Herzegovina, in which bilateral cooperation on the state level is almost non-existent.

More importantly, regional security cooperation between Western Balkan countries needs to be followed by deepening the cooperation between Western Balkan countries and the EU. This relates to the need for more proactive involvement of the Europol, Eurojust, Frontex, and other security mechanisms in the EU.

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FAN GROUPS AS A TOOL FOR IMPLEMENTATION OF THE POLITICAL AGENDA AND CAUSING SECURITY CRISIS

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Abstract

Fan groups, or supporters' groups, in their composition mobilize people from different social, economic, educational, and ultimately political structure. They are "interest groups" in a country which deserve attention. The scientific community in the past and today explores and analyzes fan groups from different aspect. The issue that we will primarily analyze in the paper refers to the relation between a political party and fan groups. The dilemma who, when, and for what purpose uses fan groups, as well as the questions related to the reasons for cooperation between political parties and fan groups will be presented through certain examples that are current (primarily in the Republic of Serbia). Also, through presentation of a historical digression we will try to present the continuity of "cooperation" of political parties with fan groups. The paper will also offer some considerations about fan groups as a potential "soft-power" tool that can be "used" by external factors to provoke a political and security crisis. The possibilities for institutional reaction in prevention of the influence of fan groups on certain political processes that we will present as a conclusion in the paper will offer certain solutions, ways and opportunities to eliminate or ultimately reduce the close cooperation between political parties and fans groups.

Keywords: fan groups, politics, cooperation, institutional response.

1. INTRODUCTION

All the social and political changes which took place in the past, and those happening today, have been related to a certain expression of dissatisfaction placed in the public through certain so-called interest groups. When we talk about interest groups, we should immediately emphasize that under that category of social organization we imply a certain joint action of a large number of people who connect with each other, cooperate and act together in order to realize their goals and interests. Fan groups as a social form of organization are the subject of interest of various scientific disciplines which, in their scientific field, try to answer certain questions that are primarily related to the way they are organized, the way they act, their ideological determination, as well as questions that refer to their role in the realization of certain socio-political processes.

One of the main reasons why fan groups are the subject of interest of various scientific disciplines may be contained in their structure (Lalic, 1993). In particular, it should be noted that fan groups in their ranks generally mobilize young people who basically have a different value system in relation to certain issues, but at the same time are connected and act together when it comes to the point of common interest, and that in this case it is the club

they support (Barisic, 2017). Fan groups are also interesting in terms of the process of their social control. We emphasize this moment for the simple reason that in Macedonia, as in the countries of the former Yugoslavia, the process of social control is usually carried out through the way sports clubs are managed, i.e., through their ownership, which is usually in the hands of the state. In the paper we will note the historical moments in which we encounter a certain use of fan groups for political purposes as well as their role in creating certain security crises.

2. THE USE OF FAN GROUPS FOR POLITICAL PURPOSES – HISTORICAL ASPECTS

When we talk about the use of fan groups for the realization of certain political goals, we want to emphasize the fact that we do not think that the use of fans is a political goal in itself. On the contrary, their "commissioning" is only one part of the strategy for the realization of certain political goals, interests and ultimately the implementation of certain policies in the broader sense of the word. The situation of use of fan groups in order to achieve certain political goals is not a phenomenon that is characteristic of the modern times in which we live. Back in history we have examples through which we can note the role of fan groups in certain political processes. At the same time, we will not approach a deep historical digression that goes back many millennia, but we will stay on the recent past, where we encounter a process of using fan groups for certain political purposes. If the development of fan groups, especially fan groups in England as a country which is considered a source of modern way of organizing and acting, can be divided into four stages, then the role of fan groups in the implementation of certain political processes is extremely important, in the third and the fourth stage of their development.

To be more specific, the third phase of the development of fan groups and their use for certain political purposes covers the period of economic and industrial stagnation both throughout Europe and in the UK in particular, which is characterized as a moment in which the first organized fan groups were formed, which as such were primarily associated with or derived from members of the working class and were ideologically indoctrinated and advocated pro-left or pro-socialist views. Unlike the third phase, in the fourth phase of the development of the fan groups, which covers the period from the end of the 80s of the last century until today, there is a significant change in the ideological and political attitudes of the fan groups and their inclination to the right. The reason that explains why there is such an ideological change in the fan groups is probably in the role of the fans in the time period that covers the fourth phase in specific political and social processes that have happened and are happening today (Deriemaeker., & De Maere, 2016).

2.1. The role of the fan groups in the process of disintegration of Yugoslavia

As to the process of disintegration of Yugoslavia, analyzed from today's distance, we can rightly say that it was a complex process that absorbed a large number of activities which led to the military conflict as their final result. The emergence and development of nationalism among the people who lived in the then common state for some political actors at the time was a process of surprise. But, unlike this group of surprised political activists, at that time there were politicians who, on the contrary, with their activities contributed to accelerating the disintegration of Yugoslavia. At the same time, we do not want and we will not go deep into the political reasons that were the main generator of the beginning of the break-up of Yugoslavia, such as the Constitution of 1974 or the speech of Josip Broz Tito

ten years earlier in 1964 at the Eighth Congress of the League of Communists of Yugoslavia, but we will try to analyze the process at the time of its final operationalization, which is the period of the early 90s of the last century (Markovic, 1994).

On the contrary, we base our approach and limit it to the role of the fan groups in the process of disintegration of Yugoslavia and their significance i.e., their contribution to its realization. If we previously emphasized that the development of fan groups, as well as their ideological (political) indoctrination in the so-called fourth stage of development which was, and till today is predominantly right, then it would be logical to conclude that the development and transmission of nationalism, certain forms of extremism and chauvinism, in the period of the beginning of the break-up of Yugoslavia were manifested through fan groups. Basically, there was not (and still does not exist) a better opportunity for a certain policy to be transmitted, and the effect of transmission to be maximized by the general public, from the use of sports matches, through the direct use of fan groups. Although Yugoslavia, as a political creation and as a socio-political organization, for a long time managed to amortize the phenomena that spread very quickly from Western Europe and through the countries of the Eastern Bloc, still the end of the 80s is a period in which Yugoslavia, i.e., its authorities failed to find a suitable mechanism to prevent and stifle growing nationalism.

The war in Yugoslavia seems to have been inevitable, but what remains unanswered till today is the impact of the football match between the teams of Dinamo Zagreb and the Red Star of Belgrade, as a kind of initial trigger in the process of escalating hostilities⁷⁹. In the years after the break-up of Yugoslavia, when the six independent states were formed, there were again examples of the use of fan groups to raise the level of nationalism, promoting policies which, at that time, the state leadership of a certain country considered right and necessary, etc. In addition, in terms of the use of fan groups to carry out certain processes related to hostilities in the countries of the former Yugoslavia, there are examples of the use of fan groups as a base for recruiting volunteers needed to fill paramilitary units on the ground (Петревски, 2020, стр. 53).

2.2. *The control of the fan groups*

When we talk about the system of control over the fan groups, we want to emphasize that in this section we do not refer to the control of fan groups through the legislative framework which undoubtedly exists in our country and in the countries of former Yugoslavia and Europe, where in fact, we have used certain experiences when it comes to making appropriate legal decisions. Also, we do not discuss the question of whether the legal solutions or specifically the Law on prevention of violence and misbehavior at sports competitions is effective, whether it is applicable and whether it faces certain objective obstacles in its application. On the contrary, our intention is to try to present some other forms of control to the fan groups.

⁷⁹ Opinions are divided in the scientific and professional public when it comes to the meaning and role of the match played at the Maksimir Stadium in Zagreb on 13.05.1990. There are certain indicative moments that are related to the sports match itself and the clash of the two fan groups, their iconography during the match itself, as well as the role of the direct participants in it. Part of the scientific community comes out with the opinion that the sports match itself "justified" the role of a generator of the occurrence of military conflicts between Serbia and Croatia, i.e. JNA with the forces of territorial defense of Croatia, which meant an official entry into the war. See more: Петревски, Благојче. *Казнено-шравни, криминолошки и криминалистички карактеристики на казнено дело насилство и недостојно однесување на спортските натпревари за периодот од 2004 до 2015 година на територијата на Република Македонија*, стр. 45

First of all, we want to think in the direction of whether there is a certain political control over the fan groups in these Balkan areas, or, to be more specific, whether in the countries of the former Yugoslavia there is an informal system of control by political entities and specific politicians over the fan groups. If we analyze the events that have been prevalent in the recent period, especially in the neighboring Serbia and the processes related to the arrest of members of the group "Principi", which is an integral part of the fan group "Grobari jug", then the only logical conclusion that is imposed as justified, real and objective is that the degree of political cooperation (politicians) is active and that it really existed. By keeping the fans close to them, politicians at any time have the opportunity to easily mobilize a larger number of people and use them for the realization or in certain situations also for the immediate implementation of certain solutions.

Yet, the legitimate question is how politics, i.e., politicians manage to control fan groups. Is there a system of formal control or is it still a situation in which informal control over fan groups is successfully implemented? When we try to answer the previous dilemma, the opinion we want to present is that politicians control the fan groups by directly controlling sports (primarily football clubs) to which the fan groups gravitate. The forms through which the control system is implemented are basically reduced to installing their own "verified" staff in management positions in the boards of directors of sports clubs. In general, the major sports clubs from former Yugoslavia have not changed the way they function to date, and at the same time to date no serious attempt has been made to approach the process of changing the ownership structure. Namely, in most cases it is dominant in the "hands of the state", and through this position the state is directly responsible for the way of functioning of sports clubs, as well as in the organization, i.e., communication with fan groups that are an inevitable part of the governing bodies of sports clubs. Getting certain leadership positions, the ability to "control" their own tribune and participate in the distribution of season tickets for a certain sector of the stadium, as well as their "presence" on certain payrolls, are part of the forms and ways in which politicians control fan groups. The situation in Macedonia fully responds to the aforementioned situation. In our country, most of the sports clubs (football, handball, and basketball) are predominantly owned by the state or local self-government units. Thus, through the control of the management package and through direct dependence on the financial means that the state or the local self-government units allocate for the smooth functioning of the sports clubs, the cooperation between the politicians and the fan groups is defined.

3. (AB)USE OF FAN GROUPS IN THE POLITICAL LIFE IN MACEDONIA

The history of independent Macedonia is filled with political events and processes that have attracted the attention of the public. Some of those political processes were related to the mobilization of a large number of citizens and their direct participation in them. For example, in the days before and immediately after the declaration of independence, on the territory of Macedonia certain activities were noticed by some of the fan groups that were aimed at encouraging the feeling of the need for an independent state. Specifically, when we talk about a certain fan activism in the days before the referendum on independence, as well as immediately after the declaration of independence of our country and the manifestation of belonging to the new Macedonian state, we should note the importance and role of the fan group "Komiti" (Петревски, 2020, стр. 201). Basically, the activity of the fan group was aimed at mobilizing a critical mass that will accept and "revive" the idea of an independent and sovereign state. Sports matches, in this case football matches of the football club

“Vardar” from that period were the place used by the fan group to convey certain messages, to display certain slogans, flags and banners that generally referred to promotion of the idea of an independent and sovereign state of Macedonia.

Fan groups in Macedonia were also used in order to polarize and further encourage interethnic tensions between Macedonians and Albanians in our country. The first activities in this direction were noticed immediately before, during and after the end of the military conflict in 2001. Most often, in the role of direct executors of the directions received from certain centers of political power in our country, when it comes to the process of inciting and inflaming national, ethnic, ultimately religious intolerance between Macedonians and Albanians, have been the fan groups "Komiti" and "Shverceri". The very fact that their "human potential" is composed of a structure that is generally pure in terms of nationality and ethnicity, then their use in the processes of causing incidents on a national basis, is not accidental. A relevant example in which the previously mentioned fan groups participated, and which to this day seems to be present in the collective consciousness of the citizens in our country, is the incident at the Skopje Fortress “Kale” in 2011. The incident in Skopje is interesting from another aspect, i.e., during the incident was noticed direct participation of a senior political official of a political party from the so-called Albanian bloc was noticed. In addition, the incident was a good example to confirm the thesis that fan groups are directly controlled by political parties, but at the same time the incident served to note the powerlessness of the state, in this case seen through the direct activity of the then deputy Interior Minister who embarked on a process of releasing persons who had previously been deprived of their liberty by remanded police officers. The testimony of some of the participants in the incident from both fan groups confirms the impression and the conclusion that there was some political manipulation (Митевска, 2014).

4. THE CAPACITY OF FAN GROUPS TO PROVOKE SECURITY CRISIS

Fan groups, as a kind of social group in the past and today attract the attention of both the scientific and professional public. Additionally, we are witnesses that there have been certain activities of state bodies, here we primarily refer to the Ministries of Interior, trying to come to certain knowledge and information that would be useful in the prevention of certain security conditions, but also in the direction of continuous monitoring of the group as part of the system of the so-called interest groups.

To the question of whether fan groups have the capacity to cause a particular security problem or crisis, the answers can be reduced to two different positions and approaches. Namely, part of the public (scientific and professional) advocates the view that fan groups are a potential security problem and they have the capacity to cause a serious security situation. The other position that is also legitimate is that the fan groups are not in a position to cause a security problem or a serious security situation, if of course, the system works properly and it does not face certain shortcomings or pressures of a different nature. In the recent past, i.e., in the process of disintegration of Yugoslavia, state bodies acted from a position that perceived and treated fan groups as a serious security problem and as a group that can and has the potential to cause serious security disturbances in a country. A typical example of a serious and studious approach to fan groups, an approach that meant daily monitoring of their activities and daily analysis of their capacity to cause security crises, is the approach of the State Security Service of Croatia - Republic Secretariat of the Interior of the Socialist Republic of Croatia (Previsic, 2019).

In the first years of Yugoslavia's existence, football was used as a means of integration and confirmation of "brotherhood and unity", but in the process of the break-up of Yugoslavia, football, and thus the fan groups, took on a new role and were major players in the process of manifestation of nationalist policies and messages. In particular, fan groups were used in the process of promoting the so-called stadium nationalism, which the political establishment from the period of the break-up of Yugoslavia needed in order to influence the broad masses and convey the message of the necessity for the break-up of Yugoslavia.

Even after the break-up of Yugoslavia and the formation of independent and sovereign states, stadiums and fan groups continued to be an issue of interest to state authorities. The reason why the continuity of interest in the groups is maintained is contained in the emergence of the "ideology of the stadiums". This phenomenon is not exclusive to the countries of the former Yugoslavia. On the contrary, the appearance of "stadium ideology" is previously encountered in stadiums in England, Germany, Italy, etc. The ideological indoctrination of fan groups was especially present in Germany in the mid-80s of the last century when the process of resurrection of National Socialism was observed in the stadiums in this country, and ultimately Nazism (Петревски, 2020, стр. 38).

The phenomenon of "stadium ideology" is also present in Italy as a country. There are a number of fan groups in Italy that advertise themselves as right-wing (primarily Lazio, some Roma fans, Bologna, Verona, etc.). Italy may be the only example in Europe where at the same time we meet strong left-wing indoctrinated fan groups. The main point that unites these fan groups is the pronounced anti-Nazi rhetoric, the liberal views on certain issues (migration, the LGBT community) and the alliance for joint action against right-wing groups⁸⁰. In addition to the "ideology of the stadiums" in Italy in the past period there have been a number of incidents, of serious security breaches related to the organization of a sports match. Some of those incidents ended in several deaths, both among fans and members of the police, which in itself confirms the capacity and possibility for fan groups to be the cause of more serious security incidents. (Петревски, 2020, стр. 116).

England is a special example of the occurrence of serious security incidents related to fan groups. The major incidents at Heysel in 1985, and Hillsborough in 1989, are perhaps the best examples of the ability of fan groups to cause serious security problems and situations. In both examples, a large number of human casualties were reported, but at the same time, the inability of the official authorities to prevent the problems was noted.

Fan groups from former Yugoslavia, specifically the larger fan groups from the Republic of Serbia and the Republic of Croatia, when it comes to their ability to be the cause of security incidents that would cause concern to the official authorities referring to the general security situation, does not lag behind the examples we have given earlier. Primarily, the larger fan groups (Delije, Grobari, Bed Blue Boys and Torcida) in the period after the break-up of Yugoslavia participated in a number of security incidents, and some of them ended with serious consequences i.e., followed by human casualties. The killings of Brice Taton, Ivan Perovic, Aca Radovic and several other cases related to fan fights, are a sufficient example that should be the basis for thinking that fan groups should be perceived as entities which are "ready" to cause serious incidents and that their power should not be underestimated or ultimately marginalized.

⁸⁰ *How is football a political sport – 9 left-wings clubs to whose fans you don't want to ask this questions*, available at: <https://www.newindianexpress.com/galleries/sport/2020/aug/21/how-is-football-a-political-sport-9-left-wing-clubs-to-whose-fans-you-dont-want-to-ask-this-questi-102932--2.html>

4.1. *The situation in Macedonia*

Fan groups in Macedonia since the independence have not been associated with the occurrence and participation in serious incidents. When we talk about serious incidents, we first think of situations from which human casualties have arisen. It is not that in Macedonia in these past 30 years of independence there were no situations in which fan groups had the main role in a sports match. A positive circumstance is that there are no human casualties during those incidents and physical clashes. In this regard, we would like to note the example with the death of the member of the fan group "Komiti" - Nikola Sazdovski, whose murder is correlated with previous fan fights and expressed fan impatience, caused by different ethnic, national and religious affiliation of the victim and the perpetrators. Other examples where we have the presence of human victims as a final consequence of fan incidents in Macedonia do not exist. However, what should be noted about the Macedonian fan scene, i.e., the Macedonian fan groups (especially for the larger fan groups) is the fact that they are divided on the basis of different ethnic and national affiliation of their members. This situation is the reason for the frequent occurrence of hate speech at sports competitions in our country. Of course, we must not ignore this situation and we must not marginalize it, because very easily verbal violence can be transformed into serious physical fights whose consequences can be fatal.

Perhaps in the explanation i.e., in an attempt to answer the question why in Macedonia until today there have not been a large number of incidents such as the cases in Serbia and Croatia, first of all, we should look for it in the frequency of sports matches in our country, as well as the average number of spectators (fans) who watch sports matches. In Macedonia there is not a continuity of quality sports matches that would be a reason for greater attendance of audience at the matches and greater mobilization of their fans. Also, the organization of sports clubs lags far behind the organizational capacities of the clubs of the former big four in Yugoslavia. In this context, we should mention the fact that fan groups in Macedonia today, unlike the years after the independence at the beginning of the new millennium, are in a phase of reorganization and generational change, which as processes further affect the capacity of fans groups and in the mobilization of new members in them.

The conclusion from the above is that in Macedonia there are no serious chances and prospects for the fan groups to appear as perpetrators of incidents of more serious proportions and incidents that would ultimately be accompanied by material and mortal casualties. Analogous to what has been said before, in Macedonia fan groups can be part of an incident only if they are instructed and encouraged by certain political processes and by the direct influence of political parties or leaders of fan groups.

5. CONCLUSION

The arguments presented earlier in the content of this paper give us the right to draw certain conclusions regarding the role of fan groups in the implementation of certain political processes, as well as their capacity to cause serious security crises. A fan group in an organized society and in an organized country should always be treated as an interesting social group that has its own ways and methods of functioning that can be used to implement or promote certain policies. The examples mentioned earlier in the paper, which speak of the direct role of fan groups in the realization of certain political scenarios only confirm our position that they can be used and (ab)used for certain political purposes in the future. In addition to achieving political goals, fan groups have the potential to provoke security incidents that can cause serious consequences.

For that purpose, the state i.e., the state apparatus should base its approach to the fan groups on the principle of continuity. When we say this, first of all we imply that continuity should be achieved in a way that will carefully monitor the activities of the fan groups and on the basis of that vigilance to analyze their capacities and their capabilities in certain situations.

In this regard, we should emphasize the importance of inter-institutional cooperation, which primarily implies or should imply the exchange of information in order to timely prevent certain situations.

In addition, access to fan groups should not and must not be stigmatized. The generalization of all members of a fan group as hooligans or as people who easily decide to use violence in a certain situation, means nothing but a reflection of the inability of the state apparatus to face the problem in a real and objective way.

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UNDERSTANDING AND MANAGING RISKS CAUSED BY COVID 19 PANDEMIC

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Abstract

The rapidly growing and dynamic global developments of COVID-19 are creating unprecedented levels of uncertainty on a personal, national, regional and global level. Human security and the protection of life have become the most important priority at all these levels. In this regard, governments need to understand the way different threats and risks intersect. Actually, we all respond to risks and policies in different ways, and we all have different preferences and make different choices. Understanding these issues is crucial to effectively managing this COVID-19 pandemic emergency. Still, the dilemma of the government's priority for overall security and its effects should be noted. A complete COVID-19 lockdown will save lives, but it will also have severe consequences, and some will lose their livelihoods completely. In addition, it is difficult to understand something like a pandemic that happens very rarely, and when it does, it is different from those that have happened before. This makes the management of COVID-19 much harder, especially in relation to how the states and other actors should respond. What prevention and treatment methods, including controls, should be implemented? This paper analyzes the characteristics of the risks and threats caused by the COVID-19 pandemic, as well as the challenges to successfully deal with them. The purpose of the analysis is to detect the most serious risks and threats, especially from a security aspect, and to determine the most acceptable methods and instruments for their management as well.

Key words: COVID-19, pandemic, security, risks, management.

1.INTRODUCTION

The understanding of risk from the aspect of safety and security is mainly based on the theory of risk in the scientific and academic field. This theory is based on threat identification, as well as risk specification and specification for overcoming the risk approach.

The essence of risk lies in the objective existence of threats. The risk comes from consciously controlled acting, or chaotic and uncontrolled acting of each part of a complex. In the behaviour of elements, moments may arise when the elements, whether intentionally or randomly, are getting into direct interaction (collision, impact).

It is no doubt that the concept of risk needs to be understood complexly. The basic assumption that arises from such a characteristic is that no activity is immune to risk, nor that the risk can be completely eliminated. It can only be reduced to an acceptable level.

The characteristics and consequences of the COVID-19 pandemic, as well as the activities at the global, regional, national and individual level, have confirmed the previous conclusion. The pandemic has shown that even in today's modern conditions, with remarkable scientific and technological development, there are no immune countries to the COVID-19 risks and consequences. In fact, the COVID-19 pandemic has revealed all the shortcomings of global and national societies. The world was taken by insecurity, isolation and confusion, which consequentially carry certain security challenges, in a combination the world has not previously seen. Some of these challenges are a consequence of the pandemic itself, but the other challenges arose from the reaction of countries to the pandemic, and the changes in the everyday lives of individuals. COVID-19 pandemic negatively affected every segment of society.

The new situation has initiated the need for immediate undertaking of a wide range of activities and measures for protection and management of the risks and consequences of COVID-19. It is characteristic of the indicated measures and activities that are aimed at a wide range of reference facilities, as well as that they are most often related to various restrictions in almost all spheres of social life. The urgency of their application initiated the COVID-19 issue to being posed as an existential threat. Thus, the issue of COVID-19 has become a security issue that needs to be resolved with a number of urgent measures that need to be accepted by the general public as well.

2.DEFINING RISK – THEORETICAL ASPECTS

There is no universal definition of risk among scientists and academics. Usually, the risk is characterized by the size of the negative impact or the harm and by the probability of threat exposure. Some authors have added the vulnerability of the reference object into the risk definition (Hromada, 2015, pp.118-127). The vulnerability emphasizes the threats to which the reference object is prone. If it is not prone to threat exposition, the vulnerability will be lower as well.

The usual risk explanation relates to the possibility of injury, damage or loss. Most often, the probability and consequences of a violent act or event are related to physical (technological) or natural processes according to how and whether they can be objectively defined through the risk assessment.

From the social sciences point of view, such a view is not completely acceptable, starting from the position that risk is essentially a subjective category with subjective aspects as well. Hence, risk is not only the result of objective measures expressed through quantitative indicators (percentages of damage or casualties), much less can it be argued that risk exists outside the social sphere of life.

In this regard, the risk concept presents an instrument/means by which people understand or deal with dangers and insecurities throughout their life. So, as a complex phenomenon that makes up modern society or the new security environment, it can be hardly defined solely as an objective or real risk.

An important characteristic when it comes to theoretical aspects of risk is the fact that risk is seen differently from the point of view of the general public and from an expert point of view. Hence, there is a division of individual and public risks (Георгиева, 2009, стр.83).

Regarding the mentioned division, it can be noticed that according to previous research the public usually starts from several factors, such as: insecurity, fear, potential for danger, consequences for future generations, etc. in perceiving the risks. On the other hand, risk analysis experts usually refer to the expected casualties and damage. In such a perception of the risk, its subjective dimensions are neglected.

Risk is related to the expectation of an unintended event and as such it is a social construction. Hence, the risk can also be described as an expectation in relation to an external event, actor or structural condition. Through this characteristic, the risk is related to the reality, i.e. to the social conditions (Lennard^{2001, p.21}).

Therefore, threats and risks should be analysed in order to understand how people perceive and construct threats and risks, and what issues these perceptions address. The main question in this regard is whether the world today is really a safer or riskier place to live. The answer to this question is largely based on the perception that nowadays a person lives and faces much greater risks than ever before. In addition to the challenges arising from the risks associated with events and processes of a military nature and the possible use of weapons and military equipment, there are significant risks of a non-military nature at the present time. The COVID-19 pandemic and its associated risks are, among other things, a concrete confirmation of such a perception.

In a theoretical aspect, risk management is a process of day-to-day decision-making regarding the identified hazard and the inclusion of all practical and reasonable measures to minimize the impact of the hazard (James, 2001, p.34). Such a definition confirms the aforementioned view that there is no activity or reference object that is not immune to risk, nor that risk can be completely eliminated.

The main goals of risk management are: ensuring personal safety, reducing losses in relation to facilities and services, reducing negligence and reducing public risk. Risk management can be realized through four basic phases: 1) identifying the risk exposure, 2) recognizing the most appropriate risk management techniques, 3) selecting the techniques according to the specificity of the risk, and 4) implementation and monitoring of the instruments (Laughly, 1990, p.52).

The risk theory is well applied in kinds of safety or security that protect the conditions of reference object (physical security, information security, administrative security and so on). Risk theory is less suitable for the kinds of safety or security that govern the reference object (international security, homeland security, and so on). In these cases, it is about creating the secure or safe environment as the result of synthesis (Lucas, 2016, p.147).

3.COVID-19: A MUTATED OR NEW DISEASE OF THE MODERN WORLD

A disease is an individual condition of a person, but in the case of infectious diseases, the disease can be transmitted from one person to another and cover large geographical areas. In that case, we talk about an epidemic. According to the Britannica encyclopaedia, an epidemic is an occurrence of a disease that is temporary of high prevalence. An epidemic occurring over a wide geographical area is called a pandemic.

The most recent infectious disease that has affected the human population is COVID-19. And the disease is defined as any harmful deviation from the normal structural or functional state of an organism, generally associated with certain signs and symptoms, and differing in nature from physical injury. A diseased organism commonly exhibits signs or symptoms indicative of its abnormal state. Thus, the normal condition of an organism must be understood to recognize the hallmarks of the disease. Nevertheless, a sharp

demarcation between disease and health is not always apparent. Correctly identifying the cause of a disease is necessary for identifying the proper course of treatment.

The term “coronavirus” originates from the Latin word *corona*, which means “crown” or “halo”, and relates to the specific appearance of viruses under an electronic microscope: they have protein growth on their surface that looks similar to a royal crown or a solar corona (Bjelajac&Filipović, 2020). Actually, the virus’s outer layers are covered with spike proteins that surround them like a crown.

According to the World Health Organization (WHO), the official names that have been announced for the virus responsible for COVID-19 and the disease it causes are: coronavirus *disease* (COVID-19) and severe acute respiratory syndrome *coronavirus 2* (SARS-CoV-2). It means that the viruses and the diseases they cause, often have different names. For example, HIV is the virus that causes AIDS. People often know the name of a disease, but not the name of the virus that causes it.

Viruses are named based on their genetic structure to facilitate the development of diagnostic tests, vaccines and medicines. Virologists and the wider scientific community do this, so viruses are named by the International Committee on Taxonomy of Viruses (ICTV).

Diseases are named to enable discussion on disease prevention, spread, transmissibility, severity and treatment. Human disease preparedness and response is WHO’s role, so diseases are officially named by WHO in the International Classification of Diseases (ICD). In this regard, ICTV announced “severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)” as the name of the new virus on February 11th, 2020. This name was chosen because the virus is genetically related to the coronavirus responsible for the SARS outbreak of 2003.

Coronaviruses are enveloped positive-stranded RNA viruses. There are many different kinds, and some cause disease. The coronavirus identified in 2019, SARS-CoV-2, has caused a pandemic of respiratory illness, called COVID-19. The first case of COVID-19 was reported December 1st, 2019, and the cause was a then-new coronavirus, later named SARS-CoV-2. SARS-CoV-2 may have originated in an animal and changed (mutated) so it could cause illness in humans. In the past, several infectious disease outbreaks have been traced to viruses originating in birds, pigs, bats and other animals that mutated to become dangerous to humans. Research continues, and further study may reveal how and why the coronavirus evolved to cause pandemic disease.

Since 2019 coronavirus is related to the original coronavirus that caused SARS and can also cause severe acute respiratory syndrome, there is “SARS” in its name: SARS-CoV-2. Still, from the risk communications perspective, using the name SARS can have unintended consequences in terms of creating unnecessary fear for some populations, especially in Asia, which was worst affected by the SARS outbreak in 2003. For that reason and others, WHO has begun referring to the virus as “the virus responsible for COVID-19” or “the COVID-19 virus” when communicating with the public.

Much is still unknown about these viruses, but SARS-CoV-2 spreads faster and farther than the 2003 SARS-CoV-1 virus. This is likely because of how easily it is transmitted from person to person, even from asymptomatic carriers of the virus. There are different variants of this coronavirus. It is also significant that there are different variants of this coronavirus. Mutations may enable the coronavirus to spread faster from person to person, and may cause more severe disease. More infections can result in more people getting very sick and also create more opportunities for the virus to develop further mutations.

As of now, the researchers know that the coronavirus is spread through droplets and virus particles released into the air when an infected person breathes, talks, laughs, sings, coughs or sneezes. Larger droplets may fall to the ground in a few seconds, but tiny infectious particles can linger in the air and accumulate in indoor places, especially where many people are gathered and there is poor ventilation. According to the Johns Hopkins Medicine (2021), this is the main reason why mask-wearing, hand hygiene and physical distancing are essential to preventing COVID-19.

In this regard, vaccines are now authorized to prevent infection with SARS-CoV-2, the coronavirus that causes COVID-19. But until more is understood about how the vaccines affect a person's ability to transmit the virus, precautions such as mask-wearing, physical distancing and hand hygiene should continue regardless of a person's vaccination status to help prevent the spread of COVID-19.

4.COVID-19: SECURITY ASPECTS

The COVID-19 pandemic, its prevalence, consequences and impact have posed a serious challenge primarily to the existence of humanity and the sustainability of its systems over the past year. Actually, the pandemic has caused serious global socio-economic, political and security disorders over the past year.

The World Health Organization declared a pandemic with the new coronavirus COVID-19 on March 11th, 2020, due to the fact that the virus had spread to several continents. In this regard, WHO sent a strong and clear message to all countries in the world that the situation with COVID-19 is extremely serious and that every country, in accordance with its set-up and health system, must begin to prepare for dealing with the crisis.

Before COVID-19 took off, the global security environment seemed good and stable. With the exception of a few local wars, the world was relatively at peace. The economy was stable as well, and, with the exception of crises and recessions which are a natural phenomenon and a phase of economic growth, its overall global volume grew, as well as the living standards of the citizens.

Still, after March 11th, 2020, the situation has dramatically changed despite the fact that the virus that causes COVID-19 is not the most virulent or not even the most lethal virus humanity has ever encountered. Actually, this pandemic has paralyzed and transformed the world in a very short time like no other danger/threat before. In addition to endangering the individual security of citizens, reactions and measures that have been introduced in almost all countries by their restrictive nature have negatively affected the level of human being rights and freedoms, which multiplied a multifaceted sense of insecurity.

Compared to the traditional security concept, based primarily on the territorial integrity and sovereignty of the state and focused on the military threats, human/individual security is based on the fact that the security of each individual is essential for the creation of peaceful and stable societies. In fact, human security has many causes and depends on interconnectedness of many different phenomena. The main reference object of human security is the human being and hence its focus is the protection of individuals and groups from various threats and risks aimed at their health and life.

Thus, human security is focused on identifying and preventing the risks that threaten individuals and groups both in the physical, material sense and the psychological sense (Bjelajac, 2017, pp.139-154). Hence, the COVID-19 pandemic can also be analysed as a serious security challenge to human security. In this regard, the human security components are endangered, both by the very nature of the pandemic and by the manner in which the social actors exercise social functions, which violated these tenets by restricting the

freedoms and rights of citizens, which are a result of introducing restrictive measures to combat the infectious disease pandemic.

About the first aspect, i.e. the very nature of the pandemic, it can be noted that COVID-19 has proven its direct and serious threat characteristic to the life of all people, regardless of their age, sex, previous or actual health condition, etc. An official national and international reports show that it is a threat that is rapidly and easily spreading not only nationally but globally as well, and that in terms of human security the threat has serious implications for human life and health. As of April 28th, 2021, according to the reports of the World Health Organization (2021), the number of confirmed infected cases is 147,539,302, while the number of confirmed deaths is 3,116,444. Moreover, there are 223 countries, areas or territories with confirmed cases as well. Such reports show that the COVID-19 pandemic can be perceived as a much more deadly threat to human life and health than many other security threats today. Among other things, this is confirmed by the fact that in terms of casualties, the major armed conflict is characterized by at least 1,000 casualties per year (Mitchel, 1981, p.55). Hence, it follows that countries with at least 1,000 casualties in the previous year as a result of the pandemic, can be perceived as countries that have faced a major armed conflict. Still, this perception refers only to the analysis through the prism of the number of casualties per year.

The next important security aspect of the COVID-19 pandemic is its rapid spread. Actually, there is almost no country where the pandemic is not present. Hence, the pandemic can be related to other contemporary security threats and risks whose significant feature is exactly their rapid spreading. From a human security point of view, such a feature deserves serious focus. Given the fact that despite the technological and scientific development, human potential is still a key factor in dealing with contemporary security threats and risks today, as well as in the management of technological and military equipment and in the management process itself, then there is no doubt that the rapid and mass spread of the disease, especially among those involved in the security and defence sector, will have a negative impact on the defence and security capabilities themselves. This applies equally to all security and defence sectors and segments of the states. Among other things, the seriousness of this issue is proven by the fact that the COVID-19 pandemic was at the top of the hierarchy of security concerns and problems of the states in the past year. In fact, almost all other security issues, risks and threats have been neglected, in terms of approaches and responses to prevent spreading and tackling the pandemic.

In addition to limiting the capacity of security and defence systems, the rapid and massive proliferation of COVID-19 has also initiated serious challenges in the functioning of all other social systems. The functioning of the healthcare system was especially affected in this regard. Among other things, this is confirmed by the fact of numerous examples in which the normal functioning of the health system was determined by the involvement of external actors, including the potentials and equipment of the security and defence systems themselves. Such examples furtherly confirm the seriousness of the risks that COVID-19 initiates in all aspects of social functioning.

The pandemic consequences over the past year on the one hand and the official national and international responses regarding this issue on the other, can also be directly linked to structural risks and threats of human security. In fact, poverty, unemployment, economic insecurity, deadly infectious diseases, lack of access to basic health care, human rights violations, etc., can be particularly highlighted as structural risks to human security. The mass spread of the pandemic has also indirectly initiated a solid basis for the development of the indicated structural risk factors. In fact, the global lockdown mainly

expressed through uncertainty, isolation and confusion, as well as through the traces of a major impending economic crisis, has enabled the emergence and development of previously observed risk factors.

This means that in addition to the pandemic of this deadly disease, the world is facing economic uncertainty, unemployment, potential poverty and human rights breaches, and due to the extent of the spread of the infectious disease, there is a threat of lacking access to health care, as almost all capacities of health care systems are committed to fighting the pandemic today (Bjelajc & Filipović, 2020, pp.9-23).

The indicated situation and structural factors have certainly been identified among the scientists involved in the studies of the causes of the conflict as serious security risks not only for people but also for national, regional and global security. Actually, economic and social threats, which include poverty, infectious diseases and environmental degradation, are part of the threat agenda within the UN (Boutros-Ghali¹⁹⁹²). If the pandemic is seen through the prism of the characteristics of biological weapons in this context, then it is also part of the previously mentioned agenda.

While before the outbreak of the COVID-19 pandemic, the focus was clearly on threats related to nuclear and environmental security, as well as security from terrorist and cyberattacks, this contagious disease brings biosecurity to the forefront. Although this term has several meanings, biological safety is considered as a state of protection of people, animals, plants, and the surrounding natural environment from the danger caused by emergencies, and is aimed at monitoring sanitary-hygienic and sanitary-epidemiological diseases (Bjelajac, 2017, p.155).

In parallel with the outbreak of the COVID-19 pandemic, various theories about its origin started. And while there is a scientific consensus that this virus is zoonotic, that is, that there has been no human intervention on it, there is a legitimate concern that another virus, perhaps much more virulent and lethal, could be either created or adapted to be a biological weapon. The danger of using such weapons is not exclusively related to terrorist organizations, but also to countries that would develop such biological weapons. Biological weapons are toxic materials produced from pathogenic organisms, living microorganisms or genetically engineered microorganisms that are used to intentionally interfere with the biological process of the host. It has the potential to create a level of mass destruction that is far greater than any conventional weapon (Masthan et al., 2012).

Experiences from the COVID-19 pandemic approaches, have shown all the vulnerabilities of today's societies that were otherwise considered safer than the Cold War and previous societies. In fact, the lack of real information, the lack of a universal approach to dealing and preventing the pandemic, combined with the different approaches of local, national and global authorities, have greatly hampered successful governance processes regarding this issue. In fact, these characteristics still pose a serious challenge during efforts to bring the pandemic under control. Therefore, the COVID-19 pandemic is both a challenge and a test for this generation of a global society.

5. CONCLUSION

COVID-19 pandemic exposed all the shortcomings and vulnerabilities of global and national societies as well. The characteristics and consequences of COVID-19 have initiated the emergence of specific security challenges and risks, the combination of which today's modern society has not faced before. Some of these challenges are a consequence of the pandemic itself, but others arose from the response of pandemic countries and changes in the daily lives of individuals. However, there is no doubt that the COVID-19 pandemic has negatively affected every segment and sphere of society.

In terms of security, the COVID-19 pandemic has shown that despite the advanced technological and scientific development, today's modern society is still seriously vulnerable to risks and threats of a non-military nature. This is certainly only acceptable if official research about the causes of the pandemic determines that it is not a virus that can be linked to biological weapons.

However, the above analysis in the paper presents that the security aspects of the risks posed by the COVID-19 pandemic can generally be analysed from two perspectives. The first one refers to the deadly nature of the virus and its direct negative impact on human life and health, and thus on human security as well. The main conclusion in this regard is that national and international security and defence systems are still largely dependent on human potential, therefore, infected and dead people directly limit the system's functionality.

On the other hand, despite the visible and clear COVID-19 consequences expressed through the number of infected and dead people, structural consequences have been initiated in parallel as well. The rapid and massive proliferation of COVID-19 has also initiated serious challenges in the functioning of all other social systems. In fact, the world has faced isolation, confusion, economic uncertainty, unemployment, potential poverty, human rights breaches, etc., which are perceived as serious structural factors that threaten peace and security.

As a result, there is no doubt that the totality and far-reaching consequences of the COVID-19 pandemic will also affect many aspects of the dynamics and culture of safety and security. In terms of the detected ways of pandemic spreading, it should always be taken into account that the success of the response to the pandemic, no matter how collective the task is, it is based on the personal responsibility of each individual.

In fact, such a universal approach to preventing and dealing with the COVID-19 pandemic must be based on a broader basis, from the citizens themselves, through formal government approaches and activities, to a commonly combined global response. The absence of such an approach opens the possibility for adopting draconian restrictive measures, and, by doing so, restricting human rights and freedoms, which would endanger the social system and its constructions even further.

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30 YEARS OF MACEDONIAN STATEHOOD: FUTURE SECURITY CHALLENGES

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Abstract

The process of creating the Macedonian state begins with the disintegration of the SFR Yugoslavia and the Referendum for Independence on September 8, 1991. As a geographically integral part of the Western Balkans, the Macedonian state was exposed to challenges of a different nature. Since the day of the declaration of independence, the country has been facing with certain issues that in the past period have proven to have the potential to cause serious internal political and security crises. Today, the dilemma is whether after full NATO membership we can hope for a more secure future from a political, and at the same time from a security and economic point of view, or still the challenges, primarily interethnic relations, remain as such. In that regard, the potential for the existence of hybrid threats that the Macedonian state could face as a NATO member should be considered. The perception and forecasts for the future of the Republic of North Macedonia are different. Through this paper we will try to answer some of the questions and challenges that the state would face in the coming period. In particular, in this paper we will present the possible positive changes that may occur in the country, but at the same time we will address the potential risks with which the state is facing, relating to the change of political i.e. state governance of the country as a consequence of a possible new interethnic conflict.

Keywords: *Macedonian statehood, Interethnic relations, Security challenges, Hybrid threats, NATO*

1. INTRODUCTION

With the fall of socialism and the communist regimes in Central and Eastern Europe, the Socialist Federal Republic of Yugoslavia disintegrated. In the 1980s, after Tito's death, Yugoslavia plunged into a severe economic crisis, which soon led to the rise of nationalism in the Federation's republican subjects, including the issue of the status of Kosovo's and the rising rate of inflation, unemployment, high indebtedness, etc. Regarding the economic development of the republics in the federation, the Socialist Republic of Macedonia remains far economically poorer than, for example, the Socialist Republic of Slovenia, although the number of inhabitants and the territory are almost the same. The Socialist Republic of Macedonia mainly supplies the Yugoslav Federation with agricultural products, tobacco, cigarettes, fruits and textile products, and most of the products as final product are processed in other parts of the Federation. On September 8th 1991, the Macedonian state gained its independence. The young country encountered a number of problems, in the north

Yugoslavia which is at war in Croatia and Bosnia, the embargo from Greece in 1993 from which the Macedonian state suffers great economic losses, the name dispute with Greece, admission to the UN, etc. The recent history of the Macedonian state is facing an ethnic conflict in 2001, which will later result in the signing of the Ohrid Framework Agreement. Furthermore, in 2018, the Prespa Agreement was signed, with which the Republic of Macedonia changed its name to the Republic of North Macedonia, which shall be used erga omnes, further, Pursuant to the Agreement, the nationality of the Second Party shall be Macedonian / citizen of the Republic of North Macedonia, the country codes for license plates from MK have been changed to NMK or NM. Today, the Macedonian state is facing many challenges regarding the COVID-19 pandemic and its economic impacts on the society, as well as many security challenges which will be discussed in this paper.

2. THE INDEPENDENCE OF THE MACEDONIAN STATE

On January 25th 1991, at a Parliamentary session, the MPs adopted the Declaration of Sovereignty of the Socialist Republic of Macedonia, which expresses the sovereignty (...) in accordance with the constitutional provisions for independence and territorial integrity of the Macedonian state, as well as the right of the Macedonian people of self-determination. This Declaration will be the basis for the adoption of the first democratic Constitution.⁸¹

On September 8th 1991, Macedonian citizens declared in a referendum that they wanted to live in an independent and sovereign state of Macedonia. On the referendum question "Are you for an independent and sovereign state of Macedonia, with the right to enter a future union of sovereign states of Yugoslavia" 95.26% of voters voted for an independent state of Macedonia, and only 3.50% against, while invalid were 1,20%.⁸²

The next important step in building the Macedonian state was the adoption of the Constitution of a sovereign and independent Macedonian state on November 17th 1991. According to the Constitution, Macedonia is a republic with a parliamentary democracy, with the division of state power into legislative, executive and judicial. The preamble of the constitution proclaims that "Macedonia is constituted as a national state of the Macedonian people which ensures full civil equality and permanent coexistence of the Macedonian people with Albanians, Turks, Vlachs, Roma and other nationalities living in the Republic of Macedonia." (Ортаковски 1996:328).

On March 11th 1992, according to the agreement, the newly formed Army of the Republic of Macedonia, with a previously adopted defense law, translated the border control, and shortly afterwards took over the entire border with the garrisons. By April 15th of the same year, the Yugoslav People's Army was leaving Macedonia. (Мирчев 2013:266).

RECOGNITION AND UN MEMBERSHIP

⁸¹ Историја на парламентаризмот во Македонија. Parliamentary Institute of RM (2014), Available at https://www.sobranie.mk/content/%D0%9F%D0%B0%D1%80%D0%BB%D0%B0%D0%BC%D0%B5%D0%BD%D1%82%D0%B0%D1%80%D0%B5%D0%BD%20%D0%B8%D0%BD%D1%81%D1%82%D0%B8%D1%82%D1%83%D1%82/%D0%98%D1%81%D1%82%D0%BE%D1%80%D0%B8%D1%98%D0%B0%20%D0%BD%D0%B0%20%D0%BF%D0%B0%D1%80%D0%BB%D0%B0%D0%BC%D0%B5%D0%BD%D1%82%D0%B0%D1%80%D0%B8%D0%B7%D0%B0%D0%BC_%D0%9CK.pdf (Accessed on 05.03.2021) pp. 3

⁸²Извештај за спроведувањето и резултатот од претходното изјаснување на граѓаните на Република Македонија на референдумот, одржан на 8 септември 1991 година. Available on https://old.sec.mk/star/ahri/1990_Referendum/Izvestaj_za_sproveden_referendum_1990.pdf Accessed on (11.04.2021) pp. 3

Shortly after the declaration of independence, the recognition of the Macedonian state by several countries began. Bulgaria was the first country to recognize Macedonia's independence. However, UN membership remains uncertain due to the dispute with Greece over the name of the state of Macedonia.

On April 7th 1993, the UN Security Council adopted the Resolution 817, recommending that the UN General Assembly admitted Macedonia to UN membership under the name Former Yugoslav Republic of Macedonia. On April 8th 1993, the Macedonian state was admitted to the UN under the reference Former Yugoslav Republic of Macedonia. In 1995, after the signing of the Interim Accord between the Hellenic Republic and the Former Yugoslav Republic of Macedonia at the UN, Macedonia changed its national flag and the Constitution.

On October 9th 1995, the Assembly of the Republic of Macedonia ratified the Interim Agreement between Macedonia and Greece. (...) On October 15th 1995, the Greek embargo on Macedonia was lifted and the Macedonian-Greek border was opened for trade of goods and transit of people. (Маролов, Митев 2016:201)

3. FUTURE SECURITY CHALLENGES AND HYBRID THREATS

After the entry of the Republic of North Macedonia into NATO, the public "began to live" with a feeling that causes a state of guaranteed security and safety, as well as a position that guarantees the country and ensures its survival in terms of security. In particular, joining NATO was and is perceived as a position that is a lasting guarantee for the protection of sovereignty and integrity. The general conclusion was that NATO membership alone is sufficient to ensure security, stability, economic, and ultimately socio-cultural progress.

Whether this position of comfort is justified and whether there are processes and conditions that today or in the future could disrupt the position of national security harmony, is a legitimate question. The attempt to offer an answer to the previous question, i.e., a dilemma, should be sought through the analysis of certain historical processes that have taken place in the past. The answer to the question should confirm or deny whether any other NATO member states throughout history have faced certain security challenges, what their appearance was and what steps have been taken to address them.

In the context of the above-stated, we should try to note the most important reasons that have or would have the potential to cause a security crisis in Macedonia. In that direction, with our attempt to present and analyze the reasons with the greatest potential, we should reach a position to define their capacity to endanger national security, which endangerment would go to the extent that institutions will not be able to prevent, properly manage, and control its harmful consequences.

4. ETHNIC TENSIONS AS A FUTURE SECURITY CHALLENGE

When we talk about potential security challenges that Macedonia would face in the future, we do not accidentally imply to note examples from the past which clearly show that NATO membership is not and can not be a guarantee of "absolute security and stability". The greatest proof of the above is the operation "Attila"⁸³, which was an example of a military conflict between two NATO member states. We have listed Operation Attila as the sole purpose of relativizing claims and thinking that NATO membership is an absolute guarantee of stability and security.

The Macedonian state after the declaration of its independence faced a number of problems and challenges that were of different nature. Namely, throughout the independent history, the country had challenges that were in the field of economy, i.e., ensuring economic existence at the macro level (one of the biggest challenges was the period under Greek embargo), then the transition from social to private capital, the development of interethnic relations in an independent and sovereign state, the military conflict in the country, the Framework Agreement, decentralization and the new territorial division of the country, etc. Through all the previously mentioned periods and socio-political processes, the state somehow managed to find ways and mechanisms to respond to the challenges and to define certain solutions. We should emphasize that not all solutions have proven or are proving to be final in the process of solving the problems for which they were adopted as such.

In the attempt to determine the potential security challenges that Macedonian state faces, the primacy in terms of capacity, potential and likelihood to be the cause of a new security crisis in our country, are interethnic relations. After the end of the military conflict in 2001 and the adoption of the Framework Agreement in August of the same year, a climate of collective thinking was created. This went in the direction that the Framework Agreement and its implementation should mean and contribute to the resolution of all open issues, integration of the Albanian national minority in the state system and improvement of the relations between Macedonians and Albanians, which were significantly disturbed as a result of the military conflict. However, given the fact that social processes are a kind of dynamic situation, we should emphasize that today, twenty years after the adoption of the Framework Agreement, in the Republic of North Macedonia there are still open issues that concern and "disturb" the national passions between Macedonians and Albanians. The best proof that these unresolved, or in the opinion of the political representatives of the Albanians in Macedonia have not been realized as provided by the Framework Agreement, is their participation, signing and defending the so-called public discourse - The Tirana platform, a concept that was the cause of a serious public debate in our country. (Маролов, Стојановски. 2017:865).

The questions that arose basically refer to the need for the existence of that so-called Tirana platform, the danger of its existence, the fact that Albanian politicians insist on it in the process of realization of the political processes in Macedonia, etc. Interethnic relations in Macedonia can be analyzed from different aspects. Will the approach to that analysis be from a position to assess the economic situation, then the socio-cultural differences between

⁸³Operation Attila represents the Turkish invasion of Cyprus in July 1974, through which Turkey managed to occupy 40% of Cyprus territory. During the military conflict between the Turkish Cypriots (supported by Turkey) and the Greek Cypriots (supported by Greece), which lasted from July 20 to August 18, 1974, NATO as a military alliance faced for the first time a situation in which that two members of the Alliance are at war with each other. See more at: Erickson, J. Edward, Uyar, Mesut., *Phase line Atilla: The Amphibious Campaign for Cyprus, 1974*. Marine Corps University Press Quantico, Virginia, 2020.

the communities, and ultimately the political positions of the two dominant ethnic communities in our country, in each of the above areas can be found some open question of one of the communities that has the potential to provoke interethnic tensions that may have certain security implications.

On top of the serious social problems, which are a product of a weak economy, the interethnic relations between Macedonians and Albanians will be put to a great test. (..) It is only a matter of time before the dangerous game of mutual accusations between Macedonians and Albanians begins, the same one that is played between parties of the same ethnic group that are more interested in what keeps them in power and in mutual destruction than in welfare of the state and its citizens. (Малески, 2012:493).

The political relations between the main political entities in the Macedonian and Albanian bloc deserve further consideration and analysis. We emphasize the importance of the political processes for the simple reason that in the recent past, in the Republic of North Macedonia, the main political parties did not refrain from (mis) inter-ethnic relations in the direction, i.e., with the sole purpose of achieving certain political ambitions. (Petrevski, 2020:206-207)

The political discourse in the Republic of North Macedonia alone can be seen as a potential generator of security crises or conditions that could have serious consequences for the future of our country. Political parties, and thus political representatives in the past thirty years of Macedonian statehood have built a culture of behavior whose main feature is the low or insufficient level of personal (moral) responsibility.

Another phenomenon that deserves to be mentioned, and which refers to the political relations among the ethnic communities in the Republic of North Macedonia is accountable to politicians. Most of the former, but also current political officials, from all levels of government, have built a system with its main value contained in the tendency to prove responsibility before the party bodies, i.e., personally in front of the party leader⁸⁴. In order to achieve a degree of greater objectivity, it is good to mention the fact that the ethnic division of political parties is in some way a product of the first Constitution of the Republic of Macedonia since 1991, i.e., since the process of its adoption, as well as the very moment of its adoption. If the approach to the adoption of the Constitution then was different or from this time distance we would say more inclusive for the Albanians as a minority as well as for their political representatives from that time, today maybe the Macedonian state would develop in a way that political entities would not address only the ethnic group to which they belong. An important issue that is also part of the spectrum of political issues, i.e., political relations in Macedonia is also the census. Basically, the situation is paradoxical why a statistical operation such as the census should attract so much public attention in general, and especially among political actors or political entities as such. There are several answers to this question, but perhaps the most concise is the answer that goes in the direction of proving that the political situation in the country depends on the statistical operation.

The Macedonian state has not conducted a census since 2002, when based on the received data, the state tried to manage the processes. After the census, the first serious challenge the country faced was the decentralization process. Through the adoption of the Law on Territorial Organization in 2004 based on the provisions contained in the Law, a process of reducing the number of municipalities⁸⁵ started. The reduction of the number of municipalities was carried out in such a way that the authorities in the country decided to

⁸⁴See more at: <https://makfax.com.mk/makedonija/205432/>

⁸⁵See more at: Law on Territorial Organization of Local Self-Government in the Republic of Macedonia, Official Gazette of the Republic of Macedonia, no. 55/04, 12 / 05,98 / 08,106 / 08.

join the merger of certain settlements with others and thus delineated the new territorial organization. The adoption of this Law was preceded by a referendum, which was initiated by collecting 150,000 signatures⁸⁶. However, the referendum was not successful, and the referendum question failed to mobilize a sufficient number of voters who would declare that they support it, i.e., they want to remain in the territorial organization of the country provided and determined previously in the Law on Territorial Division of the Republic of Macedonia.⁸⁷

The conducting of the referendum and later the adoption of the Law on Territorial Organization of Local Self-Government in the Republic of Macedonia were processes that were followed by a number of political skirmishes and various political combinatorics. The unsuccessful referendum for the then government meant an open position and an opportunity to approach the process of passing a new Law on Territorial Organization of Local Self-Government. With the entry into force of the new Law, the situation has changed significantly. Namely, certain urban areas where Macedonians dominated before the adoption of the law, suddenly found themselves in a situation not to be in the majority. This was the case with the towns of Tetovo, Kicevo, Struga, Debar and Gostivar. Losing the primacy as the most numerous community on the other hand meant leading to a situation in the future, the election of a new mayor or councilors in certain municipalities to directly depend on the votes of Albanians. The reason why we used this digression which refers to the consequences of the last census in Macedonia, in fact, is the attempt to predict the processes that would follow the maintenance of the announced census to be held in September 2021. Depending on the state of the data that will be obtained, we can expect the emergence of certain policies that will go in the direction of "bringing back to life" the policies for federal government. Macedonian authorities and political representatives of the two largest communities in the country should be extremely careful and not allow the country to enter a situation that will again cause a new intolerance of the Macedonian-Albanian relationship, a position that in the long run no one can control and manage properly. Exactly such a situation can be the reason for new "controlled security incidents" that would aim to contribute to justifying the arguments that the state system in the country should and must undergo some change and that multiethnic processes failed in their proper and sufficient implementation to prevent such processes.

5. HYBRID THREATS AS A FUTURE SECURITY CHALLENGE

The term hybrid war is gaining more importance in the political circles and the media after Russia's annexation of Crimea in 2014. The current war in Syria, as well as the 2006 war between Israel and Hezbollah, are also considered hybrid warfare. Until recently, for the term hybrid war, in our professional literature the term special war was used (as a set of psychological-propaganda, intelligence-subversive, terrorist, economic) taken by one or more countries against another country or countries, in order to destabilize, interference in the internal affairs of the state as well as interference in political, economic interests, causing riots and crises, inciting national, religious hatred and intolerance, etc.⁸⁸

⁸⁶*Сите референдуми во Македонија*, Available at: www.prizma.mk Accessed on: (26.04.2021)

⁸⁷See more at: Law on Territorial Division of the Republic of Macedonia and Determination of the Areas of the Units of Local Self-Government, Official Gazette of the Republic of Macedonia, no. 49/96.

⁸⁸See more at Vuckovic N. Prilog pojmovnom odredjenju sintagme "Hibridni rat" Available at: http://repozitorijum.diplomacy.bg.ac.rs/191/1/hr_tematski_zbornik_2_1555574872-12-28.pdf Accessed: 10.04.2021

Hybrid warfare is the basis for detecting and articulating hybrid risks and creating hybrid threats to a country's security in order to influence its weaknesses and enable the realization of its own interests, without (or with the minimal) use of direct military power. The concept of hybrid warfare sums up a combination of conventional, unconventional, terrorist, criminal, psychological, economic, energy and other instruments for destabilizing states. (Митровић 2017:336).

The change of power relations between the existing actors, as well as the emergence of new actors, contribute to the emergence of another phenomenon, which in today's way of life and in everyday political processes has a great (in certain situations also decisive) influence. Namely, it is about the increased influence of public opinion and the incredibly fast flow of information that affects its creation at a distance of thousands of kilometers⁸⁹.

The use of the term hybrid war or hybrid threat is gaining importance due to the fact that the political representatives in our country are seriously exploiting it, and ultimately "vulgarizing" its use. Often, the political representatives in Macedonia, when the country faces a certain security challenge, can come out with a statement that this situation is the result of a certain hybrid attack by a third force, i.e., a country⁹⁰.

Thereby, a part of the Macedonian political elite, whether they are representatives of the Government or the opposition and whether they are from the Macedonian or Albanian political bloc, enter into a discussion and try to speak the truth, defining it according to their criteria and standards, do not refrain from stigmatizing the political enemy and often pretend that their position is the absolute truth, while the opposite side uses "fake news" as a means of manipulating and acting on the public.

The danger that the Macedonian state faces is identical to the danger that every other country in the world faces. Basically, this situation is a result of the redefining of the power relations between the existing actors - states and the emergence of new actors, transnational corporations, NGOs, terrorists, global insurgents, organized crime networks, mafia cartels and other atypical structures. (Popovska, 2019:36)

If we talk and accept the opinion that hybrid wars are a new type of war or the so-called new wars, then we need to list the key differences between the new wars and the old ones (classic wars). Namely, according to Mary Caldor, there are four key differences: actors, goals, methods of warfare and forms of funding. (Kaldor 2012:423)

The fact that the Republic of North Macedonia is part of the global processes is a sufficient reason or condition for our country to be exposed to hybrid threats. The question that is legitimate in this context is how and in what form one can expect the application of a certain hybrid threat in the Republic of North Macedonia. If the old (classical) wars were fought for i.e., from ideological and geopolitical interests, then the modern or new wars where the hybrid war as such belongs are fought for completely different interests and goals. New wars are fought in the name of identity (ethnic, religious or tribal). (Popovska 2019:42)

In this framework of ethnic and religious conflicts, the greatest potential should be sought when it comes to the future threat to the Republic of North Macedonia from a hybrid war. Ethnic and religious conflicts as a potential hybrid threat which the country faces, are actually part of the spectrum of identity issues that have recently become very relevant in

⁸⁹Mitchell, Amy, Heater, Brown and Emily, Guskin. *The Role of Social Media in The Arab Uprisings*, Pew Research Center's Journalism Project, 2012, available at: <https://www.journalism.org/2012/11/28/role-social-media-arab-uprisings/> Accessed 25.04.2021

⁹⁰See more at: <http://www.mod.gov.mk/?mainnews=ministerkata-sekerinska-od-megunarodnata-konferencija-rabotime-zaedno-protiv-hibridnite-zakani-demokratijata-meguetnickite-odnosi-i-clenstvoto-vo-nato-i-eu-ja-jaknat-dr&lang=mk> Accessed on 29.04.2021

our country. This is especially the case when it comes to ethnic issues, which for the most part have often been (mis) used in recent times by various political actors, not only from the domestic political scene, but also to certain neighboring countries. The identity issues or the threat that we can absolve as a hybrid for the Republic of North Macedonia also comes from the activities of certain NGOs⁹¹ which are related to other countries (mostly from the immediate neighborhood of the Macedonian state) and which act in order to actualize or problematize the identity bases of the Macedonian people and its history⁹².

In addition to the work of NGOs, in direction of achieving a certain impact in our country, our security infrastructure, i.e., our security services and the overall potential that we have as a country, we should be aware of achieving a certain impact on some foreign country through religion i.e., through representatives of certain religious communities. Religion can easily be used as a tool to achieve certain (political) goals and as a method for ideological indoctrination of the population which at some point is a "legitimate goal"⁹³.

6. CONCLUSION

From the content of the paper, as well as from our approach regarding the issues that are absolved in it, we want to note several conclusions regarding certain issues. First, NATO as a military-political alliance has its role in the process of building the democratic capacities of a country, but at the same time NATO does not have the appropriate mechanisms to act to prevent certain internal political tensions caused by certain issues of ethnic or national, ultimately also religious character. There is a need to raise the level of the political culture and responsibility of the holders of political office in the country. Greater efficiency of the called institutions in the field of the security sector is needed in order to increase the possibilities and potentials for prevention of hybrid threats from third countries. We also consider it important that the conduct of the census as a statistical operation is at the moment when all the necessary conditions for it are met, as well as at the moment when a political consensus is reached on this issue.

⁹¹See more at: *Нема наша и ваша историја. Историјата е една со таа на мајка Бугарија*, Available at: <https://365.com.mk/322674/kts-ivan-mihajlov-od-bitola-nema-nasha-vasha-istorija-istorijata-e-edna-taa-na-majka-bugarija> Accessed on 29.04.2021.

⁹²See more at: *Писмото од Битола ја крена Бугарија на нозе*, Available at: www.dw.com/mk/бугарија-македонци-румен-радев-државјанства-пасоши/a-56739855 Accessed on 29.04.2021.

⁹³*Бугарската Патријаршија има канонско право да ја признае МПЦ – ОА*, Available at: <https://religija.mk/igumenot-partenij-bugarskata-patrijarshija-ima-kanonsko-pravo-da-ja-priznae-mpc-oa/> Accessed on 30.04.2021

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THE ROLE OF SECURITY SCIENCE IN THE CONTEMPORARY SOCIETY

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Abstract

Security is without a doubt at the top of the list of disciplines that are struggling to achieve acceptance as a specialty. Despite the important part that private security plays in society, it is unquestionably regarded as a job, unlike other professions. Security science is currently being treated as an emerging profession founded on logic and an applied set of ideas, which have been tested and modified to strengthen security services in the contemporary society. The aim of this crucial research is to assess the importance of security science in the contemporary society, with an emphasis on the ever-changing security issues. To assess the historical context, evolution, and realistic application of security science in a technologically advanced society, a content analysis research design is used. The compilation of opinion pieces, journals, essays, and speeches by reputable private security bodies and staff serve as the study's foundation.

Preliminary literature reviewed reveals that security science directs, informs, and quantifies the security mitigation strategies as it integrates security principles, the built environment, and security management in the contemporary society. Security principles constitute detecting, deterring, and responding to crises and risks while the built environment includes the physical and technical environment in which individuals play, work, and live. Security management, on the other hand, entails policy and procedures, awareness, and administrative roles. As a result, security practitioners and service providers should consider the function of security science in contemporary society and regard it as an evolving discipline and a profession of significance moving forward.

Keywords: Security principles, Built environment, and security management.

1. INTRODUCTION

Definition of security science

The word security is derived from the Latin word *Securus*, meaning freedom from anxiety. The freedom an individual has gained from potential harm from other people or objects in their environment is referred to as security. Food security, information security, home security, human security, national security, and corporate security are only a few examples of the various forms in which security can be provided. However, security science refers to a discipline that brings together most subjects in Security into one main structure characterized by knowledge.

According to studies by Smith & Brooks (2012), security science is defined as the discipline or idea that brings together other sub-disciplines with different concepts and

subjects into a developing and structured entity of knowledge. These concepts and subjects can turn into theories in the future.

The concept of security is diverse, thus complicating its definition. Unlike other disciplines with an inclusive definition, security is understood in individual, national and international concerns. Brooks (2010) notes that the term “security” is widely used, and its scope has not changed to take into account a broader range of meanings. Security advances have inspired many literary imaginations and current studies with new findings. Such studies highlight the importance of taking into account the changing paradigms of security in the twenty-first century.

Science employs a series of procedures to demonstrate how results are arrived at. Security science, therefore, adopts a process of inquiry to test and criticize outcomes for improving both homeland and organizational security. A basic approach of security science entails gathering data, constructing an idea, evaluating the idea, and analyzing the outcomes of the experiment. This is important because security is both preventative and reactive for incidents that endanger human life and property.

In today's culture, security is viewed in a variety of ways. Cybersecurity, human security, cooperative security, and global security are all synonyms for the general word security used in economic and political discourse. Notably, security is multidimensional not only in principle but also in practice. As a result, it is essential to comprehend it in context. Fischer et al. (2008) argues that security is a state of stability, enabling people to pursue their activities without harm, disruption, or fear of injury. However, Post and Kingsbury (1991) adopt a more traditional definition of security as a service concerned with protecting the community, individual safety, and protection of assets and information. Another factor considered when defining security is its nature, whether private or public. Private security entails providing paid services to prevent, respond to and mitigate losses to property and safeguard people's lives.

Security in the twenty-first century may be objective, subjective, or symbolic. Private security's objectivity includes securing doors or the use of locks and keys. Subjectivity, on the other hand, includes practices such as CCTV installation in public and meeting areas. In the aviation sector, symbolic security is taking preventive measures such as restricting travelers from carrying too much liquid.

This research also presents ideas that characterize security science. According to the security science theory, there are no features that characterize the security discipline (Brooks, 2010). Instead, the theory incorporates a number of elements that can be used to describe security, including the objective, subjective, and symbolic essence of security. The theoretical definition of security science also includes a formula that entails various components. These components include an asset, which is denoted by letter A, and a level of protection which is offered by an individual or a group denoted by P. The asset has to encounter some level of threat which is denoted by letter T. Further, these variables, when brought together, have to adhere to a particular environment or situation denoted by letter S (Smith & Brooks, 2012). These concepts, therefore, provide the different elements of security science.

2. HISTORY OF SECURITY SCIENCE

Security development and growth have a distinct historical discourse as, since the beginning of time, man has sought and found ways of protecting himself and his properties. Guards were once hired by kings and noble families to protect them and their precious possessions. Their gold and silver were held in safes that were tightly sealed and secured. The concept of security, therefore, is not a recent phenomenon, even though the way in which it is applied has evolved. When World War I ended in 1918, it left a trail of widespread death and hate among citizens and nations. As nations grappled with the problem of security and keeping safe, security solutions were presented. World War I catalyzed the security profession. Since 1918, International security studies have increasingly expanded in several fields, as people seek better ways to protect themselves and what they own (Gill, 2014).

At certain points, new security inventions could promote security even with the reduction or absence of physical guards. For instance, in 1989, CCTV surveillance cameras were introduced after the publication of the famous George Orwell novel (Smith & Brooks, 2012). Security has progressed significantly over the years. This is attributed to the expansion of international relations, as well as technological advancements.

Before 1945, the consequences of World War I and the resulting insecurity were felt all over the world. Countries grappled with the reality of massive loss of life and incredible property damage. The introduction of technologies and guns used during the war added to the reason for alarm. This opened gates for environmental insecurity and breeding grounds for terrorism activities, and later the cold war (Gill, 2014). The Cold War meant looking for a better solution to avert another major war, which would cause more insecurity. International relations emphasized peaceful coexistence among countries as the key to fostering global security. Many other ideas, including Kenneth Waltz's popular Theory of International Relations, have aided cooperation on security issues.

International security studies have moved from superpower rivalry and nuclear weapons to diversified disciplines, which include, human, economic, and military security. In contemporary times, the risks of insecurity are not as insurmountable as they were in the early years when there were no sufficient security studies among the population (Smith & Brooks, 2012). With the introduction of foreign relations, security policies in all facets of life, from the world to the citizens, have improved. Safety experts and think tanks adhere to a set of protocols and standards in order to maintain and facilitate security, respond to security threats, and even anticipate potential security threats. This is achieved by the application of rapidly emerging technologies (Gill, 2014).

With the help of political scientists and economists Thomas Schelling and Henry Kissinger, whose primary focus was on nuclear deterrence, security studies have greatly developed to many and diversified fields like critical security studies, feminist security studies, public policy, and even criminology (Gill, 2014). Much has been learned about human rights, consultants, emergency management, intelligence, foreign policy, and dispute resolution in the context of international relations.

3. EVOLUTION OF SECURITY SCIENCE

Evolution reveals the reasoning shift without presuming a certain result or making any predictions. It charts the successes but also the failures and extinctions. International Security establishes a system of five guiding forces to define the major environmental pressures and how it adapts to them. Due to war and armed conflicts that have seriously affected the daily living conditions of various people throughout history, international security was started as a way of reducing the threats and consequences of different misunderstandings, to improve their coexistence on earth (William, 2010). Internationally, private security is required to protect from criminal gangs, terrorism, epidemics, dangerous foods, poverty, and destructions of nature, among many global difficulties. The safety of a nation and its citizens is much more critical than their misery.

Security enhances the protection and safety of a country's population. Their top priority must be tackled. The first scholarly history of international security examines how superpower competition and nuclear weapons have influenced environmental, economic, human, and other security concerns, in addition to military security, ranging from traditional research to feminism and post-colonialism. Its abilities have been used to force, strengthen, and provide authority in a variety of debates. Following the end of the Cold War in 1945, protection, rather than defense or war, became a guiding philosophy, raising political questions such as the importance of social stability in the relationship between military and non-military threats and vulnerabilities. It sought to catch the concept of grappling with defense, war, and conflicts, as well as the ambiguity of the word as a symbol. Although security has different meanings, rhetorical and political powers involved in security are emphasized in laying out the capacity of security or the policy to subordinate all other interests to those of the country. The Cold War and nuclear missiles were debated, as there were several conflicting guidelines on how to deploy, use, and not use military means during the nuclear period. The unusual strategic dynamics provided by nuclear weapons during WWII were linked to both the United Kingdom's and the United States' Cold War mobilization during WWII (William, 2010). Strategic bombing and nuclear weapons go beyond conventional military warfighting experience in ways that necessitate bringing in civilian experts ranging from physicists and economists to sociologists and psychologists, at the very least. Not only did it necessitate knowledge of how to best disable the enemy's military forces, but it also necessitated knowledge of how to best disable the enemy's economy and infrastructure.

Security at large requires sober minds to achieve the common goal of attaining peace, order, and stability at all costs. The central concept is an understanding of the identity of the opposing enemy, what relationship between the American and western Self and the Communist could be; hence, how security should be pursued (Fischer et al. 2008). The historical approach aided in demonstrating how deeper systems were built to combat emerging security challenges and ways to challenge them to prevent re-emergence.

4. PRACTICAL APPLICATION OF SECURITY SCIENCE

Security science is a combination of several concepts and principles. The knowledge of the security science encompassed in its principles is to deter, delay, and recover criminal offender studies (Hinks et al. 2006). The practical applications of security science are diverse concepts. It is applied in diverse fields of study. It is a broad topic that covers software vulnerabilities in web applications and application programming interfaces, cloud security, cryptography, infrastructure security, incidence response, and vulnerability management. Another practical application of the security science is the use of security studies in information management to prevent data breaches by halting and retrieving data before it is lost.

According to Hinks et al. (2006), security is diverse, cross-disciplined, and without a defined or specific knowledge or skill structure. The principles of emerging security disciplines are applied in the areas of asset protection, government-related disciplines, and the commercial security industry. The interplay of practical applications relates to the traditional forms of security approaches in the context of national and international systems through a country's military and defense systems. The traditional types of functional security applications, such as inter-state and national security, are used in this sense in foreign states. National state security, in many instances, is the involvement of the police forces to act as security personnel in the provision of security to the citizens; a few examples are the defense systems in homeland security.

Traditional security elements may be classified as either public or private, depending on who is providing the security services. The use of police systems in the government allows the public aspect, while specialized staff licensed to own weapons for their personal and individual protection make up the private sector. According to Fischer et al. (2008), the new international security climate has seen the erosion of conventional states as a result of expanded globalisation and access to global intelligence and networks, which has also fused defense and security. The traditional definition of the security science is the physical aspect of security bodies. This guarantees that a country's autonomy is maintained in accordance with the governing principles and laws enshrined in its respective constitutions. The multi-dimensions of security science are quantified by the probability of a multi-discipline aspect of security.

The issue of protection can be exploited for political and intellectual gain. The idea of securitization is born as a result of this, and it can be applied to all military, environmental, economic, and social sectors. This, however, does not apply at the personal level. Securitization highlights the intellectual and political aspects of security in a wider range of issues. It gives meaning to security and confines its scope to a justifiable context when extended to an analytical and grounding context (Smith & Brooks, 2012). Security is an issue connected to the survival of an object from an existential threat. Without this, it becomes meaningless to be termed security. Securitization is achieved when an issue is treated as a security issue based on the stated parameters of being a threat and reasonably uses exceptional political measures to solve the breach. Fischer et al. (2008) demonstrated that securitization is a continuum that ranges from non-politicized to a national discussion and then counts as an existential challenge, justifying reactions that go beyond conventional political processes.

As technologies and information infrastructure progress, information from different sectors is at risk of being compromised and exposed to the public, as well as falling into the hands of unwanted individuals. Therefore, a method for mitigating the negative

consequences of technology had to be created. As a result, the concept of cybersecurity emerged (Fischer et al. 2008). The increased integration and diversification of administrative enterprises created a wider scope and exposed the information of the companies to threats. The data may not be safe and secure in such aspects as it is exposed to the internet, easily hacked, and decrypted by specialists. Cybersecurity in the operation of the metrication frameworks contains a metamodel over the Security to support the assessment. These security metamodels, conceptual models, and technical reference models can support cybersecurity assessments and be used in the processes where one needs to gauge the cybersecurity metrics.

The metrication methods describe how the variables are put together to generate a more detailed and meaningful result to help solve the problem of loss of data, exposure of data, and many other threats to securitization and security of data from an organisation or company. As Sommestad et al. (2010) explains, security is both a need and a philosophical idea. The matrix formats also demonstrate the extensions and domains that explain the scope of the regarded security problem in question.

The security studies from the perspective of criminal justice give a platform and an organogram of laws and legal suites that help solve the problems brought about by the breach and interference of an organisation's data (Fischer et al. 2008). The law critically describes the context of Security of data from the point of inception to the storage, the limitations and prospects of personnel who are in a position to access the data, and the punishments or legal measures that come with the problem caused.

Cryptography is a security science application that aids in the storage and management of data to prevent it from falling into the hands of untrustworthy individuals. It helps in protecting information and communications through the use of codes and technical coding. The crypt is confidential information where the message can only be decrypted and read by the person for whom the message is strictly intended without falling into other people's hands (Sommestad et al., 2010). Even if the above knowledge reaches the hands of others, they will never be able to perceive and comprehend it in context. Hidden key, public key, and hash functions are well-established and widely used methods of security encryption with algorithms that protect information from falling into the hands of a third party.

Cloud security is a realistic application of security science as well. Cloud security refers to the protection of data stored online via cloud computing platforms using techniques such as firewalls, obfuscation, penetration testing, tokenization, and virtual private networks, all of which are commonly used by participants in this technological era (Fink, 2006). The aforementioned cloud security contributes significantly to the privacy and security of data and information intended for storage (Fink, 2006). As a result, the data is secure from hacking, leakage, and deletion. The measures justify user and system authentication and control, as well as data privacy and resource validity protection.

Data protection and privacy are the first implementations of these security modes in the technical period. Data protection through cloud security is critical and has numerous applications in data privacy. Since the data can be processed according to the needs of the parties concerned, there is flexibility. There is also the issue of preventing the spread of denial-of-service attacks, which are becoming more common. The best cloud protection focuses on preventing massive traffic to avoid a data backlog, but devices can surge and break down in the process. As a result, cloud protection adoption is an important and realistic security implementation. It has greatly aided in the protection of records, the storage of larger data, and the integrity and privacy of the data stored. In the cryptography method, a firewall provides a temporary bridge that protects data from attack and loss. As technology advances,

individuals are constantly attempting to access, corrupt, and interact with data and knowledge.

The realistic applications are designed to address the highly motivated attackers' intent to bypass mitigation strategies by leveraging their expertise and resources (Fischer et al. 2008). In several cases of security, the mail service attack is the most widely known security breach. Malicious actors use mail service attacks to fuel and spread information across the internet.

5. CONCLUSION

In this technological age, security science has consistently assisted in addressing the flaws that have arisen as a result of the growth and rising rates of technology (Fischer et al. 2008). It has prevented communications from being intercepted and reaching unexpected recipients, especially when it comes to military officers' communications via short-wave radio. When a particular organisation is at risk of losing data and has to shield information from being intercepted, encryption guarantees the information's security. Cloud encryption also allows for greater data storage. As a result, there is no doubt that security science is relevant because it helps to overcome some of the security problems that come with technological innovation and living in a modern world.

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CORRUPTION IN NON-ECONOMIC ACTIVITIES WITH SPECIAL FOCUS ON POLICE CORRUPTION

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Abstract

Corruption is present in all spheres of society and it is a part of social development throughout history. The most dangerous corruption is performed by the members of higher layers of society. It is equally dangerous in economic and non-economic activities, but it seems more dangerous for a society when situated in a non-economic environment. Any social activity with corruptive behavior brings numerous negativities. It may be the most problematic when expressed in police activities, because, in such cases, it stimulates corruptive activities in other areas of society as well.

Keywords: corruption, non-economic activity, police, economic crime, prevention, repression.

1. INTRODUCTION

Corruption appeared with the inception of organized human society. It was maintained in all social systems and can be found in every social group of any size. Corruption appears today in almost every sphere of society.

The problem with defining corruption is very complex, and it can be explored from multiple aspects depending on the subject and the aim of the research. By determining the content of corruption as a term, it needs to be understood that there is still no unique definition that would be accepted in both national and international scales. Corruption is one of those terms that are difficult to determine as its meaning shifts throughout different time, social and political contexts. And although corruption has been recognized since ancient times and follows the development of society over the centuries, the phenomena flourished in the modern era of rapid international communication, rapid financial transactions and the flow of goods and wealth. That is why certain differences in determining corruption exist and emphasize its complexity. Actually, most criminal legislations do not define the term corruption, but they include various forms of illegal behavior. Such behavior is not only in a special group of criminal acts but among the other criminal acts against the economy⁹⁴.

Corruption corrodes society's morale by jeopardizing or destruction of its social, economic, political and legal institutions. It destroys some basic human values, such as: freedom, dignity, human rights, the citizens and their need to create and apply new

⁹⁴ Jovicic, D., Skakavac, Z., *Economic Criminology*, Novi Sad: Faculty of Law and Business Studies PhD Lazar Vkatic, 2019., pp. 197.

knowledge and products of a material or spiritual nature. This approach points at the ethic component of corruption as a term. The behavior of certain people who commit corruption is the opposite of the behavior of other people who live from what they legally earn, in the absence of a privileged position in the civil service, company or institution engaged in non-economic activities⁹⁵.

The criminal act of corruption is beyond any doubt dangerous for every society. It represents a serious social problem that often turns into a source of economic and political problems, as a consequence of different situations. It strongly affects the moral values of citizens and seriously disrupts the functionality of the state and its legislative, judicial and executive bodies. The biggest victims of corruption are ordinary people and businessmen who act in accordance with the law.

The police are one of the state bodies whose activity is shown by the state government and it is in the sphere of non-economic activity. The presence of corruption in the police organization shows the presence of corruption in the state, i.e., in the other state bodies as well. The existence of corruption within police structures slows down and prevents suppression of corruption in the whole society. Without the support and necessary activities of the police, the implementation of the anti-corruption program will be more difficult and reduced to a minimum. Police employees, if they perform illegal activities, violate their own dignity, the credibility of their profession, and the legal system as a whole. In order to reduce the level of corruption, it is necessary to determine the cause, carriers and forms of corruption in police activities, which should lead to adequate systemic measures to combat it.

The integrity of police activity, as one of the most important state activities, is seen through the integrity of every police official, their behavior in accordance with the law, ethical and moral values. Such behavior should be an example to other police employees and to all citizens. Informing the public about these issues and setting various social and administrative measures can play a significant role in the fight against corruption and all similar crimes.

2. BASIC FORMS OF CORRUPTION

The term “corruption” basically refers to bribery, repayment of an official. An official who is corruptible and receives money or service (bribe) as a precondition for committing an official act is called a corrupt person. Corruption as a negative form of behavior originates from the ancient period and Aristotle’s words: “The greatest crimes were not committed out of necessity, but those that were committed out of redundancy.” It threatened all known empires during its historical development (Roman Empire, Ottoman Empire, British Empire, Habsburg Empire, etc.). Its roots in its present form are related to the formation of customs services at the end of the 19th century, when the possibilities of abusing the public service for personal wealth were created⁹⁶.

There are different approaches in determining the term “corruption” which are significant for studying this negative behavior. In every approach, the essence of the term is the same, and it means abuse of trust and public power for achieving private and personal gains. Corruption is used to obtain otherwise free services: education, healthcare, employment, government services and others.

⁹⁵ Jelacic, M., *Corruption - Socio-legal Aspects and Methods of Opposition*, Belgrade, 1996, pp. 12.

⁹⁶ Boskovic, M., Skakavac, Z., *Organized Crime - Characteristics and Manifestations*, Novi Sad, 2009, pp. 347.

Over time, corruption has developed under various influences of the economy, society and politics, which has more harmful consequences for society and the state. Because of its hidden nature and different forms, corruption represents one of the most dangerous examples of economic crime. Corruption undertakes many illegal acts in order to harm the public interest, because a person who maintains a certain position abuses the position and institution, and thus reduces the trust of citizens and public opinion about the state and society.

Corruption is both a problem of a person and a society. Bribing is hidden, and both parties are interested in keeping it that way to achieve their personal interests. Profiteers take advantage of their position by breaking regulations. Obtaining material goods in terms of illegal economic use is a motive that exposes individuals to committing criminal acts of corruption. One of the most important characteristics of corruption is manifested in mutual relationship between corruption and poverty, which is again related to the motive for committing corrupt crimes and the moral understanding of corruption as such.

The carriers of corruption are people in high positions, those who have a high reputation. Those people perform responsible tasks in state bodies, public services and other institutions responsible for legislation, obligations and responsibilities of citizens and legal entities (issuing documents, verification of financial obligations to the state). This type of crime is committed by people in high positions who abuse their reputation and influence. They abuse the given trust to achieve their goals and bribe politicians, officials, managers, police and judiciary. It is performed by high-level businessmen, which is why it is labeled as the “white-collar crime”⁹⁷.

3. DEFINITION OF CORRUPTION

It is important to note that there is still no single definition of corruption that would be accepted both nationally and internationally. The most often definition of corruption is - *the abuse of entrusted power for private gain*. Thus, the definition adopted by the United Nations includes both corruption related to state activities and corruption present in other forms of economic and non-economic activities. According to this definition, corruption is any act or oversight that a responsible person makes during the performance of his/her duties and seeks a reward or accepts gifts, promises or other benefits. It is important to mention once again that these are responsible professionals regardless of their activity and that a certain act is related to professional duties.

Given that the term corruption should include corruption in the public and private sectors, the definition includes the following important elements:

- Unlawful and amoral activity
- Perpetrator – a person who holds a high state, political, financial, economic or other public office; a person working in senior positions in the private sector
- Activity that includes abuse of position, crossing authority, abuse of function and reputation, failure to perform tasks within your competence, use of institutions where the perpetrators are employed
- Achieving unlawful property or gain wealth without legal grounds, gaining personal interests, political, financial or other power

This definition includes corruption in the public and private sectors, pointing to the perpetrators of corrupt crimes in both sectors and the content of their criminal activity,

⁹⁷ Jelacic, Corruption - Socio-legal Aspects and Methods of Opposition, Belgrade, 1996, pp. 20.

pointing to the goal of committing corrupt crimes for the sole purpose of achieving illegal properties and profits⁹⁸.

Although there are different approaches in defining corruption, some mutual characteristics may be extracted:

- Corruption is multilayered phenomena
- Corruption is present in every country
- Corruption is not a product of recent time
- Corruption cannot be exterminated
- Corruption is adjustable to various state systems
- Corruption is often related to the state system and the moral condition of the nation
- The most common criminal offence of corruption is abuse of official position or authority by the holder of such authority
- Forethought is asked for the criminal responsibility
- Two sides are always involved: one that needs certain favor and the other that provides it⁹⁹

From all of the above, we can conclude that corruption is an extremely delicate criminal act characterized by secrecy and widespread existence, transformability, great danger to society, low level of moral principles, difficult confirmation of intent in the criminal law sense, and illegal function of state bodies and institutions. Corruption has successfully passed through all the pores of society. Corrupt activities help to finish businesses, more or less important, which means abuse and privatization of power, position and influence from a particular job. Members of powerful circles may influence with their position and abuse of institutions to prevent, discover or prove criminal activity¹⁰⁰.

In legal terms, corruption is defined in different ways and through different crimes. Corruption is standardly defined as:

- Requesting or receiving (directly or indirectly) any monetary value or benefit (gift, service, promise, assistance) from a public servant or person performing a public function in exchange for any act, supervision in the domain of public duty;
- Offer or guaranty (direct or indirect) of any monetary value or benefit (gift, service, promise, assistance) from a public servant or person performing a public function in exchange for any act, supervision in the domain of public duty;
- Any act or supervision by a public official or a person holding a public office in exchange for any monetary value or benefit to himself or to a third party;
- Abuse or gaining property based on some act;
- Participating as an organizer, co-organizer, assistant, participant or concealer after the act has been performed, or in any other role, in exchange (or expecting exchange) for any cooperation or conspiracy to perform the act.

According to professor Derencinovic, corruption is defined as a process that involves at least two perpetrators who exchange without authorization in order to gain personal benefit and thus harm the public interest, moral, legal norms and foundations of democratic development, the legal state and the rule of law. In general, corruption is seen as the misuse of public services for personal gain. That includes activities of bribery, nepotism and abuse of position for personal gain¹⁰¹.

⁹⁸ Boskovic, M., *Organized Crime and Corruption*, Banja Luka, 2004, pp. 276-280.

⁹⁹ Djuric, Z., Jovasevic, D., Rakic, M., *Corruption, a Challenge to Democracy*, Belgrade, 2007., pp. 12.

¹⁰⁰ Boskovic, M., *Current Problem of Anti-corruption*, Belgrade, 2000., pp. 9-10.

¹⁰¹ Aras, S., *Corruption*, in: *Pravnik*, Zagreb, 2007., pp. 28-29.

4. CAUSES AND CONSEQUENCES OF CORRUPTION

According to general opinion, corruption is a dynamic social phenomenon with negative consequences and with causes pertained in current social relations, which brings about the need to research those causes in different social systems. In the last few decades, the dynamic of social relations is especially expressed in transition states, i.e., states that are or have been going through the so-called transition period. It is expressed in economic, legal, political, financial, social, cultural and other forms of social life. Corruption is also present in developed countries, which makes it a national and global problem. In order to solve this issue, there are various measures of prevention and repression, but with a prior understanding of the causes of corruption.

Of course, it is not easy to look through all factors of corruption growth, but those are mostly weak state administration and political institutions. Other than that, in countries where judicial institutions are not well developed, corruption regress on variables and their interaction, and on a standard set of controls for the level of development of the country and political competition.

Corruption is a complex and multi-faceted phenomenon that can take a variety of forms. A wide variety of political, institutional, administrative, social and economic factors, both domestic and international, is important in enabling and fomenting corruption. The main causes of corruption come from different spheres: size and structure of governments, democracy and political system, quality of institutions, economic freedom/openness of the economy, civil service salaries, freedom of the press and judiciary, cultural determinants, links to organized crime¹⁰².

Corruption is a special form of crime with three causal dimensions: social, state and individual. The social dimension of corruption uses the level of linking social capital to crime and corruption. Difficult living conditions and the impossibility of leaving those conditions for a better economic situation create fertile ground for the development of crime in general and corruption in particular. The state governance dimension is based on the fact that state governance is a part of social reality and is corruptible. Those in power consider themselves to be above the law and use their positions for personal benefit. The individual dimension is a personal set of values that prevents people from dealing with crime, i.e., from behaving contrary to legal norms. Even under the pretext that socio-economic conditions are ideal and that the state governance functions flawlessly, corruption and crime will still exist, because the management of external living conditions does not always control the internal human instincts. That is why corruption must be fought at the individual level, because the fight against crime at all levels is still reduced to individual motivation¹⁰³.

Corruption is more and more becoming not only a national but also a global issue, and as such is present especially in countries devastated by conflicts and in the process of transition, which leads us to the importance of this topic for Bosnia and Herzegovina and Republika Srpska (RS) as its integral part. The process of transition, which includes the transformation of ownership and privatization of capital, as well as the development of new states according to principles that differ from the previous ones, directly affects the creation of conditions for corruption in all aspects of social life. Corruption has a negative impact on the development of transition countries because it hinders economic growth and reduces

¹⁰² Boskovic, M., Contemporary Tendencies in Combating Organized Crime and Corruption, in: *Defendologija* 11 & 12, 2012., pp. 30.

¹⁰³ Montgomery, "The Alleged Myth of Mafia", 7th International Anti-Corruption Conference, Beijing, 1995., pp. 12-15.

productive activities and thus increases criminal activities that prevent healthy competition and suppress poverty reduction activities¹⁰⁴.

Every society has different consequences of corruption. The results show that corrupt activities have a negative impact on aspects that affect society as a whole, such as growth. There are significant proofs that corruption has a negative impact on sustainable development. He concludes that policy measures should aim to reduce corruption, especially in those natural resources that are of high value to society, in order to protect and preserve the capital base that is crucial for sustainable development.

Systemic corruption and the one at the highest level, important for legislation and institutions, has a negative impact on aspects that strongly affect society as a whole. Small size corruption also has a negative impact, as it is always possible to get wider forms.

Among the most dangerous forms of corruption are those that allow trade to influence the adoption of laws and regulations to protect their interest and the interests of various factors. These results seem economically intuitive because a higher number of different regulations and laws give the officials the discretion they need for extracting bribes and encourages the private sector, economic and non-economic parts of society, to pay them in order to facilitate business. This activity is perpetrated by different lobby groups for a certain benefit, of course.

The manner and extent of the impact of corruption on society depends on the readiness of the state and its factors to confront such criminal behavior. Due to the state's monopoly in certain areas, officials are able to gain this power and they often have the discretion necessary for collecting bribes as well. Additional difficulties in detecting corruption arise due to differences in the degree of corruption. Every country has passed anti-corruption laws, drawing a line between illegal bribery and acceptable "gifts of good will". This shows that they have already acknowledged that corruption is a phenomenon they have to deal with, but every country has its own definition of where to draw the line.

5. FORMS OF CORRUPTION

Corruption is present in all spheres of society, and its form and scope depend on part of the conditions of each country, especially in countries in transition, where the most dangerous corruption is committed by members of the upper strata of society and economic activities. It is equally dangerous in economic and non-economic activities, but it seems more dangerous to society when it is in a non-economic environment, for example: judiciary, practice of law, local government, the media, the police, political parties and NGOs.

Bribe, abuse of power and other forms of corruption affect the reputation of state bodies, public servants, companies and individuals. Stories of corrupt public servants result in citizens' distrust of the state, its authority and representatives. The abuse of power as a form of corruption refers to the misuse of public mandates, political and financial power in order to illegally gain material goods and the change of political status for themselves or others¹⁰⁵.

The most common form of corruption is based on services provided by an individual to an individual. Such behavior is equally present in the public and private sectors. According to such criteria, there are three types of corruption:

- Corruption of state sector

¹⁰⁴ Boskovic, M., *Organized crime and Corruption*, Banja Luka, 2004., pp. 293.

¹⁰⁵ Cotic, D., *International Recommendations and National Experiences in the Fight Against Corruption*, Institute of Criminological and Sociological Research, Belgrade, 2001., pp. 201.

- Corruption of private sector
- Mixed corruption¹⁰⁶

Corruption in the public sector occurs when corrupt activity occurs between two officials in the public sector, while corruption in the private sector refers to the same activity but within the private sector. Mixed corruption includes corrupt activities of private and public sector representatives.

According to the criteria of participants' activity in criminally sanctioned corruption acts, we can distinguish:

- Active corruption
- Passive corruption

Active corruption occurs when a government official makes a profit because they have committed a certain act, while passive corruption occurs when a government official accepts such a profit with such intention¹⁰⁷.

According to the level of corruption at the international level, there are three different basic forms of corruption:

- International corruption
- National corruption
- Combined corruption

Forms of corruption vary from country to country in content, cause and intensity, and depend on the social and economic situation in that country.

6. CORRUPTION IN NON-ECONOMIC ACTIVITIES

Although corruption is expressed in economic activities, it is important to focus on non-economic activities and how corruption is manifested there. This is especially related to financial affairs on non-economic activities. Therefore, corruption in non-economic activities can be found in public procurements, sales, education, healthcare, public policy, police and other non-economic sectors such as local government, political parties or NGOs.

The function of state includes the purchase and sale of certain goods and services through public procurements and sales under the most favorable conditions. This means that the state procures goods and services from the most favorable suppliers, i.e., at the lowest possible price for that type and quality, but also sells goods and services at the actual price that corresponds to the quality and quantity of goods and services. However, what occurs is that public servants look after their own interests instead of the interest of society and seek suppliers that will provide certain goods and favors if corrupted by a certain amount of money (usually a percentage of the value of the contract)¹⁰⁸.

Legal system is one of the most important parts of every state and has a special place in the functionality of the state, so the existence of corrupt practices in the legal system negatively affects the entire state apparatus and its functionality. Therefore, we find judiciary corruption to be one of the most dangerous forms of corruption. A corrupt judiciary makes it possible to reduce penalties or even completely avoid punishment for participants in the chain of corrupt activities. That is how potential future participants in this chain are

¹⁰⁶ Stajic, Lj., *Fundamentals of the Security System - with the Basics of Investigating Security Phenomena*, Novi Sad, 2010., pp. 152.

¹⁰⁷ Stajic, Lj., *Fundamentals of the Security System - with the basics of investigating security phenomena*, Novi Sad, 2010., pp. 162.

¹⁰⁸ Jovicic, D., Skakavac, Z., *Economic Criminology*, Novi Sad: Faculty of Law and Business Studies PhD Lazar Vkatic, 2019., pp. 119.

encouraged to participate as they can avoid responsibility beyond any doubt and that leads to further expansion of corrupt activities.

The current period brings corruption in healthcare. It most often occurs in the process of admission, selection of a specialist, during the treatment of patients, rehabilitation in specialized institutions or sending to spa treatments. Besides money, expensive gifts and providing services are very common in this area.

Also, corruption exists in the sphere of education, where the carriers of corruption are people who intend to make illegal decisions through corruption. Corruption in education is incompatible with the major goal of education: to produce citizens respecting the law and human rights. Corruption threatens equal access, quantity and quality of education. These practices occur in educational planning processes, in school management, in student admission and examination, in teacher administration and in teachers' professional conduct.

Bearing in mind all the above spheres of life affected by corruption, we must be aware that corruption is widespread in our society and all other activities of state and public administration.

7. POLICE CORRUPTION

The authors agree it is difficult to define police corruption as it is linked to other forms of unlawful misconduct of a police officer. The wider definition of police corruption is the one in which law enforcement officers end up breaking their political contract and abuse their power for personal gain. This type of corruption may involve one or a group of officers. The narrower definition distinguishes corruptive activities like bribery from non-corruptive activities like robbery, burglary or theft without law authorization¹⁰⁹.

Internal police corruption is a challenge to public trust, cohesion of departmental policies, human rights and legal violations involving serious consequences. Police corruption is divided in a couple of groups: **Corruption of authority**: When police officers receive free drinks, meals, and other gratuities, because they are police officers, whether intentionally or unintentionally. **Theft/burglary** is when an officer or department steals from an arrest and crime victims or corpses. **Extortion**: Demanding or receiving payment for criminal offenses, to overlook a crime or a possible future crime. **Shakedown**: When a police officer is aware of a crime and the violator but accepts a bribe for not arresting the violator. **"Fixing"**: Undermining criminal prosecutions by withholding evidence or failing to appear at judicial hearings, for bribery or as a personal favor. **Internal payoffs**: Prerogatives and prerequisites of law enforcement organizations, such as shifts and holidays, being bought and sold and **the "frameup"**: The planting or adding to evidence, especially in drug cases¹¹⁰.

The presence of corruption in the police questions the feasibility of law enforcement, i.e., the readiness of the police to detect corrupt acts, find the perpetrators and provide evidence in order to ensure the further course of criminal proceedings. Just like corruption in judicial system, corruption in the police improves acts of corruption, because the one who commits corruption will not apply measures to expose such negative behavior. If police corruption is significant in scope, we can call it organized corruption. Corrupted police are unable to fight against organized corruption. If corruption has spread significantly through

¹⁰⁹ Djordjevic, S., Assessment of Corruption in the Serbian Police, Belgrade Centre for Security Policy, Belgrade, 2014., pp. 13.

¹¹⁰ Kralj, Z., Police Corruption, in: Journal of Police and Security, Zagreb, 2013., pp. 365.

other institutions, then such a corrupt society is incapable of acting to eradicate police corruption¹¹¹.

A high-ranking police officer can satisfy many of the demands of bribe-offering persons, whether it is about not to submit requests for violation procedures, issue a firearms licenses, travel documents, vehicle registrations, or about having a senior officer asking him to act upon his orders and pressure others to participate in prohibited activities. For such favor there is always a counter-favor, which is a characteristic of bribery in police corruption. There are also cases where the director of police prevents the submission of a report on a criminal offense or does not allow the detection and proof of a criminal offense of a person who is highly ranked or with great influence. Such cases bring either survival or promotion or any other conveniences¹¹².

8. FORMS OF POLICE CORRUPTION

Corruption can appear and it can be expressed in various forms in every social activity, including police activities. Authors approach that phenomenon differently, but for the sake of this paper we will focus on eight forms of police corruption:

- **Corruption of authority:** When police officers receive free drinks, meals, and other gratuities, because they are police officers, whether intentionally or unintentionally.
- **Bribery:** When a police officer accepts a bribe to perform or not perform his duty.
- **Shakedowns:** When a police officer is aware of a crime and the violator but accepts a bribe for not arresting the violator.
- **Extortion:** Demanding or receiving payment for criminal offenses, to overlook a crime or a possible future crime.
- **Protection of unlawful activities:** When police protection is approved for perpetrators.
- **"Fixing":** Undermining criminal prosecutions by withholding evidence or failing to appear at judicial hearings, for bribery or as a personal favor.
- **Direct theft / Burglary** is when an officer or department steals from an arrest and crime victims or corpses.
- **Internal payoffs:** Prerogatives and prerequisites of law enforcement organizations, such as promotions, shifts and holidays, being bought and sold etc.¹¹³.

Of course, there are different realizations, for example in the publication "Police Corruption in Serbia", issued by Belgrade Center for Security Policy, 2014, where the forms of police corruption are:

- Petty corruption
- Bureaucratic corruption
- Criminal corruption
- Political corruption and
- Incompatible activities

There is a deep belief among citizens and police officers that traffic police officers accept bribes from citizens. The reason for such behavior is mundane and direct experience

¹¹¹ Jovicic, D., Skakavac, Z., *Economic Criminology*, Novi Sad: Faculty of Law and Business Studies PhD Lazar Vkatic, 2019., pp. 125.

¹¹² Jovicic, D., Skakavac, Z., *Economic Criminology*, Novi Sad: Faculty of Law and Business Studies PhD Lazar Vkatic, 2019., pp. 126-127.

¹¹³ Banovic, B., *Police Corruption: Concept, Forms, Prevention and Suppression Measures*, Belgrade, 2015., pp. 81.

citizens have in touch with traffic police. The bribe is mostly money, but it can also be paying for drinks or lunch, or doing a counter-favor. There are well-known examples of citizens avoiding paying for a ticket by helping a police officer at the hospital where they are employed. The main reason for corruption is avoiding paying tickets or other sanctions for traffic violations.

Bureaucratic corruption in the police force refers to the misuse of internal procedures and bureaucratic processes and resources for private gain. There are many internal processes that can be subject to abuse, as police forces are typically very large institutions with considerable numbers of staff and extensive assets to manage. For example, as in other areas of the public sector, police contracting and procurement procedures are particularly vulnerable to corruption, with risks of tender manipulation in exchange for bribes and return service.

Criminal corruption within police refers to activities of police officers that are some forms of criminal activity. At a more structural level of police corruption, police officers can abet (organized) crime either by building their own criminal enterprises, by protecting illegal activities from law enforcement, and/or by conspiring with criminals to commit crimes. A typical form of collusion between the police and criminals is the collection of kickbacks from gangs, drug dealers and operators of illegal establishments such as brothels or casinos to protect the involved criminals and their revenue streams from law enforcement. In some cases, corrupt police officers ask for a regular percentage of the “take” or receive payments for leaking information on upcoming investigations and raids or for manipulating investigations against criminals. Criminals may occasionally bribe police officers to facilitate or reduce the costs of their operations. This can also involve paying police officers to use their powers to undermine competition by other crime syndicates, for example by harassing and intimidating drug dealers on behalf of other drug dealers.

Police work is closely intertwined with problems of political corruption. Police forces can be manipulated for political purposes, either to suppress political dissent or bypass laws and regulations to favor friends and political allies. This can translate into political interference in police investigations, the initiation of false investigations, the “framing” of political opponents, the leaking of confidential information to politicians, etc. Also, there are stories of police becoming the source of media affairs where political parties are involved, one way or another.

Finally, the police are not immune to so-called “incompatible activities”. This is the case of police officers working as private security. A lot of disciplinary proceedings have been initiated in the Serbian police due to a serious breach of duty. Police officers work as “black security” for wealthy people which may potentially represent an act of protection of persons involved in unlawful economic acts. There are also other forms of incompatibility where additional activities are opposed to policing, including political office¹¹⁴.

¹¹⁴ Djordjevic, S., *Corruption Assessment in the Serbian Police*, Belgrade Centre for Security Policy, Belgrade, 2014., pp. 20-31.

9. STRATEGIES TO SUPPRESS POLICE CORRUPTION

Corruption activity in the police should be monitored through the analysis of factors that lead police officers to abuse of authority and perform corrupt activities. It is necessary to change the approach in researching the causes from individual to organized by including external and internal factors. That will help investigate the behavior, causes and consequences of police corruption.

Corruption is a burden to society as a whole, and police corruption is a special kind of danger and problem for society. Therefore, attention is paid to strategies to reduce the effects of police corruption. Each country applies a different approach in combating corruption in this vital state body. Professor Zeljko Kralj establishes a strategy for combating corruption in the police by eliminating the causes of corrupt behavior. According to the traditional understanding, police corruption is limited to a small number of unreliable individuals, i.e., “rotten apples”, that need to be eliminated from the system and that resolves the problem. That view is popular among politicians and political leadership. However, all major corruption cases in the police prove a structural connection that encouraged corruption and created a favorable climate for the emergence of “rotten apples”.

Measures to combat police corruption are classified into five strategies that are needed in parallel: **reactive measures** (criminal investigation, police work, evidence-gathering activity, disciplinary measures, proceedings etc.), **proactive control of policing** (integrity tests, polygraph, control measures, psychological and ethical tests), **systemic measures** (analysis of good and bad practice, risks, anti-corruption control), **strengthening integrity in the police** (through the application of a code of ethics, protection of whistleblowers and informers, rewarding whistleblowers, surveys for police officers and citizens on their perception of corruption) and **improving governance human resources as an anti-corruption policy** (development of risk assessment, file handling, rotation of directors, investigation of the financial situation of police officers, etc.)¹¹⁵.

Research on police corruption may be done in three ways: by surveys for public opinion (that follows trending in citizens' perception of corruption within police), by analysis of prevention practice and suppression of police corruption (with the goal of determining positive and negative characteristics of prevention system and suppression of corruption and applying successful solutions to solving new problems) and scientific research on terms, causes, consequences and forms of police corruption¹¹⁶.

A significant number of authors consider corruption to be a phenomenon with a very high cover-up index, because it basically “represents an agreed tort, i.e., participants in corruption act voluntarily and for mutual benefit”. Therefore, both parties in that tort have an interest in denying it. Kesic emphasizes “the restriction of police records where there are considerably fewer units (perpetrators and delinquents) than the actual numbers as a consequence of more subjective intent than objective circumstances”. That is one of the specific flaws of statistics about police corruption. Within the police unit, the management decides not to report cases of corruption in order to preserve the reputation of the police organization and protect it from public judgement. They would rather make the corrupt police officer resign or transfer him to another unit¹¹⁷.

¹¹⁵ Kralj, Z., Corruption in the Police, in: Journal of Police and Security, Zagreb, 2013., pp. 365-366.

¹¹⁶ Djordjevic, Dj., Corrupt Crimes and Criminal Policy, Ministry of Justice of RS, Istocno Sarajevo, 2012., pp. 239-258.

¹¹⁷ Kesic, Z., "Limitations and the Problem of Scientific Research of Police Corruption", University of Criminal Investigation and Police Studies, Belgrade, 2011., pp. 149.

In order to reduce corrupt activities, it is necessary to apply a methodology that will lead to an improvement in the fight against such crimes. Some of the methods needed to prevent and combat corruption are: defining accurate measures to prevent corrupt activities in the police administration (e.g. audio or video documentation of work with clients); audio documentation of all telephone complaints to the police and communications between civil servants; often rotations of the personnel in sectors that have been confirmed to be prone to corrupt activities.

Combating police corruption is necessary for the normal functioning of society, regaining the trust and reputation of the police, increasing the overall security of citizens, because the citizens of our region currently do not have enough trust in police officers. In order to regain that trust, better expertise among police employees and a higher level of respect for ethical norms are needed. It is necessary for police employees to perform their activities with conscience, in accordance with the law and regulations that model their jurisdiction and authority. Fighting corruption changes the general perception that everything can be bought, that all government officials are corrupt, that police officers can be bribed, etc.

Each of these strategies can be discussed in a broader sense, but our intention here was basically to identify ways to act strategically to reduce corrupt activities in the police organization.

10. CONCLUSION

Transparency International's Global Corruption Barometer for Serbia in 2016 showed that police are third, behind health services and officers issuing official documentation, as the most affected by corruption. According to this research, police corruption is mainly found in the traffic police. In order to reduce police corruption to a minimum, it is necessary to have more political will and responsibility in the fight against corruption, by taking energetic and hard measures, promoting good practice in fighting corruption at all levels, and promoting accountability and transparency in police work agencies.

Having in mind the importance of the police in the state system, we can conclude that the research of police corruption has an enormous scientific and social importance. The general significance can be seen in the strong contribution to the spread of knowledge about the existing but secret phenomenon. Any detail can serve to fulfill the knowledge about this behavior and to remedy the consequences produced by the police on an individual and social level. We need to be aware of the fact that investigating police corruption is not an easy task. Anyone who decides to explore and find corruption within police ranks must be prepared to face various problems, objective and subjective.

The statement that police corruption exists in some form in almost every police organization around the world seems quite well-founded. Of course, the scope and the nature of police corruption in countries with low democracy level directly influences the corruption level in the entire society. For that reason, especially in underdeveloped countries, police reform is very important for improving both the police service and the conditions in the entire state administration. Police corruption contributes to the total devastation of police activity as one of the most important state services, and transforms it into a service for individual or group interests and for the sole purpose of personal enrichment of police employees. The main motive of police corruption is achieving private or personal interests.

This situation within the police organization leads to the citizens losing confidence in the police service. An atmosphere of insecurity is created in the majority of the population and that causes a negative environment in the whole society. Therefore, the fight against corruption must be organized and conducted in such a way that measures of prevention and suppression are both in action. It is also very important to unravel the perpetrators of criminal acts, prosecute them efficiently, bring them to custody and face them with responsibility. If there is no efficient reaction and adequate criminal policy, corrupt behavior will not be reduced. On the contrary, it will strengthen until the state sends a clear message that crime or corruption do not pay off.

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QUEER CRIMINOLOGY: A NEW THEORETICAL DIRECTION OR A PART OF CRITICAL CRIMINOLOGY

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Abstract

The academic discourse about the development and establishment of the foundations of Queer criminology as a theoretical path within critical criminology is associated with several factors. First, the expansion of queer theory within gender studies and the involvement of the queer community in public discourse require a special theoretical explanation within other social sciences that deal with issues related to human behaviour, human rights, punishment, protection, etc. However, the tendency to achieve greater visibility of the queer population through a particular theoretical and research approach rather than within other theories dealing with marginalized communities or certain forms of subcultural behaviour has opened a debate in the academic community as to whether a queer criminology should receive a special theoretical direction or the research on queer population should remain within the framework of the critical cultural criminology, or as part of feminist studies.

The stated dilemma, bases and challenges of queer criminology will be the subject of a special elaboration and theoretical discussion within this paper.

Key words: Queer criminology, LGBT, Intersectionality, heteronormatively.

1. INTRODUCTION

The academic discourse about the development and establishment of the foundations of Queer criminology as a theoretical path within critical criminology is related to several factors. First, the expansion of queer theory within gender studies and the involvement of the queer community in public discourse require a special theoretical explanation within other social sciences that deal with issues related to human behaviour, human rights, punishment, protection, etc. Another factor is related to the need for protection of the queer population as perpetrators and as victims, but also as participants in the criminal justice system, considering that they are often the target of discrimination and attack. The tendency to separate Queer criminology stems from the low visibility and marginalization of the queer population in the criminological research which presume that they are not taken as a separate category during research studies of certain phenomenological and etiological characteristics of crimes that are related to queer people (Peterson & Panfil R. Vanessa, 2014). This means that there is a need for their greater visibility and special theoretical and research approach that is basically deconstructionist and gender-driven (Buist and Lenning, 2016: 13; Woods, 2014, cited in Copson & Boukli, 2020). The first implies understanding of how the concepts of sexual orientation and gender identities can be applied in criminological research by applying deconstructionist view of identity. The second implies understanding the

experiences of queer people which arise from their identity features. The special theoretical and research approach at the same time implies being a distinct theoretical direction, and not part of other criminological theories that target marginalized communities or certain forms of sub-cultural behaviour. Finally, and certainly one of the essential factors for the development of queer criminology argued by its proponents is the need for a greater understanding of gender diversity and for breaking the heteronormativity of traditional criminology because dominant positivist criminology starts from the assumption that everything which is out of heterosexuality deviates from the norm and is on the line of deviance (Woods B. Jordan, 2014). Thus, more understanding is required of how sexual orientation and gender identity, combined with race, class, ethnicity, and other differences, shape the causes of crime and can affect the victimization and criminalization of the queer population.

Before elaboration of the basics, the subject of research and the connection of queer perspectives with other theoretical directions in criminology, the first thing to be understood is the meaning of the word *queer* in the literature and social sciences and which categories of persons are denoted by that word in both public and scientific discourse.

The word *queer* means something that is unusual, different from normal, strange, alien, unconventional, and eccentric. In terms of sexual orientation and gender identity, the queer population is interpreted differently. The queer person seeks diversity, nurtures diversity and refers to the right of every human being to be an individual. Queering is a constant process of personal creation and transformation. It is, among other things, non-identity, self-creation of individual sexuality and gender. Queerest is not seen in binary relations: black and white, homosexuality - heterosexuality or woman - man. Queer personalities do not accept the imposed social norms, but advocate and live by their own norms and create new visions for self-expression (Ball, 2016).

Regarding which persons are parts of this category, two approaches can be found in the literature. The broader explanation includes all persons who are not heterosexual, i.e. those who deviate from heteronormativity. This means people who are homosexual, bisexual, intersex, asexual, but also those who deviate from the binary division of gender identity into male and female. This group of queer population also accept transgender people (whose gender identity does not match the sex designated at birth), gender fluids, bisexuals (who can be identified with both males and females), and infertile (do not identify with any gender). The sexual orientation of these people is not determined by their biological sex, but by their gender identity. Narrower understanding is associated with people who are referred as queer genders (who have a queer identity). Such identities are identified outside the male-female system established in the society. They consider that they do not belong to any particular group and do not want to be labelled. It is therefore a gender-neutral term (Buist L. Carries & Lenning, 2016).

The word *queer*, in addition to being a noun (in order to describe sexuality and gender identity) is also explained as an action, i.e., a verb (*queering*) (in order to describe activities and actions that will provoke or attack the dominant hetero-normative system). It can be found in the criminology literature as *queering criminology*. This means that when reading and reviewing a text, we always need to keep in mind and interpret it from a perspective that rejects the traditional categories of gender, and to apply the perspectives of queer theory. Queering criminology, in that context, means asking and considering uncomfortable questions that provoke and open up new ways of thinking about the lives of the queer population and the criminal justice process (Dalton, 2016).

2. WHAT ARE THE BASICS OF THE QUEER THEORY?

The queer theory was developed in the 1990s as an essential to understand and recognize the possibility that sexual identity may be out of the norm and fluid, which means that sexuality and gender should be a separate subject of analysis and research, not just as (independent) variables. The second thesis of queer theory is that sexual identities are used as structural mechanisms of social control in the societies. Control is exercised over the human body through the normative, historical, and social construction of sexuality, and thus over the persons and society as a whole. The third thesis is that the categorization of sexual orientation and gender identity, especially binary categories, is wrong. Why? Because categorization and determination affect how we identify others. As a result, we often punish others for behaviours that are out of the norm. Queer theory is against categorizing identities because categories (male, female) offer limited representation of roles and relationships. Such demarcation can marginalize or exclude those whose experience is outside the presumed identities that those categories define. Queer theorists are, in essence, also against the dominant gay and lesbian policies and movements which clearly identify sexual orientation in order to gain more rights, integration and acceptance in society (Dwyer, Ball & Crofts, 2016). This is because those who are not identified with a particular gender identity or sexual orientation continue to be repressed. It is also argued that the binary construction of identities (male and female) actually supports and promotes heterosexuality in order to impose it as natural and stable. It arises from the same categorization because one always tends to be above the other, to be more privileged and accepted by the majority in a society. Binary categorization naturally makes a difference, and those differences necessarily mean *more important and less important, more powerful and less powerful*. Why? Because there is a natural urge for competition and natural conflict of interests of different categories. Fourth, queer theorists believe that the understanding of sexuality should be broadened, as there is no definite harmonization of what should be or should represent one gender or sexuality. Queer theory offers analysis, thinking, and understanding of the fundamental (historical) construction of categories: sex, gender, sexuality, how they work, and their effects. It is against heteronormativity and the imposed view of what is a "normal behaviour" (Panfil R. Vanessa & Miller, 2014).

Important representatives of queer theory are Eve Kosofsky Sedgwick and Judith Butler. Judith Butler says that queer has never been an identity. For her, gender is a cultural construct imposed on the body and is an expression of performance (performative behaviour). What does that mean? It means that the imposed roles, processes, relations, acts and gestures, through the processes of socialization are imposed as inherent in the person in order to fulfil the norm. And the norm is historically, socially and culturally constructed. In contrast, gender is a free and flexible trait that is not related to a particular sexuality. She further added that people are constantly restricted and "decentralized" as a result of norms imposed by those with different values and attitudes regarding sexuality and gender identity.

Similarly, Eva Sedgwick (Sedgwick, 1990) says that the individual can identify himself in various (innumerable) ways that do not necessarily coincide with how someone is identified by the public. This means that while identity may be fixed for some, it may be dynamic, even changeable, for others. The same goes for sexual orientation.

Queer theorists have their supporters, but they are also sharply criticized in the scientific and wider community that deal with these issues.

Regardless of the fact that queer theory is the first categorization of identities, when we talk about queer criminology, still under the term *queer population or queer community*

we include all categories of identities and sexual orientations that are different from heterosexuals, i.e., that differ from heteronormativity.

3. QUEER CRIMINOLOGY: WHAT IS THE IDEA?

Queer criminologists want to lay the foundations of queer criminology as a separate theoretical and practical approach within critical (new) criminology. A special approach is required to highlight and pay more attention to the processes of marginalization, stigmatization and criminalization of the queer community (as victims, perpetrators, but also as representatives of the criminal justice system) which are instigated and done by the criminal justice system, as well as by the academic community and civil society. Namely, both the theory (traditional criminological scientific thought) and the practice treat homosexuality for many years (up to 70-80 years) as a deviant phenomenon, and the homosexuals as deviants, with certain mental illnesses or inappropriately socialized. They had fewer rights than heterosexuals and faced discrimination, victimization, harassment, torture within the criminal justice system (Panfil R. Vanessa, 2018).

3.1. Certain characteristics of the queer population in the criminal justice system

Punishing homosexuality. The teaching of homosexuality as a deviant phenomenon, i.e., as a mental illness has a history in biological (Lombroso, 1876) and psychological theories until the 70s (Woods B. Jordan, 2014). Although Freud (1905, 1911) in his psychoanalytic theory saw homosexuality as a harmless and natural variation of psychosexual development, psychoanalysts have advocated for changing nonconforming sexual behaviour through appropriate education and treatment, which meant that pathological conceptions about the homosexuality were dominant. Even within sociological theories of crime (social learning theory), homosexuality has been treated as a form of sexual deviance that is learned and maintained through interactions in the environment. Or the Social Learning theory of Ronald Akers (1966), (as well as Social control theory, Albert Reiss, 1951) sees homosexual subcultures as mechanisms for empowering homosexuals to express their sexually deviant patterns. Homosexuality is considered as a form of sexual deviance (Woods B. Jordan, 2014). Although after the 70s, in many legislations, sodomy laws were abolished (that decriminalize the homosexuality), however, about 80 countries in the world (most in Asia, the Pacific, Africa) still have laws that prohibit the act of voluntary sex between members of the same sex. Even more, in some countries capital punishment is provided for same-sex relations. It shows a global culture of homophobia and *forced value* of mandatory heterosexuality. In Africa in particular, more than 40 countries penalize homosexuality, which presupposes that heterosexuality is mandatory. Even suspected "risky" members of the gay community can be arrested. There are examples when certain members of the gay community have to pay for corruption in order not to "parade naked" (as a pillar of shame) or they are raped because they cannot pay a certain amount for police caution. Homosexuality is punishable by death in Iran, Yemen, Saudi Arabia, Mauritania, Sudan, and parts of Nigeria. In Nigeria, membership in an LGBT group is punishable by up to 10 years in prison. Gender nonconformity is also criminalized "as imitating the opposite sex" or is treated as fraud. Additionally, transgender people are blamed for their victimization because of their gender identity. In addition to punishing specific acts and behaviours, in some countries there are laws against the promotion of homosexuality and even the protection of the rights of the gay population is prohibited (Buist L. Carries & Lenning, 2016). In Russia, for example, propaganda for the rights of minors is banned. As a

result, two demonstrators, Alexei Kiselyov and Kirill Nepomnyashy, were charged because of holding banners reading "Gay is normal". In addition, there are condemnations and constant threats to attack those citizens who publicly support the rights of the queer community, and they often face dismissal.

Hate crime against queer people. Homophobia, violence (verbal and physical) based on sexual orientation and gender identity is common to these categories of people. Numerous researches show a high rate of these forms of crime. It is estimated that one in six homosexuals or lesbians are victims of hate crimes, most of which are physical assaults. In Ireland, for example, in 2009, 80% of queer individuals reported verbal and 20% physical violence (Stotzer L. Rebecca, 2014). There are also cases of murders. According to LGBT organizations, 23 transgender people were killed in the United States in 2017, most of them members of various minorities from the African-American and Latin American communities. Other figures show that 14 transgender women were killed in 2014, out of which 13 were black. Third figures show that in 2013, 238 homicides were recorded worldwide. Ninety-five transgender people were killed in Brazil and forty in Mexico. Sixteen transgender homicides have occurred in the United States (Buist L. Carries & Lenning, 2016). The 2013 report reveals a total of 1,374 transgender based homicides in sixty countries around the world between early 2008 and late October 2013.

As a result of stigmatization, humiliation and similar acts of violence, the queer population also resorted to suicide. A typical example is the suicide of the 17-year-old Leelah Alcorn in December 2014, a transgender teenager from Ohio. Shortly before her death, she left a letter stating: "The only way I can rest in peace is if one day transgender people are not treated the way I was, to be treated as human beings, with relevant feelings and human rights. My death should mean something."

Queer persons as perpetrators. Queer people also appear in the role of perpetrators, but the explanation of their paths is certainly related to their identities. Similarly, as the feminist gender-based approach according to which the abuse and previous victimization of young girls contributes to later deviant and criminal behaviour, the queer perspectives also assume that there are certain queer paths that lead to crime and deviant behaviour of queer people. Namely, the Queer youths are often rejected from home and family and left on the streets without adequate housing. In conditions of further social exclusion, limited access to educational, health and working conditions, they are forced to engage in illegal activities, mostly in drug trafficking and in prostitution (sex work). According to some data (Ucar, 2014), 31% of LGBT people commit drug-related crimes, and 32% property crimes. In fact, young people face stigma and labelling that leads them to secondary deviation. Therefore, most often deviant and even criminal behaviour is the result of defence or attack against the negative reactions in the public. Such explanations are rooted in critical conflict theories, according to which minority communities (based on sexual orientation and gender identity) are subordinated to society and are labelled as immoral, violent, and wicked. Such stigmatization leads to secondary deviation that is complemented by increased prejudice and an increased likelihood of being caught more often in the social control network by the criminal justice system. Additional factors for the increased crime among the queer population are the weak ties with the social institutions, as well as their poor financial situation. In fact, conflicting theories in explaining the criminal behaviour of queer people say that LGBT identities function as racial identities, with visible identities and an increased sense of danger or fear outside the home. Therefore, criminal behaviour begins earlier, with behavioural problems and status offenses in early adolescence as a way of avoiding homophobic harassment. Queer people, especially transgender people, in certain self-

reported research point out that they commit crimes related to their Trans status and the problems and dilemmas it creates. They may need money to undergo gender (sex) reassignment surgery or their deviant behaviours might be associated with lifestyle and social exclusion. As a result, they mostly engage in prostitution and drug-related offenses (Knight, & Wilson, 2016). Queer people also find it easier to engage in criminal subcultures in which they find "shelter" and which they follow as alternative ways to self-express that is usually subversive. On the other hand, because of their visibility and committed street crimes they are easily arrested (Dennis P. Jeffery, 2014).

Prejudice and secondary victimization of queer persons by the criminal justice system. When queer persons encounter the criminal justice system, respectively when they enter the system as suspects, accused or convicted, they again face prejudice, harsher treatment, stigmatization and secondary victimization, now by the police, prosecution, judiciary, and prison staff. Namely, due to the prejudices of the judiciary, queer persons are often convicted more severely for committed crimes, under the excuse that sexual orientation and gender identity is an additional aggravating circumstance for committing the crime. For example, the case of a lesbian woman who committed the murder of a white man is sentenced to death, and the judge has referred to the sexual orientation as an aggravating circumstance. By doing so, he wants to emphasize that sexual orientation itself means hatred towards men and therefore makes murder even more difficult and a more severe. (Buist L. Carries & Lenning, 2016). Despite the stricter treatment by the criminal justice system, queer perpetrators are negatively portrayed and "demonized" in the public discourse by the media. They are described as demons, vampires, monsters etc. For example, Chesney-Lind and Eliason (2006) comment on the famous film *Monster* (which is based on a true story) that the description of the main actor is full of stereotypes about female masculinity and lesbianism. This, in large part, is done to convince the audience that she is evil and not worthy of compassion and sympathy, despite the fact that her murders are acts in self-defence or related to a post-traumatic personality disorder caused by stress and violence. The same image of a lesbian prostitute who kills certain people who seek sexual pleasures from her confirms popular, heterosexual notions of the relationship between lesbianism, masculinity and female violence. The protagonist, Wuornos, was sentenced to death and executed by lethal injection on October 9, 2002, in Florida State Prison (Buist L. Carries & Lenning, 2016).

Queer convicts in the penitentiary. Transgender inmates in the penitentiary are at high risk of victimization, and because of that, in some prisons, isolation is allowed as a security measure. But because it is often seen as an additional punishment, its justification is under the question. In fact, isolation itself is a "severe" measure that deprives prisoners of many rights and privileges. According to some data in the United States, about 10% of prisoners are queers. For example, in 2013, out of seven million prisoners, 700,000 were queers, and 90% of them were transgender women. They often experience additional victimization in prisons (Buist L. Carries & Lenning, 2016). For example, a transgender woman prisoner, despite undergoing certain medical therapy and having undergone female breast implant surgery, was placed in a maximum security male prison in Indiana, USA. Upon the arrival, she was raped and has filed a lawsuit against the prison director and other officials because they knew she would be sexually assaulted and did nothing to prevent it from happening. This is just one example of rape and sexual assault in prison against transgender people who experience a high number. Some data indicates that the attacks are 10 times greater than those committed against heterosexuals. Due to such and similar

examples, in 2014 the so-called "Gay Wing" in Los Angeles Central Men's Prison was open; it houses approximately 400 gay and transgender people.

The stated findings and data on queer persons and their connection with the criminal justice system are largely marginalized by the academic community and by the criminology as a science. They have been forgotten in criminological research and their experiences have been ignored as a result of sexual orientation and gender identity, which indicates that they did not receive significant focus and attention from criminologists. In the last decade of the 20th century, questions about queer people in the field of criminology gradually began to be raised, and certain papers on this topic began to be published for the first time. But they get special attention after 2014 when *Critical Criminology Journal* devotes a special issue called *Queer / ing Criminology*. In 2016, three publications dealing with queer criminology issues were published: (1) (Ball, M. (2016), *Criminology and Queer Theory, Dangerous Bedfellows*, Palgrave Macmillan; (2) Buist L. Carries & Lenning, E. (2016), *Queer Criminology*, Routledge; (3) Eds. Dwyer, A., Ball, M. & Crofts, T. (2016), *Queering Criminology*, Palgrave Macmillan.

3.2. Basics of queer criminology: subject and method of research

Queer criminology allows the voice of queer people whose experiences as perpetrators and victims have been neglected by the dominant criminology to be heard. Although, with the development of critical criminology, some of those experiences have been the subject of cultural and feminist analysis, queer criminologists are not entirely satisfied with that approach. Why? The queer population as a separate subculture is sometimes the subject of study of cultural criminology, from the aspect of how the media, society, but also the criminal justice system criminalizes certain sub-cultural norms of behaviour that deviate from the dominant values and norms in one society. However, even when this is done, respectively when they gain a certain voice and visibility in criminological research, the analysis and explanation do not take into account sexual orientation and gender identity as key concepts that shape victimization and criminalization. It does not take into account how the experiences that are experienced due to different sexual orientation or transgender identity influence their behaviour.

Also, the feminist criminology that analyzes lesbian feminism includes only one aspect of the fundamentals on which queer criminology is built. Namely, certain feminist perspectives emphasize victimization, especially sexual harassment and hate crime against queer persons (Woods B. Jordan, 2014). In addition, even queer theorists criticize feminists for relying on a rigid but legitimate male-female distinction, which in turn marginalizes those who are *out-of-the-norm* and who are identifying themselves as gender uncomfortable. That is why queer theorists endeavour queer criminology to become a separate part of criminological scientific thought, rather than to be on the margins of other theories of crime. It seeks to expand knowledge of how sexual orientation and gender identity, in combination with other variables (race, class, ethnicity), affect victimization, delinquency, and conflict with the criminal justice system. In fact, that relational network of powerful factors such as race, class, ethnicity, sex, gender, and sexual orientation (that together exert an oppression of people) is called intersectionality. This intersectional approach that describes how they simultaneously influence is also applied in queer analysis within queer criminology.

For example, white race as a powerful system can cause racism, male gender: sexism and / or misogyny (hatred or prejudice against women), wealthy class: classism, majority ethnicity: nationalism and / or ethnocentrism, heterosexuality: hetero-sexism. When all of these are intertwined, they cause multiple levels of repression on the target audience. In that

sense, when heterosexuality is intertwined with racism, sexism and / or nationalism, then the consequences are more severe. Also, a transgender man can be victimized not only because of his gender identity, but also because of his race, class or ethnicity. Therefore, in order to understand his victimization, it should be considered as part of a network of all forms of discrimination and repression (racism, sexism, classicism, and homophobia). This means that all possible dimensions of identity need to be recognized and presented, and therefore an intersectional approach is needed.

In addition, part of the queer analysis is the need to analyze and understand the role of the state and social system in criminalizing sexual orientation and / or different gender identity. The norm needs to be understood, as the law discriminates and marginalizes queer people because of their sexual orientation and gender identity. At the same time, the role of the criminal justice system as a mechanism for control and repression of the queer population should be understood. What is also challenging within queer criminology is the debate about the nature of sexual orientation and gender identity. Although the debate revolves around the biological nature and impact of the environment, the idea is to provide room for different assumptions and views. Such diversity will enable struggle of opposing opinions and a critical approach to certain theses about the queer population as sexual deviants. Removing such stigma is a major benefit of queer criminology. So, one of its tasks is to recognize and make visible the humiliation, political helplessness and cultural rejection of queer people, as well as to recognize the ways in which the government directly or indirectly marginalizes and "suppresses" them. Thus, it wants to increase awareness about the impact and the role of the criminal justice system in the treatment of queer persons and to improve their position in the criminal justice system (Copson & Boukli, 2020).

4. CONCLUSION

Despite the slow penetration of the theoretical perspectives of queer theory and queer criminologists within criminology as a separate theory or direction, however, what these criminologists manage to open is criminology to be more inclusive of the needs, concerns and experiences of the queer population. They manage to raise the issue of sexuality on the criminal agenda, although it may take decades for wider acceptance by the criminologist. However, other views and perspectives of queer theory on different gender identities, for their fluidity and variability, should not overshadow and underestimate the biological sex differences. Namely, I agree that we cannot deny the biological gender differences, the male-female gender identities, and heterosexuality that reach the level of a (social) norm. The thesis that they are historically, socially and culturally constructed is also acceptable. Also, although the categorization of identities is not necessarily a condition for their identification, it still arises from the need to explain things, to give them meaning, sense, essence, and not only for their competition or evaluation, but more for their understanding.

Despite certain criticisms and rejections, queer criminology is a criminology that investigates, criticizes and challenges the hetero-normative system of oppression that is most manifested within the criminal justice system. Its greatest benefit is that it seeks to incorporate individual experiences of queer people related to their gender, sex, race, class, and age into criminological studies. The second great benefit is the constant effort and attempt to remove the already imposed stigma of queer persons as deviants, which is a risk factor not only for further deviant and criminal behaviour, but also for further victimization.

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THE MEDIA INFLUENCE ON PUBLIC ATTITUDES ABOUT PUNITIVENESS

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Abstract

Public attitudes about punitiveness have a significant impact on penal policy in the societies. Punitive penal policy and increased imprisonment of offenders are often seen as a reflection of the public support for harsh punishment. (Cullen et al, 2000). Criminological research often links the attitudes toward punishment with the socio-demographic characteristics of the public (gender, age, race, ethnicity, political ideology, education, income, religion), their possible direct or indirect victimization, the fear of crime, their perceptions about crime and the effectiveness of the criminal justice system. In addition to these factors, in the last two decades the attitudes have also been linked with the increasing presence and use of the media. The empirical research analyzes the issue of the connection between the media consumption and shaping public attitudes toward punishment, especially for certain crimes. Hence, the subject of this paper is the impact of media consumption on the public attitudes about punishment, with the purpose to determine to what extent and in what direction is that influence. The impact of different types of media and different types of media content or programs on public attitudes about punitiveness will be analyzed.

In general, the research shows that different types of media and news, such as watching television news (local and national) and crime-related programs, have influence on the attitudes about punishment (Intravia, 2019). However, the direct impact cannot be fully and clearly determined, because the research uses a different methodology in terms of the media consumption and media content. In addition to traditional media, from research perspective, special attention is given to the connection between the use of social media and their impact on punitiveness. The importance of analyzing their impact on public attitudes is primarily due to the increasing number of individuals who use social media, which are a major source of crime-related news and often providing access to news or information shared by others. These features related to social media (especially social networks) allow individuals to virtually participate in issues related to crime and punishment, which in turn can change someone's opinion and position on the topic of discussion. (Anderson & all, 2014).

1. INTRODUCTION

In the last two decades, the media have been the main source of information for the public regarding any topic of the social life and crime have been one of the common topics. Although crime has long been a major topic in American news, the proportion of media news devoted to crime increased during the 1980s and 1990s, especially on television (Cavender & Fishman, 1998; Dorfman & Schiraldi, 2001; Fox & Van Sickle, 2001) cited in (Rosenberger & Callanan, 2011) Crime news accounts for one-fifth to one-third of local television news (Surette, 1992) cited in (Rosenberger & Callanan, 2011) and is often the leading story in the media (Gerbner, 1996; Romer, Jamieson, & De Coteau, 1998) cited in (Rosenberger & Callanan, 2011). It is believed that although crime rates are declining, in fact the visibility of crime is increased because more people are "exposed" to intense media coverage of crime. (Costelloe, Chiricos, & Gertz, 2009)

With the increasing media coverage of issues about crime and justice (Mason, 2003; Potter and Kappeler, 2006) cited in (Boda & Szabo, 2011) but also with their increased consumption, there is an opportunity for the media to influence on public attitudes and opinions about criminal justice policy. Because most people have little or no direct experience with crime, they often rely on media for information about crime, victimization, and the reaction of the legal system. (Chermak, 1994; Surette, 2003) cited in (Kort-Butler & Habecker, 2018) Thus, using their power, the media often report in a way that distorts or creates a false image of crime in the community or society. The media, consciously or unconsciously, use or abuse the opportunity to manipulate with what is true and what is not, with facts and interpretations. (Jewkes, 2004) cited in (Стефановска, Медиумското прикажување на криминалитетот во дневните весници во Република Македонија, 2015) The sensational and selective approach in the media coverage of crime is essentially done for the purpose of higher rating between viewers and readers, but such an approach opens the possibility of creating a false image and beliefs among the public about crime or criminal justice. The process of selecting for which crimes media should report and how they are presented, can give a distorted picture for the real crime situation. (Stefanovska, 2015) Numerous studies have found that the media disproportionately give more attention to serious violent crimes and the most heinous crimes (Rosenberger & Callanan, 2011), thus providing millions of people with daily information on murders, rapes and drug abuse (Greer, 2005) cited in (Boda & Szabo, 2011) According to Stefanovska's research (2015), in the printed media in the Republic of North Macedonia, there is a disproportionate representation (coverage) of violent crime versus property crime, which means that although these acts are less frequent, their representation in some of the media is higher. (Stefanovska, 2015) As a consequence, individuals tend to overestimate the prevalence of violent crimes, to consider the system as inefficient, to think that the penalties are too lenient and to believe that crime rates are rising. (Callanan, 2005; Hough & Roberts, 1999; Romer, Jamieson, & Aday, 2003) cited in (Rosenberger & Callanan, 2011). Misconceptions sometimes lead to change in public beliefs and attitudes, especially regarding punishment, so the media might exert an influence on creation of punitive public attitudes and even attitude for returning the death penalty for certain crimes. Additionally, the general public thinks that the authorities which are supposed to combat crime are ineffective, i.e., they do not believe that governments have done enough to protect victims and to strengthen public safety (Shi, 2021). All of that can influence on the public to put pressure on the governments to introduce a more punitive penal policy for perpetrators. Recent research also shows that policy makers and practitioners respond to public inclinations toward certain criminal policies (Brace &

Boyea, 2008; Nicholson-Crotty, Peterson, & Ramirez 2009) cited in. (Shi, 2021) From this point of view, increasing incarceration rates sometimes are driven by the increasingly punitive public (Demker, Towns, Duus-Otterstrom, & Sebring, 2008) cited in (Rosenberger & Callanan, 2011), greatly and under the influence of the media.

In the last decade, the increasing use of social media is very actual, as well as the fight for domination over traditional media. Hence, the question is whether and how the consumption of social media is related with public attitudes about punishment. The analysis of their impact is significant for several reasons. *First*, reports show that not only the number of individuals who use social platforms increased, but almost 2/3 of Americans (67%) receive news from social media pages (Shearer & Gottfried, 2017) cited in (Intravia, 2019). Accordingly, the use of social networks sites as a major platform for content and information on which the public relies is increasing. *Second*, social media pages provide many unique features as opposed to traditional media platforms (e.g., television, newspaper, radio). Social media users can access news and information shared by others, engage in conversations (for example, by commenting on a post or stories), and to search for or to filter certain content. Moreover, by serving as a tool for communicating with others, social media allows users to participate in a virtual discussion on any topic, which can in turn influence on someone's opinion or position for the topic of discussion. (AA Anderson, Brossard, Scheufele, Xenos, & Ladwig, 2014) cited in (Intravia, 2019). This means that the social media can potentially tighten the attitudes towards punishment, which in turn can affect as a pressure for change of the penal policies and criminal justice practices.

2. THEORETICAL EXPLANATION OF THE MEDIA INFLUENCE ON PUBLIC ATTITUDES ABOUT PUNITIVENESS

The reflection of the dominant interests and perceptions expressed through the manner and selection of crime news in the media can directly influence on individual attitudes and perceptions about crime. Crime stories shape the opinion, they create or encourage a feeling of fear and insecurity, stimulate stigma, stereotypes, intolerance and demands for punitive policies. (Стефановска, Медиумското прикажување на криминалитетот во дневните весници во Република Македонија, 2015, стр. 17)

There are a number of theories or models that explain how the media can influence on public attitudes. In the range of theories or models, there are some explanations that claim that media news is extremely powerful and that it can shape certain public views. On the other hand, researchers argue that the media has little effect on individuals due to a variety of mediating conditions, including their selective exposure to media that conforms with their views, selective perception according to previous beliefs, and selective retention on a content that conforms with their views and preferences. (Beale, 2006)

Among the first theoretical approaches for explaining the media influence on public attitudes was the "cultivation model" or "cultivation theory" set by George Gerbner in the Cultural Indicators Project in the 1970s. This model suggests that heavy television consumption encourages a view of the world that reflects more what is seen on television than what reality is. (Rosenberger & Callanan, 2011). Because television is oversaturated with depictions of crime and violence, those who watch too much television develop a view of "mean world" (Gerbner et al., 1977) cited in (Rosenberger & Callanan, 2011) and have views, attitudes and beliefs, consistent with what is presented in the media. (Boda & Szabo, 2011) (Intravia, 2019). In fact, Gerbner et al.'s (1977, 1980) focused their research on television consumption and the effects of exposure to a particular type of content, regardless

of the medium. Most of their research focused on examining the "violence profile" and the "violence index" - measures of the frequency and intensity of violence on television. (Roche, Pickett, & Gertz, 2016)

Contemporary researchers criticize the original cultivation model as too simple, because it fails to take into account the way that different people interpret the same televised depictions, as well as differences in the content and framing of different crime-related genres (Rosenberger & Callanan, 2011). In fact, what complicates the assessment of the potential effects of the media, is the recognition that media consumers should not be seen as a homogeneous, passive or silent mass. (Boda & Szabo, 2011) The field of communication studies has increasingly regarded the reception of media messages as a dynamic process in which viewers actively interpret and perhaps reconstruct those messages in light of their personal backgrounds and experiences, (Dahlgren, 1988; Gunter, 1987) cited in (Weitzer & Kubrin, 2004), as well as related to other aspects of daily life. In this regard, researchers (including Gerbner) are beginning to include certain characteristics of the audience to determine whether they influence on different interpretations of the same media coverage (Intravia, 2019). Scheufele and Tewksbury (2007) argue that the mass media have the potential to produce strong effects on readers' attitudes, but these effects depend on the predispositions and other characteristics of readers, which affect how they process the messages projected in the mass media (Chan & Chan, 2012). Most frequently examined characteristics of the audience in the research about the media influence on public attitudes are race/ethnicity, age, gender, and experience with crime or the criminal justice system. (Rosenberger & Callanan, 2011). (Intravia, 2019) In fact, based on the cultivation theory, taking these characteristics into account during assessing the media influence on public attitudes, is part of the "differential reception thesis" or "audience reception theory". There are four key perspectives of this theory that explain the differences in the characteristics of media users, which can influence on their views and perceptions related to crime and the criminal justice system.

The *mainstreaming perspective* illustrates that regardless of group differences, heavy media consumption homogenizes individuals to share similar views (Gerbner et al., 1980; Morgan, Shanahan, & Signorielli, 2014) cited in (Intravia, 2019). From this perspective, the influence of the media on punitiveness would be uniform among demographic characteristics and the social backgrounds of the consumers. The *substitution perspective* is based on the view that the effects of the media can be more pronounced among consumers without personal experience with crime and the criminal justice system. (Gunter, 1987; Liska & Baccaglioni, 1990). (Intravia, 2019) Hence, the influence of the media on punitiveness would be more pronounced among women, those with lower emotional responses to fear (Intravia, 2019) or those living in areas with a low crime rate. (Roche, Pickett, & Gertz, 2016)

Contrary, the *resonance hypothesis* suggests that people whose life experience is more related to what is depicted on TV are more likely to be affected by the television messages. (Wu & Li, 2017) For people who knew someone victimized by crime, seeing violence on TV shows amplified their anger about crime but diminished their support for the justice system. (Kort-Butler & Habecker, 2018) From this point of view, the influence of the media on punitiveness may be more pronounced among those who have characteristics that are generally found to have more punitive views such as whites, men, religious, those who identify themselves as conservative. (Intravia, 2019) The *vulnerability perspective* argues that media messages will be more noticeable among individuals who are vulnerable or sensitive to crime and violence (Skogan & Maxfield, 1981) cited in (Intravia, 2019) From

this perspective, the impact of the media on punitiveness may be more pronounced among victims of crime, those with higher emotional responses to fear such as women and the elderly (Roche, Pickett, & Gertz, 2016), and those with lower incomes and education. (Intravia, 2019)

In the literature **three mechanisms for explaining media influence on public attitudes** can be found: *agenda setting, priming and framing*. (Chan & Chan, 2012, p. 215)

Data collected from hundreds of simulations and surveys confirmed the "agenda-setting" and "priming" effects of the media. *Agenda setting* refers to the ability of the media to turn the public's attention to certain topics (questions), (Beale, 2006) for example, by enlarging the placement of coverage, which will affect the importance attributed to these issues (McCombs and Shaw 1972). cited in (Chan & Chan, 2012) That implies that the eye-catching content may provide readers easily to pay attention to those issues and even to recall the memory afterwards. (Chan & Chan, 2012) Additionally, many scholars such as McCombs (1981) and Rogers and Dearing (1988) added that the basis of the agenda setting comprised the media do not directly influence people's opinions or what they think but the agenda of issues they think about when the media highlighted some issues meanwhile ignore others (Chan & Chan, 2012). *Priming* describes the ability of the media to influence on the criteria by which the public judges public policy, public officials, or candidates for certain positions. (Beale, 2006) This occurs when news content suggests to readers what to use as benchmarks in order to assess some specific issues. (Chan & Chan, 2012) When agenda setting and priming are combined, the two phenomena show that the media's emphasis on crime makes the issue more salient in the minds of viewers and readers, which causes the public to perceive crime as a more severe problem than real figures indicate (Beale, 2006) and to support more punitive policies. (Beale, 2006) On the other hand, *framing* differed from the two models while the concept addressed on how an issue portrayed in the media news can create effects on how readers perceived it. (Scheufele and Tewksbury 2007). (Chan & Chan, 2012)

Regarding the question of whether the media have a direct impact on changing public attitudes, there are several models in the literature that give explanation about that relationship, "one step flow model" (or magic bullet model), "two step flow model" and "multi-step flow model". According to the one step flow model, media messages are directly received and consumed by audiences. (Hilbert, Vásquez, Halpern, Valenzuela, & Arriagada, 2017) However, this model was criticized shortly after its establishment and a new model was introduced, the two-step flow model of communication, by sociologist Paul Lazarsfeld et al. in 1944 and elaborated by Elihu Katz and Lazarsfeld in 1955 and in subsequent publications. This model assumes that ideas flow from mass media to opinion leaders and from them to a wider population. (Wikipedia, n.d.) The stimulus that the media can generate is still in the focus of this concept, but the effects of the media are indirect. The model suggests that information and narratives in the mass media are channeled to people through the opinion leaders who have privileged access to the media. (Boda & Szabo, 2011) The key point of this two-step flow model is the demonstration of the complex interaction between the contents in the media and the personal predispositions in shaping public attitudes and opinions on certain topics. (Boda & Szabo, 2011)

In the era of digital social media, with the increasing number of those who use them (Pew Research Center 2012) cited in (Roche, Pickett, & Gertz, 2016), it is more likely that the impact of the content from the social media on the views and opinions of users will increase. Thus, the two-step flow model, which is six decades old, again finds an interest in explaining the impact of social media content on public attitudes. Some empirical research

has found that modern social media platforms like Twitter, (Wikipedia, n.d.) Facebook or Instagram, show clear evidence of a two-step flow of communication. Many social media users receive news from public person, celebrity or other amplifying opinion leaders. (Wikipedia, nd) However, as Katz notes back in 1957, "opinion leaders themselves often reported that their own decisions were influenced by still other people" (Katz, 1957; p.68) cited in (Hilbert, Vásquez, Halpern, Valenzuela, & Arriagada, 2017). Therefore, there is probably more than just two straightforward steps, i.e., there may be "multi-step flow models" with many different flow directions and iterations. (Hilbert, Vásquez, Halpern, Valenzuela, & Arriagada, 2017)

Based on the Lazarsfeldian concept, Joseph Klapper (1960) argued that the media had a greater opportunity to strengthen than to change people's attitudes and behavior. He believes that media consumption and the way media messages are consumed depend on a wide range of phenomena, which he labeled as mediating factors. These mediating factors include: individual predispositions, group membership (peer group and family), opinion leadership, and the role of the media in society (Klapper, 1960: 47–52). (Boda & Szabo, 2011) John Zaller's (1992) model of forming public opinion is compatible with the two-step flow model in a sense that it identifies individual and contextual variables that effect on the exposure and understanding of media messages by people. (Boda & Szabo, 2011)

Zaller describes public opinion as something that is essentially unstable, vague and difficult to reach - not only because of methodological problems in researching of public opinion, but also because of the very nature of public opinion. If mass opinion is difficult to be determined, the same applies to the role of the media in shaping public opinion. Zaller offers evidence of the short-term effects of the media on people's attitudes without permanently changing their basic attitudes (Zaller, 1992: 78). (Boda & Szabo, 2011) In the longer term, the media can contribute to attitudes' change, but they potentially compete with other influences, and their messages are contextualized by individual or social interpretive mechanisms. (Boda & Szabo, 2011)

3. RESEARCH RESULTS REGARDING MEDIA INFLUENCE ON PUBLIC ATTITUDES TOWARD PUNITIVENESS

Among the empirical research we can rarely find studies that are solely focused on analyzing the influence of the media on public attitudes toward punitiveness. However, from the available research, the findings show mixed results. (Dowler, 2003)

One of the earliest studies that analyze the influence of the media on attitudes toward crime is Gerbner et al' study in the 1960s, which found that individuals who heavily watched television were more likely to feel more threatened by crime, to believe that crime is more common than statistics show and that they take more action against crime. They found that crime on television was portrayed as more violent, accidental, and dangerous than "real-world" crime. Researchers have claimed that viewers internalize images from the media and develop a "mean world view". This view is characterized by "mistrust, cynicism, alienation and perceptions of higher-than-average levels of threat of crime in society" (Dowler, 2003, p. 110). Despite the criticism of Gerbner's research methodology, the findings suggest that people who heavily watch television, tend to support more harsh measures for perpetrators. (Boda & Szabo, 2011) but these effects may vary based on consumer characteristics such as demographic characteristics, past experiences, and social backgrounds. (Intravia, 2019)

In the preliminary analysis of the EURO-JUSTIS pilot survey, Boda et al., some statistically significant relationships between media consumption, on one hand, and fear of

crime, trust in justice and punitive attitudes, on the other, are also possible to establish. (Boda & Szabo, 2011) Boda & Szabo's assumption is that the media have influence on attitudes, but this effect is not necessarily direct and too strong: that effect is filtered through individual and social interpretive processes and is evidently one of many influencing factors which are shaping people's opinions on certain issues. (Boda & Szabo, 2011)

The initial studies for media and their influence were criticized that they provide one measure for media consumption, which is the total number of hours of television viewing (see Gerbner et al., 1977; Gerbner & Gross, 1976; Gerbner, Gross, Jackson-Beeck, Jefferies-Fox, & Signorielli, 1978) cited in (Rosenberger & Callanan, 2011). However, more recent studies that have explored **specific forms of crime-related media**, such as newspapers or television news, or **different genres of crime-related media** (for example, crime TV dramas or reality crime television programs) indicate that **media channels and genres have different influences**. (Dowler, 2002; Eschholz, Mallard, & Flynn, 2004). (Rosenberger & Callanan, 2011)

Intravia (2019) research shows that individuals who have consumed more **crime-related content on television** are associated with a higher degree of punitiveness. (Intravia, 2019) **Crime news and crime-reality programs** seem to emphasize the “faulty criminal justice frame” that posits crime stems from an inefficient criminal justice system that does not deter criminal behavior because of lenient sentencing. Hence, the solution proposed by this framework is to “be tough” on crime by enacting more punitive laws and policies. Therefore, with this manner of shaping crime stories, it should be expected that media can influence the viewers punitive attitudes. In addition, most of the crime presentations are focused on explanations at an individual level, such as greed or anger, and they rarely shape stories involving structural factors that lead to crime. (Rosenberger & Callanan, 2011). A focus on the causes of crime on individual level can make viewers more punitive in regard to perpetrators if they view criminal behavior solely as a matter of choice. (Rosenberger & Callanan, 2011)

Roberts and Doob (1990) studied crime stories in newspapers and found that shorter stories elicited more punitive responses from readers than longer and more detailed stories. (Rosenberger & Callanan, 2011). Similarly, the study by Demker, Towns, Duus-Otterstrom, and Sebring (2008), found a link between tabloid consumption and punitiveness, for example, regular tabloid readers more frequently support introduction of death penalty than non-tabloid readers or those who seldom read tabloids. (Britto & Noga-Styron, 2014)

Certain authors connect the structure and presentation of media content with the public opinion on criminal policy. Sotirovic found that the consumption of complex media content that shows different perspectives on an issue, is associated with a more complex thinking about both crime and crime prevention policies (Sotirovic, 2001) cited in (Britto & Noga-Styron, 2014). For example, Brady's research found that increased time of watching violent movies and TV was associated with women's punitive attitudes. Brady (2007, p. 519) cited in (Britto & Noga-Styron, 2014) From that point of view, exposure and attention to the simple infotainment formats of various reality-based pseudo news, talk, and crime drama shows, is related to lower levels of complex thinking, and therefore a preference for punitive criminal justice policies. (Sotirovic, 2001) cited in (Britto & Noga-Styron, 2014) It is interesting to note an opposite example, Baumgartner, DeBoef and Boydstury (2008), in the book *The Decline of the Death Penalty and the Discovery of Innocence*, suggest that the news media's recent focus on innocence cases has led to reduced support of the death penalty on the grounds of fairness. (Britto & Noga-Styron, 2014).

Dowler (2003) tested the effect of watching **TV crime programs** on punitiveness, but he did not find correlation between the media and punitive attitudes. (Dowler, 2003) The strongest indicators of punitive attitudes in his research were race, education, income, fear of crime, and marital status. (Dowler, 2003) However, his study does not distinguish different genres related to crime (reality, drama or news) (Rosenberger & Callanan, 2011). In the same direction are the research results by Grabe and Drew (2007), which found a weak correlation between any form of media and perceptions and opinions about crime and justice. (Britto & Noga-Styron, 2014)

Rosenberger and Callanan (2011) examined whether media consumption increase the odds that individuals support criminal sentencing goals such as punishment, incapacitation, deterrence, and rehabilitation. (Intravia, 2019) Using a sample of more than 4,000 Californians, and rehabilitation as a reference category, the authors found that individuals who consumed **TV news** and **TV crime reality programs** were more likely to support punishment over rehabilitation. (Intravia, 2019) In this regard, the research of Oliver and Armstrong (1995) found that the constant watching of reality-based crime programs and increased enjoyment of these programs, is correlated with punitive attitudes (Britto & Noga-Styron, 2014). Goidel et al. (2006) found that consumption of **TV news** was related to individuals' beliefs that rehabilitation was not as effective as incarceration in crime prevention (see also Gilliam & Iyengar, 2000) cited in (Intravia, 2019), while Holbert, Shah's research, and Kwak (2004) showed that watching television news is negatively related to the endorsement of capital punishment. In the Rosenberger and Callanan study (2011), consumers of **television crime dramas** were more likely to choose incapacitation (as opposed to rehabilitation) as the most important sentencing goal. (Intravia, 2019) In this regard, the research of Holbert, et al. (2004) and Kort-Butler and Hartshorn's (2011) found that watching **television crime drama** was directly correlated with attitudes toward the death penalty. (Britto & Noga-Styron, 2014) (Kort-Butler & Sittner Hartshorn, 2011) However, there is some research that found a weak relation between the consumption of **television crime dramas** and attitudes towards crime and criminal justice. (Callanan & Rosenberger, 2011; Dowler & Zawilski, 2007; Eschholz et al., 2002). Cited in (Rosenberger & Callanan, 2011) Perhaps **television crime dramas** have little effect on viewers' opinions because these fictions are not seen as real. Another reason why **television crime dramas** fail to provoke such reaction on viewers as **television news**, is that in each episode, crime is solved and justice is restored. (Sparks, 1992). (Rosenberger & Callanan, 2011)

Regarding generally punitive views, Roche et al. (2016) found that consumption of local television news and television crime programs was associated with increased punitiveness. Spiranovic et al. (2012) found that those who were less critical towards media and those who consumed more television news were positively associated with punitive attitudes, (Intravia, 2019) In contrast Kort-Butler and Hartshorn (2011) found no correlation between watching television news and public attitudes. (Britto & Noga-Styron, 2014)

The experimental research by the American researchers Wakschlag, Vial and Tamborini (1983), supports the hypothesis that watching television can cause more punitive attitudes. (Wood & Viki, 2001) Wakschlag et al manipulated with participants' initial opinion by showing them either a crime documentary or a neutral film (i.e., a film containing no reference to crime). Participants had choice of watching a film with some victimization and then how justice is restored, or a film where it was not restored. The analysis showed that participants who watched crime documentary were more concerned about crime than participants in control group. Although this study does not directly assess attitudes toward crime and punishment, the results suggest that watching crime programs on television may

increase people's desire perpetrators to get real punishment in order to restore justice. (Wood & Viki, 2001)

Data on the use of social networks around the world show a continuous increase in the number of users. Hence, in the contemporary research, it is necessary not only to assess the role of traditional media but also the role of social networks in framing public opinion, especially on issues related to crime and justice. The analyses of previous research in this area show that only a few recent studies have incorporated some questions related to social media into assessing the media impact on attitudes toward crime, fear of crime, criminal justice system, and punishment. Roche et al. (2016) are among the few researchers who have analyzed the correlation between internet news exposure with punitive attitudes and support for the death penalty. The results of their research do not show that there is a positive relationship between the consumption of online news and punitive attitudes. In fact, despite disaggregating the samples to investigate differential relationships by audience traits, very few significant relationships emerge. Those who have some relationships, are negative, the opposite direction of what would be expected on the basis of cultivation theory, for example, their research found statistically significant negative relationship between the consumption of internet news and the support of the death penalty. (Roche, Pickett, & Gertz, 2016) Roche et al. (2016) argue that, although internet news reaches a wider audience, people can still be selective regarding the news they watch, whether it is through the filters on their social media pages or by visiting news-oriented pages, and with that to allow users more latitude in framing their own stories about crime. (Roche, Pickett, & Gertz, 2016) (Kort-Butler & Habecker, 2018) Although the research of Britto et al. (2014) showed that certain forms of media (radio, TV, and certain TV genres) have a poor statistically significant impact on the increased support for the death penalty, their research did not confirm that Internet use is statistically significant related to the attitudes toward death penalty. (Britto & Noga-Styron, 2014) Part of such results may be due to the fact that individuals with certain characteristics choose media content that is consistent with their perspectives.

Intravia (2018) in certain models that he tested, found that individuals who consumed more **social media** are more likely to be punitive, but after including consumption of different social media content in other models, it was found that there is a connection with punitiveness only when there is an increased consumption of news and information on Facebook about punishment, but not when there is consuming information and news about crime. (Intravia, 2019)

Such mixed results regarding media influence on attitudes about punitiveness indicate that in future it would be necessary to include research questions for different types of social media (and different social networks) and through a combined use of quantitative and qualitative methods to assess the impact of each particular type on attitudes about punishment.

4. CONCLUSION AND RECOMMENDATIONS

The positive role of the media in the process of shaping criminal policy is slowly changing and there is a danger that they may exacerbate the fear of crime, the distrust in law enforcement institutions and to have negative influence on public attitudes about punishment. (Kury, 2001) (Jovanova, 2010)

Regarding media influence on public attitudes about punitiveness, we should avoid both extreme positions, neither to overestimate the significant influence nor to underestimate or to claim that it does not exist. Recent research results do not support the strongest view that the media can completely determine the views and opinions of the public that consumes different types media. However, strong evidence suggests that the media play a significant role in increasing the importance of crime among the public and increases the support among public for punitive policies. (Beale, 2006) Although the media are not the only ones that can influence the public opinion, yet, they communicate and amplify other key influences that may lead to increased punitiveness. (Beale, 2006)

In future perspective, studies related to the media influence on public attitudes about punishment should focus on several things. *First*, beside the inclusion of individual and social factors related to the public, the analysis should include more qualitative methods for deeper analysis and receiving a bigger picture for connection. *Second*, world wide data show that we have an increasing number of people in the world who use social media, not only for communication, but also as a platform on which they receive information about crime. In essence, there is a fight between traditional and social media about what will be the main source of information for the public. Hence there is a need for assessing the impact of social media on public attitudes, because in the literature few studies regarding their impact can be found. *And third*, it is necessary to establish more sophisticated theories which will explain the media influence on shaping public opinion (Boda & Szabo, 2011), although it is really difficult to determine, measure and conceptualize this influence.

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THE RELATIONSHIP BETWEEN CRIMINAL GROUPS AND PUBLIC FUNCTIONS

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Abstract

Some criminal groups take every opportunity to infiltrate legitimate businesses; other criminal groups aim to make profits through politics and close contact with senior officials leading governments, by tracking money through campaigning for elections at both the local and state level, then through misuse of state resources, by creating a criminal organization which does not stop from anything and anyone. In this scientific work we will discuss briefly on the case of the former and sole president of the State Union of Serbia and Montenegro until its dissemination in 2006, Svetozar Marovic. Marovic, even after admitting being the head of an organized crime group, and for this being sentenced to three years and ten months in prison, is still not serving his sentence today.

The aim of the research in this work is to prove the hypothesis that criminal groups succeed in corrupting high holders of public office, making them criminals. The data collection and research technique will be to analyze the content of texts of legal and political documents, as well as available literature in this field, relevant internet sources and journals.

Key words: Criminal groups, corruption, politics, criminal law, state power

1. CORRUPTION OF PUBLIC FUNCTION HOLDERS

The term corruption comes from the Latin word *corruptio* (lat. corruption, depravity, decay, bribery). Nowadays, this term is common to many languages and denotes a well-known sociological phenomenon - a harmful phenomenon that threatens the fundamental values of modern society. The more complex the society becomes, the more corruption is present in the institutions. On the other hand, the more people talk about corruption, write, organize debates, TV shows, publish papers on the topic of fighting corruption, organize conferences at national and international level, there is more and more corruption. This can be attributed, above all, to the fact that corruption is a sociopathological phenomenon that is "difficult to grasp", in the sense that the dark number is extremely large, i.e., neither the definition of corruption, nor the causes, nor the method of combating this phenomenon can be determined in a unique and permanent way.

There are many definitions of corruption: Corruption is the abuse of public authority for private gain. Corruption is any form of abuse of power for personal or group gain, whether in the public or private sector. In the broadest sense, corruption is any abuse of position by a civil servant or a person who is a holder of a certain public function, which aims at personal or material gain (Ćirić et al., 2010).

The causes of corruption can be found in all spheres of society, but it must be acknowledged that the main source of corruption is the way it functions and the nature of the political and economic dimension of the social system. The governing relations and mechanisms used in these two spheres of social life (property monopoly in the economy and democracy of the elitist type in politics) enable certain social groups to control social positions, to abuse their positions of power by abusing these positions and to become extra materially rich. It follows that there are two basic types of corruption: political and economic corruption. Political corruption is reflected in the connection of the political elite with the holders of economic power (financing of political parties, participation of political officials in private capital, management and distribution of profits). This type of corruption occurs mainly in underdeveloped or developing countries and is associated with the political election process. Appearances of political corruption include: irregularities in voting, nepotism, false political promises, paying journalists to report in favor of one political option, influencing voters by distributing money or food and drink, staying in power against the obvious will of the people, etc. Economic corruption is characterized by the concentration of economic power in the hands of a small number of people and strong ties between the centers of economic and political power. Emerging forms of economic corruption, including bribery, are: money laundering, embezzlement, tax evasion, etc. When for the classification criterion we take the level of decision-making authority at which corruption occurs, in theory there are two classifications: large, medium and small, and political and administrative corruption (Ćirić et al., 2010).

When we talk about political corruption as a phenomenon in general, it is difficult to ignore the words that Slobodan Jovanović said many years ago. "The party becomes a society for the exploitation of power and, like all groups, which are guided by egoistic motives, spreads corruption around itself" (Jovanović, 1936). In the same text, a little further, Jovanović says this: "Party rule has slipped into an oligarchy of politicians by trade, whose main goal is to extract as much benefit from the state for themselves and their supporters" (Jovanović, 1936).

In this regard, things can be set even at one institutional level, so it can even be said that the aspect of personal interests is almost crucial for the emergence of political parties, and that systemic corruption of political parties is essentially a normal and legal phenomenon (Milosevic, 2007).

In the story of political corruption, Italy and the Italian scandals characteristic of the 1990s cannot be ignored. We are referring here to the "Clean Hands" affair, which was supposed to symbolize moral "purification" and mark the end of the period in which politicians were indirectly, but sometimes directly, connected with the criminal underground. Whether and to what extent this "moral purification" called "clean hands" succeeded is another question, but it is certain that the affair marked the "political end" of some hitherto traditional political options embodied in the Christian Democratic Party (Ćirić et al., 2010).

It cannot be disputed that the issues of history, tradition, mental structure, appropriate religious matrices of morals and behavior have absolutely no significance when it comes to corruption, but still very many completely different examples of corruption in the most developed countries of the West and traditional Western democracy show that things they cannot and must not simplify in the sense that racist stereotypes about the Balkans, Byzantium, Catholicism, etc. will be used. This is especially true if and when we keep in mind some major financial and corruption scandals in Western Europe and the Western world in general. What is the case with the affair of the World Bank President Paul

Wolfowitz about the affair involving Kofi Annan's son in the Iraqi oil-for-food scandal? Or Margaret Thatcher's son, Mark Thatcher, who was convicted of funding of a failed coup in Equatorial Guinea. When we talk about Margaret Thatcher, there is also the statement of Emir Ganic, that in the action of releasing her friend Ejup Ganic, Emir's father, from detention in Great Britain, Margaret Thatcher and her legal team were directly engaged.

In that sense, a long list of very high-ranking politicians from the West could be cited, and not only from southern, Catholic Europe, who were the actors in various corruption scandals. Former NATO Secretary General Willy Klass and the Japanese Prime Minister Tanaka in the famous Lockheed affair, then the French Prime Minister Edith Cresson, Roland Dima, one of the EU commissioners, Helmut Kohl, Francois Mitterrand and Jacques Chirac. There are countless examples of different types and forms of corruption; they appear almost every day by the director of Interpol, the wife of the Italian Minister of Justice, etc. Truly, there may be fewer corruption scandals in northern Europe, in Scandinavia, than in some other parts of the world, which some explain by the tradition of freedom and democracy in that part of the world (Ćirić et al. 2010).

2. POLITICAL CORRUPTION

In parallel with the progressive European integration, awareness of corruption has risen in Montenegro and successive Montenegrin governments have committed to combating corruption. Important instruments in improving the legislative framework for the fight against corruption are represented by the ratification of the Criminal Law Convention against Corruption (2002) and the Civil Law Convention against Corruption (2008).

Furthermore, the Montenegrin legal framework against corruption includes provisions of the Constitution, the Criminal Code and the Criminal Procedure Code. It further contains special legislation such as: the Law on Prevention of Conflict of Interest, the Law on Prevention of Money Laundering and Terrorist Financing, the Law on Criminal Liability of Legal Entities, the Law on Witness Protection and the Law on Mutual Legal Assistance in Criminal Matters (UNDOC, 2013).

At the same time, Montenegro has strengthened its institutional and administrative capacity to prevent, report and prosecute corruption. In 2005, Montenegrin government approved the Strategy against Corruption and Organized Crime and, in 2006, established an Action Plan for this strategy. In 2007, a high-level national commission was established to monitor the achievement of the objectives defined in the Action Plan. Montenegro also established the Anti-Corruption Initiative Agency in 2001, which became the Anti-Corruption Initiative Directorate (DACI) in 2004, and its competencies were significantly expanded in late 2007. In addition, various specialized departments have been established within the judiciary and courts, including: the Department for Fight against Organized Crime and Corruption within the Criminal Police Sector of the Police Directorate, the Department for Suppression of Organized Crime, Corruption, Terrorism and War Criminals within the Supreme State Prosecutor's Office, specialized departments of the High Court for Organized Crime, Corruption, Terrorism and War Criminals and the Joint Research Team (UNDOC, 2013).

Montenegro acceded to the 2006 UN Convention against Corruption (UNCAC). The Convention does not define corruption per se, but lists a number of behaviors that States Parties must criminalize or consider criminalization (such as active or passive bribery of national civil servants, active or passive bribery of foreign civil servants, embezzlement, influence peddling, abuse of office and illegal enrichment). Moreover, the Convention

explicitly requires or encourages the criminalization of corruption in the private sector (such as active and passive bribery in the private sector, embezzlement in the private sector and money laundering), which is particularly aimed at combating corruption in the business sector (UNDOC, 2013).

3. CRIMINAL GROUPS

The history of organized criminal groups is quite complex and dates back to ancient times. The famous ancient philosophers Aristotle and Plato studied crime and criminal behavior. In the Middle Ages, the prevailing understanding of crime as action against God and the ten commandments, while later thinkers (Moore, Machiavelli) emphasize the social character of criminal action and express the first ideas about the "resocialization of criminals." During the bourgeois revolutions in the 18th and 19th centuries, the so-called classical criminal law school, which views criminal activity as a free choice of the individual and violation of the ethical order established by God (Manojlović, 2006). From the mentioned epochs, one can already see the connection between organized crime and the prevailing socio-political relations. A comparative observation of the specifics in which organized criminal groups emerged, from poverty and misery on the Italian island of Sicily in the 19th century to the collapse of the socio-political system in Russia and Albania in the last decade of the 20th century, leads to a connection between general social insecurity, on the one hand, and the emergence and activities of organized criminal groups, on the other hand (Janković and Janković, 2014)

The documents adopted at the level of the member states of the European Union which deal with this issue, list ten key features of organized criminal groups:

- participation of more than two people;
- the existence of certain roles;
- acting for a longer or indefinite period;
- use of some form of discipline or control;
- committing serious criminal offenses;
- use of violence and other means of intimidation;
- use of trade structures or structures similar to business ones;
- involvement in "money laundering";
- exerting influence on judicial bodies, administration, media, economy;
- the pursuit of profit or power (Heiden, 1998).

When we talk about organized criminal groups, we should keep in mind that it is a complex criminal law, criminology and security phenomenon, which is the subject of study and other scientific disciplines (criminology, social pathology, sociology, psychology, history, ethics). In practical terms, the complexity of organized criminal groups is reflected in the characteristics of their form of manifestation (Janković and Janković, 2014). Important features include: high degree of social danger, illegality, organization, prevalence, unpredictability, dynamism, high profitability, violence, etc. (Škulić, 2003)

Defining organized crime groups internationally can be helpful. The United Nations Convention against Transnational Organized Crime (the so-called Palermo Convention) in Article 2 defines the concepts of organized criminal group, organized group and serious crime, which essentially define the elements of the concept of organized crime. The term group for organized crime in the mentioned article implies: a group of three or more persons, which exists in a certain period, acts in agreement, with the aim of committing serious

crimes, in order to gain (directly or indirectly) material benefits. An organized group is a group that was not formed by chance for the direct commission of a criminal offense and which does not have to have formally defined roles of its members, continuity of membership or a developed structure. In the mentioned article, a criminal offense punishable by imprisonment of at least four years is considered a serious crime (Janković and Janković, 2014). There are other characteristics, which independently or in conjunction with some of the mentions of these reflect the mode of action of organized criminal groups. Of course, all the characteristics, collectively observed, with significant financial resources, efficient organization and strong internal cohesion, make criminal groups very operational, capable and functional in performing their activities, but also a key risk factor security (Bošković & Milutinović, 1990).

4. FROM PRESIDENT OF THE STATE UNION OF SERBIA AND MONTENEGRO TO HEAD OF AN ORGANIZED CRIMINAL GROUP

Svetozar Marović was born in 1955 in Kotor; he graduated at the Faculty of Law in Podgorica (then Titograd). When FR Yugoslavia was formed in 1992, Svetozar Marović was supposed to become the President of the state, but Dobrica Ćosić still came to that position. On that occasion, Marović stated: "I felt uncomfortable because of the conviction that I was proposed for a job for which I have no experience or knowledge. Fortunately, everything ended well for both the state and me." Eleven years later, the state union of Serbia and Montenegro was formed, and Marovic was appointed President (Google, 2021).

At the end of the eighties, he got involved in politics and came with his then colleagues Milo Đukanović and Momir Bulatović under the slogan "Young, beautiful and smart", overthrowing the then old leadership, with the support of Slobodan Milošević. After the division in the Democratic Party of Socialists in 1997, Svetozar Marović sided with Milo Đukanović and thus broke off the friendly and godfather relationship with Momir Bulatović.

The founder of the Democratic Party of Socialists (DPS), the main political ideologue, a skilled negotiator, the bearer of the informal epithet "champion of democracy", the author of the slogan "war for peace" during the attack on Dubrovnik, Svetozar Marovic was the President of the Parliament of Montenegro in the late 1990s. In the parliament, however, he managed to calm the passions during sharp dialogues, pointing out other people's mistakes, but also some of his own mistakes (Srdjan Janković, 2017).

Marovic remained at the top of the DPS as the second man in the hierarchy. Designing and leading the election campaign for the Democratic Party of Socialists, those present at the promotional rallies were surprised, but also delighted with Marović's verbal equilibristics (Srdjan Janković, 2017).

As someone who cheered and clothed the Montenegrin political scene, one of the most influential people in the Democratic Party of Socialists received his first blow by depriving his brother Dragan Marović, then the current vice president of the Municipality of Budva, of his freedom. The reason for the deprivation of liberty of Dragan Marović is the filing of a criminal report by MANS, which was filed in 2008, due to the suspicion that he damaged the budget and abused his official position.

As a reminder, in 2007, the Russian billionaire Sergei Polonsky with his company Zavala Invest and the company Mirax, the domestic company Moninvest, whose co-owner at the time was Svetozar Marovic, bought 45,000 square meters of land on Cape Zavala between Budva and Becici. After the affair broke out in public, Svetozar Marović sold his share and withdrew from the business which was announced as the best investment in Budva.

The criminal report filed by MANS states that Dragan Marović, by abusing his official position, enabled the illegal construction of a number of facilities, including those built by his construction company, as well as facilities built on the land of his brother Svetozar Marović. The same application that referred to the construction of the tourist complex Zavala also included Svetozar Marović (Đokić, Prelević, 2010).

Dragan Marović from Budva, Svetozar Marović's brother, was released from prison after serving the sentence (he was sentenced for illegal actions in the Zavala case in 2018). Dragan Marović was first convicted in the Zavala affair, and then the High Court in Podgorica adopted a plea agreement between the Special State Prosecutor's Office and Marović for the extended criminal offense of abuse of official position by aiding and abetting in an organized manner. In the investigations into the scandals in which his brother Svetozar played the main role, Dragan Marović concluded two agreements with the Special State Prosecutor's Office. The High Court subsequently issued a decision merging his two sentences under a plea agreement. He was then reduced to a single prison sentence. He was sentenced by the High Court in Podgorica to seven months in prison each for the criminal offense of abuse of office through aiding and abetting. Following the finality of these verdicts, the defendant and his defense counsel Zdravko Begović filed a motion to join the sentences and the Podgorica High Court sentenced him to a single sentence of 13 months in prison. He confirmed in the High Court in Podgorica in front of Judge Boris Savić that he agrees to the prison sentence provided by the plea agreement. He then admitted that he was guilty in the case of the trade center TQ Plaza and the construction of the lower boulevard in Budva. According to an estimate made during the investigation, the amount of damage for the Krapina case was 1,150,457,607 euros, and for the lower boulevard 3,706,160.57 euros. The representative of the Municipality of Budva did not ask the question of the property law claim, because, according to the indictment, Marović did not obtain the property benefit for himself. Marović spent nine months in prison, and was released after agreeing to sign a plea agreement (CDM, 2018). The construction of the planned complex of a luxury apartment complex was suspended, it remained unfinished for some time, and was subsequently taken over by a new company that continued the works on its completion (Radio Free Europe, 2014).

While the Special State Prosecutor of Montenegro, Milivoje Katnić, hinted earlier that the ring was being tightened around the identified head of the organized criminal group in Budva, Marović's son Miloš, brother Dragan, aunt Mirjana were already in custody, while the proceedings against his daughter, Milena Marović Bogdanović, and Miloš's mother-in-law Dragica Popović were being conducted.

Svetozar Marović's son, Milos, was in custody on suspicion of being involved in the sale of state land, namely 26,000 m² in Jaz, which damaged the city budget of the Municipality of Budva by 1.4 million euros (RTV BN, 2015). Considering that Miloš Marović pleaded guilty in relation with the illegal sale of municipal land in the Jaz industrial zone near Budva, Marović Jr. was sentenced to one year in prison and was obliged to return 380,000 euros to the budget of the Municipality of Budva. However, after being released from the remand prison, Miloš Marović fled to Serbia, where he still resides. The statute of limitations for his criminal offense came into effect on September 16th 2020, but that decision has not yet been confirmed by the High Court in Podgorica.

The arrest of Svetozar Marović took place at the end of 2015. Marović was deprived of liberty due to the existence of a well-founded suspicion that he committed the prolonged criminal offense of abuse of official position by incitement, in an organized manner. Svetozar Marović was suspected in three cases: 1) for the construction and distribution of

residential and commercial space TQ Plaza; 2) Construction of a plateau for musical spectacles on Jaz; 3) transactions with construction land in Prijevor above Jaz, which cost the state 12 million euros (Sekulović and Đokić, 2015).

Associate witnesses, the former mayor of Budva Rajko Kuljača and Mirko Latinović, owner of the company "Trejdjunik", testified that Marović was the main creator of all illegalities in Budva, i.e., that he was the leader of an organized criminal group that used municipal infrastructure to gain power and material resources and wealth. Marović was then severely accused by Marko Vujović and the former director of AMD Budva, Igor Trnski, who were then allegedly threatened by Svetozar Marović's son, Miloš Marović (Sekulović and Đokić, 2015).

In 2017, Svetozar Marović signed two plea agreements with the prosecution for organizing a criminal group, which obliged him to pay a prison sentence of 50 months, to pay the state 1.1 million euros in damages and 100 thousand euros for humanitarian purposes (Tomović, 2020). Svetozar Marovic has been in Serbia since his release from pre-trial detention, allegedly on treatment for depression. He has a year and ten months left to serve in the prison in Spuzh, but even today he skillfully avoids serving his sentence due to legal omissions. It is intriguing that, despite the issued international Interpol warrant in 2017, Serbia still does not deliver Svetozara Marović, nor his son Miloš Marović. Milos Marovic settled his obligation to the state by paying a fine of 380,000 euros, after which he immediately fled to Belgrade, despite the prison sentence, where he also received Serbian citizenship.

Considering that the Ministry of Justice of Montenegro sent a request to the Ministry of Justice of Serbia for the extradition of Svetozar Marović, former President of the union of Serbia and Montenegro, for the purpose of serving the prison sentence he was sentenced to in Montenegro, the Montenegrin Ministry forwarded to the Serbian authorities a request from the Basic Court in Kotor requesting that the one-year prison sentence imposed on Miloš Marović is carried out in Serbia (Insider, 2019).

Indicative is the decision of the competent authorities of the Republic of Serbia to grant Miloš Marović, a person convicted of organized crime, citizenship and thus enable him to avoid serving a prison sentence in the country where he committed a serious crime and where he was convicted. (Insider, 2019)

In front of the public, Svetozar Marović was walking freely in Belgrade next to the issued red Interpol warrant. This case shows that the laws are not the same for everyone. Whether Serbia provides protection to Svetozar Marovic due to some merits in the past, only time will show. The hope remains, however, that justice will prevail and that all those who violate the law will be prosecuted and punished, for the acts they have committed.

5. CONCLUSION

The connection between organized crime and holders of public office, through the example of the former president of the union of Serbia and Montenegro Svetozar Marovic, is an example that should warn all future generations that organized crime does not pay off. However, we want to believe that the legal nonsense about the extradition of the former president of the union of Serbia and Montenegro, and today the already convicted head of the organized criminal group Svetozar Marovic, will finally get its long-awaited epilogue. As countries aspiring towards the European Union, both Serbia and Montenegro must strengthen their legal system, and not allow such obvious legal omissions, losing the trust of their citizens in the legal system of the state. Once the most powerful and influential political figure in Montenegro, Svetozar Marovic, today a runaway head of a criminal group, serves as an example that anyone, even those at the very top, can sometimes end up at the very bottom.

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ANALYSIS OF CRIMINAL ACTS OF A GROUP OF SEXUAL LIBERTIES WHICH ARE CONSIDERED CYBERCRIME

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Abstract

The authors analyze the state of the cyber crime (VTK) area, which is tangent with a group of crimes against sexual liberties. The need for analysis comes from the specific position of the criminal codex group of crimes against sexual liberties. As a rule, they carry a significant social danger, and thus significant attention to the societal - social environment, as well as pressure to solve crimes and punish perpetrators. The authors give a view of the status of this area of criminality in the Republic of Serbia, compare it to the current state of criminality over a period of 10 years and 5 years respectively, and show that although these acts are not so prevalent in numbers, they carry many additional specifics. The number of both considered criminal acts (more crimes within the wider areas) from the group of crimes against gender freedom and those of this group VTK is very small compared to the other. For the aforementioned reasons, these acts, both in the group of acts against gender freedom and when they occur in the VTK, carry significant public attention, pressure on the law enforcement agencies, additional problems related to victimological aspects as well as possible additional problems of the penological nature. The specifics that such acts carry are reflected in the special position of the criminal acts before the law enforcement agencies and the courts, which require increased attention from the prosecution authorities. From the analyzed data, the authors draw conclusions regarding trends in this area while combining with VTK areas.

Key words: cybercrime, paedophiles, sexual criminal acts, law enforcement

1. INTRODUCTION

In the consideration and analysis of criminal offenses, Cybercrime (VTK) occupies a significant part and framework of offenses whose group protective object is sexual freedom. The criminal offenses from Art. 185, 185a as well as Article 185b of the Criminal Code of the Republic of Serbia. In this paper, we were guided by the research in this area of interest, by selecting literature obtained by the method of targeted analysis of hits on the search in the Ebsco database¹¹⁸ where we selected original scientific papers, as well as by searching at Google Scholar¹¹⁹ through which we came to papers categorized as original scientific and those as review papers. By analyzing the processed literature and research subjects, we came to the following.

¹¹⁸ <https://www.ebsco.com/>

¹¹⁹ <https://scholar.google.com/>

The area of VTK is observed in this paper from several different aspects. The first represents a broader framework and strategic angle of consideration, through the analysis of articles dealing with the situation in the field of criminal investigation and sanctions imposed in this or the relevant area of countries that have attracted the attention of authors - France and the United States. In this aspect, the research that dealt with these phenomena in France (Frederic Chavad in the University Bulletin of Rennes University, *The Right to Punish Pedophiles* pp. 143-156) and in the USA (Lloyd Klein 1980-2003 and David Finkelhor 1993-2004) is analyzed. Each of the described researches has its own specifics. French implies a thorough analysis, starting from the 19th century until today, of the sanctions imposed on persons who committed criminal acts that include pedophilia - the so-called non-violent forms of sexual assault, in the case law of French courts. This research includes case law, the views of court presidents, the work of lay judges and summoned judges, their dissenting opinions, as well as the reasoning of court panels in rendering judgments.

Based on the obtained data, we can see the movement of social discourse in this area as well as social interactions with the phenomenon, over a significant period of time. This position, along with the choice of French legislation and case law, seems to us to be an excellent basis for consideration. Namely, the specifics of long - term monitoring of a continental legislation, and the judiciary to which our system also belongs, are of exceptional importance from the aspect of historical - legal analysis. A very small number of legal systems enable such a comprehensive analysis and synthesis from it. Also, it is possible to draw comparative legal conclusions about the shortcomings of our system.

On the other hand, the analysis of the situation in the United States includes a national database on rape and non-violent sexual acts, as well as "other" sexual offenses, which includes the part of our interest. The analysis of the crime rate is especially interesting, as well as the rate of detection and resolution of these crimes, and especially the sanctions imposed for the mentioned crimes.

We looked at the characteristics and specifics of the way of analyzing and monitoring the phenomenon at several levels in the United States. Comparing the results of individual states with the federal level, we come to several different conclusions.

Each researched field in the analyzed researches has contributed to our work dealing with the results of the Republic of Serbia in this area. We paid attention to the specifics of our legal system, the mentioned specific criminal phenomena within Chapter XVIII of the Serbian Criminal Code, with a special emphasis on criminal acts that belong to the VTK.

2. TERMS

It is important to point out that pedophilia is a form of paraphilia according to DSM 4 (Diagnostics and Statistical Manual of Mental Disorders 4th edition, Text Revision DSM-IV-TR, 2021), a manual of the American Psychiatric Association from 2000. as a psychosexual disorder. It has the same treatment in the ICD (International Classification of Diseases 11th Revision, 2021). Paraphilias are usually defined as periodic, repetitive, intense sexually arousing fantasies, urges, or behaviors that usually include: objects that do not represent people; suffering or humiliation on yourself or your partner; or children or other persons who cannot give consent to such activities (this form is very specific considering that it also includes persons who have mental problems, oligophrenic persons who cannot take care of themselves, etc.) which occur in the last six months. Some go even further by introducing restrictions on children, in the sense that they are children, as an object of pedophilia, who have not yet reached puberty. Even Freud tried to provide an explanation

of perverted sexuality through "nothing but infantile sexuality magnified and divided into component elements."

According to Wikipedia, paraphilia or pathological sexual tendency is the name for everything that is considered unnatural sexual behavior in psychology and sexology. Paraphilia presents (Greek word for the pair παρά = except '-filia' φιλία = love) and is often described as sexual desire in response to a sexual object or situation that may interfere with the capacity for reciprocal sexual activity. Paraphilia can also imply non-majority sexual practice, without necessarily implying dysfunction or moral deviance. The following division of paraphilias is common in psychology: pedophilia - physical, sexual, emotional and spiritual attraction mainly towards children, Sadism, Masochism, Sexual fetishism, Exhibitionism, Voyeurism, Froterism, Transvestite fetishism.

In terms of usability for operational purposes, the presence of paraphilia gives the possibility of the repetition of activities, actions and habits, as well as behaviors driven by compulsive or obsessive actions.

It is necessary to consider another important aspect when defining the term pedophile; namely, a pedophile is a person who prefers sexual relations with children and minors (differences in Serbian law are present under 14 and over). A person who is normal in his sexual aspirations and prefers sexual relations with adult partners can, for various reasons, decide to have sexual intercourse with a child (first a minor, but also children). These reasons can be simple availability, appearance, desire to hurt the person who is related to that child. Sexual fantasies of a person who does not focus on children or does not include primarily children, but they are, by force of circumstances, involved in them, do not make that person a pedophile. Also, the treatment of such persons goes from disgust to being defined as sick, and if this attitude has a prevalence, try to think about medical treatment for them. We will discuss this point a bit later.

3. RESEARCH IN THIS AREA

3.1. France

As already mentioned during the systematic analysis of the literature, we managed to come across a document entitled *The Right to Punish*, and under a special chapter *The Right to Punish Pedophiles*, edited by Frederic Chauvaud, at the University Bulletin of Rennes University Press, p. 143-156 (Chauvaud, Frédéric (dir.) *The right to punish: From the Enlightenment to the present day*. New edition [online]. Rennes: Rennes University Press, 2012). With this document, we managed to gain insight into a very long legal and other tradition of French courts, prosecutors and the society in general, which dealt with the issue of sexual offenses and punishment - during different periods of time. What makes this document interesting for our topic is, first of all, the common subject of research, but also special conclusions that, very ingeniously, reflect social attitudes towards pedophilia, sexual attacks on minors and children, as well as measures of the legal system to correct such attitudes. Namely, since 1810. and the Criminal Code of the French Republic (Penal Code) begins with the punishment of pedophiles, where among the first sanctions are forced labor for a period of 5 to 20 years and life imprisonment (in that period in the representation of 78-87% until the mid-1830s). Since 1832. when the so-called non-violent, indecent, attack, sanctions are being applied, which are more complete against the perpetrator (individualization) but according to the severity - milder, although they are accompanied by subsidiary penalties, such as: wearing a restraining shirt, public display on the squares and flogging (interesting that about 1/3 of acquittals occur in that period). These subsidiary

sentences were lost in the period 1832-1848. The later period is characterized by less than 30% of sentences imposed in the form of forced labor, and in the period from 1880-1890 this sanction falls to below 10% of the total number (then the number of acquittals increases). The prison sentence in this period is 1/4, i.e., 1/3 of the total number of imposed sanctions, and in the last two decades of the 19th century - less than 20%. By law in 1863 introduces the presumption of inability to provide meaningful resistance by victims - minors under the age of 13. Since 1870 the climate regarding punishment is changing. Taking into account various mitigating circumstances of the act, when deciding in the verdict from 1880 leads to the inclusion in 77% of verdicts, in non-violent attacks, which consequently leads to an increase in corrective sanctions. Since 1980, there has been a tendency for sexual assaults aimed at minors, without the use of violence, to be punished with milder punishments.

Also, there is a tendency to exclude the public, more discreet behavior - the need of society to "push such cases under the rug" is expressed. Penalties begin to be imposed from 3-5. years of imprisonment and, with an alternative or cumulative fine in the amount of 6000 - 60,000 Francs. Since 1994. non-violent sexual acts have been criminalized, punishable by corrective sanctions. Each violent sexual offense is punishable by at least 5 years in prison and a fine of 75,000 EUR, and the more serious form is the performance of the basic form by a relative or a person who uses a relationship of dependence or subordination (incriminated in 2010) with passive subject. This form is punishable by a minimum of 10 years in prison and a fine of EUR 150,000. Act of raping a minor over the age of 15 has been punishable since 1980. sentenced to 20 years in prison, while life imprisonment is imposed for raping a 15-year-old. It should be noted that the overall increase in sentences imposed by 1980 is noticeably stable, and then after the year of 1980 the law prescribes more severe punishments. Corrective sanctions in the 20th century make up 60-75% of the sanctions imposed. In the last thirty years, they have been declining. Since 2000, social and judicial supervision over perpetrators of sexual offenses has been introduced, as well as increased supervision of state bodies against them, significantly strengthening the repressive attitude of society towards such perpetrators. In the 21st century, more than 81% of imposed prison sentences are sentences of over five years.

3.2. *The USA*

Regarding the analysis of sexual offenses in the United States, it is necessary to note that the crime rates and the rates of clarification of the crime until 1980 have a steadily grow and have the highest values in that year, after which they decline. This is evidenced by the results in California, but also at the federal level. The research, which covered the period from 1990-2004. has shown a statistical plateau of arrest levels, followed by a decline in this trend. This development has been confirmed in several studies in the United States. David Finkelhor points to the fact that different ways of abusing children and minors decreased by 40-70% in the period 1990-2004. These include sexual, physical abuse and sexual assaults, homicides, aggravated robbery and aggravated theft. According to his research, these forms of attacks have a growing trend until 1990. when there is a decline until 2005. The FBI's unified criminal report (UCR) at the national level indicates a similar trend. Statistics from other federal states show a less significant difference, such as: Tennessee, Georgia, New York. This is confirmed by the researcher Lloyd Klein (Finkelhor, D. & Jones, LM (2004). Explanations for the Decline in Child Sexual Abuse Cases. Washington, DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention). They show the growth of these acts in the period 1980-2003. On the other hand, Michigan, Minnesota and Tennessee have only an increase in violent forms of rape, while

other parts of this area are not in such a trend. Here, many scientists point to the importance of regionally - temporally specific factors in the analysis and understanding of such trends and results. This is also important when taking into account the factors of variation and, in particular, with the growing interest of the media, especially social media and political factors. Here, through the analysis of the entire period of observation, it is indicated by both of them that sexual offenses that do not represent acts of rape (or acts equated with it) record a significant increase. Moreover, they have the highest growth in the analyzed period for the United States. The percentage of persons deprived of liberty and detained persons in 1980-2007, regarding nonviolent sexual assaults and other sexual offenses also records a significant growth in the United States.

For this paper, it is interesting to consider some trends in this area. One of them is the chemical castration of pedophiles. In the analysis of sanctioning acts related to pedophilia, it is extremely important to consider the provisions of four laws in the American states (William Winslade et al. *Castrating Pedophiles Convicted of Sex Offenses against Children: New Treatment or Old Punishment*, 1998). The regulations in question are: The 1996 California Assembly Act. (California Assembly Bill 3339, signed into law in 1996); The law passed by the Montana Senate (158 Montana Senate Bill 31 and House Bill 268, - a compromise of earlier bills that were vetoed by Montana Governor Racicot, but whose vetoes were overridden;); Florida State Act 1997 (159 Florida House Bill 83, which became effective for crimes committed on or after October 1, 1997;); and the 1997 Texas Senate Act. (Texas Senate Bill 123, entitled "An Act Relating to the Treatment of Repeat Sex Offenders," signed into law in May 1997.) All four laws prescribe surgical chemical castration for pedophile perpetrators who are reoccurring perpetrators, but they regulate them differently. In California, it is a chemical treatment (medroxyprogesterone acetate (MPA) treatment) and is applied to the perpetrator one week before dismissal and lasts for the duration of the probationary period (it can be used for life). Institutions that will apply therapy are obliged to explain to the convict the effects and goals of treatment. This is generally not considered a sanction, as it essentially requires the consent of the person under whom the treatment is applied. In Montana, such treatment of the MPA is considered a specific measure, which can be imposed, in addition to the sanction imposed for the act - in which the passive subject is younger than 16 years and in which the perpetrator is at least three years older than the passive subject. In Montana, the MPA is considered a sanction, but also, the purpose and meaning of the measure must be clearly explained to the sanctioned person. There is also a difference in the obligation to apply - in California, the courts are obliged to determine the application of the measure, while in Montana there is no such obligation - the court decides in each special case and at its discretion. It is also allowed for a person to choose to undergo this treatment. In Florida, similar to Californian law, this form of sanction is related to the existence of a refund, and if a person refuses or does not undergo this therapy, it is also treated as a new crime. The time scope of application is the same as in California, but the courts are obliged to prescribe the length of the time of verification, as well as to state that, if they choose lifelong application, in the verdict. In Florida, it is possible to replace this sanction with physical castration, even with the consent of the person. In Texas, it is possible to perform surgical castration called "orchietomy" on persons who have recovered at least once (for acts in which the target of sexual assault were persons under 17 years of age). Regulations in Texas ensure that such castration is voluntary, non-compulsory and clearly therapeutically oriented. In the federal state of Texas, such castration is not considered a sanction in any case.

3.3. Serbia

Most of the articles in this area include the analysis of criminal acts as newly established in the legislation in the Republic of Serbia (Delibašić, Veljko: Presentation, acquisition and possession of pornographic material and exploitation of a minor for pornography, 2017: 559-570,), (Dejan Novaković, Martin Matijašević, sexual freedom and prevention of discrimination against victims, 2018: 421-429) ignoring that they have been there for 15 years. There is no significant analysis of case law, and in most cases these are review papers, with the exception of the papers of the authors of this article.

4. The results

Our research included, in the first part, strictly publicly available statistical data on the field of justice, published by the Republic Statistical Office of the Republic of Serbia¹²⁰. They can be obtained through various newsletters for each year through the Institute's website. Table 1 shows the accused and convicted persons for the period 2015-2019, while the graph - illustration no.1. I can also see trends in both of these phenomena for the same period. If we compare, it can be concluded that the trend of the accused is lower than the number of convicts. This by no means means that this is a big increase in absolute numbers, but it is important to notice it.

Table 1 table preview of accused and sentenced in period of 2015 - 2019.

Accused perpetrators 2015-2019										
Criminal acts	2015		2016		2017		2018		2019	
	number	%	number	%	number	%	number	%	number	%
Against sexual freedom	248	0,6	266	0,7	227	0,6	217	0,6	286	0,9
Sentenced perpetrators 2015-2019										
Against sexual freedom	174	0,5	204	0,6	189	0,6	188	0,6	251	0,9

¹²⁰ www.statistika.gov.rs

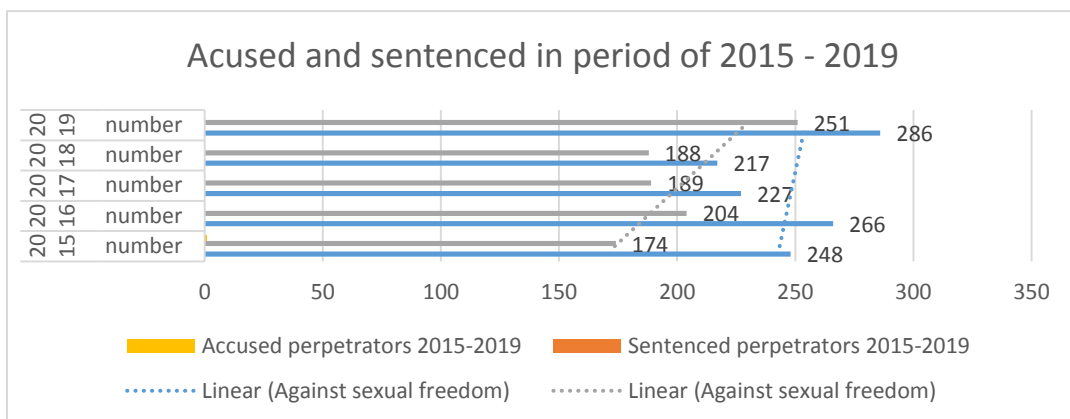


Figure 1 Accused and sentenced 2015-2019

The analysis of these two phenomena indicates the fact that the reported persons in numerous values show a relatively stable growth trend, while for the observed five years, convicted persons appear with a significant increase in the trend. Here, one can speculate about the strengthening of the penal policy towards perpetrators of crimes against sexual freedom, which can be taken as a fact, but still does not describe the situation in the area of VTK (from Article 185 (a and b) of the Serbian Criminal Code). Other statistics shown in Table 2 indicate a period that is significantly longer than 2010-2019, and provide an insight into the trend of all criminal offenses in the Republic of Serbia as well as offenses against sexual freedoms in Table 2 and Illustration 2.

Table 2 Reported adult persons according to criminal act 2010–2019.

Reported adult persons according to criminal act 2010–2019.										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
REPUBLIC OF SERBIA	74279	88207	92879	91411	92600	108759	96237	90348	92874	92797
Against sexual freedom	387	414	372	320	252	352	367	338	435	498

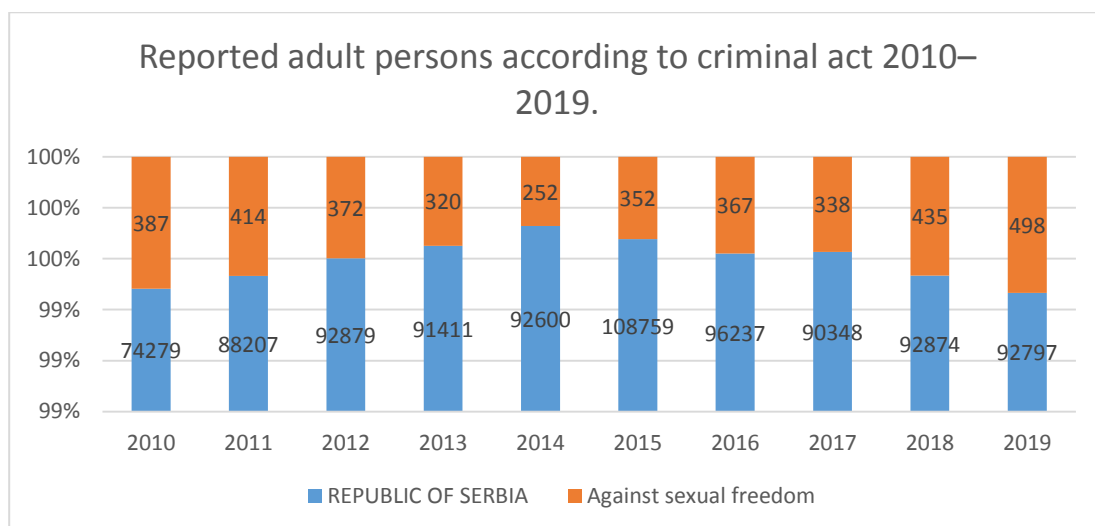


Figure 2 Comparative preview of criminal acts with trendline for RS

An insight into a more complete picture is provided by a statistical overview of reports, accusations and convictions with relationship indices for the period 2015-2019. in Table 3.

Table 3 Adult perpetrators of criminal acts, 2015–2019

Adult perpetrators of criminal acts, 2015–2019.										
	In total					Indexes				
	2015	2016	2017	2018	2019	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2019</u>
						2015	2016	2017	2018	2015
Criminal reports										
RS	108759	96237	90348	92874	92797	88	94	103	100	85
Known perpetrator	64226	67089	61767	63903	64695	104	92	103	101	101
Unknown perpetrator	44533	29148	28581	28971	28102	65	98	101	97	63
Accusings										
RS	42030	39610	37752	35146	32360	94	95	93	92	77
Convictions										
RS	33189	32525	31759	29750	28112	98	98	94	94	85

We get the concretization by comparing it with the presentation of the relationship between total criminal offenses and reported offenses against sexual freedoms. It can be underlined that the total share of these acts is significantly small (not only in the Republic of Serbia but also in other countries), but that does not give space to consider them negligible crimes, in the total number. First of all, because of the seriousness of the crimes, the social danger they carry as well as the public's attitude towards these acts.

Table 4 Odds of reported crimes in total with against sexual freedom

Criminal reports against adult persons of criminal acts against sexual freedoms for period 2015–2019.										
Republic of Serbia										
Criminal acts	2015		2016		2017		2018		2019	
	Number	%	Number	%	Number	%	Number	%	Number	%
In total	108759	100	96237	100	90348	100	92874	100	92797	100
Against sexual freedom	248	0,6	266	0,7	227	0,6	217	0,6	286	0,9

Additional and even more complete insight is gained by analyzing the statistical indicators of registered adults for the crime under Article 185 of the Criminal Code of the Republic of Serbia for the period 2015-2019 in Table 5 by region in Serbia, as well as by illustration No. 3. This talks about the stable trend related to the regions in Serbia, as well as the very strong trend of growth and persistence of these works in the observed period, especially for the region of Belgrade.

Table 5 Reported adults regionally diversified by criminal act, from art.185. CC RS period 2015-2019

Reported adults regionally diversified by criminal act, 2019.						
Criminal act	Republic of Serbia					
	In total	Serbia - North		Serbia - South		
		Belgrade region	Region Vojvodina	Region Shumadia and Western Serbia	Region of Southern and Eastern Serbia	Region Kosovo and Metochia
Showing, acquiring, possessing of pornographic material and exploiting of minors for pornography	29	25	-	2	2	
Reported adults regionally diversified by criminal act, 2018.						
Showing, acquiring, possessing of pornographic material and exploiting of minors for pornography	31	17	4	3	7	
Reported adults regionally diversified by criminal act, 2017.						
Showing, acquiring, possessing of pornographic material and exploiting of minors for pornography	15	7	5	1	2	
Reported adults regionally diversified by criminal act, 2016.						
Showing, acquiring, possessing of pornographic material and exploiting of minors for pornography	18	13	2	3	-	
Reported adults regionally diversified by criminal act, 2015.						
Showing, acquiring, possessing of pornographic material and exploiting of minors for pornography	29	19	5	1	4	

Reported criminal acts 185 (a, b) period 2019-2015.

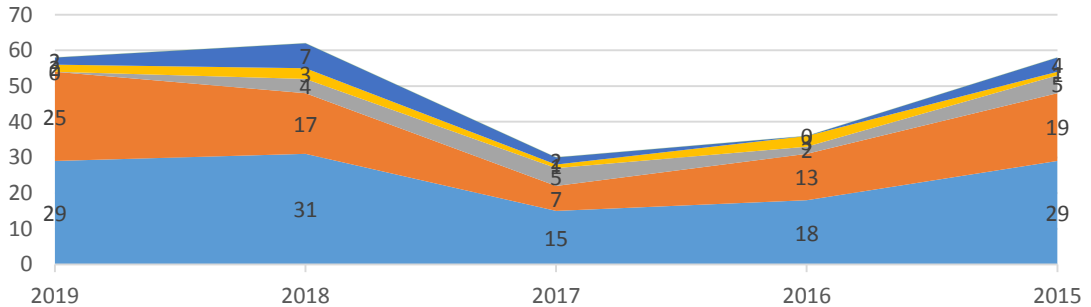
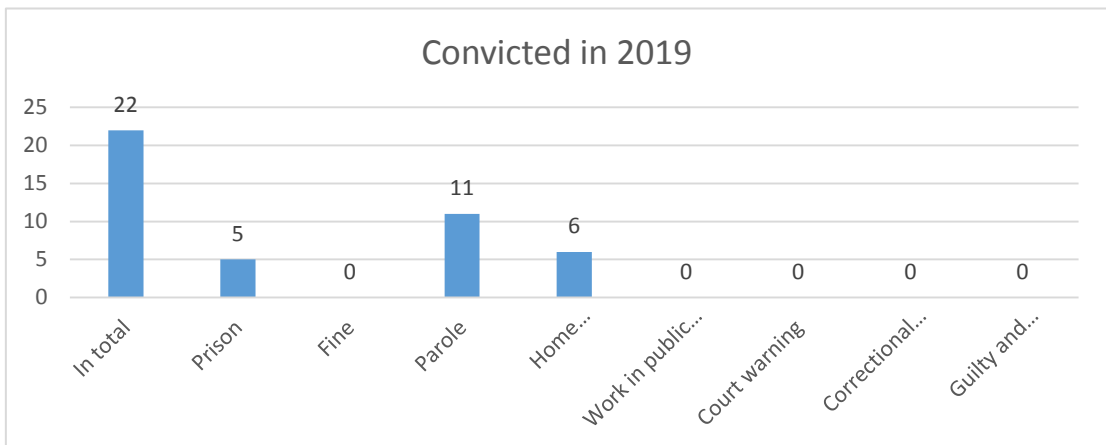


Figure 3 Reported adult perpetrators of criminal act from 185 (a, b) CC RS for the period 2019-2015.

Graphically, it looks like in illustration no.3. In terms of conclusions on penal policy, illustrations 4-8 are important. Conditional sentences and, in the last 4 years, house arrest have a significant trend here.

Figure 4 Convicted in 2019 for Criminal acts against sexual freedom



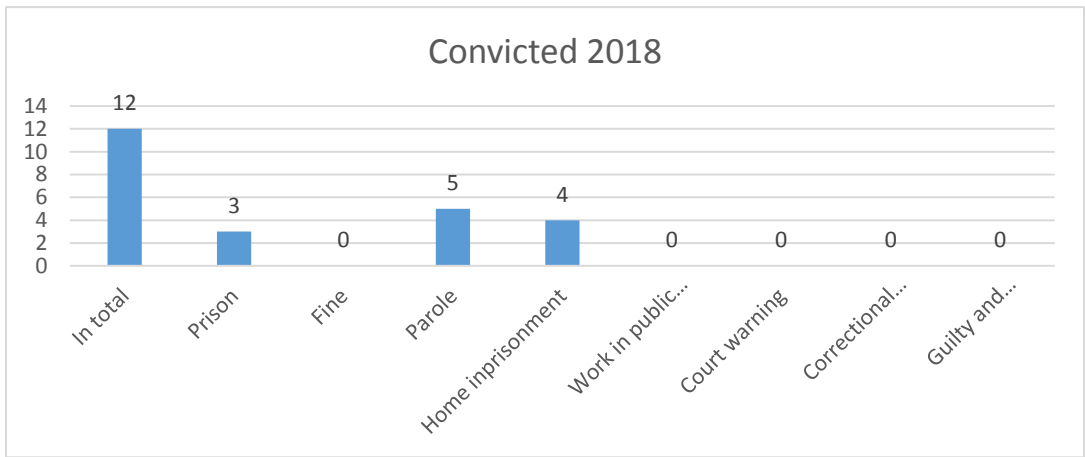


Figure 5 Convicted in 2018 for criminal acts against sexual freedom



Figure 6 Convicted in 2017

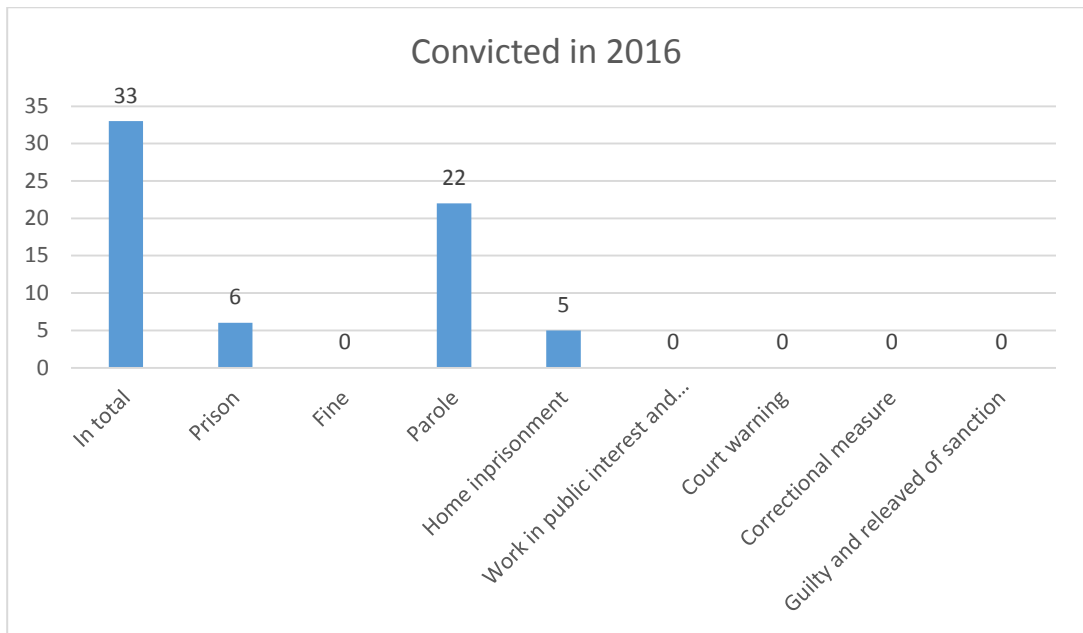


Figure 7 Convicted in 2016

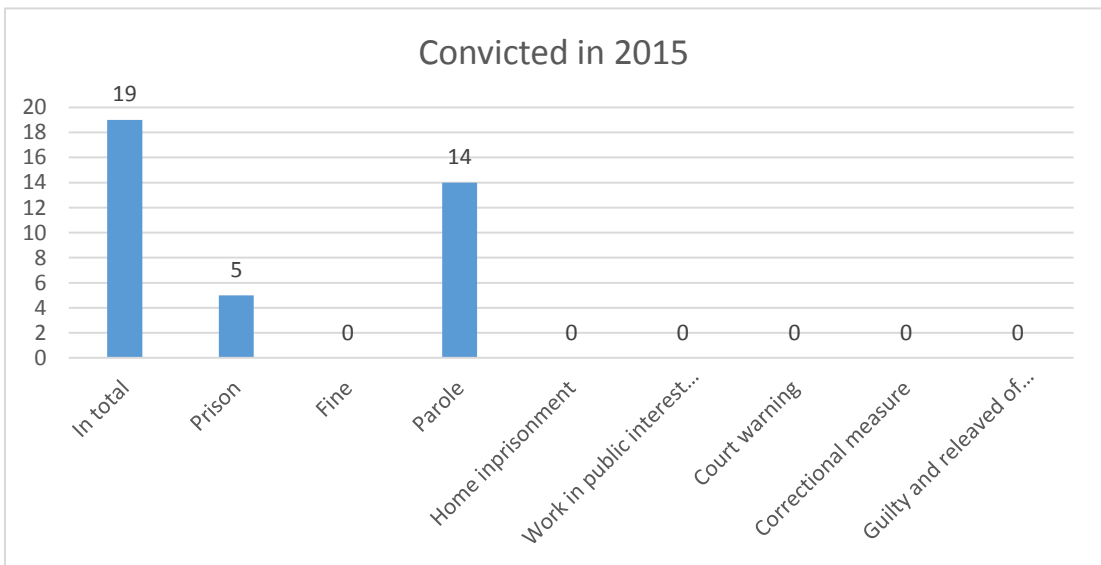


Figure 8 Convicted in 2015

A special survey was conducted on a sample of 53 judgments for the period 2013-2018, which are covered by most of the acts from Art. 185 (a, b) Criminal Code of the Republic of Serbia. The verdicts were analyzed in the Special Prosecutor's Office for VTK in Belgrade. The analysis was performed by reading the verdicts and grouping the data of the verdicts related to the pronounced verdicts and the analysis of the appellate proceedings, as well as the sanctions imposed by the verdicts. During the performance of these analyses, the research also included the forms of reasoning of the verdicts and the analysis of mitigating and aggravating circumstances stated in the verdicts was performed. The results are as follows.

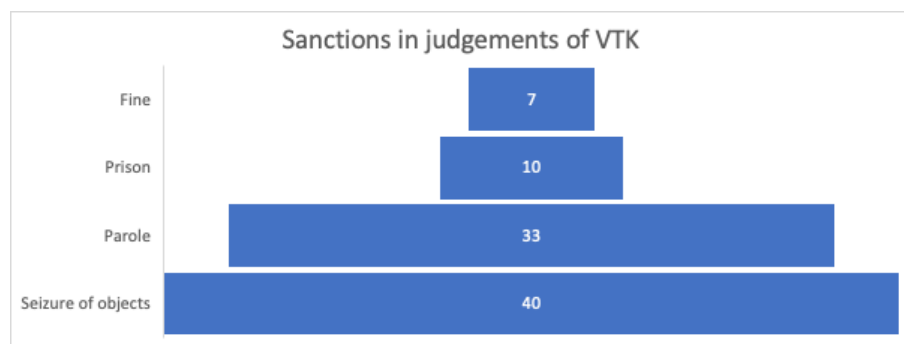


Figure 9 Sanctions in judgements for VTK in period of 2013-2018

Sanctions imposed by VTK judgments (illustrations 9 and 10, as well as Table 6) are primarily suspended prison sentences with a probation period or 36.26% of the total number of imposed sanctions (of which some were imposed cumulatively). In addition to the majority of imposed sanctions, a cumulative security measure of confiscation of items was imposed on 40 of them, which is 43.96% of the total imposed sanctions. Of the total number of sanctions, 10.99% (or 10 imposed) are prison sentences. These mostly included the time spent in detention or this sanction was executed in house arrest. Only one sanction - the longest one, and pronounced as the only one, was executed as a prison sentence due to the merger with other acts. This fact, in itself, represents one indisputable fact and deserves a more complete review that will follow later in the text. The smallest number of imposed sanctions are fines, 7 or 7.69%. In only one case, a plea agreement was reached in the analyzed period. Although the existing Law in Serbia is the Law on Special Measures for the Prevention of Criminal Offenses against Sexual Freedom against Minors ("Official Gazette of RS", No. 32/2013) - the so-called Mary's law, they are not aimed at forms of treatment of a medical nature as in the case described in the United States¹²¹. The relationship

¹²¹ Special measures are prescribed by Article 7 and they are: According to the perpetrator of the criminal offense referred to in Article 3 of this Law, after serving a prison sentence, the following special measures shall be implemented:

- 1) obligatory reporting to the competent body of the police and the Directorate for Execution of Criminal Sanctions;
- 2) ban on visiting places where minors gather (kindergartens, schools, etc.);
- 3) mandatory visits to professional counseling centers and institutions;
- 4) obligatory notification of change of residence, domicile or workplace;

of the society, despite great attention, is inert, an example of which is that the application of the first special measure followed only three years after the adoption of Mary's law.

Табела 1 Преглед санкција изречених у делима ВТК

Agreement on pleading guilty	Fines	Prison sentence	Parolee	Objects seizure
1	7	10	33	40
	10000 - 900000	6M - 2Г и 7M	3M - 1Г	ХД

Sanctions imposed in these proceedings are imposed on average as follows: Fines in the amount of 10000 - 900000 dinars, Prison sentences ranging from 6 months to 2 years and 7 months, Probation from 3 months to 1 year, with times checks from 1-3 years. The most commonly seized item was the hard drive.

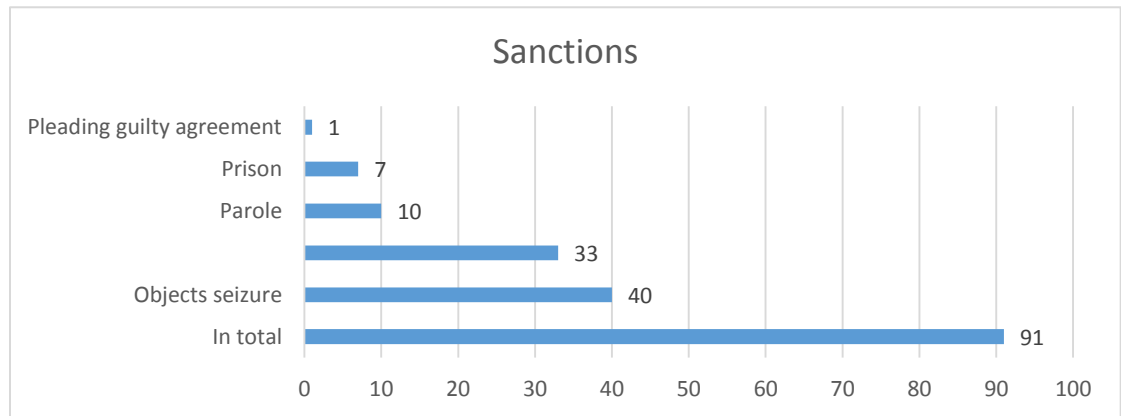


Figure 10 Sanctions imposed.

The most common reasons for taking into account mitigating circumstances are: recognition in 32.08% of verdicts, correct conduct in 18.87% of cases, and remorse in 24.53% (sincere remorse is stated in certain verdicts), and personal and family circumstances occur in 32.08% verdicts. In the form of aggravating circumstances, there is a primarily direct intent and others - only in some cases.

5) mandatory notification of travel abroad. The measures referred to in paragraph 1 of this Article shall be implemented no later than 20 years after the execution of the imprisonment sentence.

Table 6 Preview of most frequent circumstances when sanctioning VTK.

Circumstances pro actus	Aggravated circumstances
confession, previous non-conviction, guilt, remorse, correct attitude in court, personal circumstances: committing the act as a young adult, ignorance of the language, does not know the term PTHC accidentally marked 500-600 random shots, determined decreased libido, lives with his father, married, father of a child with developmental disabilities	direct intent, mental and heart problems that could affect the sanity, presence and children on the material (3, 5, 7, etc.), Wife sick and without sex life, social danger, persistent, for two years engaged in pornography of the victim minor, used someone else's name for sale, previous conviction

5. CONCLUSION

The presented analyses indicate, in the first place, that this area is monitored in our country to a significantly lesser extent than the presented examples, and this, of course, is contributed to the fact that the criminal offense, which belongs to VTK, was introduced by the Criminal Code of Serbia only in 2006. The period represents a very short time frame for the analysis of the court practice, but even with very frequent changes in legislation, it seems that this area is analyzed in detail and is not the focus of scientific discourse. Namely, this paper presents an analysis of a similar area that includes two centuries of case law, legislative dynamics as well as sanctions imposed in such proceedings. We think that the main reason for that is the change of social order, and the inertia of scientific, doctrinal, thought. What has been done with this paper and the analysis of existing materials, for a relatively short period, is a step towards the arrival of other, more advanced, legal systems. To summarize - in our country, for criminal offenses of exploitation of minors for pornographic purposes, unjustifiably, very rarely, prison sentences are imposed, significantly, when imposing a sanction, mitigating circumstances are used, such as personal and family circumstances and confession. Also, items in this area are most often confiscated. We still do not consider chemical or surgical castration of pedophiles, and special measures prescribed by a special - Mary's law have no permanent or therapeutic dimension. If the phenomenon observed in this way is not treated therapeutically, we may be talking about an omission, which can be, in the long run, very problematic, from the aspect of social significance. Nevertheless, the above indicates the spontaneous attitude of society towards the phenomenon in question, and that it is necessary to further analyze the conditions, circumstances, phenomena and results of the society in this area. The goal of such an analysis must be to improve the situation and not to regress.

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LEGALIZATION OF CANNABIS PRODUCTION FOR MEDICAL PURPOSES IN MACEDONIA - IMPLICATION FOR LEGAL AMENDMENTS (POSITIVE VS NEGATIVE EFFECTS)

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Abstract

In March 2016, the Assembly of the Republic of North Macedonia amended the Law on Control of Narcotic Drugs and Psychotropic Substances, giving the possibility for North Macedonia to join a growing number of countries that allow for the cultivation and exportation of medical cannabis. As a result, for the past five years it has been legal to grow cannabis for medical purposes, and to refine, extract and produce hemp seed and cannabis oil. Given the current economic unprofitability of cannabis production, primarily due to high production costs and uncertain marketing, many companies are idle, i.e., waiting for legal changes that will make it possible for them to export dried cannabis flowers. The purpose of this paper is to answer the following hypotheses:

(1) Does the inability to achieve the required quality of cannabis imply a new draft Law on Control of Narcotic Drugs and Psychotropic Substances?

(2) Which are the positive versus the negative implications regarding the legal changes?

(3) Determining the security implications, given that Macedonia is a transit point on the marijuana smuggling route from Albania and Kosovo to Turkey, where it is replaced by heroin, which is later sold to the Balkans and Western Europe.

(4) Can the Government establish an effective system of control? For the purposes of this paper, a desk analysis of primary and secondary literature will be conducted as well as interviews with the relevant stakeholders.

Key words: *cannabis, heroin, Law, smuggling, routes, seizure*

1. INTRODUCTION

Through the adoption of conventions, strategies, international forums and conferences, the international community is in a continuous struggle for control of narcotic drugs and psychotropic substances on a normative-legal basis. The legal mechanisms that enable the control of narcotic drugs and psychotropic substances require harmonization of the national legislation, which will facilitate mutual cooperation at national and international level, enabling rapid exchange of information and joint action in the field of control, detection and suppression of this kind of crime.

The Republic of North Macedonia (hereinafter North Macedonia) is an active participant in this field. Applying positive experiences and good practices from developed countries is the primary focus of the country. Thus, the state strives to be in step with the

modern trends and achievements, which will provide a significant contribution to the effective use of available instruments and mechanisms to strengthen the control of narcotic drugs and psychotropic substances. Analyzing the available legislation which regulates the criminal matter for an effective fight against the illegal production and distribution of narcotic drugs and other psychotropic substances as well as for confiscation of illegal proceeds generated by this type of crime, it is largely in line with the European law. However, the analysis of statistical data on confiscation of illegal property generated by illicit drug trafficking indicates the need for a greater efficiency of criminal and financial investigations that should detect and locate such property.

The report on the risk assessment of organized and serious crime indicates that cannabis is the most produced, consumed and smuggled drug in the Balkan region (Ministry of Interior, SOCTA Report, 2017-2019). Furthermore, North Macedonia is a major transit hub for the trafficking of cannabis produced in Albania. The drugs are smuggled across the border by foot, using horses or donkeys and trucks or even boats across the Lake Ohrid. Some of it passes north through Kosovo or Serbia to central and Western Europe, while some goes through Bulgaria and Greece. Cannabis is also smuggled from Albania via North Macedonia to Turkey. There, it is often exchanged for heroin, which is brought back through North Macedonia, with the final destination being Albania. It would be quite easy to insert cannabis produced in North Macedonia into these well-established illicit flows (Ministry of Interior, Annual Report, 2019).

The reports from the conducted National Risk Assessments for the periods 2010-2015 (Financial Intelligence Office, 2016) and 2016-2018 (FIO, 2019), also indicate that the crime of illicit trafficking in drugs and psychotropic substances is a crime defined by the high level of money laundering threat in North Macedonia.

The purpose of this paper is to answer the following hypotheses: (1) Does the inability to achieve the required quality of cannabis imply a new draft Law on Control of Narcotic Drugs and Psychotropic Substances? (2) What are the positive versus the negative implications regarding the legal changes? (3) Determining the security implications, given that Macedonia is a transit point on the marijuana smuggling route from Albania and Kosovo to Turkey, where it is replaced by heroin, which is later sold to the Balkans and Western Europe. (4) Can the Government establish an effective system of control? For the purposes of this paper, a desk analysis of primary and secondary literature will be conducted as well as interviews with relevant stakeholders.

2. POSITIVE EFFECTS FROM CANNABIS LEGALIZATION

In March 2016, North Macedonia amended its Law on Control of Narcotic Drugs and Psychotropic Substances (Ministry of Health, The Law on Control of Narcotic Drugs and Psychotropic Substances, 2016). As a result, it became legal to grow cannabis for medical purposes and to refine, extract and produce hemp seed and cannabis oil. North Macedonia thus joined a growing number of countries (36 including Croatia since 2019 and Greece since 2018) that allows for the cultivation and export of medical cannabis (Pierre-Arnaud, 2019).¹²² This legal solution has opened the door for entrepreneurs and investors who want to invest their capital.

¹²²Medical cannabis has been partially or fully legalized (with or without prescription) in 36 countries: Argentina, Australia, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Finland, Georgia, Germany, Greece, Israel, Italy, Jamaica, Lesotho, Luxembourg, **North Macedonia**, Malta, Mexico, Norway, Peru, San Marino, The Philippines, Poland, Portugal, South Africa, South Korea, Sri Lanka, Switzerland, United

The positive effects of medical cannabis production have a direct impact on the development of the economy, contributing to the reduction of unemployment as well as strengthening the industry at the local level and the expected annual inflow into the state budget.

The positive effects will be reflected for the citizens by improving their health. Namely, cannabis drugs that have a THC content of less than 0.2% are now available and can be purchased in pharmacies in Northern Macedonia. Currently, the drug is available only on prescription, and doctors can prescribe a drug for specific diseases such as cancer, epilepsy, multiple sclerosis and HIV. Cannabis oil with a THC content above 0.2% is only available by prescription.

2.1. Industrial growth

From May 2016 to May 2018, the Ministry of Health and the Ministry of Agriculture, Forestry and Water Economy issued a total of five licenses for the production of cannabis for medical purposes, and two licenses for extraction. Since then, according to government data, a total of 55 companies have received licenses to grow cannabis for medicinal purposes; another 17 companies are awaiting approval (Emagazin, 2020). A number of these companies are said to be linked to the prime minister and his friends and family (Deutsche Welle, 2020). Even the KOVID-19 pandemic did not stop companies from investing in this business. In 2020, a total of 9 companies have received licenses to produce cannabis for medical purposes.

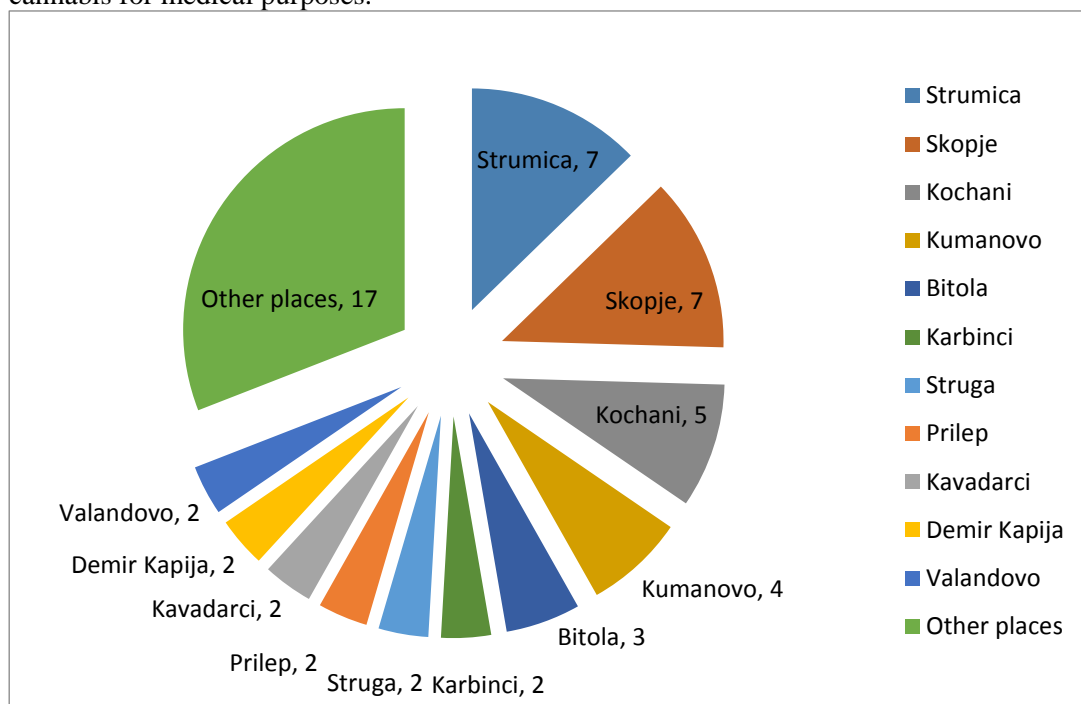


Figure 1: Graphic display of regions with licensed companies

Kingdom, Turkey, Uruguay, Vanuatu, Zimbabwe. **Pierre-Arnaud** Chouvy, “Cannabis cultivation in the world: heritages, trends and challenges”, *EchoGeo* Issue 48, April-June 2019, See more: <https://journals.openedition.org/echogeo/17591>

Given the current situation of economic unprofitability for cannabis production, primarily due to the high production costs and uncertain marketing, many companies are idle, i.e., waiting for legal changes that will allow them to export dried cannabis flowers. Despite the strict legal provisions for physical and technical security, companies face security risks. This is one of the main reasons for amending the Law on Control of Narcotic Drugs and Psychotropic Substances. The changes should allow the export of dried flowers obtained by producing cannabis for medical purposes. The emergence of new psychoactive substances that are widely available to consumers due to lack of legal control also imposes the need for legal changes.

2.2. *Supervision and control over cannabis production*

Before starting cannabis cultivation, the legal entity must submit a request for sowing and / or planting cannabis to the Ministry of Agriculture, Forestry and Water Economy (MAFWE). The permit is issued by the MAFWE within 15 days from the day of receipt of the full application. After receiving the permit from MAFWE, the legal entity-applicant is obliged to inform the Ministry of Health (MOH), MAFWE, the Agency for Drugs and Medical Devices (ALMP) and the special commission. This procedure is performed before sowing and / or planting of hemp seeds begins. The law stipulates that in the period between sowing / planting and harvesting, the special commission will conduct at least two inspections of cannabis cultivation (Ministry of Health, Law on control of Narcotic Drugs and Psychotropic Substances, 2016).

The legal entity is obliged to keep records of the grown cannabis (sowing, seeding, production, transplantation and number of stems). For any change or deviation during the production, the legal entity is obliged to inform the MOH and MAFWE.

Before harvesting the product, the legal entity is obliged to inform the MOH. After the hemp harvest, the special commission examines the collected items in order to determine the number of collected stems and the wet mass. The form, content and manner of keeping records for all stages of cultivation are prescribed by the Ministry of Health.¹²³

Legal provisions allow the export of cannabis oil after its extraction. Hence, licensed companies face the problem of product placement. Hyper-production of issued cannabis cultivation licenses can reduce the quality of oversight by the 5-member Special Commission. In the absence of effective control by the competent institutions, there is a possibility for the produced cannabis to be placed on the black market in the country or to be smuggled to third countries, whereby the illegal profit through various financial activities will be integrated in the financial system. From the analysis, the special commission does not have official own premises where they would hold their meetings. They meet ad-hoc.

Furthermore, transparency is one of the main problems of this commission. Namely, the commission does not have an official website where it will publish the official statistical data for performed controls, ascertained findings and publication of measures as well as publication of annual reports in order to determine the factual situation.

Due to this shortcoming, data on the exact quantities of cannabis produced, cannabis oil produced, and data on destroyed cannabis stems are not publicly available and transparent.

¹²³According to article 29-b, paragraph 5, the commission is formed by the health minister. It is composed of two representatives from the health ministry, one representative from the agricultural ministry, one representative from the Agency for Medicines and Medicinal Products and one specialist in the field of medicinal plants.

3. BALKAN ROUTE – NORTH MACEDONIA AS A TRANSIT POINT

According to the Organized and Serious Crime Risk Assessment Report, marijuana is the most common drug in the region, in terms of production, trade and use, due to its geographical location, favorable climatic conditions and low price. Although the Republic of Albania has significantly reduced marijuana production, it still remains a leading country in the region in terms of production.

The geographical location of North Macedonia with the Republic of Albania results in the illegal import of large quantities of illegally produced marijuana¹²⁴, which continues to transit through the territory of the country, and there are cases where limited quantities remain for the domestic drug market, where the price of marijuana reaches 2000 EUR per kilogram.

Cannabis is also smuggled from Albania via North Macedonia to Turkey. There, it is often exchanged for heroin, which is brought back through North Macedonia, with the final destination being Albania. It would be quite easy to insert cannabis produced in North Macedonia into these well-established illicit flows (Ministry of Interior, SOCTA Report, 2017-2019).



Picture 1: Marijuana transit routes through North Macedonia

As part of the detected crimes of illicit drug trafficking at the Ministry of Interior in the period from 2017 to 2020, a trend of increasing seized marijuana was observed.

Table 1: Seized marijuana by Ministry of Interior of North Macedonia (Ministry of Interior, Annual Report 2020, 2020)

Year	2017	2018	2019	2020
Seized marijuana (kg)	510kg	1532kg	977kg	1890kg

The risk is real: at the beginning of December 2020, two tonnes of cannabis were stolen from the warehouse of a licensed company in the village of Josifovo, in Valandovo

¹²⁴The import of marijuana from Albania to Macedonia is done through illegal crossings along the western border. Generally, the transport is done with specially made bunkers installed in vessels across Lake Ohrid, or with vehicles in specially made bunkers that legally cross the state border and on foot through illegal crossings along the western border.

municipality (Ministry of Interior, Privedeni lica, se rascistuva slucajot so ukradenata marihuana od Josifovo, 2020). Allegedly, some of the cannabis ended up in Kosovo (Hristina Belovska, 2020). In a separate case, 60 kilograms of marijuana were stolen from the warehouse of a licensed cannabis producer in the region of Krusevo by four men (two from Skopje, one from Albania and one from Kosovo) (Ministry of Interior, Izvršen pretres, zapleneti 60kg droga, 2020).

At the Novo Selo border crossing, at the exit from the Republic of North Macedonia to Bulgaria, 102 packages (about 100 kg) of narcotic drug marijuana hidden in a specially made bunker in the upper part of the MAN truck with Bulgarian plates were found by police officers from the Criminal Police Department, in cooperation with members of the Customs Administration (Objektivno24, 2020).

4. DRAFT LAW ON THE CONTROL OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

The subject of passing a new Law on the Control of Narcotic Drugs and Psychotropic Substances is: (Draft Law on the Control of Narcotic Drugs and Psychotropic Substances, 2020)

- Regulation of the competencies of the state bodies responsible for the control of production and trade of narcotic drugs and psychotropic substances;
- Introduction of measures for prevention of the use and abuse of narcotic drugs, psychotropic substances, treatment, rehabilitation, and social reintegration of persons addicted to narcotic drugs and psychotropic substances;
- Classification of substances and plants as narcotic drugs and psychotropic substances, and the plants from which narcotic drugs and psychotropic substances can be obtained, according to the prohibition or control regime, and based on the species and their properties;
- Determining the purpose and conditions for legal cultivation of plants from which narcotic drugs can be obtained, i.e., conditions for production and trade with narcotic drugs, psychotropic substances and plants from which narcotic drugs and psychotropic substances can be obtained;
- Providing export of dried cannabis flower;
- Supervision of the cultivation of plants from which narcotic drugs can be obtained, as well as the production, trade and possession of narcotic drugs, psychotropic substances, plants from which narcotic drugs can be obtained, and measures for suppression of abuse of narcotic drugs and psychotropic substances.

The new Law on the Control of Narcotic Drugs and Psychotropic Substances envisages achieving the following goals: prevention and suppression of the abuse of narcotic drugs and psychotropic substances; prevention of illicit production and trafficking of narcotic drugs, psychotropic substances and plants from which narcotic drugs can be obtained, and substances that can be used for the production of narcotic drugs or psychotropic substances, and protection of human life and health, as well as control of the use and quality of narcotics and psychotropic substances.

Through this law, the state will fulfill its obligation to regulate the presence of these substances in accordance with its legal, political, health and moral principles, thus providing conditions under which the country's population will be protected from abuse and addiction to such substances available for medical purposes. The promotion of the legal norms of this

law should enhance reduction of their abuse, while maximizing the access to rational medical use of these substances, which is a major challenge for the competent authorities in the country. This means that the control of psychotropic substances is not an end in itself; it should serve as a means of optimizing public health by creating conditions for the proper use of these substances for medical purposes.

5. POSITIVE VS NEGATIVE IMPLICATIONS

The adoption of the new Law on the Control of Narcotic Drugs and Psychotropic Substances will have positive effects on the development of the economy, effective control and reduction of the security risk of theft of stored cannabis.

The possibility of exporting dried flower obtained through growing cannabis for medical purposes will increase the interest for investing in Macedonia into growing cannabis for medical purposes, due to the favorable business climate, as well as the cheap labor force on the labor market. It will attract many foreign investors, and new jobs will be created. In addition, the revenues of the state budget will increase because the legal entities licensed to cultivate cannabis are obliged to pay 20% of their net profit realized in the current year to the account of the Budget of the Republic of North Macedonia.

The draft of the new Law on the Control of Narcotic Drugs and Psychotropic Substances places a special emphasis on controlling the process of cultivation and production of cannabis for medical and scientific purposes and envisages the establishment of an Agency for Control of Cultivation and Production of Cannabis and cannabis products for medical and scientific purposes. With the establishment of this Agency as an independent body, new jobs will be created and greater control will be established over the process of cultivation and production of cannabis for medical and scientific purposes. The guaranteed sale of the produced cannabis for medical purposes will result into reduction of the amount of stored cannabis in the warehouses of the legal entities that have a license for its production. This in turn will reduce the risk of potential thefts and security implications.

Non-compliance with the provisions of the proposed law may lead to many negative consequences from a security point of view, primarily because the violations aim at obtaining illegal property gain while committing numerous crimes. The most common offenses are the misuse of cannabis production licenses, and there has been a history of cases of production of larger quantities of vegetative plants than those provided in the cultivation report. If this is neglected, it could end up on the drug market in our country or be part of drug trafficking on the international criminal scene. Should the vegetative cannabis plants fail to meet the quality requirements, i.e., the required concentration of THC, the plants cannot be exported. In such cases it is very likely that the cannabis will be distributed on our drug market or exported illegally abroad. Violation of this law, including abuse of licenses for production, processing, import, export, etc. goes hand in hand with committing numerous crimes (corruption, money laundering, abuse of work position, unauthorized production and distribution of narcotic drugs, psychotropic substances and precursors, enabling the use of narcotic drugs and psychotropic substances).

If we take into account the geo-strategic position of Macedonia and the fact that Macedonia is a transit country for the Balkan route, there is still a significant amount that remains in our area. This does not exclude the possibility of involvement in cannabis smuggling on the international criminal scene. We have witnessed thefts of stored cannabis from warehouses, despite the fact that 24-hour physical and technical security is required, as well as strict conditions for the storage space, fencing, etc. Where did that large amount of

cannabis end up? There are two possibilities: it was either placed on the domestic drug market, or smuggled out of our country. This is an indication for a well-organized criminal group, which skillfully uses the high rate of corruption in our country and achieves its goals. This means that our problem is systemic, i.e., there is top-down involvement. The main route of cannabis is from Albania through its north-western and south-eastern part towards Greece and Bulgaria. (Bogdanova-Smilevska, 2017) Albanians organize and control the smuggling process, whereas Macedonians act as couriers. (Batkoski, 2002) Drug groups use our emigrants in Turkey and Western Europe in order to maintain the connection between Macedonia and these countries. Cannabis is typically exchanged for heroin by recruiting our citizens in Turkey, who repackage or transport heroin from Afghanistan to Macedonia or help in any other way. Couriers are generally used only once and are then replaced with new ones. The second option is for our citizens to bring drugs from Turkey directly into the Czech Republic, Germany, Sweden or other countries, where they visit their relatives. (Todorovski, 2012) Drug crime in Macedonia exists on the criminal scene and being a transit country we are exposed to the security risks of the legally produced cannabis being used in illicit trade, or Macedonian companies that produce cannabis to be involved in legalization of smuggled cannabis from Albania and Kosovo in order to further export it legally to Turkey.

What this law may pose as the greatest security threat is the announced legalization of marijuana for recreational purposes. When something is allowed, it becomes decriminalized and very difficult to control. The decriminalization and full legalization of marijuana, which has been announced to be conducted by the current government after the adoption of the proposed law, has caused commotion in Macedonia. Economic benefits and the development of tourism and catering, is the priority, and not human health. Hypothetically, if marijuana is first legalized in tourist places in the country, it will mean open borders of marijuana. If we assume that legalizing marijuana in tourist places attracts foreign tourists, we may as well expect it will attract domestic tourists. This implies over crowdedness and a burden for our tourist centers, which complicates the control and endangers the safety of the citizens. Marijuana may well be the only reason to visit our tourist centers. It will be an incentive for unauthorized production, processing and distribution of marijuana inside and outside our borders. Moreover, it is an exceptional opportunity for the development of cross-border crime, a favorable ground for organized criminal groups and associations to act on the international criminal scene. Drug abuse-related crime rates would be rising, and it would be difficult to establish control due to cross-border prevalence. The proximity of our tourist centers to the neighboring countries is an exceptional opportunity for criminal groups to improve the methods of transport by land and water, and the high rate of corruption in our country makes it easier for them to achieve their goals. The legalization of marijuana in our country would be a time bomb for the whole Balkans. Furthermore, if marijuana is legalized, a large amount will be distributed on the black market in our country and will end up in the hands of the young people. The commercial use of marijuana would primarily affect our youngsters. It is extremely difficult to protect them from something that is allowed. The legalization of marijuana would stimulate their curiosity, and popular social networks would make it easily accessible to them. That would lead to an increase in the number of marijuana addicts. The higher the number of consumers, the greater the demand for marijuana. This raises other questions about primary and secondary prevention. What preventive measures would be effective and how could they be implemented? How much can the overall situation be put under control and what strategy will be adopted? Protecting citizens' health and their safety should be a priority of every country. Regarding the development of tourism and service activities, we have many natural resources, and special

emphasis should be placed on their promotion and projects that could contribute to their economic growth.

6. CONCLUSION

The above analysis indicates the need to amend the existing Law on the Control of Narcotic Drugs due to achieving the following goals: prevention and suppression of the abuse of narcotic drugs and psychotropic substances; prevention of illicit production and trafficking of narcotic drugs, psychotropic substances and plants from which narcotic drugs can be obtained, and substances that can be used for the production of narcotic drugs or psychotropic substances, and protection of human life and health, as well as control of the use and quality of narcotics and psychotropic substances. Also, the adoption of the new Law on the Control of Narcotic Drugs and Psychotropic Substances will have positive effects on the development of the economy, effective control and reduction of the security risk of theft of stored cannabis.

The draft of the new Law on the Control of Narcotic Drugs and Psychotropic Substances places special emphasis on controlling the process of cultivation and production of cannabis for medical and scientific purposes and envisages the establishment of an Agency for Control of Cultivation and Production of Cannabis and cannabis products for medical and scientific purposes. With the establishment of this Agency as an independent body, new jobs will be created and greater control will be established over the process of cultivation and production of cannabis for medical and scientific purposes.

The guaranteed sale of the produced cannabis for medical purposes will result into reduction of the amount of the stored cannabis in the warehouses of the legal entities that have a license for its production. This in turn will reduce the risk of potential thefts and security implications.

Last but not least is what this law may pose as the greatest security threat is the announced legalization of marijuana for recreational purposes. When something is allowed, it becomes decriminalized and very difficult to control. This implies over crowdedness and a burden for our tourist centers, which complicates the control and endangers the safety of the citizens.

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PUBLIC PERCEPTION OF JUVENILE DELINQUENCY IN THE REPUBLIC OF NORTH MACEDONIA

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Abstract

Juvenile delinquency as a social phenomenon is one of those criminological issues that have been continuously monitored and studied. It is a phenomenon of multidisciplinary nature that poses a threat to the proper development of children and their wellbeing in the society. This survey paper assessed public perception of juvenile delinquency, its scope in the Macedonian society, as well as the risks that bring to it. At the same time, information was collected regarding the citizens' understanding about the organization and functioning of the institutions dealing with juvenile delinquency, how effective and prompt they are, and whether they have the capacity to respond to the challenges that this social phenomenon imposes. The results of this survey were obtained through survey questionnaires sent to randomly selected citizens, but also interviews conducted with the professional public. The findings of this survey confirmed that juvenile delinquency as a social deviation is a well-recognized phenomenon but for its prevention, as well as protection, a systemic solution is needed, both by the authorities, the community and all the other relevant stakeholders of the society.

Keywords: *juvenile delinquency, public perception, prevention, protection*

1. INTRODUCTION

Juvenile delinquency has been a problem in every country of the world. Some countries deal successfully with it, imposing timely preventive measures and actions for early detection, thus preventing its spread into a large-scale criminogenic infection, while other countries neglect the occurrence of this problem, considering it as a stage in the growth and development of a child that will pass by itself.

The phenomenology of juvenile delinquency has a special biological, psychological and social features that must be considered when determining measures for rehabilitation, restoration and re-socialization. Often, we hear the syntagma "best interest of the child", but what does that really mean? Do we have a definition for the "best interest of a child"? Is there a single rule applicable everywhere? And finally, who determines that some measures have been taken in the "best interest of the child"?

For the purpose of determining appropriate measures, one needs to ensure a comprehensive assessment of the child in question. Each child is an individual case from a social, psychological, psychopathological, and medical aspect. Therefore, the whole life of the child should be assessed properly in order to determine the risk factors that have led to delinquent behavior and therefore enforce a solution to the problem.

The assessment of children in conflict with the law is narrowly related to a classification of the risk factors, internal and external risk factors (Osvrt-Zbornik članaka, 1971). The internal classification considers numerous factors directly related to the child's personality, personal characteristics, social and psychosocial characteristics, while the external classification is applied to a narrow number of factors, such as gender, age, recidivism, etc.

When it comes to the deprivation of liberty of children, one needs to consider the possibility of additional victimization of children and exposure to other sorts of risks, i.e., violence, abuse, criminogenic infection, as other forms of cruel, inhuman or degrading treatment or punishment (Ombudsman of North Macedonia, Special Report, 2019). Even a short-term deprivation of liberty leaves traces on the child's mental health and impairs their cognitive development. Hereby, I would particularly stress the consequences that solitary confinement can leave over the general wellbeing of a child, a form of isolation particularly forbidden (UN Committee on the rights of the child, 2005), (The Istanbul statement on the use and effects of solitary confinement, 2007). That is why the international instruments for protection of children's rights consider deprivation of liberty of a child only as a last resort and for the shortest possible period of time (United Nations Rules for the Protection of Juveniles Deprived of their Liberty ("The Havana Rules"), 1990), (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Juvenile deprived of their liberty under criminal legislation, 2015).

The rights of the child are guaranteed by the United Nations Convention on the Rights of the Child and numerous other international instruments and protocols. In the Republic of North Macedonia, the Law on Justice for Children ("Official Gazette of the Republic of Macedonia" no. 148/2013), regulates the treatment of children in conflict with the law, while in case of deprivation of liberty, the provisions prescribed by the Law on Execution of Sanctions enter into force ("Official Gazette of the Republic of North Macedonia", no. 99/2019).

The scientific and social justification of this paper derives from the fact that juvenile delinquency has not been sufficiently explored or paid attention to in the recent years. The media in Macedonia, as a main transmitter of news and creator of the public opinion, busy with numerous political affairs in a very vivid political environment, do not investigate this field sufficiently in its depth, and thus the general public is left alone to create its perception on unverified data and information, rumors, or believing that the early manifestations and changes in child's behavior can be attributed to their growth and development as part of the transient stage of maturation. This paper, as a small contribution to the world of the researchers, offers a map with sign of the public perception towards the juvenile delinquency, answers that on another level can provide concrete solutions for early detection of this social phenomenon, directions for help and support of the family and children at risk, but also tools for prevention of juvenile delinquency.

2. JUVENILE DELINQUENCY AND RISK FACTORS

For the purpose of this paper, the knowledge of juvenile delinquency and its prevalence in the Macedonian society will be determined through the answers to the following questions:

- How does the ordinary citizen view child delinquency? Do the citizens consider juvenile delinquency a threat to the society?

- Are the reasons for the occurrence of juvenile delinquency of internal or external character? What are the causes for the occurrence of this phenomenon?
- Do social factors contribute to an increased incidence of juvenile delinquency? What is it that influences the child to manifest deviant behavior?
- How effective is the response of the institutions in order to help the child overcome such a deviant situation? Do the institutions have the capacity to respond to children's needs and to remedy behavior that is seen as socially unacceptable?

According to the Law on Justice for Children (“Official Gazette of the Republic of Macedonia” No. 148/213), a child at risk is any child who has reached the age of seven and has not reached the age of 18 with a physical disability or mental development, a victim of violence, educationally and socially neglected, who is in a situation where it is difficult or impossible to acquire the educational function of the parents, i.e. guardians, not included in the system of education and upbringing, involved in begging, wandering or prostitution, who uses drugs and other psychotropic substances and precursors or alcohol, who due to such conditions is or may come in contact with the law as a victim or a witness of an action provided by law as a misdemeanor or an action provided by law as a crime.

The social understanding of a child at risk can be seen from several aspects, such as psychological, sociological, or medical, but the simplest interpretation of this notion in the recent years is a child whose life circumstances, often not by their fault, threaten their proper and positive growth and development and adaptation in the society. The problems or factors that affect the positive formation of the child may be genetic or prenatal but those with the highest risk upon their growth and development into a healthy and socially-productive person, are in fact the factors of the most immediate environment, poverty, abuse (physical, mental, and sexual), death of parent(s), school failure, or the negative impact on the environment where they live. Hence, the children mostly exposed at risk, and likely to come in conflict with the law, are children without parents and parental care, children who are victims of violence, children from families with marital and family conflicts, children who use drugs, children from poor families, and children with special needs (Dimitrijoska, 2012).

Further on, one should not neglect that most common socio-cultural factors that contribute towards juvenile delinquency are climate and geographical location, war and post-war conditions, poverty and the economic conditions, family and immediate environment, school, urbanization, and urban environment. Therefore, the risk factors that can lead to delinquent behavior can be divided into external and internal risk factors, or static and dynamic risk factors. However, the most accepted division of the risk factors is the so-called ecological or socio-ecological model, which is composed of four levels, as follows:

- Individual factors (intrapersonal)
- Family factors (interpersonal)
- Environmental factors
- Social / public policy factors (Kitkanj, Novačeska-Makaloska, 2018)

The main three factors that contribute to the occurrence of juvenile delinquency are the family, the school, and the leisure time of children. When it comes to the family, although it represents a sanctuary for protection and happiness, the family and its atmosphere can also represent a source of destruction and deviation, and can deeply affect the growth and the development of a child. By changing the family values and moving away from the traditionally accepted family ideals, the norms and criteria of children's behavior also change. All this contributes to the weakening or non-existing authority of the parents, and

consequently of the adults and other educators of the child (caregivers, educators, teachers, professors).

A second important issue for discussion is the school and its impact on the child. The school may represent the first and most challenging obstacle a child faces immediately after the playful period of the kindergarten. The way children adjust to the school environment may present the basic indicator that something is happening with them. The excessive burden of the curricula, the overburning with often confusing and difficult educational material, the various methods of instruction and mastering of the subjects, the frequent alteration of the teaching personnel, some of them not sufficiently trained, the limited financial resources some schools have, contribute toward the success of the student but also their behavior in the school and outside of it. Consequently, it may create internal conflict within the child but also conflict with those in their surrounding, the classmates, the teachers, and even the immediate family members, and can trigger formation of a young, frustrated person with the possibility of becoming a problematic or even a delinquent person.

The third crucial factor that may significantly contribute to development of a delinquent person is the leisure time. If the time for recreation and socialization is not properly designed, filled with productive content, it can easily become a space for committing activities opposite to productive. The abuse of the leisure time may produce delinquent behavior, since young people often commit crimes or misdemeanors when they have nothing creative to do, out of boredom. Many studies support such theses (Arnaudovski, 2007), emphasizing the fact that when the free time of a young person is not filled with creative content, they can be prone to adventurism, undertaking activities that are destructive, both upon them as a person and upon the immediate environment.

Another crucial factor that should not be forgotten when talking about juvenile delinquency is the mass media and its influence. The easy accessibility and its prevalence in the modern living has a special impact over the life of everyone, in particular of young persons, since the social networks aside of their core objective to entertain and incent virtual friendships by connecting people, may also easily create addiction, impose inappropriate attitudes, norms for a modern, contemporary urban living without making a precise distinction between what is right and what is wrong.

3. SURVEY RESULTS

The core objective of this survey is to measure the public perception of juvenile delinquency, i.e., the way in which the general public view juvenile delinquency, what it represents for them, whether they recognize the manifestations of juvenile delinquency, the spread of this phenomenon in the Macedonian society, the preparedness of the authorities to prevent and act in cases of juvenile delinquency, the treatment towards children in conflict with the law, etc.

For the purpose of the survey the author had to create a questionnaire which contained 20 structured questions of a closed and semi-open type, submitted electronically to approximately 70 randomly selected respondents. The survey was conducted in three steps: preparation of the questionnaire, distribution of the questionnaire to the respondents, and collection and coding (encryption) of the information gathered. Further elaboration of the answers was conducted by using SPSS Statistical Analysis Software. It embraced 43 respondents, 12 men and 31 women, which is a solid number of respondents to test the hypotheses and determine conclusions in terms of the perception that citizens have of juvenile delinquency. In respect to the ethnic structure, 37 of the respondents were

Macedonians, 2 Albanians, 2 Bosnians, 1 Montenegrin and 1 Ukrainian, and in terms of education, 38 respondents had a bachelor's degree, two had a doctorate, one a master's degree, while 3 respondents had completed secondary education. 39 respondents were from Skopje, while 4 were from other parts of the country. All respondents were adults, aged 25 to 65 years.

From the results obtained it can be concluded that all respondents solidly recognize the phenomenon of juvenile delinquency and its forms and manifestations. The respondents were unanimous when it comes to the reasons that lead to juvenile delinquency, i.e., its etiology, thus almost all (93%) answered that the reasons for a child to grow up to be a perpetrator range from parental neglect to a dysfunctional family followed by quarrels, physical violence, and drug abuse.

When asked who is more inclined to crime, boys or girls, and the manner in which the act is performed, individually or in a group, a high percentage of consent was obtained, that boys (88.4%) are those who are more inclined to crime, and they do it in a group (76.7%).

Regarding the institutional response to juvenile delinquency, the respondents point out that prevention should be sought from all relevant stakeholders, the Ministry of Interior, i.e., the police, social work centers and the school, as well as the environment where children live, consequently pointing to the broad competence of the police. However, it is worrying that although the respondents believe that the police have an essential role in protecting and preventing such deviant phenomenon, the high 74.4% answers that they do not know whether the efficiency of the police is proper and adequate, raises the question whether the work of this body, when it comes to juvenile delinquency, is insufficiently known to the public, thus not properly perceived or it is non-existent. This dilemma leaves room for future surveys that will address this problem.

Although the obtained results point out that citizens recognize juvenile delinquency and have sufficient knowledge about its phenomenology while clearly defining the causes behind, so as the institutions that should act for its prevention, still a small percentage of respondents (20.9%) had a direct experience with a juvenile offender.

When asked if the child offender should be penalized and in which way, the situation is as follows, if we interrelate the answers with "yes" (37.2%) and "sometimes" (58.1%) we get a clear picture that most of the respondents (95, 3%) believe that some sort of penalty is necessary but it does not need to be in the form of isolating the child from the society or locking them away.

In terms of offering help to those children, here the respondents also think more broadly and offer multiple answers, i.e., the respondents choose more than one offered solution, e.g., psychotherapy, centers for care and support of children, education, sports.

Further on, the survey respondents also concluded that at the moment the capacities, i.e., response of the most relevant institutions towards juvenile delinquency is weak and insufficient, and believe that a comprehensive, widely set and multi-institutional response should be undertaken.

All respondents were unanimous when asked about the role of the parents and their participation in the process of helping and supporting the child, but in terms of the effectiveness of the three main institutions directly related to prevention of juvenile delinquency, as well as the assistance that can be given to the children at risk and in conflict with the law, the situation is slightly different and to an extent is reaffirming the stance about the role of the police and its success in fighting juvenile delinquency. Most respondents (30.2%) believe that the police are neither efficient nor inefficient, the social work centers

were ranked with an average efficiency of 25.6% and thus were slightly better, while the schools were partially efficient with 32.6% but still according to the respondents playing the most vital role.

For the purpose of this paper, in addition to the conducted questionnaires, an interview was carried out with an expert from the Ombudsman Office in order to complement the analysis from another perspective. The interview consisted of 19 semi-structured, open-ended questions and covered the same topics as those listed in the survey questionnaire.

Regarding the manifestation and the causes of the juvenile delinquency, the answers of the expert were identical with those of the respondents (the public), as well as in terms of the gender of the perpetrators and the manner in which the criminal acts were committed. However, regarding the volume of officially registered juvenile delinquency cases versus its real frequency in reality, the opinion of the interviewed professional public was that juvenile delinquency covers a much larger volume than what the official statistics show, the statistics provided by the Ministry of Internal Affairs, the State Statistical Office, the courts, and the information coming from the correctional facilities and prisons as a last resort of detention of children in conflict with the law in respect to the number of young persons (children) deprived of liberty.

Furthermore, when asked about the efficiency of the police, the expert' opinion confirms the information gathered from the public, i.e., insufficiently efficient, the police premises are considered weakly equipped and do not possess separate rooms for children detention nor for interviewing children which is contrary to the legal provisions and obligations arising from the national and international documents in this respect (United Nations Rules for the Protection of Juveniles Deprived of their Liberty ("The Havana Rules") 1990). The police stations are also lacking an updated list of available lawyers who have been trained in representing children.

When the efficiency of the institutions came to question, the provided response confirmed improvement, but also emphasized the need for undertaking systemic approach since there is a need for concrete results in terms of timely prevention and protection of children.

The interviewed expert also stressed the need for a more profound education of all stakeholders in this field of work but also of the general public, i.e., organization of campaigns for early detection of this social deviation, its mapping and creation of approach for assistance and support of children at risk.

In this regard, the role of the non-governmental sector was highlighted with a remark that so far, the non-governmental sector was mainly focused on detecting the manifestations of juvenile delinquency and accordingly loudly talking about what should be done, however the opinion is that the non-governmental organizations should also be part of the solution, i.e., providing direct assistance and support to children at risk and children in conflict with the law.

At the end of the interview the expert concluded that this social phenomenon should be explored in depth so that tangible steps for early detection be taken in order to stir up prevention from further deviation. He further elaborated the need for special educational programs not only for children but also for the teaching and pedagogical staff in schools so as for the community. Only in a broad and comprehensive manner one can expect efficient and sustainable solution to the problem, supporting simultaneously not only children but their families too, particularly families at risk as the most vulnerable categories.

4. CONCLUSIONS

This survey aimed to present the public perception of the situation with juvenile delinquency in Macedonia, from phenomenology to efficiency of the institutions in prevention and fight. The received responses were used to confirm, partially confirm or refute the hypotheses, and in order to test their credibility, the author of this text used the accompanied information provided by the respondents to those questions with an open-end possibility, thus allowing for additional comments to enrich the broader picture of the public about this social deviation, but also to measure the level of efficiency of the institutions concerned in prevention and fight.

The respondents as representatives of the general public have a compact knowledge of all forms and manifestations of the juvenile delinquency, while as the reasons behind are mainly attributed to the dysfunctionality of the family but also the weak economy of the country as a result of the large socio - economic gap between the classes and the disappearance of the middle class. As a result, some children deviate from the socially acceptable norms and conduct, and copy or accept norms that the environment propagates or imposes as socially acceptable: easy enrichment through cheating and corruption. The poor functioning of the institutions, the non-implementation of the laws, the failure to impose proper rule of law, on top of it the confusing and seemingly burdened educational system also have a share towards the increase of this deviation.

Furthermore, the lack of timely and comprehensive programs and activities for prevention, both for the children and the parents/families at risk, contribute further to delinquency. This primarily refers to the lack of greater performance by the centers for social work and other forms of action at local level, the lack of active participation of the community through the municipalities, as well as the poor response of the NGO sector which currently works more on detection, i.e., delinquency recognition, rather than prevention.

The public view also extends to the role of the schools and the lack of activities or specific programs for juvenile delinquency. Insufficient education of the teaching and pedagogical staff but also lack of forms and solutions for detecting and helping children at risk, thus undertaking timely measures, further adds up to a more deviant behavior on the part of children.

Psychological help and support at the level of private practice has been particularly popular and increasingly present in the recent years, but due to the unpreparedness, lack of interest, poverty or economic powerlessness of many families, it still remains limited and unavailable to most of the citizens of the country. All above, supported by the lack of a systemic solution, i.e., weak coordination among the schools and the centers for social work, and on another level the police, further complicates this matter and lacks giving comprehensive answer to this extremely vital issue. I will support all of the above with the fact that most of the respondents who participated and contributed to this paper did not have a direct contact with a child offender, but still have a clear, specific and confirmed knowledge of the phenomenon and its manifestations. This picture is supported by the opinion of the professional public on the dark number of juvenile offenders, as opposed to the official statistics. For illustration, the State Statistical Office for 2019 confirmed 304 accused out of 470 charged for crime children. 287 of them were boys, and only 17 were girls. The most severe sentence was imprisonment in duration of up to 2 years sentenced for 2 children in conflict with the law. Most of the children were given enhanced supervision by a parent or guardian (90) and enhanced supervision by guardianship authority (95). According to the statistics of the State Statistical Office, the children in conflict with the law

mainly originate from a family with two parents (221) but with poor education of the father/mother, elementary (124) or unknown (135). The educational background of the children was also poor, 164 of them completed only elementary school which by itself opens space for further deep studies for the purpose of investigating why there are still children not attending school when by law the elementary and secondary education in the country are obligatory?

Finally, I would like to refer to the pandemic with COVID-19 we all have been living with for more than a year and the consequences that this new manner of living, the so called “new normality” will leave over us, especially over the sanity and healthy development of children, but in particular those at risk. The imposed distant learning, the physical but very often named a “social” distance that each and every of us should make, will have a tremendous impact over children. This should be a separate topic for discussion and thus a topic to study in the years to come.

For now, I would conclude that this sensitive issue and a serious social deviation should not be left on the margins of our urban living but rather it should be paid particular attention, approached with respect and studied in depth in order to timely alarm, prevent and propose systemic solutions, a binding obligation on the part of the authorities and the community, as well as all the other stakeholders in the society.

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COMMUNITY SAFETY AND ITS INFLUENCE ON YOUTH INVOLVEMENT IN CRIME ACROSS THE CARICOM

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Abstract

In the Caribbean countries, the number of youths engaged in criminal activities has been steadily increasing. The sale of illegal weapons, the international drug trade, money laundering, transnational organized crime, corruption, and cybercrime are all linked with high levels of crime and violence. The purpose of this study is to assess the extent of community protection in selected CARICOM countries, specifically Jamaica, St. Kitts and Nevis, Trinidad and Tobago, the Bahamas, Puerto Rico, and the Dominican Republic, as well as its effect on youth criminal activity. The study will employ a qualitative design and evidence from the 2012 United Nations Caribbean Human Development Report. Several surveys have shown that youth are the main victims and perpetrators of violence and crime in the Caribbean region. In 2012, young people aged 17 to 29 committed eighty percent of all prosecuted offences. Similarly, teenagers between the ages of 18 and 30 were the most common victims of violent crime. Evidence also shows a correlation between community safety and perceived vulnerability to youth violence and crime. Finally, despite its environment and distinguishing characteristics, community safety influences exposure to crime, social support, perceptions, and mental health, as well as the well-being of young people.

Keywords: Community safety, Crime and violence, Delinquency.

1. INTRODUCTION

In the last two decades, Caribbean countries have witnessed growing incidences of violence and crime associated with gender issues, transnational organized crime and illicit drug trade (Knight, 2019). Corruption, money laundering, cybercrime, and human trafficking, especially in children and women, have all been defined as causes for the increase in violence and crime among Caribbean youths. Another major security threat that Caribbean countries face is terrorism, which encourages the trade of narcotics and arms. Other social factors, such as the rise of cartels, deportation, and trans-border problems, contribute to these rising security challenges. (Knight, 2019) Major studies have stated unequivocally that the criminality and violence seen in the Caribbean must be deemed a growth concern, and that a concerted attempt must be taken to resolve the security risks.

2. Reports

2.1. World Bank- UNODC, 2007

The report titled 'Crime, Violence, and Development: Trends, Costs and Policy Options in the Caribbean' highlighted the high incidences of violence and crime in the region. The report identified narcotics and illicit drug trafficking as the primary cause which should be controlled to end the growth of crime and violence in the region (Goldberg et al., 2014). The report also acknowledged shortcomings in coping with crime and violence. According to the report, states place too much reliance on the criminal justice system while ignoring possible and more efficient preventative interventions. Some of the main recommendations included resolving problems that drove teenagers to crime and violence, implementing evidence-based services from other countries, such as mentoring programs and early childhood learning, to improve school retention, and engaging youth in appealing experiences in their spare time (Goldberg et al., 2014).

2.2. Human Development and Shift to Better Citizen Security Report

The Human Development and Shift to Better Citizen Security Report (HDR 2012) launched in Trinidad and Tobago presented data on the changing landscape of crime and security concerns in the Caribbean (Baird, 2012). With more than sixty percent of the population under the age of 30, the study highlighted the increased role of youth in crime and violence. As a result, it acknowledged the negative effects of crime, both directly and indirectly on the fiscal, political, and social costs borne by CARICOM governments. The report also revealed trends in the rising rate of youth participation in crime.

First, the youth involvement had a gender dimension (Baird, 2012). Young males, according to Baird, were the primary perpetrators of crime and violence, while females were the primary victims, especially of sexual assault and domestic abuse. Second, crime and aggression among prepubescent males increased. Third, there was an increase in school crime. Fourth, aggression was used in response to potential risk or in response to fear. Fifth, neighborhood violence had a huge impact on juvenile violence. Finally, youth victimization, especially by adults and peers, fueled more abuse. The report also revealed gaps in human rights, human security, and citizen welfare that were results of interdependence. The study recommended that changes to a more comprehensive criminal justice system must be made to resolve the Caribbean's crime and violence issues. The emphasis should be on improving the lives of those who are marginalized and oppressed as a result of poverty, institutional, political, cultural, and social practices. It was also recommended that the protection of human life and the institutions in charge of enforcing these rights should be prioritized.

2.3. Report on Youth and Development 2010

Entitled 'Eye on the Future: Investing in Youth now for tomorrow's Community,' the report focused on reinforcing youths' voice regarding crime and violence in the Caribbean Community. Bustillo & Velloso, (2016) opined that, adolescents and youths' involvement in crime was associated with social inequalities, politics, unemployment and poverty. Youth and teenage vulnerability to crime and violence resulted in a feeling of loss, elevated levels of grief and tension, mental blunting, little interest in group events, and a sense of insecurity. This made Caribbean youths and teenagers concerned about the quality of life in their countries.

2.4. *The Paramaribo Declaration 2010*

The 2010 Summit on Youth Development organized in Paramaribo by the CARICOM Commission on Youth Development (CCYD) considered crime a primary concern affecting youths in the community. The heads of CARICOM governments recognized the corrosive effects of crime and violence, marginalization, social inequalities and poverty on youth's wellbeing, health, attitudes, and traditional values (Griffith, 2010). The report acknowledged the impacts on youths' aspirations, dreams, vulnerabilities and risks.

2.5. *Violence Against Children in the Caribbean UN Report*

The UN report on Violence Against the Caribbean Children 2006, documented findings on crime and violence from sixteen Caribbean countries. The report looked at violence in homes, businesses, against households, organizations and schools, neighborhoods, and on the streets. According to the report, a significant number of children in the Caribbean witnessed violence, contributing to crime and violence in the community and schools (Heinemann & Verner, 2006). Children who were exposed to violence during childhood were negatively impacted both psychologically and emotionally. To counter violence against children, the study proposed a variety of approaches, including laws, interventions, tactics, and policy mechanisms.

3. INTERVENTIONS

Despite the Caribbean's crime and violence challenges, efforts were made and measures developed to resolve the region's security risks. The CPSD Action Plan and the Caribbean Basin Security Initiative were among the initiatives.

3.1. *CPSD Action Plan*

The initiative was created in 2008 to resolve the apparent dichotomy between the crime prevention and criminal justice approaches, with the goal of achieving synergy between the two. The CPSD Action Plan sought to deter and reduce violence and crime in member states by multidisciplinary and cross-sectional approaches to vulnerable groups and institutional responses (Jaitman et al., 2010). The action plan was built on five main pillars: security of environmental and economic resources, supporting the vulnerable and victims, facilitating reintegration, encouraging social inclusion, and avoiding and mitigating violence.

3.2. *Caribbean Basin Security Initiative*

The Caribbean Basin Security Initiative (CBSI) was formed in 2010 and saw the establishment of a partnership between the Dominican Republic, CARICOM member states and the United States. The objectives of the initiative were to combat illegal trafficking, foster social justice, and improve public safety and security. Gender-based abuse, school violence, violence against children, and other aspects of violence and crime were among the initiatives' primary focus (Jaitman et al., 2015). The reports established security vulnerabilities that must be addressed in order to combat crime and conflict in the Caribbean. The issues identified included alternatives to incarcerations, reforms on legislations, juvenile systems, and the role of schools in addressing all forms of violence against youth.

4. RESULTS

4.1. The 2012 UN Caribbean Human Development Report

Human Development Measures are mainly reliant on the Human Development Index (HDI) which measures various parameters for evaluation and assessment of progress on three core tenets of human development and they include long and healthy life, access to information and knowledge, and the quality of life. The HDI report measured trends in the Caribbean region within seven states for the period of 2010- 2011 (Chant, 2012). For the seven projected countries, it was noted that the HDI for countries like Barbados was estimated at 0.793, which is in the human development category. However, it was noted that most of the countries in the region's HDI ranged between 0.764 and 0.723, which positioned them highly in terms of human development measures. The emerging trends from the three basic tenets of HDI measurements were considered and it was inferred that between 1980 to 2011, there was an increase in life expectancy (Chant, 2012).

Out of the countries considered in this category, French Guyana registered the lowest life expectancy rates at 69.9 whereas Barbados had the longest life expectancy of approximately 76.8 years. Regarding education, the mean schooling years averaged at 7.2 in countries such as Suriname whereas Barbados and Jamaica both had 9.3 years in terms of education (Baird, 2012). The report also factored the Inequality- adjusted HDI that considered inequality across all the spectrums. The IHDI showed the quality of human development that might have been a result of the level of inequality witnessed in the country. However, it is noted that the research was only conducted in Trinidad and Tobago, which showed a 0.644 plus an average loss of 16.3% while Guyana had an HDI of 0.492 recorded an IHDI of 22.3%. This showed that the average loss that was witnessed in these countries was slightly lower than those that were recorded in the Latin American Territories (Chant, 2012).

Another measurement was based on the Gender Inequality Index (GII), which measured the disadvantage that women continued to experience within three dimensions such as health, empowerment, and economic activities. The GII index showed that a majority of the selected countries indicated that there was a shortage of human development with regard to the achievements of both men and women across the three GII spectrum. The 2011 score for this measurement showed that Trinidad and Tobago had 0.3231, Barbados recorded 0.364, Jamaica had 0.450 and Guyana registered 0.551 (Baird, 2012).

The results revealed that the loss in achievement across all the three dimensions was ascribed to gender inequality that was higher in Jamaica and Guyana, higher than the average loss in the Latin American Countries (LAC). The police report indicates that the loss could have been necessitated by poor economies and onerous debts. The poverty rates for these countries were recorded to average at 14.5% for Jamaica, 15.9% for Nevis, Trinidad and Tobago recorded poverty rates of about 16.7% whereas Antigua and Barbados recorded poverty rates of 18.4. Countries such as Saint Kitts, Saint Lucia, and Grenada recorded poverty rates that were over 20% on average (Chant, 2012).

4.2. Youth Violence: Reducing Risk and Enhancing Resilience

Youth crime is rampant in Caribbean countries, and it is closely attributed to a shortage of work prospects for the youth. The majority of today's youngsters are still uneducated. In Caribbean countries, youth feel excluded from decision-making processes (Goldberg et al., 2014). The combination of these factors has resulted in elevated levels of violence as teenagers seek solace in illegal activity to fill the divide. However, the results

revealed that the problem of youth conflict is not only a concern in Caribbean countries, but also a global security concern.

The studies in this category were mostly based on the age group of youths aged 15 to 24. The youngsters who were targeted were sampled and polled. However, youngsters under the age of 18 were not polled, so the figures were limited to those aged 18 to 24. The data collected revealed the association between youth violence and Caribbean human development. Approximately sixty-four percent of the total population in the Caribbean countries was youth between 0-30 years. Thirty percent of youth within this age bracket fell within 18 to 30 years (Jaitman & Guerrero Compeán, 2015).

To break down the presented statistics on youth population, it should be noted that Guyana had 21 percent of its population as youths, Jamaica had 18 percent of its population as youths, and Trinidad and Tobago had 20.9 percent of its total population as youths. Furthermore, the results found that in Jamaica, 52 percent of female youths had been imprisoned, while only 24.3 percent of their male counterparts had appeared in court over the same time frame. For the remaining Caribbean nations, the figures were almost identical (Chant, 2012).

Furthermore, the results identified potential types of violence, such as violent crimes with guns, violent crimes without weapons, and property crimes, as well as links to marijuana and other drug use as potential causes of crime. It was discovered that the outcomes of the aforementioned triggers differed depending on the country. For example, when it came to violent crimes involving firearms, Barbados had the highest rate. These findings revealed that many weapons were in the possession of youth in these countries. Guyana, on the other hand, had the highest rate of violence without crime, at 4.2 percent, as compared to other Caribbean countries. Other drugs used as an excuse for violence, on the other hand, were negligible (Baird, 2012). It was also clear from the results that males were more vulnerable to violent crimes than their female counterparts. This meant that men continued to use available arms to defend themselves from imminent threat. Women, on the other hand, were more likely to be targeted by their partners (Jaitman & Guerrero Compeán, 2015). Domestic abuse affected 14 percent of women, compared to 7.5 percent of men who suffered gender-based violence.

The findings also showed a strong link between violence in the community and youth violence. Of the youths surveyed, seven percent reported regularly witnessing violence around their communities and that this has had a substantial impact on their development and growth. In the Caribbean countries the research found that crimes such as rape, robbery, drugs, and police abuse were rampant in the communities and therefore many youths grew up in a crime environment (Chant, 2012).

There were also signs of apprehension and concern over crime events. Murder had a 48.7 percent prevalence rate among the crimes that occurred in the neighborhoods, domestic violence had a 44.8 percent prevalence rate, and other forms of crimes included a case in which cousins murdered each other at 24.5 percent. However, on a more optimistic note, more than 80 percent of the surveyed youths expressed an intention to stop participating in illegal activity (Jaitman & Guerrero Compeán, 2015).

The collected data from the youths who were surveyed is significant; more than 70 percent of the respondents were still satisfied with their neighborhoods, compared to 30 percent who were not. Another 20 percent of the surveyed youths claimed that they did not trust their peers, including friends and neighbors. Another segment of the youth polled was those who were concerned with domestic abuse (Knight, 2019). A point of interest was raised when the youths were asked if they were certain that people around them would

intervene in the event of a crime in this category; 20 percent responded positively and agreed that their community would intervene.

5. CONCLUSION

It is indeed true that the Caribbean countries are faced with major security concerns. The prevalence of crime is a result of day-to-day interaction with criminals in their neighborhoods. The results show that crime evolves from the households to the communities and then to the wider society or nations. According to the evidence collected, youths who are forced into violent and criminal activity are not limited to a specific age group or gender, and share the commonality of being forced into violence and criminal activities by fundamental economic and social conditions such as a lack of schooling, a lack of employment, and a lack of youth participation in decision-making processes. Other factors, such as the environment or the community in which one grows up, may have a positive or negative effect on an individual's character. The forms of crime differ by country, as do the factors that lead to crime. However, it can also be argued that if these issues are resolved in all countries, the incidences of youth participation in crime would be minimized. The correspondents did admit being involved in criminal activities, and the majority of the respondents acknowledge that they grew up seeing violence in their homes, which impacted their lives growing up in the community.

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TOLERANCE OF HATE SPEECH AS A VERBAL CRIME - A SAFETY FACTOR IN THE SOCIETY

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Abstract

The increase of hate speech and aggressive speech that jeopardizes the safety of individuals and groups has been evident in the Republic of North Macedonia in the recent years. Such examples of verbal crimes have mostly been seen on social networks but also in traditional media. This negative trend has a high level on impunity, given the poor court practice on crimes related to hate speech or other serious verbal delicts. Individual journalists and/or media outlets are often targeted as a subject of verbal assaults on social media and other internet platforms, but also in person. This makes their working environment unsafe. Journalists and media workers who are threatened and subjected to attacks are facing self-censorship and by this, the private safety of individuals affects the right on information which is a constitutional right to all citizens.

Within this research, collected data from 26 basic courts throughout the country resulting in five court cases related to hate speech is a subject of elaboration together with several qualitative interviews with media and legal professionals who have an extensive practice in freedom of expression. A broader context is given to a specific part of the national legislation in relation to hate speech, with reference to some of the local reports by relevant civil society organisations.

The expected result is to prove the hypothesis that individual threats related to abusing of the freedom of speech is infringing the freedom of information consequently. Furthermore, if there is tolerance to verbal crimes, primarily hate speech, towards individuals and groups, and especially towards media workers, the freedom of press will suffer in general, and journalists will be prevented from performing/doing their duties professionally.

1. INTRODUCTION

A spoken word can kill. This axiom could not be refuted in the philosophical debate in history, and from today's point of view given the information progress and globalization, the risk of abuse of freedom of expression and threatening the human security is greater than ever. This paper attempts to elaborate the issue of whether a spoken word can kill more than in was the case in the past.

Human rights and freedoms are the subject of many philosophical considerations. In this regards, John Stuart Mill in his philosophical work "*On Liberty* (Mill, 1869)", published in the mid-nineteenth century, says: "*If all mankind minus one were of one opinion, and only one person was of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in*

silencing mankind". This thought emphasizes the importance of the individual's freedom of expression and points to the risk that an individual in a position of power may abuse this right to subdue the majority.

The power of the spoken word in modern times is more influential than ever and there are several reasons why this is so, confirming this fact. The democratic countries pertain to have the ability to keep the balance between the right to express and to keep the citizens safe when the speech is infringing other rights. Hence, it is impossible to have functional democratic processes in any society without the right to freedom of expression. People express their thoughts through speech, write novels, journal articles, poetry and satire, draw drawings, make pictures, caricatures, create music, play, paint graffiti, make sculptures, and communicate online. All these forms of expression help a person to translate thought into expression. The more democratic the society, the greater the freedom of expression, because tolerance, respect for the voiced and individual opinions is one of the most important elements for progress. For these reasons, the right to freedom of expression, even though it does not fall among the rights that have absolute protection with the European Convention, occupies a central place among the conventional rights. (Trajkovska, 2018) In this regard, what are the three arguments?

First, in recent years, **everyday communication among people tends to be digital** on closed applications or semi-open social networks, and one of the most dominant is the Facebook network. More than a third of the people in the world or 2.7 billion have their own Facebook profile, and in our country, according to Dataportal (Kepios, 2021), out of 1.69 million Internet users, over 1.1 million use social networks, mostly Facebook. This means that more than half of the citizens in the Republic of North Macedonia who have access to the Internet are actively or passively present on social networks, which is significantly higher than the world average.

The second argument is the **present ignorance of the risks of abuse of freedom of expression and the use of hate speech**. Even on social networks, abuse of the free speech can cause social tensions that may disrupt public order and peace. An additional factor is the relatively low culture in public communication of the politicians in the Republic of North Macedonia, which is particularly present during the party campaigns specifically before parliamentary or local elections. In presence of obvious polarization by political party affiliation in the society through this, often inappropriate communication by most of the politicians, groups of citizens are encouraged to spread hatred and intolerance, mostly on social networks, but also at public gatherings. The nature of hatred expressed in this context is usually by party affiliation but it can often be on other grounds such as ethnic, religious, or sexual.

Third, and perhaps the most important, is the **impunity for hate speech and publicly articulated threats**, especially on social networks in the local context, which are, unfortunately, often present. According to a publicly available research by local civil society organizations working on these issues, such as the Association of Journalists of Macedonia and the Helsinki Committee, there are currently only a few final judgments that the Criminal Code qualifies as hate speech and only few publicly expressed threats that endanger the safety of an individual or a group of people. This trend is also noted by the Council of Europe: The feeling of impunity given by the possibility to publish in an anonymous manner and the thought of a virtual environment as free from consequences have contributed to an increased level of sexist hate speech and hate speech in general. (CoE, 2016)

The combination of the three factors of easily accessible internet or digital platforms for mass communication, political ignorance that reflects the way of communication of

citizens and the high level of impunity, present a dangerous basis for a serious security risk in the Republic of North Macedonia not only for individuals and groups but also for the whole society.

Considering the above said, the research goal of this paper is to contribute to the explanation of the systemic problem that the impunity of hate speech in a public discourse can cause serious damage in terms of security if the publicly expressed hatred is tolerated by the competent institutions. The freedom of expression must be guaranteed as one of the fundamental human rights however long-term impunity of abuse of this right, especially by tolerating hate speech hence infringements of other human rights at the same time may trigger serious safety issues in one society or even broader, including hate crimes.

2. METHODOLOGY

The research methodology scopes three instruments:

1. A brief legal overview of the Criminal Code (Krivicen zakon, 2021) of the Republic of North Macedonia, more specifically of article 319 - Causing national, racial and religious hatred, discord and intolerance
2. A legal comment of all existing final court judgments of this article in the period from 2011 to 2021 in the country, and
3. Three expert opinions on the topic combined with other relevant literature.

For obtaining the data for this research (court judgments) a formal request based on the national Law on Access to Public Information (Comission for free access to public information, 2021) was send to all basic criminal courts in the Republic of North Macedonia (26 in total). The gathered data based on a query sent to all 26 basic courts in the country results in only five court judgments that are a subject of a qualitative and quantitative analysis.

An attempt is done through assessment of the judgments to summarize the nature of these crimes i.e., the manner in which they are usually done, the place and the kind of profile of individuals or groups who are involved, the length of the court procedure, the penal trend, etc.

In addition, three semi open questionnaires were drafted, and an interview was conducted with one journalist and two attorneys. The two attorneys have an extensive practice in court litigation of cases related to the freedom of expression and the speaker journalist is a prominent investigative reporter that had also experienced threats, because of their work in the last three years. The speakers are contributing to the main hypothesis of this article that impunity of excessive misuse of the freedom of expression is a potential safety risk for the society in a general point of view. The questions, five in total, were designed to invite the speakers to share their perception based on their practical experience, about the domestic legislation whether it is suitable to respond the local context about this topic. In addition, the questionnaire had the tendency to seek an opinion about the nature of the court practice when it comes to hate speech in the country and the importance of the balance in practicing the freedom of expression in satisfying the public interest without harming other human rights.

3. QUALITATIVE AND QUANTITATIVE ASSESSMENT

Can the restrictive approach of states, including the Republic of North Macedonia, contribute to problem solving in abuse of freedom of expression if they impose restrictions on freedom of expression? The answer is negative, except in cases where the abuse of one human right violates another human right and it is verifiable through the “Three – part - test (European Court for Human Rights (ECHR), 2021). In this test, the state or the judiciary should first examine whether the restriction is prescribed by law, secondly whether the restriction is aimed at achieving a legitimate goal, and thirdly whether it is “necessity in a democratic society”.

The harm of an ignorant approach by the competent institutions regarding the potential risks of misuse of the freedom of expression can be: 1. external - where neighbouring and other countries generally get the impression that for holding the power, the fundamental rights of citizens are not fully guaranteed and 2. internal, which reflects the (in)capacity of individuals in power or institutions to manage impunity, but also to be tolerant to public criticism in cases where critical voices are sanctioned and the abuse of the right to expression is used as an excuse. In this regard, for the purposes of this research, an attorney will say: It is a fact that in the domestic legislation there is no special (by this meaning on separate – *lex specialis*) law on hate speech as is the case in some EU member states but that does not mean that these crimes should be ignored. Essentially, acts related to hate speech can be interpreted based on the several articles of the Criminal Code, especially in Article 319. However, the problem is that for this act there is no clear obligation for the Basic Public Prosecutor's Office to act *ex officio* and is left to the plaintiff to file a private lawsuit. This is one of the reasons why there are incredibly small number of such court cases despite the apparent presence of hatred in the public discourse in our country. The tolerance of these most often verbal crimes is dangerous since it may trigger hate crimes with real violence”.

As one of the indicators that public hate speech is tolerated in the Republic of North Macedonia, as well as public threats that may endanger the safety of individuals and groups, is the poor court practice for these acts. For the purposes of this paper, 26 letters were sent under the Law on Access to Public Information with the question of how many final judgements there have been in the last 10 years under Article 319 - Causing hatred, discord or intolerance on national, racial, religious or any other discriminatory ground, from the Criminal Code. In addition, if there are such judgments, copies of the documents were requested to be submitted having in mind that court judgments older than five years are not available on the court webpages.

From the analysis of the received answers, it can be concluded that in ten years there have only been five final judgements (in addition to the one which is ongoing in front of the court in Delchevo) for this type of cases and none of these judgements is on the territory of the City of Skopje but in Krushevo, Bitola, Kumanovo and Struga. Within the deadline of 20 days, 24 answers were received out of 26 in total and two basic courts did not answer - the Basic Criminal Courts in Gostivar and Tetovo did not respect the legal obligation to provide an answer in the foreseen time.

3.1. A brief comment on five court judgements

Judgement No. 14/19 dated 15.10.2019

Criminal act - *"Incitement to hatred, discord or intolerance on national, racial, religious and other discriminatory grounds"* under Article 319, paragraph 1 of the Criminal Code. The Basic Court in Krushevo in the criminal case against five defendants for the crime passed a judgement based on **confession**. The court procedure was initiated upon an indictment of the Basic Public Prosecutor's Office in Prilep.

Within the enacting clause of the indictment / judgement, it was stated that on 02.08.2018, by exposing the ethnic symbols of the members of the Albanian ethnic community in the Republic of North Macedonia, it was caused hatred, discord and intolerance based on ethnicity, so that during the celebration on the occasion of the state holiday "August 2nd" which was attended by the President of the state, representatives of the Parliament and the Government, representatives of political parties, foreign countries, accredited diplomatic and consular missions and a large number of citizens, as part of the group consisting of members of several sport fan groups shouted: *"Only dead Shiptar is a good Shiptar"* and *"a gas chamber for the Shiptars"*.

All defendants were sentenced to an alternative measure - a suspended sentence after they confessed to having committed the crime at the first hearing and stated that they felt guilty.

Four of the defendants were sentenced to three months imprisonment each, which will not be executed unless they commit a new crime within one year, and one defendant was sentenced to four months imprisonment which will not be executed if he does not commit a new crime within one year.

Table No. 1 - Judgement No. 14/19 dated 15.10.2019 from Basic Court Krusevo

Venue	Duration of the crime to final judgement	The crime was committed by:	Previous convictions?	Nationality	Legal representative?
Krushevo	One year and two months	a group	Five convicted, one with previous conviction history	Macedonians	Yes

Judgement No. 775/18 dated 27.03.2019

Two criminal offenses - Assault on an official while performing public security duties under Article 383 and inciting national, racial, and religious hatred, discord, and intolerance under Article 319 paragraph 1 of the Criminal Code.

In this case, the third Judgement is final and was rendered based on a **confession**.

1. The first judgement K-195/17 was passed by the Basic Court in Kumanovo on 26.04.2017, in a procedure initiated upon an indictment by the prosecutor's office, by which the defendant was convicted of two criminal offenses with a single sentence of **suspended sentence** - imprisonment for a term of two years which will not be executed if the defendant does not commit a new crime within four years.

2. The Court of Appeals in Skopje with Judgement 790/17 from 04.10.2017 reversed the first-instance judgement, found the defendant guilty of the two crimes he was charged with and **sentenced him to a single prison term of one year and two months.**

3. On March 27, 2019 the Basic Court in Kumanovo in a repeated procedure upon an indictment against one accused for two criminal offenses, passed a Judgement K-775/18 based on a confession. The defendant was convicted for both criminal offenses, which are charged with a **single suspended sentence** - a prison sentence of one year and two months, which will not be committed if the defendant does not commit a new crime within four years.

The enacting clause of the indictment / judgement states that on 31.03.2017, around 4pm, a group including a child and several unknown persons damaged the state flag and it incited discord and intolerance on the basis of ethnicity. In addition, an official was attacked and inflicted bodily injuries while he was performing public security and protection of the constitutional order of the state. The defendant put down the state flag from the mast with the other people who were with him in the centre of the city in front of many citizens, dragging the rope to which the flag was attached, after which he tore it. When the police officer ran to arrest him, the defendant attacked the police officer and continued to hit him, causing bodily injuries. As more citizens witnessed the incident, a sense of discord and intolerance based on ethnicity flared up in the public. The defendant was detained and spent 30 days under house arrest.

At the main hearing of the repeated procedure, the defendant apologized to all present and to the entire Macedonian public and was with his head bowed all the time looking at the ground.

Table No. 2 - Judgement No. 775/18 dated 27.03.2019 from Basic Court Kumanovo

Venue	Duration of the crime to final judgement	The crime was committed by:	Previous convictions?	Nationality	Legal representative?
Kumanovo	Two years	group (condemned)	No	Albanian	Yes

Judgement No. 84/19 from 04.04.2019

Criminal offense under Article 319 paragraph 1 of the Criminal Code. The Basic Court in Bitola, acting upon the indictment of the Basic Public Prosecutor's Office in Bitola against one defendant for a crime, at the main hearing in the defendant's substance had a judgement - **an alternative measure of probation** - a sentence of imprisonment of one year which will not be executed if the convict does not commit a new crime within two years. The enacting clause of the indictment / judgement states that the night between 11.04.2018 and 12.04.2018 in the village of Obednik, Demir Hisar, by damaging other people's properties i.e., at the wall of old shop owned by the witness T.P. cohabitant from the same village, spray-painted in Latin letters graffiti with text "*Uçk, Kosova, Adem Jashari po na thirret - Kosova*" which caused hatred and anxiety based on ethnicity among Macedonians living in that village.

Table No. 3 - Judgement No. 84/19 from 04.04.2019 from Basic Court Bitola

Venue	Duration of the crime to final judgement	The crime was committed by:	Previous convictions?	Nationality	Legal representative?
Obednik – Demir Hisar	One year	Individual	No	Albanian	Yes

Judgement No. 93/19 dated 21.06.2012

Criminal offense under Article 319 paragraph 1 of the Criminal Code. The Basic Court in Struga, acting upon an indictment of the Basic Public Prosecutor's Office in Struga against one defendant for a crime, at the main hearing in the presence of the defendant, **sentenced him to 5 months in prison.**

The enacting clause of the indictment / judgement states that on 23.01.2012 in Struga in front of the Municipality building set fire to the state flag which he was carrying, and when the flag was already burned, he threw it on the ground and started applauding which caused national hatred among those present and other citizens.

Table No. 4 - Judgement No. 93/19 dated 21.06.2012 from Basic Court Struga

Venue	Duration of the crime to final judgement	the crime was committed by:	Previous convictions?	Nationality	Legal representative?
Struga	Five months	Individual	Yes	Albanian	Yes

Judgement No. 227/14 dated 15.04.2016

Criminal offense under Article 319 paragraph 1 of the Criminal Code. The Basic Court in Struga, acting upon an indictment of the Basic Public Prosecutor's Office in Struga against one defendant for the crime, at the main hearing in the presence of the defendant pronounced a judgement sentencing him to an **alternative measure probation** - imprisonment of one year which will not be executed if the convict does not commit a new crime within two years.

The enacting clause of the indictment / judgement states that during the inspection by a judge of the Basic Court in Struga, and in connection with a previous dispute between the church “*St. Anastasia*” and the building of the Municipality of Struga, there was a gathering of locals where at one point, one of the present shouted: “*The village is Muslim and there are no Christians in it*”, which caused religious hatred among some of the citizens present and they formed a group. Following a lawsuit filed by the on-duty judge at the event, which invoked Article 319 of the Criminal Code, the Court in Struga in 2016 ruled that the defendant who pronounced that sentence found him guilty and sentenced him to probation. One of the arguments in the explanation is that in the village of Oktisi live citizens who are part of several religious communities and is of a multi-ethnic nature, and his statement hurt the feelings of some of the present, but also caused hatred from one ethnic group.

Table No. 5 – Judgement No. 227/14 dated 15.04.2016 from Basic Court Struga

Venue	Duration of the crime to final judgement	the crime was committed by:	Previous convictions?	Nationality	Legal representative?
Struga - Oktisi	one year two months	an individual	No	Albanian	Yes

The mutual aspect of these five separate court judgements is the following:

The average time duration from the commission of the crime to the adoption of a final judgment is 17 months. The shortest time is 5 months, while the longest is 31 months. At first glance it seems long, but in the case No. 775/18 the perpetrator was charged and convicted of two crimes (concurrence of crimes), one of which is assault to an official while performing public security duties. Three court proceedings were conducted, three verdicts were brought, and the defendant spent 30 days under a house arrest. If the duration until the final verdict of this procedure is subtracted (*which generally differs from the other four verdicts*), the average time until the final judgement is reduced by 2 months, i.e., it is 15 months. This can be considered as a short duration of criminal proceedings in the Republic of North Macedonia.

Additionally, based on the assessment of the five final judgements:

- Out of the five crimes, three were committed in the city, while two were committed in rural areas;
- All final judgments have been proceeded by the basic criminal courts.
- All defendants were adults and had an attorney during the proceedings.
- All defendants have been convicted.
- In four verdicts, suspended sentence was imposed, while in one verdict a prison sentence of 5 months was imposed.
- In one case, the defendant spent time under a house arrest, but this is attributed to the attack on the official; In this case the defendant was sentenced to probation;
- Two crimes were committed in a group and both were judged based on confession, while three were committed individually.
- Four of the five crimes were committed in the presence of more than five witnesses, while one was committed without the presence of witnesses.
- Two of the nine defendants / convicts appeared in the criminal record as previously convicted.

Depending on the local context, a certain word, a phrase, or a sentence in public or even a gesture or a graffiti that may cause a hatred to a specific group, especially based on religious or ethnic ground in the local context in the society may inflict further civil tensions. In this regard, an attorney that represents individuals at court related to freedom of expression will stress out: “the freedom of expression is one of the fundamental rights, but this right is not absolute. This means that when the misuse of freedom of expression breaches another human right, this human right may be suspended by the court. Having said this, the objective penalization of the misuse of the freedom of expression is defending this principle of free speech and vice versa, the impunity encourages further cases of hate speech and possibly crimes based on hate, something that is not new in the context of Western Balkans”.

Nonetheless, the state must provide not only a favourable legal environment for exercising the freedom of speech and expression, but it should also constantly invest in the capacity of the competent institutions to secure this human right but also to protect individuals and groups by its abuse. In this regard, a journalist for the purpose of this paper will stress out: “Journalists are having the task to inform the public in objective way even when the information is not positive news, a trend that is, unfortunately, quite often in the era of pandemic. We do have examples when only because we have published negative news, myself and my colleagues were exposed to an aggressive speech and even hatred only because we have been doing our job as journalists and we have not received institutional support for this reason. This trend, in which we are targeted to verbal attacks only because of our profession, is creating a chilling effect that increases the self-censorship”.

Important to be noted is that the Criminal Code of RNM also defines Crime of hate that is defined as crime against a natural person or a legal entity and associated persons thereto or a property which is committed wholly or partially due to a real or speculative (imaginary, assumptive) characteristic or association of the person and relates to the race, skin color, nationality, ethnic origin, religion or conviction, mental or bodily disability, sex, gender identity, sexual orientation and political conviction (Criminal Code, 170/2017). Apart of the definition of the crime of hate, this law defines more serious penalties if specific crimes are being committed with hatred motives and later this is being qualified as such in the court proceeding.

4. CONCLUSION

The research shows that the case law for hate speech offenses is extremely modest given the number of court judgements in the last ten years across the country. According to the answers received from 26 basic criminal courts from the territory of the whole country, in the last ten years there have been only five final court judgements for hate speech (according to Article 319 of the Criminal Code) and none of it is on the territory of the City of Skopje. Also, none of the court judgments refers to hate speech towards journalists nor to published content via media or internet social networks.

In general, citizens should be aware that, according to Article 10 of the European Convention on Human Rights (Council of Europe), everyone has the right to freedom of expression. This right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. More importantly, this right is not absolute, and when it jeopardizes other rights, especially the absolute, such as the right to life or the right to think, this right is subjected to certain restrictions.

In the Republic of North Macedonia, there is no special law on hate speech that would sanction the abuse of freedom of speech, which is a human right that has no absolute freedom under the European Convention on Human Rights and can be restricted in conditions where it threatens other human rights in accordance with the case law of the European Court of Human Rights.

Tolerating explicit hate speech in a local context can easily cause social tensions and thus potential conflicts primarily on religious and ethnic grounds but also on other grounds such as political or sexual affiliation.

In the creation of a preventive mechanism, systemic solutions which would imply legal changes of the Criminal Code and the Law on Criminal Procedure are needed, through which law enforcement institutions such as the Ministry of Interior, but also the Prosecutor's

Office would have greater authority to prosecute such acts ex officio in a non-selective manner. If the abuse of speech is tolerated, especially in fragile democracies such as the Republic of North Macedonia, public order and peace can be easily disturbed and hate speech can turn into hate crimes.

Constant campaigns by the civil sector on the importance of freedom of speech and media literacy should be a common practice recognized and supported by the public authorities. There are positive examples where local civic organisations are conducting public campaigning actions (Helsinki Committee for Human Rights, 2016) and even European political organisations (Delegation of EU in Skopje, 2020) on grass root level but there are no visible examples of such public proactiveness by the governmental institutions.

Finally, freedom of speech should be nurtured, and its abuse must not be underestimated. In this regard, Adam Michnik, a well-known Polish publicist and essayist, will say *“People kill first with words, and only afterwards with the sword”*. With this thought he only reminds us of the meaning of public speech, but also warns that the abuse the power of free speech should be brought to justice.

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SECONDARY VICTIMIZATION OF VICTIMS OF HUMAN TRAFFICKING IN JUDICIAL PROCEEDINGS IN THE REPUBLIC OF NORTH MACEDONIA

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Abstract

One of the basic principles judicial authorities should adhere to when dealing with human trafficking victims is refraining from secondary victimization. Considering that secondary victimization is an exacerbation of primary victimization through inadequate or even erroneous reaction by law enforcement agencies, analysis of the degree of secondary victimization of human trafficking victims in court proceedings is of great importance when evaluating the sensitivity of the actions of judicial authorities. The research conducts both quantitative and qualitative analysis of all twelve final judgments in criminal proceedings in the Republic of North Macedonia in the period from 2015 to 2020. The quantitative analysis provides data on the frequency of victims and number of times the victim was heard in these court proceedings. It further analyses the victim's distributions by gender, ethnicity and age. The qualitative research focuses on the written explanations of the verdicts. More specifically, it analyzes whether the change of the procedural law and the level of expertise and professionalism of the judges, prosecutors and lawyers in the application of special measures for procedural protection of victims has an impact on secondary victimization in court proceedings. The paper concludes that the main reason for the existence of secondary victimization is the insufficient expertise, professionalism and education of judges, prosecutors and lawyers, which is reflected in the lack of legal provisions practice of special protective measures for the victims.

Key words: *secondary victimization, victims of human trafficking, criminal proceedings, special protective measures.*

1. INTRODUCTION

Trafficking in human beings as an integral part of organized crime is on the rise and is a result of globalization as a multidimensional and complex process (F.Curtol, 2004). This type of organized crime is especially relevant for the rights of victims, including child victims, as the most vulnerable category who should be provided with full access to justice in criminal proceedings. A condition for securing the rights of the victims is the establishment of an efficient procedural-legal system.

One of the basic principles to be followed by all those involved in trafficking is to refrain from secondary victimization of victims (Council of Europe, Committee of Ministers, 1985). Adherence to this principle requires not only the existence of legislation, it also implies a high level of professionalism by the key entities which implement the law.

Victims of human trafficking, as victims of this particular form of crime, suffer various consequences. The victim may suffer physical, psychological or a combination of both physical and psychological violence at the time the crime was committed. All of these

are consequences of the primary victimization and create a whole range of additional problems for the victim, in the sphere of health, family, work, as well as problems in the environment in which they live (Nikolić-Ristanović, 2003). In addition to the primary victimization, the victims also suffer secondary victimization in conditions when they come in contact with the institutions that conduct the procedure for detecting and punishing the perpetrator. Namely, secondary victimization is an aggravation of primary victimization through the negative reaction of the social environment and through an inadequate or even wrong reaction on the part of law enforcement agencies (Joachim, 1975).

The invisibility of the needs and interests of the victims of trafficking is often manifested by their secondary victimization, which undoubtedly results also from the attitude of professionals in the system towards them and the reaction to the crime (Stojanka Mirceva, 2014). Secondary victimization multiplies the negative consequences for the victim started with the primary victimization (Bacanovic, 1997).

If criminal proceedings cause psychological harm to the victims involved, this must be considered a serious undesirable effect of the criminal justice system and an instance of secondary victimization of victims (Orth, 2002). Secondary victimization has been defined as a negative social or societal reaction in consequence of the primary victimization and is experienced as further violation of legitimate rights or entitlements by the victim (Montada, 1994). Indeed, the criminal justice system is often characterized as causing secondary victimization among crime victims (M.P.Koss, 2000) (Symonds, 1975). Subjective evidence of secondary victimization by criminal proceedings has been documented (Edna Erez, 1998). In a study of mental health professionals, 81% of the participants believed that a contact with the legal system can be psychologically harmful for rape victims (Rebecca Campbell, 1999). In a study of rape victims, 52% estimated the contact with the legal system as harmful (Rebecca Cammbell, 2001).

Therefore, a need arises to examine the secondary victimization of human trafficking victims during court procedures. Given that the scientific community around the world is concerned with the consequences suffered by victims of crime, as well as the strengthening and recovery of these victims from the consequences of the crime (Sacco, 1998), an analysis of the degree of secondary victimization of victims of trafficking in court procedures is of great importance in order to assess the sensitivity of judges and public prosecutors in dealing with victims during the procedure.

The special protection of the victims of crime, including victims of trafficking in human beings, is prescribed in the Law on Criminal Procedure (Official Gazette of the Republic of Macedonia, 2010) in the chapter on victims, damaged persons and private plaintiffs. In order to protect from secondary victimization, the law prescribes an imperative norm according to which the organs and entities that treat the victims are obliged to treat the victim with special care and attention, taking into account the psycho-physical condition of the victim. Depending on the needs, the victim of the crime is entitled to effective psychological and other professional assistance and support from bodies, institutions and organizations that offer assistance to victims of crime during the procedure (Council of Europe, Committee of Ministers, 1983).

The reasons and conditions for secondary victimization of victims of trafficking in criminal proceedings are complex. The subject of the research is aimed at the analysis of all final court judgments in criminal proceedings for crimes of trafficking in human beings in the period from 2015 to 2020. During this period, two procedural laws are applied, the Law on Criminal Procedure from 1997 (Official Gazette of the Republic of Macedonia, 1997) and the Law on Criminal Procedure from 2010 (Official Gazette of the Republic of

Macedonia , 2010). The content of the verdicts can provide answers about the degree of secondary victimization and which factors contribute the most to it. The content of the verdicts provides data on the sex of the victim, their age, whether special measures of procedural protection were applied, and whether the victim was heard several times due to insufficient professional training of the public prosecutor and judge. All this data can contribute to obtaining answers that can be of great importance to the scientific and professional public.

This research addresses the following questions: Does the adoption of a new procedural law on criminal proceedings, i.e., change in the law, affect secondary victimization? Does the degree of expertise of the judges, public prosecutors and lawyers affect secondary victimization? Would implementing appropriate training for professional help reduce the secondary victimization of victims of human trafficking in court proceedings? The research examines the cause-and-effect relationship between the actions of state bodies in criminal proceedings and secondary victimization. The goal is that the analysis of this data and its results will contribute to increasing scientific knowledge in the area of victim rights in human trafficking procedures.

In addition to a scientific purpose, this research has a practical one. The realization of this practical goal depends on the results of the research. Namely, the practical goal is to address the need for the training of judges, prosecutors and lawyers on this issue, who are in fact the main and direct participants in these criminal proceedings. Secondary victimization in court proceedings depends solely on their conduct and compliance with procedural laws. With trained professionals, secondary victimization in criminal proceedings is expected to be significantly reduced.

2. METHODOLOGY

The research was conducted with a quantitative and qualitative analysis of all twelve final court verdicts obtained by the Basic Criminal Court Skopje for the period from 2015 to 2020. This period was chosen because the application of the current Law on Criminal Procedure began at the end of 2013, which is why the author considered this period the most appropriate so as to observe the court proceedings under both procedural laws, the old and the new Law on Criminal Procedure. The verdicts will be analyzed by way of obtaining data on the number of victims in the particular court proceedings, the age of the victims, the sex of the victims, the type of crimes, the kind of exploitation the victims were exposed to, the number of times the victims were questioned during the proceedings, as well as whether special measures of procedural protection were applied. The analysis of the verdicts will address: the procedural law under which the procedure was conducted, whether the defendant pleaded guilty, if the verdicts elaborated on the number of times the victim was examined, whether re-examination of the victim was necessary, whether the victim changed his or her statement during the re-examination, whether the victim was heard at the suggestion of the defense, the prosecutor or the court, and whether there was sufficient expertise and awareness among the public prosecutor and judges regarding the need and decision to re-hear the victim.

The data from the verdicts was first recorded in Excel spreadsheets. Three tables were made: one table where the data was recorded at the level of the case, one table where the data were recorded at the level of the victim and one table where the data were recorded at the level of the accused. The three Excel spreadsheets were then entered into the SPSS

software and the STATA software, where a descriptive analysis was performed. From here, tables and figures / graphs were generated which will be elaborated in the next chapter.

3. RESEARCH RESULTS

3.1. Quantitative analysis

In the period from 2015 to 2020, 12 criminal proceedings were initiated and legally completed in cases of trafficking in human beings. Half of the criminal proceedings (6) were conducted according to the Law on Criminal Procedure from 2010, and the other half (6) were conducted under the Law on Criminal Procedure from 1997, i.e., the proportion of cases conducted in accordance with the law from 2010 as opposed to those conducted in accordance with the law from 1997 expressed as a percentage is 50% -50%.

Table 1 Types of crimes for trafficking in human beings

Crime	Frequency	Percent	Valid Percent	Cumulative Percent
Child trafficking	7	58.3	58.3	58.3
Human trafficking	3	25.0	25.0	83.3
Trafficking in minors	2	16.7	16.7	100.0
Total	12	100.0	100.0	

Table 1 shows the types of crimes covered by the analyzed court cases. Out of 12 indictments, 7 were filed for the crime of Child Trafficking under Article 418-d of the Criminal Code, 3 indictments were filed for the crime of Trafficking in Human Beings under Article 418-a of the Criminal Code and 2 indictments were filed for the crime of Trafficking in minors under Article 418-d of the Criminal Code. With the amendments to the Criminal Code in 2014, the word “juvenile” was replaced with the word “child” in the section called “Criminal offense of trafficking in minors” under Article 418-d (Official Gazette of Republic of Macedonia, 2014). As a result, the name of the criminal offense was changed to “Child trafficking”. Hence, “Child trafficking” and “Trafficking in minors” constitute the same crime.

According to the table, 9 out of 12 criminal proceedings were conducted for the criminal offense of Child Trafficking/Trafficking in minors, while only 3 for the criminal offenses were for Trafficking in Human Beings. The percentage breakdown is thus 75% for the crime of Child Trafficking / Trafficking in minors, and only 25.0% for Trafficking in Human Beings. Hence, we conclude that 75% of the total number of victims were children.

Table 2 Type of exploitation of victims of trafficking

Type of exploitation	Frequency	Percent	Valid percentage	Cumulative percentage
Forced marriage	2	13.3	13.3	13.3
Sexual	8	53.3	53.3	66.7
Sexual and forced marriage	1	6.7	6.7	73.3
Sexual and labor	2	13.3	13.3	86.7
Labor	2	13.3	13.3	100.0
Total	15	100.0	100.0	

The table shows that in 12 criminal cases there were 15 victims of trafficking. The results of this table show that more than half of the victims were subjected to sexual exploitation while being trafficked, i.e., 53.3% of the victims were subjected to sexual exploitation. This percentage would increase if the values of the two victims who were subject to combined exploitation, “sexual and labor” and “sexual and forced marriage”, are added.

Table 3 Overview of the age of victims

Age	Frequency	Percentage	Valid percentage	Cumulative percentage
13	4	26.7	26.7	26.7
14	1	6.7	6.7	33.3
15	3	20.0	20.0	53.3
17	5	33.3	33.3	86.7
18	1	6.7	6.7	93.3
47	1	6.7	6.7	100.0
Total	15	100.0	100.0	

The results from Table 3 show that out of a total of 15 victims, 5 are aged 17, 4 are aged 13, 3 are aged 15, 1 is aged 14, 1 is aged 18, and 1 is aged 47. From this table we conclude that most of the victims are children.

Table 4 Average age of victims

	Total number of victims	Minimum	Maximum	Average	Standard deviation
Age of the victim	15	13	47	17.40	8.382
Valid number	15				

Table 4 shows that the youngest victim out of 15 is 13 years old, while the oldest one is 47 years old, hence the average age of the victims is 17.40. The standard deviation of 8,382 indicates how dispersed our data is in relation to the average. If we look at the years of the victims, we will notice that there is no great dispersion and yet we have a great value for the standard deviation. This due to the one victim aged 47, who increases the standard deviation as a result of the big difference between his/her age and that of other victims.

Table 5 Gender of the victim

Gender of the victim	Frequency	Percentage	Valid percentage	Cumulative percentage
F	13	86.7	86.7	86.7
M	2	13.3	13.3	100.0
Total	15	100.0	100.0	

Table 5 shows that out of 15 victims 13 are female, and only 2 victims are male, i.e., in percentages we conclude that 86.7% of the total number of victims are female, compared to 13.3% of male victims.

Table 6 How many times has the victim been heard

Number hearings of a victim	Frequency	Percentage	Valid percentage	Cumulative percentage
Two times	8	53.3	53.3	53.3
No data	5	33.3	33.3	86.7
Never	1	6.7	6.7	93.3
Three times	1	6.7	6.7	100.0
Total	15	100.0	100.0	

Table 6 provides an overview of the number of times the victim was questioned during the criminal procedure, which is an important indicator of secondary victimization. Eight of the total number of victims were questioned twice during the criminal procedure. In the cases of five of the victims, there is no information on whether or how many times

they were questioned. One victim was not questioned at all, and one victim was questioned three times during the same procedure. According to the analysis, the largest percentage of victims were questioned twice, i.e., 53.3%, but there is a large percentage of 33.3% victims for whom there was no data on whether or how many times they were questioned during the criminal procedure.

Table 7 Special measures for protection of the victim

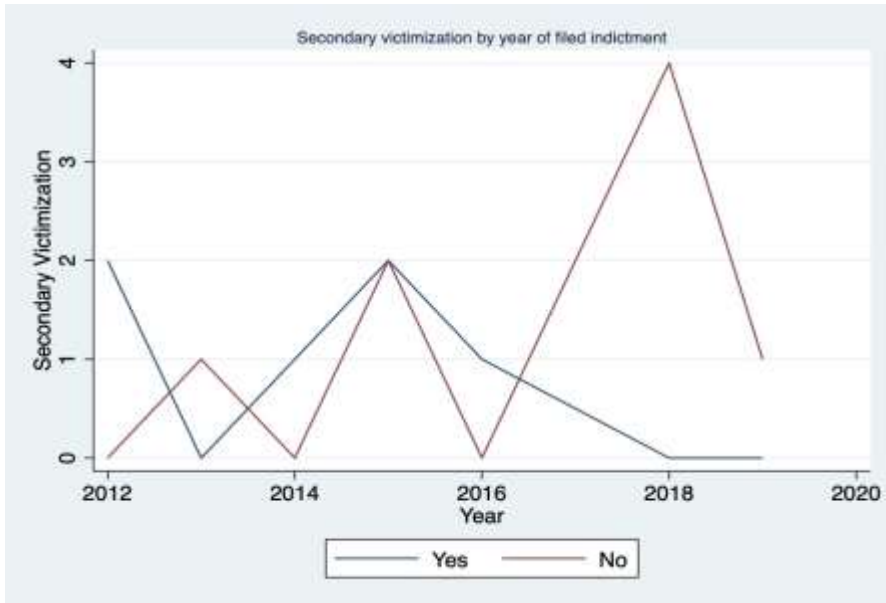
Special protective measures	Frequency	Percentage	Valid percentage	Cumulative percentage
Yes	4	26.7	26.7	26.7
Yes- videoconference	1	6.7	6.7	33.3
No	6	40	40	73.3
No data	4	26.7	26.7	100.0
Total	15	100.0	100.0	

Table 7 shows how many of the victims were under special protective measures during the questioning, meaning there was an audio-video recording made during the questioning of the victim as part of the procedure. The analysis of the data show that special protective measures were applied to only 4 of the victims. One victim was questioned through video conference. Special protective measures were not applied to 6 of the victims, and, in the cases of 4 victims, there is no information provided on how they were questioned. The percentage of application of special measures for protection of the victim in 12 criminal proceedings in the period between 2015 to 2020 is 26.7%.

Table 8 Plea agreement motion

Plea agreement motion	Frequency	Percentage	Valid percentage	Cumulative percentage
Yes	7	38.9	38.9	38.9
No	11	61.1	61.1	100.0
Total	18	100.0	100.0	

Table 8 is structured by defendants. The total number of defendants is 18 for the 12 cases analyzed. Of the 18 defendants, 7 pleaded guilty for the crime of trafficking in human beings, while 11 of them pleaded not guilty.



Graph 1 Secondary victimization by year of filed indictment

The Basic Public Prosecutor's Office for Prosecuting Organized Crime and Corruption (BPPO for POCC) has formed 12 cases for which indictments were filed: 1 indictment in 2003, 1 in 2012, 1 in 2013, 1 in 2014, 2 in 2015, 1 in 2016, 4 in 2018 and 1 in 2019. Most cases of human trafficking for which an indictment was filed by the prosecution are from 2018, constituting 33.3% of the total number of cases. The criminal proceedings on the basis of those indictments were conducted in the period from 2015 to 2020.

Graph 1 visually shows the progression of the degree of secondary victimization over the years, specifically from 2012 to 2019. The x-axis shows the year, while the y-axis shows the number of victims in a given year that were subjected to secondary victimization. The trend of those victims who were not subjected to secondary victimization is shown in red, while the trend of victims who were subjected to secondary victimization is shown in blue. As we can see, in 2012, out of a total of 2 victims, 2 victims underwent secondary victimization. In 2013, out of a total of 1 victim, 1 victim was subjected to secondary victimization, etc. In 2018, out of a total of 4 victims, 4 were not subject to secondary victimization, and in 2019, out of a total of 1 victim, 1 was not subjected to secondary victimization. Hence, we conclude that there has been a slight decline in secondary victimization in the last two years.

3.2. Qualitative analysis

Upon analyzing the explanations given for some of the verdicts, it was determined that the degree of secondary victimization directly depends on the expertise and professionalism of the public prosecutor and the judge who acts in correlation with the procedural law that is currently in force.

3.2.1. Implementation of the procedural law and expertise of the public prosecutor

Based on the analysis of the content of the verdicts, as well as the quantitative analysis, it was determined that out of 15 victims, 14 were children. The Law on Justice for Children (Official Gazette of the Republic of Macedonia, 2013) has special provisions for dealing with child victims, according to which the child victim has special rights to procedural protection, especially when the child is a victim of trafficking, violence or sexual abuse or other serious acts committed against children for whom the law stipulates imprisonment for more than four years. Adult victims have the same procedural protection and under the same conditions in accordance with the Law on Criminal Procedure.

In the judgments KOK.No.12/20, KOK.No.109/19, KOK.No.52/18 and KOK.No.45/15, there is no information on whether a measure of special protection was proposed. In three judgments, KOK.No.83/18, KOK.No.92/18 and KOK.No.18/15, a measure of special protection for the victims was determined by the court. From the qualitative analysis of the other five judgments, KOK.No.20/16, KOK.No.66/16, KOK.No.29/15, KOK.No.35/15 and KOK.No.67/15, it was determined that no procedural measures for the protection of victims were applied, although the law explicitly stipulates for it.

From the analysis of the verdict in which the victim is an adult, no provisions for procedural protection were implemented at the time of conducting the procedure, from which we conclude that the public prosecutor was not obliged to apply them.

Out of a total of 11 procedures in which victims were children and procedural protection was mandatory by law, only in 3 procedures measures for the procedural protection of victims were applied.

From this qualitative analysis we conclude that the public prosecutors who acted in these proceedings were not sufficiently professional and did not implement the legal provisions for the procedural protection of victims in 8 out of 11 proceedings, although according to the law they were obliged to do so. We conclude that the lack of expertise and professionalism of public prosecutors affects the increase in the degree of secondary victimization of victims.

3.2.2. Expertise of the judges

To determine the expertise of the judges with regards to the knowledge and application of the law for the special rights of the victims of human trafficking, the verdicts KOK.No.18/15, KOK.No.92/18, KOK.No.20/16 and KOK.No.66 /16 were analyzed. In these four criminal proceedings, out of a total of 12, the victim was re-heard during the main court hearing. In these four proceedings, the court did not take into account that the victim had previously been questioned, i.e., had already testified once during the investigation under special procedural measures for protection.

In the procedure KOK.no.18 /15, the court heard the two victims – one aged 13, the other 15 - again at the main hearing, despite the fact that both victims had already been heard once under special protective measures. That is, both victims were interrogated during the investigation and their statements were audio-video recorded, in the presence of the Public Prosecutor, an expert from the Center for Social Work, defense lawyer and parent/guardian. In addition, a psychiatric examination was performed for both victims and it was determined that they suffered multiple physical and psychological traumas. Despite having this information, the court decided to hear the victims again, which contributed to their secondary victimization. The judge therefore contributed to the secondary victimization because the re-examination of the victims happened in the courtroom, in the presence of the defendants and

their lawyers, upon which one of the victims changed their statement in favor of the defendants. When making the decision to re-examine the victims, the judge did not seem to take into consideration the psychiatric expertise which stated that the victims had suffered multiple physical and psychological traumas.

In analyzing the explanation of the verdict, it is clear that the evidence on its own would have led to the same outcome, i.e., the court would have made the same decision without the re-examination of the victims. Namely, the judge did not believe the victim who changed his statement in favor of the defendants during the re-examination. The very explanation that the court did not believe the second statement of the victim and gave faith to the first statement given immediately after the crime happened, proves that the second hearing was not necessary. The judge did not explain why she agreed to re-hear the victim in the presence of the defendants and their lawyers even though this obviously had an impact on the change of testimony.

In the procedure KOK.no.92/18, the victim was first heard in the Public Prosecutor's Office in Tetovo, before being heard in the Public Prosecutor's Office for Organized Crime and Corruption when the procedural measures of audio-video recording were finally applied. In this criminal procedure, the court acted expertly and explained that it did not call the victim so as to protect them from secondary victimization. The judge decided to reproduce the audio-video recording instead.

In the procedure KOK.no.20 /16, the court heard both victims – one aged 13, the other 14 - again at the main hearing, despite the fact that they had already been examined during the investigation. Minutes had been drawn up for the statements of the child victims in the Basic Court in Gostivar, where they were previously heard. Despite this, the judge who handled the case in the Basic Criminal Court in Skopje summoned and heard the child victims again in the presence of the defendant. The victims were children when the crime was committed, and adult witnesses had told the court that the children had been physically abused. The fact that the victims, while giving their testimony, denied that they had been exploited to perform hard physical work, claimed that their freedom of movement had not been restricted, and then fled, is considered to be a result of the influence of the defendant's presence in the courtroom. Denial of the offence may be the result of trauma previously experienced by the victims. Having the victims meet the perpetrator again constituted a secondary victimization due to which the victims might have denied the crime. The handling of the case would not have resulted in a secondary victimization had the court had believed the victims' statements and rendered a verdict of acquittal.

At the main hearing in the procedure KOK.no.66 /16, the court questioned the victim for the second time at the proposal of the defense lawyer. The victim was previously heard under special protective measures in the Republic of Slovenia. During the court procedure conducted in the Republic of Slovenia, the defendants who were citizens of the Republic of Slovenia were convicted for the same crime and same criminal act with the final verdict. The Slovenian court verdict states: "the hearing of the witness-injured party G.D. was conducted via video conference under Art.244-a of the LCP. The court decided to hear the victim through video conference in order to ensure and protect her personality and integrity, since a direct meeting with the accused members of the family R. could be very stressful for her because she does not want to meet them in person anymore, nor to communicate with them in any way." Despite this explanation provided by the Slovenian court, the judge allowed the victim to be re-heard at the request of the defense in the presence of the defendant. In this case the court allowed secondary victimization and the victim changed her statement.

In the aforementioned cases, the court did not take into consideration that the victims had suffered multiple physical and psychological traumas because of which they required a hearing under special protective measures in order to testify in an environment in which they felt safe. Meeting the defendant again in the courtroom undoubtedly contributed to the victim feeling unprotected and insecure. It is very probable that the victims changed their statements as a result of a secondary victimization. In their explanation of the verdicts, the judges do not provide any reasoning as to why they allowed the re-hearing of the victims and why they considered it necessary.

From the qualitative analysis of the above cases, we conclude that the judges who acted in these proceedings were not professional enough and did not implement the legal provisions for the procedural protection of victims - provisions which are of an imperative nature. In 3 out of 4 analyzed procedures, the court decided to re-hear the victims, although according to the final outcome, this was not absolutely necessary. Hence, we conclude that the lack of expertise and professionalism of judges affects the increase in the degree of victimization of victims.

4. CONCLUSION

States are obliged to ensure the rights of the victim and to protect them during criminal proceedings. According to the Principles and Guidelines for Access to Legal Aid in the United Nations Criminal Justice System (United Nations, 2013), an effective legal system can reduce the number of victims present in criminal proceedings, their re-victimization and re-offending.

Victims of crime, including victims of trafficking, must have timely access to justice mechanisms, as well as prompt and timely access to justice, as stipulated for in national legislation (Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985).

The research shows that the new legal solutions for acting in the criminal proceedings in North Macedonia, both in terms of the rights of the victims and the rights of the defendants, have a great impact on the degree of secondary victimization. In this regard, the indicators for plea agreement motion, the application of special protective measures in dealing with victims, the number of hearings, as well as the actions of the court, the prosecution and lawyers have a significant impact.

It is indisputable that the amendment of the procedural law and the introduction of the institute of plea agreement reduce the secondary victimization. Still, the application of this institute is not closely related to the expertise of judges and prosecutors, the plea agreement is the right of the defendant which indirectly causes the victim to not to be heard in court proceedings, and thus to not be subjected to secondary victimization.

From this research, it was concluded that judges and prosecutors not always implement procedural laws, despite the fact that these laws contain legal provisions that stipulate the procedural protection of victims of trafficking from secondary victimization. In order to progress in this direction, it is recommended to raise the awareness of all participants in the proceedings through regular lectures and trainings on the application of laws and international standards in dealing with victims of trafficking in criminal proceedings.

Lectures and trainings should be conducted in order the judges, prosecutors and lawyers to be trained about this special category of victims. Particular emphasis should be placed on women and child victims as the most vulnerable category. Awareness of the psychological and physical trauma suffered by the victim during the entire period of the

crime will contribute to increasing the sensitivity and application of legal provisions whenever necessary to protect the rights of the victim.

Education for key law enforcement officers in the justice system will contribute to a higher degree of application of the legal provisions of the procedural law concerning the protection of victims of trafficking and reduce the degree of secondary victimization in court proceedings.

It is important to note that only a completely interdisciplinary approach to training will produce the best results. Individual trainings for different profiles of professionals will not yield results until all those involved in the criminal proceedings are properly and jointly trained.

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RADICALIZATION TOWARDS VIOLENT EXTREMISM: MACEDONIAN CONTEXT

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Abstract

In these complex social constellations, one of the phenomena that has shifted the security focus in the 21st century is radicalization leading to violent extremism. Recent international conflicts have reaffirmed the transnational dimension of these processes. The participation of Macedonian citizens in the conflict in Syria once again showed that the country is not resilient to radicalization leading to violent extremism. The purpose of this paper is to analyze relevant research and explain the essence of these two related processes. Furthermore, the paper aims to systematize and summarize the facts and events that have influence on the development of radicalization and violent extremism in the country, with a special focus on religious radicalization. The principle research-question focuses on the process that manages to completely change the life of an individual and put him/her in the function of an ideological goal.

***Keywords:** radicalization, violent extremism, religious radicalization, Macedonian context*

1. INTRODUCTION

In the 21st century one of the most notable phenomena which is in the security focus is the emergence of radicalization that leads to violent extremism. In the current vibrant and dynamic society, it is difficult to predict all the risks that are created and are happening in the new social constellations.¹²⁵ It seems that the initial event that has turned a significant attention to these phenomena was the terrorist attack on the Twin Towers on September 11th 2001 in New York, known as the 9/11 attack. The phrase "War on Terror" has been one of the most frequently used in the programs of many politicians around the world, addressing the problem of terrorist attacks and raising it to the top of the security priorities in a society, as well as in the political agendas. In recent years, Europe has been the subject of several terrorist attacks, including the following: Madrid in 2004, (López Carresi, 2007) London in 2005, (Ray, 2005) Norway (Oslo and Utoya) in 2011 (Mala & J. Goodman, 2011), Paris in 2015 (Alter & Iyengar, 2015), Brussels in 2016 (Hume, Ap, & Sanchez, 2016), Munich 2016 (Harriet, et al., 2016), Barcelona in 2017 (Smith-Spark, 2017) and Strasbourg in 2018 (Peltier & Breeden, 2018). Such terrorist attacks have stressed the need for a more significant concentration of all security services on several aspects: the rise of radicalization leading to violent extremism, hate speech on social networks, as well as the increasing polarization in

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societies and the stigmatization of certain communities. (Europol, 2019) Consequently, the interest of the scientific community and the national institutions that are affected by this social phenomenon has increased significantly. When it comes to radicalization, several forms are recognized, from religiously inspired, right-wing, left-wing, to ethno-nationalist and problem-oriented. (Doosje, Moghaddam, Kruglanski, de Wolf, Mann, & Feddes, 2016).

Overview No.1 Different types of radical groups, their goals and example

Type	Main concern	Examples
1. Nationalist or separatist groups	To secure territory for the own group	ETA (Spain), IRA (Ireland), PKK (Turkey), Tamil Tigers (Sri Lanka), ISIS (Syria and Iraq)
2. Extreme right-wing groups	To preserve the high status of the "white race", which is considered endangered by immigrants	Klu Klux Klan (USA), Pegida (Germany)
3. Extreme left-wing groups	Achieve an equitable distribution of wealth and a perception of capitalism as the main source of evil	FARC (Colombia), Bader-Meinhof Group / Red Army Faction (Germany), Red Brigade (Italy)
4. Single issue groups	The main concerns focus on only one topic (not an extensive ideology) such as the environment, animal rights or abortion.	Earth Liberation Front (UK), Animal Liberation Front (Multiple States), Army of the Lord (Anti-Abortion, USA)
5. Religiously motivated groups	They adhere to a very strict interpretation of their religion to justify violence against "infidels"	ISIS (Syria and Iraq), Al-Qaeda (multiple countries), Army of God (USA)

Adapted from: (Doosje, Moghaddam, Kruglanski, de Wolf, Mann, & Feddes, 2016, *Terrorism, radicalization and de-radicalization* p. 80)

2. RADICALIZATION, VIOLENT EXTREMISM AND RELIGIOUS RADICALIZATION

The use of the term radicalism dates back to the 18th century and is often associated with the French and American revolutions of that period. The term became more widely used in the 19th century when it was used to describe social and political reforms. "Radical" was also used for a situation where someone represents or supports an extreme branch of a political party. (Awan N, Hoskins, & O'Loughlin, 2012)

What we see and how we define something often depends on where, when and with whom we are. In that sense, it is very important to keep in mind that not every person develops and cherishes the same traditions or has the same starting point to evaluate something as generally acceptable or an unacceptable radical position, or to characterize it as a sort of an unconventional movement. Throughout history, radicalism as a concept has changed its meaning many times. Many political parties in the 19th century called themselves "radical" because they expressed their radicalism in terms of advocating for a democratic republic instead of governing with royal monarchies. Some so-called radicals at the time

advocated the introduction of a system of democracy where the right to vote would not be linked to property ownership or gender. Many of them were reformers, not revolutionaries.

The term "radical" was respected as well as the term "liberal" and was used to describe a branch of the Liberal Party. Many of the radicals in the late 19th and early 20th centuries were not violent at all. Their demonstrations were mainly aimed at making the right to vote universal and to be enjoyed by all. Although at the time it was considered illegal, it was not illegitimate, especially not by today's standards. (Pisoiu, 2011)

In fact, from this we can draw a conclusion that many of the demands of the "radicals" of the 19th and 20th centuries are widely accepted today. In other words, the concept of "radical" has changed dramatically for almost two centuries. If in the 19th and 20th centuries it was perceived as something liberal, pro-democratic, as well as advocating for progressive political positions, we see that the modern use of the term "radical" and "radicalism" leads in the opposite direction and is often identified with the acceptance of anti-liberal, fundamentalist, anti-democratic and repressive views and opinions. Notable development of the radical theories in the social sciences was seen in England and America in the late 1960s, after which they were started to progress in Canada and other Western European countries. As part of this theory, criminal behavior is a construction of the social class in power to eliminate individuals and groups considered dangerous, and the criminal justice system is the basic instrument used by the bourgeoisie to maintain its supremacy over subordinate classes. (Konstantinovic-Vilic, Nikolic-Ristanovic, & Kostic, 2010) This theory can be explained as a critique of the mainstream dominant ideology, i.e., an essential opposite of the dominant opinion, which in fact characterizes it as radical.

Today, we understand radicalization as a social phenomenon and process when an individual or group advocates radical political, religious and social views and opinions that in the current social and political public discourse are not accepted as commonplace. Radicalization is a process that does not involve the use of violence. On the other hand, when defining violent extremism, most definitions that can be found in the professional literature state that it is an instrument to achieve political, ideological and religious goals, or in other words represents means used by groups that reject democracy, human rights and the rule of the right. Some definitions explicitly note that radical views are not a problem by themselves, but a problem once they develop violently and become a threat to the national security. In terms of historical "precedents" (such as fascism, communism), extremists can be characterized as political actors who tend to neglect the rule of law and reject pluralism in society. Within democratic societies, violent extremist groups, movements, and parties tend to have political programs that contain many of the following elements:

- Anti-constitutional, anti-democratic, anti-pluralist, authoritarian;
- Fanatical, intolerant, uncompromising, one-minded black-or-white thinkers;
- Rejection of the rule of law while adhering to the "end justifies means" philosophy;
- Aim to achieve their goals by any means, including when the opportunity is offered, the use of mass political violence against opponents.

Extremists from the political left and right, as well as those with a religious-fundamentalist orientation, and those with an ethno-nationalist political orientation in their struggle to gain, maintain or defend state power, tend to show a tendency to include the following elements in their agendas:

- Use of force / violence for persuasion;
- Uniformity of attitudes versus diversity;
- Collective goals over individual freedom;

- Giving orders instead of dialogue. (Schmid A. P., 2011)

It is clear that we could make a theoretical distinction between these two terms: radicalization and extremism. In fact, we would conclude here that there is a possibility that the radicals will become violent, but the option remains that they remain only radicals. The main characteristic of extremists is the use of violence. On the other hand, radicals can be democrats, while extremists can never be democrats. Their brains do not tolerate diversity. They are always in favor of using force to maintain political power, although they may not be clear and concise about this in their public speeches, especially when they are still in a weaker position.

Extremists generally have "closed minds", and are inclined to interpret the world as whether someone is with them or against them, part of the problem or part of the solution. Radicals, on the other hand, have historically been more open to rationality and pragmatic compromise, without abandoning their quest to get to the root of the problem. Radicalism is a reversal process - radicals can return to those with a mainstream mindset, unlike extremists, who would find it much harder to consider different opinions.

In terms of religious radicalization that leads to violent extremism, and further to terrorism, it is assumed that the phenomena draw their strength from a different interpretation of religion, both Islam and Christianity. Ideology is an integral part of the process of radicalization. However, ideology is not a single factor, but a complementary factor of political and social developments, and at the same time being a psychological need for identity for the person or the group. Religion, on the other hand, plays an ambivalent role when it comes to security: in some situations, it can be a threat, and in others it can represent safety. Professor John Wolffe writes that there is no simple connection between "dangerous" religious ideas and violent actions, but a complex combination of social drivers and individual personality traits. (Wolffe, 2015) By using religion as a useful narrative, a cognitive framework is built on religious fundamentalism and other ideologies to create solidarity among believers and increase loyalty to a particular purpose. Religious fundamentalism, which is often at the heart of religious radicalization, can be defined as the process of a belief in a single religious truth which is challenged by the forces of evil, and therefore must be pursued today in the same way as it was pursued in the past. It relies on three types of views:

- Followers of religion must adhere to the absolute and unchangeable rules that were set in the past;
- these rules allow only one interpretation for all who follow them;
- religious rules should prevail over secular rules. (European Commission, 2019)

It should be noted that the term "religious fundamentalism" originally came to be used for the Protestant movement in the early 1900s in the United States, as the term was used for similar movements in Christianity, Judaism, and Hinduism, meaning that it could be used for every religion, not just Islam, as is commonly used. According to the digital dictionary of Macedonian language, the term fundamentalism is defined as: an attitude, a view of life characterized by uncompromising ideological or religious principles, related to political action. (Digital Dictionary in Macedonian, 2020)

2.1. Radicalization and violent extremism – an overview of the national context

In this regard, it should be known that Macedonia, in addition to being a multiethnic society, is also a multi-confessional society. According to the last census conducted in 2002, the total population of the country is 2,022,547.

Of these, 1,310,184 declared themselves to be members of the Orthodox Christian religious group, 674,015 to be believers in Islam, 7008 Catholic Christians, 520 Protestants and 30,820 others. (State Statistical Office, 2005) From the available data, the population that declared themselves on the basis of religiosity is practically and ethnically divided, with most ethnic Macedonians practicing Orthodox Christianity, while ethnic Albanians practicing Islam. Although different ethnic and religious groups have coexisted in these areas for centuries, tensions and intolerance are sometimes manifested in violence. One such moment is the 2001 armed conflict between the Macedonian security forces and the Albanian National Liberation Army (NLA). Besides that, the conflict left the society with the feeling of animosity between ethnicities, has also resulted in many injuries and casualties on both sides.

During the conflict, about 50 churches, monasteries and mosques were destroyed, eight of which are cultural monuments such as the Leshok Monastery, the Colorful Mosque in the Tetovo region, the St. Gorgija Monastery in Kumanovo, and the Bazaar Mosque in Prilep from the 15th century. (Free Europe, 2003) The destruction of religious buildings was an act of revolt and intolerance towards the other side, which further inflamed the violence on both sides. The end of the conflict was marked by the signing of the Ohrid Framework Agreement, which provided for a complete cessation of hostilities, disarmament of armed groups and their complete dissolution. The agreement results in increased rights for the ethnic Albanians in Macedonia. To monitor the implementation of the Ohrid Framework Agreement, the Secretariat for Implementation of the Ohrid Framework Agreement was established, which was abolished in 2019 and transformed into the Ministry of Political System and Inter-Community Relations. The main task of this Ministry is to take care of the education of the communities as well as the promotion of their cultural values. Although the intention of the Ohrid Framework Agreement is to establish cohesion and tolerance in society, different narratives have often been used in relation to the agreement to provoke interethnic and inter-religious tension. Thus, over the years, more violent incidents have been reported

Tensions between the two sides have resulted in two opposing and mutually reinforcing areas of sensitivity: Albanians generally experience both factual and perceived discrimination and isolation from the majority ethnic Macedonians, and ethnic Macedonians, through various political events and the strengthening of Albanians, experience the loss of status in the society. (Petkovska Hristova & Cekik, 2014)

When talking about the post-conflict interethnic relations in the country, there is a need to note the case under the pseudonym "Monster". Namely, this is a five-time murder on 13.04.2012 near Smilkovsko lake. The victims are a group of boys aged 18-20 and a man aged 45, all of Macedonian ethnicity. The event took place on the Eve of the great Christian Orthodox Easter - the evening of Holy Thursday. Since cartridges of three different types of ammunition were found, it is assumed that there was more than one perpetrator. The controversial case which was commented in the statement of the then Minister of Interior that: "it is a group (perpetrators) from Skopje - followers of radical Islam. The detainees fought in Afghanistan and Pakistan against NATO troops. 20 people have been detained on various grounds ... The Ministry of Interior will file criminal charges for terrorism. (DeutscheWelle, 2012) After the action in which more than 800 members of the Ministry of Interior participated, it was reported that a large quantity of weapons and religious literature was found, which indicates the ideological affiliation of the detainees. The Albanian community and Albanian political representatives reacted sharply to such accusations, calling them politically instructed and unfounded. Six people were sentenced to life

imprisonment sentence in 2012, and in 2017 the Supreme Court upheld the defense appeals and remanded the case for retrial. The trial was repeated and in March 2021 the court sentenced three defendants to life in prison for terrorism, lower sentences of 15 and 9 years in prison for two of the defendants, while one was acquitted.

A recent conflict which was result of the significant political crises that the country was facing, and one that had ethnic elements, was marked by the formation of a new government in 2016. The election of an ethnic Albanian as President of the Assembly provoked a violent incursion by Macedonian violent groups, resulting in more than 70 injured MPs. Political turmoil was present and was used by different actors for their political agendas, using and exploiting the nationalist sentiment.

It is clear that there is potential for fostering narratives of violence and radicalization in these areas, as well as for political, nationalist and religious motives. Asymmetric threats are not new to the Macedonian context. Due to the frequent manifestation of such ethnic and religious intolerance, a favorable ground is being created for phenomena such as radicalization which leads to violent extremism.

In this regard, the actualization of the phenomenon of "foreign fighters" or the internationalization of extremist-radical concepts, as well as the influx of migrants and refugees from the Middle East and North Africa have contributed to the increase in the threat of terrorism. (Government of the Republic of Macedonia: National Committee for Prevention of Violent Extremism and Fight against Terrorism, 2018) It is assumed that the beginnings of Islamist radical ideologies in the Balkans were in the period after the break-up of Yugoslavia. The newly independent Balkan states were becoming a fertile ground for the spread of new movements, organizations and ideologies, especially from the Middle East. Some of them came to the region during the conflict in Bosnia in the period 1992-95, others during the conflict in Kosovo in 1999 (Selimi & Stojkovski, 2016, p. 9) (Shabani & Kadriu, 2018, p. 9) (xahala & Perteshi, 2018) The emergence of extremist groups in Macedonia has become significant since the 2001 conflict. The conflict offers fertile ground for rooting violent extremism in multi-ethnic Macedonian society and recruiting new members for terrorist groups in Syria and Iraq. In 2010, after an incident in the Isa Bey Mosque in Skopje, the Islamic Religious Community announced that five mosques in Skopje were controlled by Wahhabis and subsequently the IRC sought help from the authorities.

Throughout this period, the general approach to suppressing violent radicalism in Macedonia by state institutions was not very visible and was predominantly security-oriented. For nearly two decades, Macedonia has tackled violent extremism by taking mainly repressive measures such as introducing new sanctions and conducting police operations to detain suspected extremists. So far, returnees from the battlefields in Syria have been detained through a police operation known as Cell (Cell 1, Cell 2 and Cell 3). In the case Cell 1, nine people were detained on suspicion of organizing and recruiting fighters in foreign armies. (Selimi & Stojkovski, 2016) 6 more people were detained in Cell 2 on the same suspicions. According to an official statement from the Macedonian Ministry of Interior, the detained Macedonian citizens were aged between 23 and 38. Most of the detainees were from Skopje, and others were coming from Kumanovo, Tetovo and Gostivar. (Ministry of Interior, 2016). The first two actions took place in 2015, while Cell 3 was a year later. In addition, five people with Macedonian citizenship were detained in Turkey, on suspicion of being part of a terrorist organization. Three of them were from Kumanovo, and two from Skopje and all of them were aged 18 to 24 years. In an interview with a representative of the NCPVEFAT, information was obtained that the total number was 152 Macedonian citizens who participated in the conflicts in Syria and Iraq.

The data stated in the National Strategy is that there has been a decline in the number of foreign terrorist fighters by 2018, however, "young people in the Republic of Macedonia face insufficient social space to break away from the polarization of conservative and non-conservative Muslims. Lack of cohesion and understanding can lead to greater social isolation, which is one of the main factors in the path of foreign terrorist fighters, especially among young people who may be vulnerable to extreme voices and influences." (Government of the Republic of Macedonia: National Committee for Prevention of Violent Extremism and Fight against Terrorism, 2018)

For the purpose of having the whole picture regarding the role of the security institutions in preventing terrorist activities, it may be worth mentioning the notification of the Ministry of Interior on February 15th 2019 where it shares that they have carried out operational and tactical measures regarding potential plans and intentions to carry out a terrorist act on the territory of the Republic of North Macedonia by members of radical structures supporting ISIS, and after previously exchanged operational information with a partner country. (TELMA TV, 2019) In the same context, official notices were issued by the US Embassy in Skopje warning citizens of attacks by individuals inspired by extremist ideologies. (24 TV, 2019) Although such reports caused many reactions in the public, still no additional information was shared by any entity. No terrorist attack was carried out, but such a report once again reminded how dangerous a threat of terrorism can be and at the same time that a proactive approach must be taken when dealing with security phenomena such as radicalization, violent extremism and terrorism. A report on Macedonia made as part of the Women Without Borders project, focusing on the phenomena of radicalization and violent extremism, comments on the national and regional context: "In the Western Balkans, messages of religious militancy resonated deeply with vulnerable youth and particularly great attention in isolated communities in the last decade. Countries with a high concentration of Albanian-speaking adolescents have been shown to be highly susceptible to radicalization. As evidenced by recent waves of radicalization, violent extremist groups have seized the opportunity to evolve into gaps and pressures of identities shaped by the legacy of previous violent conflicts and the history of changing geopolitical situations. The Republic of North Macedonia experienced numerous waves of radicalization that can be recognized in the disintegration of Yugoslav communism in the region. Despite being the only country to secede peacefully from Yugoslavia, ethnic tensions in the Republic of North Macedonia have been a cause for security concern since gaining the state independence in 1991. (Women Without Borders, 2019) Furthermore, Macedonia has the largest rate per capita of individuals who left for the wars in Iraq and Syria. Recruiters are thought to use the complex socio-political context to more effectively radicalize and target vulnerable groups of young people. The report cites statements from mothers and teachers involved in the discussions, stressing that the level of concern was high because in the local community each mother/teacher knew one or more individuals who had left to take part in the military conflict in Syria. The recent return of foreign fighters can pose a serious threat to the spread of toxic ideologies, if significant efforts are not put in the field of deradicalization.

3. CONCLUSION

The events in the recent past in the country show that different types of radicalization have been present in the Macedonian society and not so rarely are manifested with elements of violence. The latest indicator of the existence of religious radicalization and violent extremism is the confirmed participation of 152 Macedonian citizens in foreign armies, as well as the existence of illegal mosques where radical religious content is preached. Moreover, Macedonia has the highest per capita rate of foreign fighters coming from its Muslim population - 1 in 4545 people and the second highest number of returnees, after Kosovo. In the Macedonian context, when researching such phenomena, there must be awareness of the existence of different social identities, religions, first languages and traditions of the population. The existence of interethnic tension as a reflection of intolerance may be one of the factors that can further accelerate the process of radicalization, if not encourage it. Apart from the existence of religious radicalism, there is also ethno-nationalist and right-wing radicalization in the country, which is still not treated as a significant security threat.

The complexity of these phenomena inevitably leads to the conclusion that they are conditioned by many factors, exogenous and endogenous. Their relationship may be different and no single paradigm has been established that can show the conditions for the exact path to radicalization or violent extremism, but in-depth research on the impact of factors from the national context on certain individuals can help in the process of constructing a comprehensive social response to the phenomena of radicalization and violent extremism.

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LIFE IMPRISONMENT- WORLD SITUATION AND EXPERIENCE IN EXECUTION¹²⁶

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Abstract

In the second half of the 20th century, the tendency to abolish the death penalty influenced to an increased use of life imprisonment. According to available data, about half a million people in the world today are serving a life sentences in prison. Out of 216 countries and territories, life imprisonment is imposed in 183. Between 2004 and 2015, there was an increase in the imposition of these sentences of about 84%. Life imprisonment, with the exception of countries where the death penalty is applied, is imposed as the maximum punishment for the perpetrators of the most serious crimes. In different countries, life imprisonment is imposed with different options: with or without the possibility of parole depending on the severity of the crime and the social risk of the crime, the minimum sentence served, etc.

A particular problem is the execution of this criminal sanction from the aspect of: application of the treatment, preservation of security in the institution both personal and general, preservation of the minimum level of mental health of convicts, accommodation of these convicts - individually or in a group with other categories of convicts, etc. International organizations dealing with human rights of prisoners recommend that prison institutions take advantage of all the opportunities that treatment provides in order to, as far as possible, preserve health, moral and spiritual strength of every prisoner who is serving a life sentence in prison, as a human, moral and civilized act of society.

Keywords: *life imprisonment, convict, treatment, social reaction, prison.*

1. INTRODUCTION

The long history of the development of criminal law offers a wide range of different types of penalties that were applied to perpetrators of criminal acts and which should have: to prevent such persons from re-committing a crime and to "educate" other citizens by publicly and cruelly execution in order to make them fear of punishment¹²⁷. Under the influence of the classical school, in the criminal legislation was introduced imprisonment, which was a substitute for the death penalty as inhumane and useless punishment. In all modern penal systems, imprisonment occupies a central place. The most crimes are

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¹²⁷ Jovašević, D.& Stevanović, Z. (2012), Punishments as a form of social reaction to crime, Institute for Criminological and Sociological Research, Belgrade, page 16

threatened by this punishment, because it provides the highest opportunities to achieve the purpose of punishment, which consists in re-education and re-socialization of the convict and his re-inclusion in normal social life¹²⁸. Liberty deprivation is imposed in different time durations, depending on the severity of the crime and the degree of social danger. For the most serious crimes and the most dangerous perpetrators of these crimes, all contemporary criminal laws provide: 1) long-term imprisonment (for a period of thirty, forty years or more) and 2) a sentence of life imprisonment (long-term).

Life imprisonment is introduced en masse after the global trend towards universal abolition of the death penalty. At the same time, international human rights standards related to prison are developing dramatically, but mainly focus on the treatment of prisoners and prison management, rather than on the issue of life imprisonment.

The significance of life imprisonment is that the convicted person shall remain in isolation (prison) until the end of his biological life. In contemporary comparative legislation and theory, it is considered that only the death penalty is more severe than this punishment. It has been introduced into the legislation in many countries as a "humane" substitute for the death penalty. Also, life imprisonment is the most effective kind of special prevention, because it permanently (lifelong) prevents the convict from repeating the crime. On the other side, many legal systems introduce the possibility of releasing convicts after a longer period of serving a sentence of life imprisonment (parole). In these cases, convicts are released when it is estimated that for good behaviour, old age, or other reasons, they no longer pose a danger to society and therefore is no reason to continue serving their sentences. However, in the common law system, there is also life imprisonment without the possibility of privileges in terms of the duration of the sentence (amnesty, parole, etc.). In the second half of the 20th century, life imprisonment was criticized in many countries. It was considered as "inhumane" and an ineffective punishment, as convicts were considered permanently expelled from society and they lost any interest in reintegrating into society. In the 19th century, Spain and Portugal removed life sentences from their systems and the same practice spread to Latin American count.

Later, many European countries began to abolish this sentence, and prison sentences ranging from 20 to 40 years were introduced as a substitute for life imprisonment. Today, life imprisonment exists in most North American countries, a small number of South American countries, in the countries of the Australian continent, in the majority of European and Asian legislations and on the African continent it is represented in only a few legislations.

There was no such punishment in the legislation of the former Yugoslavia. It is important to note that the death penalty was abolished in 1990, and efforts to introduce life imprisonment as an alternative to the death penalty provoked harsh reactions of liberal public and human rights activist, and as a substitute for the death penalty was imposed a prison sentence for 20 years. Life imprisonment is gradually being introduced in some republics of the former Yugoslavia. The first country that introduced life imprisonment from the former Yugoslavia was Slovenia. Most countries in their legislation have penalties that are, by duration, close to life imprisonment. For example, in Bosnia and Herzegovina, there is a sentence called "long-term imprisonment", with a legal maximum of 45 years. In Republika Srpska is imposed the penalty of life imprisonment. Also, in North Macedonia is introduced a sentence of life imprisonment that may be reconsidered after 25 years of imprisonment.

¹²⁸ Ibid, pp. 31.

The sentence of life imprisonment is being served in The Idrizovo Penitentiary, where there are more than 40 convicts who have been sentenced to life imprisonment.

2. INTERNATIONAL STANDARDS AND TENDENCIES RELATING TO CONVICTED PERSONS TO LIFE IMPRISONMENT

The UN Committee and the European Court of Human Rights have imposed on member states the obligation that convicts to life imprisonment have the possibility of parole. In the 2003, the Committee of Ministers of the Council of Europe recommended that the legislations should allow all convicts to be released on parole, including convicts serving life imprisonment. European Prison Rules of the Council of Europe has also determined to, as soon as possible after admission of prisoners, make statements about their personal situation, proposed programs serving a sentence for each individual and the strategy of preparation for their release, and that prisoners will be encouraged to participate in preparing their individual programs serving a sentences, that these programs include, as far as possible, work, education, other activities and preparation for release, that social work, health and psychological care may be included in the regime for prisoners and to pay special attention to determining appropriate programs and regimes for serving life imprisonment and other long-term sentences¹²⁹. The rights of convicts serving life imprisonment and the state's obligations arising from the above-mentioned norms and *ius cogens* prohibition of torture, inhuman or degrading treatment or punishment, have been further developed through the practice of the European Court of Human Rights.

According to this court, to prescribe and impose a life imprisonment sentence, in accordance with an Article 3 of the European Convention on Human Rights, it is necessary that the national law provides mechanism that allows the competent national authorities, after no more than twenty-five years since its pronouncements, to examine whether the convict has positive changes in behavior and if there are real basis for successful social integration. The opinion of the Committee of Ministers of the Council of Europe is that cannot be reasonably claimed that any person will forever remain a danger to society and their recommendation on parole since 2003, indicates that the law should allow all prisoners to be released conditionally, including convicted on a life imprisonment¹³⁰. Conditions of detention and treatment of prisoners serving life imprisonment are often worse than those for the rest of the prisoners and are more likely to fall below international human rights standards. Life imprisonment, particularly in prison without the possibility of parole, contributes to excessive use of imprisonment, which is a phenomenon that is based on the belief that prisons are the only mechanism of society for the problems of crime and social control. Prisoners sentenced to life imprisonment should be entitled to the same rights as other categories of prisoners, and they should be in accordance with the standards of the United Nations (UN) human rights, including the Standard of Minimum Rules for the Treatment of Prisoners. In different countries, serving a sentence of life imprisonment is regulated differently. The minimum time a prisoner must serve before being able to take parole is 12 years (e.g. Denmark and Finland) and 15 years (e.g. Austria, Belgium, Germany, Switzerland), and the maximum is 40 years (e.g. Turkey, in the case of multiple crimes).

¹²⁹ European Prison Rules (rules No. 103.1-103.8), <http://www.hraction.org/wp-content/uploads/Evropska-zatvorska-pravila.pdf/>

¹³⁰ Recommendation of the Committee of Ministers of the Council of Europe, <https://www.npm.rs/attachments/Kompilacija%20dokumenata%20SE-zatvori.pdf>

Most countries where life imprisonment is imposed, have a minimum time of sentence of between 20 and 30 years. In the United Kingdom jurisdictions, the minimum time of sentence of imprisonment is pronounced by judge in charge during sentencing; the law does not provide an absolute minimum of time in this regard. Several other countries (e.g. Belgium, the Netherlands, Lithuania, Malta and for certain crimes Hungary, Slovak Republic and Turkey) have no system of parole in the case of prisoners sentenced to life imprisonment, so that literally means life imprisonment for lifetime. On the other side, it should be noted that some member states of Council of Europe do not have a life imprisonment in their Constitution. Instead, for the most serious crimes, they have defined long sentences that usually range from 20 to 40 years. Based on a sample of 22 countries, in relation to which relevant data are available for a longer period of time, the number of prisoners sentenced to life imprisonment increased by 66% from 2004 to 2014¹³¹.

The report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) about the visit of a significant number of prisons in Europe, where prisoners are sentenced to life imprisonment, indicates that the conditions in which these prisoners are accommodated are considerably different from one to another institution. In many countries, prisoners serving life imprisonment are usually placed together with other convicted prisoners and enjoy the same rights in terms of modes (work, education and recreation) and contact with the outside world as well as other convicted prisoners. Also, in many countries - including Azerbaijan, Bulgaria, Georgia, Armenia, Lithuania, Moldova, Romania, the Russian Federation, Turkey (only prisoners sentenced to severe life imprisonment) and Ukraine - prisoners sentenced to life imprisonment are, as a rule, separated from the other convicted prisoners. In several countries, the CPT noted that prisoners sentenced to life imprisonment were also in the impoverished treatment and under draconian security measures¹³².

According to this report, in some countries, prisoners sentenced to life imprisonment were locked in their cells (alone or in pairs) 23 hours a day, they were not allowed to contact with others, even prisoners sentenced to life imprisonment from other cells (not even during outdoor exercise), they were not allowed to work outside their cell and were not offered any purposeful activities. Also, in several countries, prisoners sentenced to life imprisonment were systematically handcuffed and/or searched naked whenever they left the cell. In some institutions, these prisoners were additionally accompanied by two prison officers with a dog during any movement out of the cells. In many visited institutions, prisoners were subjected to anachronistic rules, whose only goal was to further punish and humiliate the prisoners.

This situation in the sphere of punishing criminals and the introduction of severe and long prison sentences raises an ethical question: how far have we really moved away from past examples in the history of punishment, and have we really become more humane in our treatment of convicts or we just take a hypocritical stance of advocating for the human rights of convicts and just speaking about it, or when great forces "discipline" small nations and their leaders¹³³.

3. THE SITUATION IN THE WORLD

¹³¹ The situation of prisoners sentenced to life imprisonment, Extract from the 25th General Report, published in 2016, <https://rm.coe.int/16808ef55c> -

¹³²The situation of prisoners sentenced to life imprisonment, Extract from the 25th General Report, published in 2016, <https://rm.coe.int/16808ef55c> -

¹³³Igrački, J. (2020), The effects of prison in resocialization of convicts, Institute for Criminological and Sociological Research, Belgrade, page 136.

In many countries, life imprisonment was introduced as a substitute for the death penalty, which was deleted as "inhumane" from the most criminal laws in the world and in all countries of the Council of Europe¹³⁴. Sentencing to life imprisonment varies considerably from country to country. From 216 countries and territories, life imprisonment exists in 183, from which 149 countries have this punishment as the most severe. It is also the most severe punishment that can be imposed by the court. In 144 from the 183 countries, convicts sentenced to life imprisonment have the possibility of parole. The lower limit of time of the served sentence, when the convict is given an opportunity of parole, varies from country to country. Most often, the minimum length of time served a prison sentence ranging from 15 to 30 years, when the convicted person has the right to appeal for parole.

A life imprisonment is abolished in South and Central America, Honduras, Nicaragua, El Salvador, Costa Rica, Venezuela, Colombia, Uruguay, Bolivia, Ecuador and the Dominican Republic, but is prescribed a maximum sentence up to 75 years in El Salvador, 60 in Colombia, 50 in Costa Rica and Panama. Since 2000, the number of convicts sentenced to life imprisonment almost doubled. Currently it is estimated that worldwide, around 536 000 convicts are sentenced to life imprisonment. In the United States, there are 162,000 convicts serving life imprisonment¹³⁵. Per 100,000 inhabitants, 50 convicts are sentenced to life imprisonment, including a large number of minors¹³⁶. In some known cases of multiple murders are imposed several life sentences, which means that getting out of prison "in this life" is not possible. In the United States, the number of imposed life imprisonment increased by 328% between 1992 and 2016. Characteristic for the United States is that the sentence of life imprisonment is also imposed for minors and currently are about 2 300 persons in prisons who have been sentenced to life imprisonment as minors. In South Africa, the number of the sentence of life imprisonment has increased enormously – even for 818%. In Germany, there are 1,831 people¹³⁷ (1,720 men and 111 women) serving life imprisonment, and this sentence, like in most countries, assumed the role of the death penalty. Considering human dignity, the legislation provided that even those sentenced to life imprisonment, have a concrete chance to be released someday. The law allows them to apply for parole if it can be ascertained that the convicted person does not represent a danger to society any more.

In Canada, life imprisonment is imposed for multiple forms of murder, high treason, piracy, hijacking, endangering aircraft or airports, forcibly taking control of a ship or platform, illegally handling explosive and radioactive materials that lead to serious consequences, various terrorist activities and other crimes.

Life imprisonment exists in several European countries. The Criminal law of the Russian Federation prescribes that for an attack on the statesman or public figure, can be imposed a sentence of prison up to 20, life imprisonment or the death penalty. The French Penal Code prescribes this punishment for several crimes against international law, special forms of murder, torture and barbarism, severe forms of rape, drug trafficking, hijacking of a plane, ship, or other means of mass transport of people, blackmail committed by an organized group and other serious crimes. As a rule, the sentence of life imprisonment is imposed as the only punishment, without ancillary punishments, without other obligations

¹³⁴Only Belarus in Europe has the death penalty in its legislation

¹³⁵This number also includes convicts who have more life sentences and very long-term sentences that, realistically, do not allow them to get out of prison.

¹³⁶<https://qz.com/974658/life-prison-sentences-are-far-more-common-in-the-us-than-anywhere-else/>

¹³⁷ According to data from March 2017

for the convict and without a special enforcement regime. There are legislations that are an exception in that sense as well. The Criminal Code of the Republic of Turkey from 2016, prescribes two types of this punishment. The first is the "classic" life imprisonment, which lasted until biological death of the convicted. The second is called a severe sentence of life imprisonment, it also lasts until the biological death of the convict, but it is carried out under strict security regime measures, which are defined by law and other regulations.

This means that one cannot be pardoned or amnestied, serving the sentence in solitary confinement, and the rights of visit and communication are reduced to a minimum. No species is destructive like human aggression and violence, that is presented in all stages of development of human civilization and there is constantly social activity to reduce human aggression and violence, both towards others and towards oneself¹³⁸.

In 2015, Hungary brought a new law that reorganizes the entire system of life imprisonment. The Criminal Code has not been changed, but has introduced a process of forced pardon if the convict served 40 years in prison (this does not mean that it must be pardoned, but only the procedure for deciding whether to convict to be pardoned is required). Besides, there is also the parole board. The Hungarian Constitutional Court declared that with the introduction of mandatory presidential pardons, the Hungarian legislation became harmonized with the requirements of the European Court of Human Rights. But even after the introduction of the new legislation in 2015, reports were submitted to the European Court of Human Rights. In the case of T.P. and A.T. v. Hungary (nos. 37871/14 and 73986/14), the Court ruled on the compliance of the Hungarian regime of 2015 with the European Convention on Human Rights (judgment of 4 October 2016). This case referred to the new legislation introduced in Hungary in 2015 for the review of life imprisonment. The applicants of compliance alleged that, despite the new law, which has introduced an automatic review of life sentences - a mandatory procedure of parole - after 40 years, their sentence are inhumane and degrading, because they had no hope of release. The Court concludes that there has been a violation of Article 3 of the Convention. In particular, the Court found that forcing prisoners to wait 40 years before they could expect to be first discussed a pardon was too long and that, in any case, there was a lack of sufficient safeguards in the remainder of the proceedings. The Court is, therefore, not convinced that the new law would, at the time of the passing judgment in the case, be considered to provide possibility of release or possibility of a review of the sentence of life imprisonment of applicants, so the legislation is therefore not compatible with Article 3 of the Convention¹³⁹. In some countries, it is noticed that from year to year increases the length of stay in prison this category of prisoners. Thus, in England and Wales, the average time spent in prison has doubled from 9 years in 1979 to 18 years in 2013.

¹³⁸ Igrački, J. (2014), Criminal law aspects and criminological aspects of violence and violent behavior, Journal of Institute of Criminological and Sociological Research, No. 1, p. 147, Belgrade

¹³⁹ An example of Hungary shows what kind of problems the state can have if its regulation is not in accordance with the standards arising from international legal acts and the case law of the European Court of Human Rights

4. LIFE IMPRISONMENT IN THE REPUBLIC OF SERBIA

The criminal legislation of Serbia in 2019¹⁴⁰ introduced life imprisonment instead of a prison sentence of 30 to 40 years. The new legal solutions in criminal legislation of Serbia are introduced for the most serious crimes. Life imprisonment is predicted for aggravated murder, rape, sexual intercourse with a minor person, a pregnant woman and a helpless person, and it was initiated by the Foundation "Tijana Juric" in 2017. and it was supported by the signatures of nearly 160,000 people. Life imprisonment has been extended to all other crimes punishable by 30 to 40 years, such as the murder of representatives of the highest state authorities, a serious act against the constitutional order and security of Serbia, conspiracy to commit crimes, genocide, crimes against humanity, war crimes against civilians and other serious crimes. The legislator has foreseen the possibility of parole convicts to life imprisonment after 27 years serving sentence, except for the five most serious and brutal crimes (aggravated murder, rape resulting in death, sexual intercourse with a helpless person resulting in death, sexual intercourse with a child with a fatal outcome and adultery by abusing a position with a fatal outcome). The Court will not be able to impose a sentence of life imprisonment for those who were under the age of 21 at the time of the crime, as well as in situations where there is possibility for mitigation or even release from punishment (exceeding the limits of necessary defense, significantly reduced mental capacity, etc.).

In Serbia, the first life imprisonment, first instance, was imposed on January 5, 2021.¹⁴¹

5. CONCLUSION

Life imprisonment is introduced en masse after the global trend towards universal abolition of the death penalty. On the website of the association Serbia Against the Death Penalty¹⁴² states that it was carried out in 20 countries (less than 10%) during 2019. In 2019, the countries that carried out the most executions were China, Iran, Saudi Arabia, Iraq and Egypt. At the same time, international human rights standards relating to prison are developing dramatically, but mainly focus on the treatment of prisoners and the prison management. In many countries, life imprisonment was introduced as a substitute for the death penalty, which was deleted as "inhumane" from the most criminal laws in the world and in all countries of the Council of Europe. Sentencing to life imprisonment varies considerably from country to country. From 216 countries and territories, life imprisonment exists in 183, from which 149 countries have this punishment as the most severe. It is also the most severe punishment that can be imposed by the court. The lower limit of time of the served sentence, when the convict is given an opportunity of parole, varies from country to country. In some countries, it is noticed that from year to year increases the length of stay in prison this category of prisoners. Thus, in England and Wales, the average time spent in prison has doubled from 9 years in 1979 to 18 years in 2013. In the second half of the 20th century, life imprisonment came under attack from critics in many countries, who considered

¹⁴⁰ Law on Amendments to the Criminal Code, Official Gazette of the Republic of Serbia, No. 35/2019, in use since December 2019. https://www.paragraf.rs/izmene_i_dopune/210519-zakon-o-izmenama-i-dopunama-zakonika-o-krivicnom-postupku.html

¹⁴¹ Sentenced for kidnapping and abusing a twelve-year-old girl

¹⁴² <http://www.smrtnakazna.rs/sr-latn-rs/uvod.aspx>

it "inhumane" and an ineffective punishment, as convicts are considered permanently expelled from society and lost any interest in reintegrating into society.

The development of penal policies in Europe talks about the growing importance of reintegrating convicts into society after serving long-term sentences, which is assisted by "promotion system": convicts should move progressively through the penitentiary system, from the early days of punishment, when the emphasis is on punishment and retaliation, to the last stage, when the emphasis should be on his preparations for release. A significant number of international institutions call on Member States to review their treatment of prisoners sentenced to life imprisonment to ensure that it is in line with the individual risk that inmates are both in prison and in the outside community, not only in response to the punishment that they pronounced. In particular, all interested Member States should take steps to abolish the legal obligation to keep prisoners sentenced to life imprisonment separate from other prisoners sentenced to other (long-term) prison sentences and to end the systematic use of security measures such as handcuffing. Also, it is necessary to make every effort to provide prisoners sentenced to life imprisonment regime tailored to their needs and to help them reduce the level of risk they pose, to minimize the harm necessarily caused by indefinite sentences, to provide prisoners contact with the outside world, to offer the possibility of release to the community under certain conditions, and to allow the granting of a request for release on the basis of reliable criteria, at least in most cases. For this purpose, it is necessary to introduce procedures that allow review of the sentence. The results of criminological research so far have never confirmed the hypothesis that harsher punishment achieves a significant effect in terms of general prevention. It is well known that potential perpetrators fear the certainty of the application of punishment (any) more than the severity of the punishment, otherwise the long practice of public execution of corporal mutilation and the death penalty would have made humanity wiser by now. Therefore, the introduction of life imprisonment cannot be expected to have the desired effect in terms of general prevention.

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21ST CENTURY CHALLENGES AND SOLUTIONS IN THE LIGHT OF HISTORY

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Abstract

It is impossible to separate the public police organization from the modern state. King Louis XIV was the founder of the first centrally organized and uniform police force in 1667. A book related to the work of the police was first published in 1705 under the title "Traité de la police". It outlines the three main activities of the police, which are economic regulation, measures of the public order, and general rules of hygiene. The first head of Police and his 44 police commissioners' work was assisted by police inspectors beginning in 1709. The police also appeared on German territory, and the works of Lorenz von Stein, Otto Mayer, and Robert von Mohl are still dominant in Europe nowadays. This study examines books, journals, and legal documents to present the development of the law enforcement and the modern challenges of policing in Hungary. Our country celebrated the establishment of the central police last year. In the 20th century there was a development in modern policing and literature, as well as the emergence of modern police officer training. After World War II, a Soviet law enforcement model was imitated in which there was state security, secrecy, and Soviet police character. Although research of historical and theoretical studies of policing was forbidden, after the Revolution of 1989, the research of law enforcement theory was completed. Globalisation has created new sources of danger (e.g. terrorism, cybercrime), driven by a lack of borders and the expansion of international relations (Farkas, 2016). We can only meet the new challenges with the deepening of international law enforcement cooperation.

Keywords: *law enforcement, globalisation, data-transmission revolution, security*

1. INTRODUCTION

In Europe, the roots of police science can be traced back to the first appearance of the word "police" in the Frenchman Nicolas Delamare's "*Traité de la Police*" (Delamare, 1729). Subsequently, the emergence and development of modern policing took place in the mid-19th century, mainly in Germany. From that time onwards, the scientific cultivation of policing was constantly present alongside the performance of police duties (Farkas – Sallai – Krauzer, 2020).

The *Allgemeines Landrecht für die Preussischen Staaten* of 1794 is an example of enlightened absolutism, in which the concept of 'law enforcement' is also found. According to scholars of the history of law and order, this code was the first to formulate the concept of law and order in a way that is still acceptable today (Sallai, 2019, p. 5). According to Title 17, Part II, Section 10 of the *Allgemeines Landrecht*: "*The task of the police is to ensure public peace, public safety, and public order, and to take the necessary measures to avert dangers threatening the public and its individual members.*" (Szikinger, 1997, p. 41.) This was based on the fact that it is not a main task of the police to secure requirements of the state. Fulfilling this task posed different challenges for law enforcement officers from era to era, given that the concept of security has progressively taken on different connotations.

The idea of security being "*freedom from danger and disturbance*", was used in law enforcement from 1917 onwards throughout the 20th century, and it is still a guiding principle today (Rasce, 1917, p. 34.) Tóth discusses the concept of danger, in which he goes into detail about the dangers in law enforcement. Here, the idea of Lorenz von Stein comes into play, namely that he did not see all danger as a threat to law and order. Stein defined threat to law as the 'threat to the whole' through the 'will of the individual', which Tóth supplemented with 'the threat to public order'. Essentially, "*danger is a state of affairs which presupposes the possibility of harmful consequences.*" (Tóth, 1938, p. 63.) Here the author classified the dangers as the following:

- (a) abstract or potential danger (danger that could possibly occur given the right circumstances)
- (b) concrete or actual danger (danger that can realistically take place)
- (c) putative threat (a threat that does not exist, but is based on the presumptions of law enforcement organisations)

In the Cold War era, the word 'security' implied military security to everyone, which was the prevailing professional mood in the military colleges and academies of the time.

2. GLOBALISATION EFFECTS ON POLICING

In tandem with the disintegration of the bilateral world, the process of globalisation and the data-transmission revolution made a breakthrough, presenting the inhabitants of the earth with a whole new set of challenges. As a consequence of the regime change in Hungary, which took place in the same period as these new phenomena, another set of troubles replaced the threat of the Third World War in the context of military security. Hungarian citizens experienced the loss of their jobs along with the dismantling of the Iron Curtain, and the freedom to travel following the introduction of the world passport brought a series of new security challenges directly affecting individuals, so that law, social, food, and travel security became daily risk factors.

Following globalisation and the data-transmission revolution, the explosion of travelling and the spectacular and rapid spread of means of transport around the world exploded tourism. It is clearly a permanent aspect of the globalisation process, becoming a major new player in the field of challenges, risks, and security.

2.1. Dangers

When analysing the concept of danger, it is clear that it can be either a non-existent yet harmful phenomenon or an event with already existing harmful consequences. Anyway, it is a result of the evil or negligence of people or caused by forces of nature. From the

concepts of danger and law, we can derive the concept of policing, which in simple terms implies the prevention of danger and the maintenance of law and order.

New situations created by the development have always brought corresponding dangers, which have created new sources of danger for the security of the state and the society to deal with. These threats in the era of globalisation include, but are not limited to, the following:

- the possibility of misuse of data/information;
- accelerated transport and travel;
- an increase in the range and quality of life-threatening devices;
- the consequences of global warming;
- the use of the Internet;
- migration;
- overpopulation;
- the drive to maximise profit in the economy;
- land, water, and air pollution;
- epidemics;
- struggles for the possession of mineral resources;
- struggle for food and water;
- civil wars, conflicts.

These threats are all challenges for the future of 21st century policing in a constantly changing security environment. For example, it is nowadays clearly visible how a threat can become a global security challenge and influence participants of tourism. Among these threats, I would highlight the threat of an epidemic, which has a particularly rapid and strong impact on the evolution of tourism in certain regions and requires the adoption of priority health policing measures. The highlight of the month of January 2020 is the emergence of the novel coronavirus in China, which put the city of Wuhan under quarantine. The coronavirus could not be contained and has now spread throughout Asia and then to Europe. First travel within Wuhan, then to mainland China, was paralysed by the health policing measures and the reaction of the masses as the virus became more widely known. The essence of globalisation is that an event anywhere on Earth has a holistic impact on human, trade, economic, and political relations. Thus the coronavirus paralysed tourism and air travel, which immediately affected hospitality and the industries and people serving in these sectors. It also immediately altered the incidence of certain crimes, e.g. it increased the misuse of medicines and vaccines, discouraged possible abuses and price-fixing in hotels and restaurants.

2.2. Global sources of danger, climate change

Regarding global threats, I would like to highlight some of the major areas of concern, without claiming to be exhaustive. For example, one of the major challenges of the coming period is global warming, which raises serious environmental, law enforcement, food, water, energy, health, agriculture, and many other security issues, among which I would like to highlight water and food shortages as challenges indirectly linked to globalisation. It is perhaps no coincidence that the increasing urgency of addressing the challenges of climate change have recently become a theme in international public life and world politics. Global warming is a natural process in itself, triggered primarily by tectonic movements in the Earth and its geological structure, and by external influences from space.

However, human activity, in particular through the need to meet production demands raised to global market levels, has become a major driver and accelerator of global warming, through the production of high levels of greenhouse gases. The fact of global warming is no longer in question. The world has reached the point where climate change is no longer seen as merely a future phenomenon, but one that will influence and determine the fate and survival of the coming generations. Rising temperatures, shrinking natural ice sheets, rising sea levels, declining forest cover, shrinking biodiversity, the fierce struggle for resources, etc., are all facts and are indeed limiting the lives and opportunities of current generations. All these phenomena are already affecting our daily lives. Drinking water is one of our most precious resources, with around 1.1 billion people today without access to it and more than a third of the world's countries suffering from medium to high levels of water scarcity (Ban Ki-Moon, 2013). Many believe that the 20th century was the century of oil, while the 21st century is the century of water. *"According to the United States Agency for International Development (USAID), by 2025, more than 2.8 billion people will live in areas with drinking water shortages or scarce supplies, as the demand for water doubles every 20 years."* (Brzezinski, 2013, p. 297) Average temperatures have risen by 0.7°C in the past 50 years, according to a research, and are projected to continue to rise in the future, at an even faster rate. By 2060, temperatures are predicted to rise by more than 2°C, which could result in the extinction of the Brazilian rainforest and a significant proportion of the forests of China and Tibet (Szabó, 2012, p. 10).

All this could trigger unforeseen processes across the globe, especially in Africa and Asia. Not only will migration be intensified, but the struggle for water in some African, Middle Eastern, and Asian countries will also threaten governance, leading to local and then national and transnational unrest, uprisings and civil wars. From a security perspective, the fact that most of the states in these regions are highly unstable and already areas of serious conflict is a further cause for concern. Increased industrial demand for water, due to competition in the spirit of globalisation, may also lead to instability between some countries and competitors, and may also put at risk the internal political stability of some countries. While in the past, conflicts over water were mainly a matter of territorial disagreement, today and in the upcoming period we can expect a significant increase in the number of conflicts as water becomes a vital resource and a key element for survival (Fekete - Sallai, 2018).

2.3. Global warming in Hungary

Global warming, with symptoms which include heavy precipitation, mudflows, floods, fires and droughts, is already measurable in illustrative form in the Arctic or in our high mountains. The shrinking of glaciers in the Alps or the melting of ice sheets in the Arctic are tangible. The consequences of these changes are no longer just predictable, they are now a daily reality. The steadily shrinking glaciers in the Alps (which also feed our major rivers, including the Danube) could cause Europe's major rivers to fall to minimum water levels or even dry up within a few decades (the foreseeable future). The banks of these rivers⁴ are now home to important industrial installations whose cooling or other industrial needs require very high-water levels, and failure to do so (see Paks nuclear power plant) could pose a significant threat. At the same time, I should note that climate change also has its benefits, such as the gradual opening up of sea routes, especially in the north. While this may improve in the future, the fact that the northern passages have hardly even been opened yet, and the major powers bordering them have already claimed exclusive rights over them, it could be a source of new controversy in terms of international conflicts (Fekete - Sallai, 2018).

According to reports by the United Nations, 20% of the discovered freshwater reserves are consumed by industry and 70% by agriculture (World Resources Institute, 2021), which also leads to the threat of food shortages. Global warming is associated with an increase in extreme weather events, which are already causing prolonged droughts, a multiplication of rainfall and unprecedented windstorms. The consequence of land becoming uncultivable due to drought or flooding is causing a shrinking habitat for humanity. The natural makeup of plants will change and even if they are able to adapt in the best case, there will inevitably be severe crop failure cycles, which could put food production at serious risk and lead to global food shortages. Consequently, food prices will rise unsustainably.

2.4. Drug dealing

Globalisation, which also has positive effects (e.g. the spread of tourism, access to mass products, the development of medicine, the internet, etc.), also brings with it many phenomena which take their toll on a daily basis in all regions of the world. One of these is the worldwide spread of drug distribution and consumption, and the organisation of its distribution via the Internet.

Globalisation is reducing the influence of nation states in maintaining border controls (because the role of borders as a filtering and separating factor is being reduced as tourism and the free movement of goods increase), thereby increasing the opportunities for drug distributors, which may contribute to increasing impoverishment and thus the number of vulnerable people who can be used to distribute drugs.¹⁴³ A major factor contributing to the global spread of drugs is that there is a consumer class around the world that is reinforcing the demand for drugs. The distribution and trafficking of drugs worldwide is facilitated by the data-transmission revolution, which has resulted in the use of mobile phones, the internet, and other electronic devices, through which distributors can organise the routes of supply and sale - in many cases the drug reaches the user without any contact with the drug dealer. There are currently well-known drug transport and trafficking routes on the world map, but because drugs are a prominent business, the fight against them is not expected to end in the 21st century but will ultimately continue to be a major law enforcement, medical, and social challenge for all areas of the world.

2.5. The fight over energy sources

As discussed previously in regard to globalisation, the determinant of the fight to save the North Pole is energy. There are many examples of international dependence on energy (Hungary, Ukraine, EU Member States, China¹⁴⁴, etc.), as all countries on Earth depend on it to a significant extent. It is no coincidence that energy carriers are the largest item of world trade (Vajda, 2005). Energy policy is thus one of the main guiding principles of international politics, along with the geopolitics of a country. As a consequence of the globalisation of energy supply, the world economy is highly sensitive to the slightest changes in the market. The oil crisis of 1973 led to a major economic and financial crisis throughout the world, but Ukraine's foreign and economic relations with Russia are also a case in point. The ongoing Ukrainian-Russian crisis has put the European Union's energy supply at risk as well. Today, China is enjoying significant economic growth (boom), but is suffering from a serious energy shortage, as it obtains more than 90% of its oil and gas from abroad.

¹⁴³ Similar problems can occur in other continents. E.g., in Africa, the Nile River, which affects nearly ten countries and could lose up to 20% of its water yield in the next century, or South Africa, where drinking water reserves could run dry in 15 years.

¹⁴⁴ China will be forced to import 100% of its oil.

2.6. Terrorism

Though not specifically created by globalisation, there is no doubt that globalisation and the break-up of the bipolar world have been a catalyst for the spread and presence of terrorism worldwide. The (often violent) spread and imposition of mainly Western values and ideologies on other cultures and expansionist activities have unsurprisingly not always been welcome. Resistance has been shown and continues to take various forms, the radical degeneration of which is often considered terrorism.

Moreover, these movements have been fuelled by the uneven development of a globalised society and economy, which has led to the further impoverishment of some regions and the growing of significant economic and political power of others. In addition, the results of the data-intermission revolution (mobile phones, internet, the possibility of money transfers) and the freedom to travel have contributed greatly to the organisation and carrying out of terrorist acts. Since there is a bundle of literature on terrorism and the fight against it, I will refrain from going into detail.

2.7. Immigration

The challenges of globalisation discussed so far, and the challenges of overpopulation and migration cannot be separated (Farkas, 2014). Natural and social disasters, threats, the growing North-South divide, and the fact that the world's population has exceeded 7 billion, all contribute in one way or another to one of the greatest challenges of globalisation: the increase in migration. Evidently, the main migration routes can be traced on the world map, and they run from the periphery to the centre. Moreover, the higher living standards, relatively stronger security environment, and ageing societies of the Nordic countries have a significant push and pull effect on the populations of Asian, Latin American and African countries. Since there is a considerable literature on migration and overpopulation (as with terrorism), I will not discuss this topic in detail, although I am mindful of their importance.

3. ALTERNATIVES, ANSWERS, POSSIBLE SOLUTIONS FOR THE CHALLENGES POSED BY GLOBALISATION

To address the threats in the law enforcement area, I would first focus on renewing the current version of international cooperation. For example, INTERPOL (which was born in the first quarter of the last century) should take even greater account of the benefits of the cyberspace created by the data-transmission revolution. Both EUROPOL and INTERPOL should be renewed on the basis of the experience of TNCs (Transactional businesses) that have worked well in the economy. While criminals have a free access to state-of-the-art IT tools to organise their criminal activities and travel freely around the world, officers involved in international law enforcement cooperation are subject to thousands of administrative and financial obligations. Police forces from states with different political systems and cultural traditions should develop a common way of thinking about international crime in order to continue to cooperate effectively.

4. CONCLUSION

A more effective law enforcement training should be provided at a global, continental, and regional level. If international organisations perceive increasing profiteering from crime, trafficking in human beings, drugs and arms, then nation states should proportionately increase their funding for law enforcement research, training, and enforcement. A stronger state and more effective civil society organisations can work together to eliminate and reduce the impact of the global threats posed by globalisation (Fekete - Sallai, 2018). Perhaps it is time to establish an international law enforcement training and research centre.

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