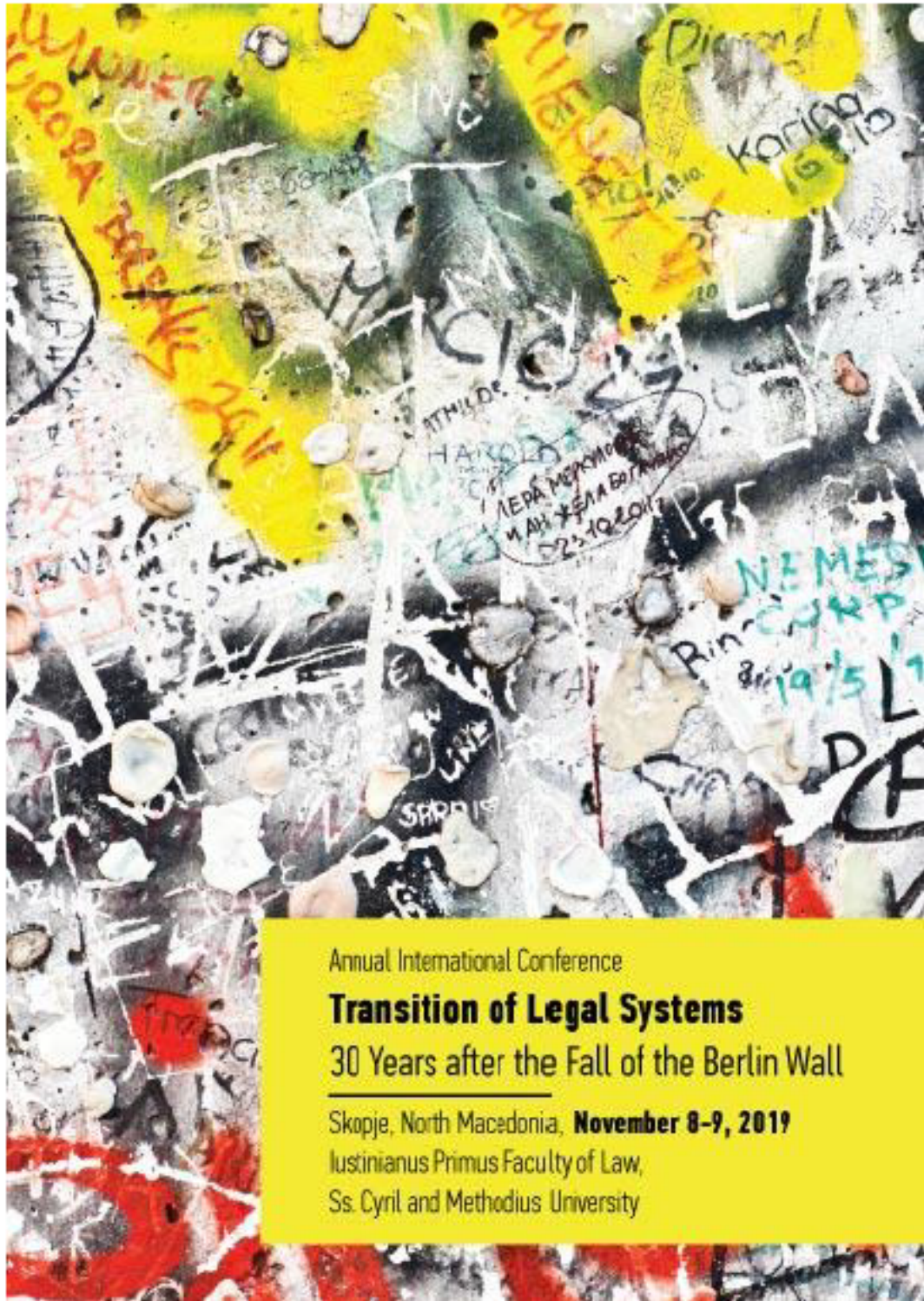


Book of Abstracts



Annual International Conference

Transition of Legal Systems

30 Years after the Fall of the Berlin Wall

Skopje, North Macedonia, **November 8-9, 2019**

Iustinianus Primus Faculty of Law,
Ss. Cyril and Methodius University

Book of Abstracts

2019 Annual International Conference

TRANSITIONS OF LEGAL SYSTEMS: 30 YEARS AFTER THE FALL OF THE BERLIN WALL

*November 8-9, 2019 Iustinianus Primus Law Faculty,
Ss. Cyril and Methodius University, Skopje, North
Macedonia*

Publisher: Ss. Cyril and Methodius University in Skopje,
Faculty of Law “Iustinianus Primus”

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*Marko Krtolica**

The Misuse of the Lustration Processes in the Post-Communist Transitions in Europe

The fall of the Berlin Wall opened the gate to democracy for the post-communist countries in Europe. However, the road towards democracy in all post-communist countries in Europe proved to be very difficult. One of the main questions on the road towards democracy in these countries was the question what to do with the problematic communist totalitarian past: to forgive and forget or to punish and remember. Most of the post-communist countries in Europe decided to punish and remember their communist past. That is why 14 post-communist countries in Europe decided to implement the process of lustration in order to confront this communist past. Taking that into consideration, we can say that the lustration processes were frequently used in the process of facing the communist past in Europe.

However, very often in theory is stressed out that the process of lustration is one the most controversial mechanism of transitional justice. Many authors warn that lustration hides the danger of political discredit and revenge. These types of claims during the post-communist transition have become reality in a several post-communist countries in Europe (Albania, Poland, Macedonia). In these post-communist countries the process of lustration was used as a weapon in the hands of the ruling political elites against their political opponents, a weapon that needed to strengthen the position of the ruling political parties and marginalize their political opponents. At the end, the process of lustration has had very negative impact at the democratic consolidation of these countries instead of a positive one. That is why the subject of this paper will be the way the lustration

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processes were misused in the post-communist countries in Europe.

The main methods that are used are the following: method of analysis, historical, normative and political method. The overall conclusion is that the process of lustration very often was misused by creating lustration laws that covered positions in the private sector too, by creating lustration laws that covered periods after the fall of the communist regimes and by creating lustration laws that violated the basic human rights of lustrated individuals (the right to a fair trial, the right to respect of private and family life etc) Key words: politics, political system, democracy, transition, lustration, post-communist countries.

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ISBN: 978-608-4655-73-2