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THE SECURITY SYSTEM OF THE REPUBLIC OF NORTH MACEDONIA AND THE COVID-19 PANDEMICS¹

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INTRODUCTION

Today we live in a time characterized by enormous development of science, technique and technology. That fact, in itself, implies certain socio-economic changes that were not present in the past. If in the past, the greatest danger that threatened humanity was the wars, which were characterized by the use of various artillery, offensive and other weapons, today we are definitely moving to another, more advanced cultural-historical-civilizational stage of society, as well as of man as a social being. At this stage, classical warfare is no longer the biggest threat to the security of nation states, but on the contrary, hybrid, asymmetric threats, organized crime, corruption, computer fraud, environmental threats and of course new types of epidemic threats.

Today more and more countries and their institutions are facing the threat of terrorism, biological, chemical, nuclear and atomic warfare that can be devastating to the entire human race. In this sense, security systems must change and adapt to new types of challenges that threaten the security of modern society. They must adapt to existing changes, as the instrumentation of measures and techniques used in the past cannot be used. They need to be modified, which will be a good basis for creating security institutions that will have the capacity to respond to current risks and security threats.

¹ professional paper

Recently, we can understand the security system in a much broader sense. Hybrid threats are no longer the top of the pyramid, but its top is expanding with epidemics, natural disasters, technical and technological disasters, so the security system must respond to all possible risks, which can be transformed into threats, and later in security threats. Even a health problem, such as the Covid pandemic, can undoubtedly grow into a safety problem if it is not addressed in a timely manner.

1. The security system of the Republic of Northern Macedonia

The state through its institutions takes care to maintain the rule of law based on the legal order, established by the parliament, the constitution and all other legal acts. In conditions of political pluralism, different institutions can represent different interests, and this in turn can produce different views, attitudes, and sometimes conflict situations.

The security system, as a separate sector in the state and society, is also a very complex creation, if we take into account the functions it has to perform, the bulky organization in terms of human resources and technical means. Complexity is also expressed in terms of systemic set-up, on the one hand as a separate homogeneous whole, and on the other hand as part of the whole social system. The security system in terms of finances is a serious participant in the national budget of the country. For these reasons, in the process of designing it, the state must take into account the balance between the costs for its maintenance and operation, on the one hand, and the effects of its functionality in terms of creating the necessary degree of security stability. If this is not taken into account, large, bulky and expensive security systems can seriously burden the national budget and thus become a threat to the economic power of the state.

The security system is a whole composed of several interconnected parts, which function harmoniously in organizational and functional sense.

The basic structural elements of the security system are:

1 / The security law (legal norms) that regulates the security relations and conditions in the society and the state,

2 / institutions and bodies performing security functions (public sector bodies, private sector bodies and civil society non-governmental organizations) and;

3 / Measures to resolve security issues (preventive and repressive).

The security system belongs to the group of social systems and is a set of many elements that make up a whole in terms of structure and

function. The unity of this system in terms of its structure is built on the interconnectedness of organizational elements and institutions, and in terms of function unity is built on the value system of the state and society which is the basic subject of protection and security of the only security system (Spaseski J., 2009: 305-315).

Member States or candidate countries for accession to the European Union must adhere to at least two principles when establishing a security system:

a / The security system to respond to the political system established by the Constitution of the country and

b) the security system to be harmonized with the systems of the member states of the community, ie with the processes for creating a security system in the European Union

Characteristics of the security system of the Republic of Northern Macedonia

The society and the state as macro social environments are created to function harmoniously in the processes for creating favorable conditions to be able to satisfy the general and individual interests and needs. But, as it is known, in the processes of their functioning they are exposed to numerous destructions and threats from nature, from the technical-technological processes, from individuals and groups from their own social environment and from destructions that originate from outside. This reality determines the need in society and the state to build and establish a security system that will take care of security, similar to the functioning of the immune system in humans, which is responsible for protecting it from various diseases.

From what is generally known, it can rightly be argued that the security system in terms of the protection of the state and its stability has a similar significance as the immune system to human health. In humans, the immune system is created by the formation of a fetus in the mother's womb, and the security system in the country is built for years, decades and centuries, and its basis is in the historical circumstances, positive traditions and culture of the people living in it. state. This means that if they exist as part of the state and social organization and function normally, the functioning of law, democracy, freedom and the existence of the state, ie the free living of the people, and vice versa, their improper functioning or non-existence can lead to endangerment of human health, life, law and freedom.

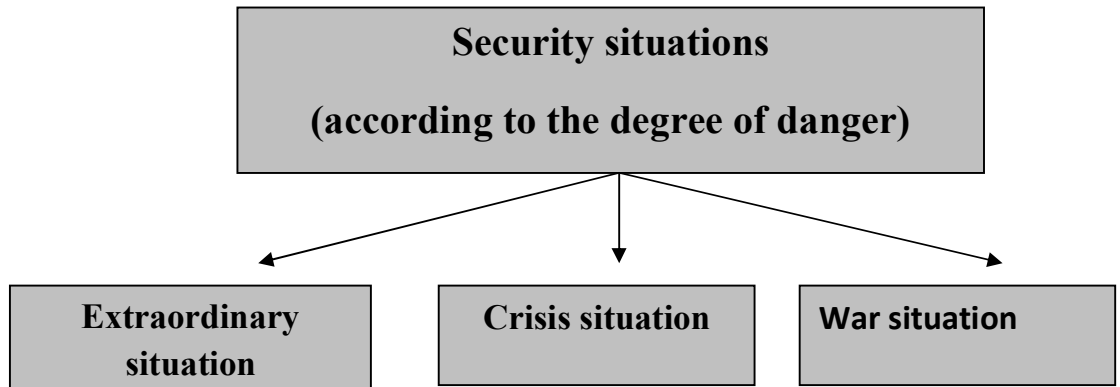
The security system in the country is a complex mechanism with specific organization and functionality. It can be said that it is in constant transformation, adaptation and improvement of the political system determined by the country's constitution. But that does not mean that it is inconsistent and to the detriment of his function. On the contrary, there are elements that are permanent, which are a pillar of the system, and there are changeable elements that can and should be changed and upgraded depending on the socio-political and economic reforms.

The security system of the state should be an integral part of it, built into it, as its immune system that will ensure its survival, its security, in order to provide "normal" conditions for free, democratic and safe life of citizens and in total all other functions of the state. The state and the citizens should perceive it as their own inseparable part, as a natural necessity, and not as something foreign, distant or as a force opposed to them. Let there be no fear among the citizens that the security institutions and the members of those institutions will work to the detriment of their interests, rights and duties. Just as the system should protect the state and its citizens, so that system should be guarded, supported and nurtured by its citizens, otherwise it is possible to endanger the state, its citizens and the entire security system. World practice confirms that in many countries the alienation of the security system has taken place.

The state community is continuously exposed to different types of dangers. The task of the security services is to act preventively, to continuously monitor the potential risks, to detect the weak points of the society that could be exploited and to transfer the potential risk to threat and endangerment. By taking preventive action, the security services gather relevant information of interest to the national security, prepare quality security assessments and direct the security system to focus on covering weaknesses and preventing potential risks from developing and jeopardizing the vital interests of the state.

Depending on the degree of danger from the risks, threats and threats in the society and the state, special regimes of behavior can be introduced and special measures can be taken. Such conditions can be the following types:

1. extraordinary situation;
2. crisis situation (crisis);
3. War situation



2 Security crisis situation

Definition:

When we mention the word crisis, we mean that a sharp change has taken place:

- in the economy shock caused by overproduction;
- in politics a government crisis when there is no majority support;
- a health crisis from a large-scale epidemic;
- mental crisis in humans, etc.

According to D.E. Venger, an American sociologist who has specifically studied crises, he defines it as follows: "The social system is in a state of crisis when its institutional and traditional structure is increasingly destructive, neutralized or no longer collectively defined by the members of the system as a suitable (appropriate) guide to their behavior "

2 / diagnosis;

The best and most effective way is to detect the crisis through preventive diagnostics, which will determine the danger accurately (reliably), through the necessary methods and means of measurement.

3 / forecasting;

4 / planning;

5 / taking measures (preventive and repressive)

The causes that can cause an emergency and crisis can be divided into three major groups: natural phenomena, technical-technological factors and social phenomena.

Natural phenomena can be divided into two subgroups:

1 / Geophysical phenomena - earthquakes, volcanic eruptions, floods, weather disasters, etc. and

2 / Biological phenomena - large epidemics of diseases that threaten the mass extinction of people, etc. (smallpox epidemic in 1972, coronavirus pandemic in 2020);

Technical factors - major traffic accidents, explosions, mass fires, nuclear disasters, etc.

Social phenomena - economic crises, political crises, mass starvation of the population, armed conflicts, wars, etc.

The crisis situation in the legislation of the Republic of Northern Macedonia is regulated by a special Law on Crisis Management from 2005. Crisis is a situation that endangers the basic values, permanent and vital interests and goals of the state, ie the constitutional order and security are endangered. A crisis situation is a situation caused by risks and dangers that can endanger the goods, health and life of people and animals and the security of the republic, which requires the use of a larger volume of resources for prevention. A state of crisis is declared when it poses a risk to the goods, health and lives of people and animals or a danger to the security of the Republic or part of it. The government determines the area affected by the crisis and accordingly activates the mechanisms for resolving the crisis. The Government shall immediately inform the Assembly and the President of the RSM about the adopted decision. The Government shall orally and later in writing inform the Assembly and the President of the State about the activities related to its decision. The Government shall prepare and submit a written report to the Assembly and the President no later than 30 days after

the completion of the activities related to the crisis situation. If the crisis situation continues for more than 30 days, the Government should ask the Assembly to extend the deadline or propose a declaration of martial law or state of emergency. The Assembly and the President may at any time request an oral or written report on the situation in the field of crisis management.

The declaration of a state of crisis can be declared on the whole territory or on a certain region. At the beginning of the crisis with the pandemic with the Corona virus, a state of crisis was declared in the cities of Debar and Centar Zupa. When declaring a state of emergency, the Crisis Management Center is the competent body to act, while when declaring a state of emergency, the Government is responsible for managing and coordinating the state of emergency.

When declaring a state of crisis, crisis headquarters will have to be established on the whole territory, which means the engagement of a large number of people, which is not recommended specifically for the corona virus as a threat, because the recommendations of the World Health Association and the Government of RSM are distance between people and a ban on gathering in larger groups.

2/ Extraordinary security situation

Definition:

Before we try to define a state of emergency, it is necessary to clarify what a social environment, social community or social system is, because a state of emergency refers to a specific social environment. According to the American sociologist A. Barton, "a social system is a community of people connected through a certain degree of interaction and interdependence, but also a certain degree of independence from the outside world." The social system includes the geographical unit of the neighborhood, but also the social environment of the neighborhood.

When there is a state of emergency, the crisis has not occurred yet, which does not have to happen if the problems which caused the state of emergency are solved with state institutions and appropriate means: earthquakes, floods and fires, mass diseases, epidemics, social unrest, etc. It should be noted here that every crisis contains a state of emergency, and in every state of emergency there may be a crisis for those people and the environment in which the occurrence that caused the state of emergency occurred.

2 / diagnosis;

There is a need for preventive diagnostics, which will determine the danger accurately enough (reliably), through the necessary methods and means of measurement.

3 / forecasting;

4 / planning;

5 / taking measures (preventive, repressive)

A state of emergency has been declared under Article 125 of the Constitution of the RSM, paragraph 1 provides that a state of emergency occurs when it comes to risks such as armed action against the state by internal or external elements, natural disasters, civil unrest, epidemics, economic crises, general strike and similar.

Paragraphs 2, 3 and 4 of the Constitution predict that a state of emergency be declared by the Assembly on the proposal of the President, Government or at least 30 MPs, the state of emergency is declared by 2/3 by a majority, can last up to 30 days, with the possibility of extension.

In conditions when the Assembly cannot convene, as is the case with us due to the dissolution of the Assembly and preparations for early parliamentary elections. The President, at the proposal of the Government, made a decision to declare a state of emergency throughout RSM and submits it to the Assembly for confirmation. as soon as they can meet.

With Art. 126 of the Constitution in case of a state of emergency The Government in accordance with the Constitution and law adopts decrees with legal force. Until the end of the state of emergency, all decisions of the Government will be able to take effect immediately, for example, the government will be able to adopt a decree on new government borrowing, a decree on budget rebalance, a decree on redistribution of budget funds from one area to another. decree for sending more money to the health sector, decree for assistance to the economy, etc. are aimed at directing all forces and means to overcome the conditions caused by the spread of the coronavirus.

In a state of emergency, the dangers of a huge concentration of power in the executive branch (executive and legislative) are real, certain routine government functions may be suspended, and government agencies may carry out emergency preparedness plans.

The government could take measures to prevent and remedy the economic consequences that will inevitably be large, to which the government must respond accordingly. In conditions when the Assembly is dissolved, the state is in crisis, not a state of emergency, the government is tied to any attempt to adequately respond to an unpredictable development of the situation that may require measures that are not provided in the existing legal framework.

The mandate of the President of the Republic, the Government, the judges of the Constitutional Court and the members of the Republic Judicial Council is extended for the duration of the state of emergency. In short, the president as supreme commander will be able to suspend some government functions and delegate more responsibilities.

The declaration of the state of emergency on the entire territory of RSM is a result of the spread of the corona virus in several cities in the country. The institutions in the state should oppose the danger of an opponent who does not know and recognize neither the Constitution, nor the law, nor any government decree, division of the population by religious, ethnic, religious affiliation, etc. It does not recognize the Convention on Human Rights or any international law or remedy. It recognizes only the biological laws and remedies that humanity today is desperately struggling to discover as soon as possible in the fight against this evil.

The declaration of a state of emergency restricts human rights and freedom, which is inevitable in these moments in order to overcome the epidemic that takes human lives every day. The Council of Europe Convention on Human Rights provides for a wide range of human rights protections, which in "normal" conditions are inviolable and a mandatory obligation of every signatory country. But what does the convention on conditions of state of emergency say in a member state of the Council of Europe, in which R.S. Macedonia has been a full member since November 1995.

Several articles of the Convention clearly provide for rights and freedom, but with a clear indication that in a state of emergency things are not so simple and they undergo certain modifications. For example. Article 9, which deals with freedom of thought and religious freedom, states: "Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. precisely on the right to freedom of association and assembly "everyone has the right to freedom of peaceful assembly and association with others". By declaring a state of

emergency in RSM, certain decisions fall into the above-mentioned articles. Of course, these decisions are in favor of dealing with the epidemic that directly threatens human rights and freedoms and is a higher state interest in the current conditions of the spread of the epidemic. However, Article 15 of the Convention also provides for a derogation from the previous provisions in the event of a declaration of a state of emergency, in which Article states that any State exercising this right of derogation shall be liable for the measures taken and the reasons for their withdrawal. , to fully inform the Secretary General of the Council of Europe, which is the responsibility of the institutions of the RSM, so that in the future the state does not face a lawsuit for violation of human rights and freedoms before the Court in Strasbourg.

The current security system of RSM in conditions of emergency

The situation with the covid-19 pandemic has greatly shaken even the world's most stable socio-economic systems, including their security systems. This evil has not passed our country either. But the question is, does our security system have the capacity to function smoothly in the event of an emergency? Is there room for reform in order to overcome this situation more easily? Is R.S.Macedonia managing the response to the covid-19 pandemic well enough?

Practice, however, indicates that our security system must undergo certain changes, especially in terms of its functioning in conditions of emergency. The biggest problem is that in RSM there is no Law that regulates the actions of all state and non-state entities, as well as their rights and obligations during a state of emergency. In the Constitution of R.S.M. the declaration of a state of emergency is regulated only in two articles, Article 24 and Article 25, but only in principle, without a more specific elaboration of the share that all segments of the socio-economic system should give in order to overcome such a state. is quite symptomatic. Why?

There are several reasons. The first reason is that most often, in conditions of emergency, the Assembly is not able to meet to pass laws. And on top of all that, when there is no Law on State of Emergency, and at the same time the Assembly cannot convene, then how can the state overcome the state of emergency? Who will pass laws for easier overcoming of the same. That happened to R.S.M. with the occurrence of the covid pandemic. The Assembly could not convene, so the Government of the R.S.M. had to

issue a decree with legal force for the use of the Law on Protection and Rescue. This must not happen, because a lot of time is wasted, and lost time can have serious consequences for human lives

Another shortcoming that must be overcome is the coordination between the Directorate for Protection and Rescue and the Center for Crisis Management. During the current coyote pandemic, the competencies of the Directorate for Protection and Rescue and the Center for Crisis Management overlapped. The institutions acted on the basis of two legal solutions, the Law on Protection and Rescue and the Law on Crisis Management. This is inadmissible, because it resulted in the transfer of the ball from the Directorate for Protection and Rescue to the Center for Crisis Management and vice versa. Both the Directorate for Protection and Rescue and the Center for Crisis Management have stated that they are not competent for certain matters. Who can be competent in such a situation?! For that purpose, a democratic state must not allow this situation to be managed with two legal solutions, but with one law, and that is the Law on State of Emergency, which has not been adopted in R.S.M. for now. The existence of a single law that will regulate the actions of the institutions in such a complex situation is crucial for the functioning of the entire system. It would be even better if, on the basis of that law, the Center for Crisis Management and the Directorate for Protection and Rescue were incorporated into one body, which would overcome all differences and overlaps and form a system of civil protection, such as the example in the Republic of Slovenia.

Another problem is the lack of coordination and cooperation between institutions at the centralized and decentralized level. We allow big mistake to happen in April.. During the visit by the members of the main coordination crisis headquarters in Kumanovo, they were not informed that the mayor of Kumanovo and several other members of the Council of the municipal headquarters for protection and rescue of Kumanovo, were tested positive for covid-19 virus, and later it turned out that many of them are also positive. This indicates a huge lack of coordination between the Center for Public Health, the Main Coordination Crisis Staff and the municipal protection and rescue headquarters in this case. Such an omission must not be allowed, because it can cost the state a lot.

Another disadvantage is that RSM does not have a single number, a single operational center that will operate during a state of emergency. The Government of the then Republic of Macedonia in 2009 adopted a decree for the establishment of such an operational center, following the example of the 911 service in the United States. The essence of this unique number is that

after receiving a call, the citizen should be directed to the service that is responsible for handling the case. This is especially important in times of emergency when urgent action and response is required. However, the decree adopted by the Government of the Republic of Macedonia in 2009 has never been implemented. This shortcoming must be overcome. It is necessary to regulate this issue with the adoption of the Law on State of Emergency. In that way, the overall operation of the services that are activated in a specific case will be greatly facilitated.

In our northern neighbor, the Republic of Serbia, the only European emergency number 112 has been established. Service 112 is conceived as the only service that will receive calls regarding the forwarding of information on various situations that have occurred during the state of emergency. This means that whether it is a crime, fire or first aid call for an injured person, service 112 receives that call and forwards it to the competent service, for example the police, the fire brigade or the emergency team. Service 112 consists of: the National Center 112, the Operations Centers 112 and the Public Alarm System. The existence of such a service and operational center is crucial, especially in those moments when immediate response and resource engagement is required.

Unlike the Security System of the Republic of Northern Macedonia, in the Republic of Slovenia, the protection and rescue bodies and the crisis management bodies are incorporated into one system, which is called the civil protection system. The civil protection system is under the auspices of the Ministry of Defense and operates on the basis of one legal solution, which is the Law on Defense of the Republic of Slovenia. Unlike the one and only system in the Republic of Slovenia, in RSM there are two separate systems. One system is the protection and rescue system, and the other is the crisis management system. They are not within the Ministry of Defense. They function as separate bodies, under the direct jurisdiction of the Government of the RSM. Apart from not being incorporated in a single system, they also operate on the basis of two laws, namely the Law on Protection and Rescue and the Law on Crisis Management. All this leads to an overlap of the competencies of these two bodies, and sometimes to a confusing situation, in which it is not known which body is competent and which is not and that in conditions of state of emergency is not practical and efficient at all.

Conclusion

In the conclusion, we will make an attempt to point out the shortcomings in the functioning of the security system of RSM, in conditions of emergency and crisis caused by various types of threats, including epidemics.

First, we see that world systems, such as the American, German, French, Spanish, and many others, crash in the presence of the covid pandemic. The same thing happened with our security and overall institutional system. And why is that? Due to the fact that in the Republic of Macedonia there is no Law on State of Emergency, as is the case in the Republic of Serbia, which has quite decisively developed this law. The Constitution of the Republic of Macedonia envisages the existence of a state of emergency in only one article, that is Article 25, but it is given only in principle, in general and unspecified. It is provided when a state of emergency is declared, who can declare it and how long it can last. However, the most important thing is not provided, and that is which entities should take over to overcome the situation, what are their competencies, how to establish coordination between them and the like.

Therefore, we think that the adoption of the Law on State of Emergency of RSM is necessary, following the example of the one from the Republic of Serbia. This is especially important, because when a certain area is not legally regulated, then it provides space for improvisation, and unfortunately improvisation in safety and especially in conditions of emergency can be fatal. We do not need to create anything new, we just need to accept the solutions that other countries have already implemented. Another problem, which appeared specifically in RSM during the covid pandemic, is the dysfunction and divergence of the Crisis Management Center and the Directorate for Protection and Rescue, as well as the lack of coordination between the General Headquarters for Emergency Situations and the municipal headquarters. Namely, first the Government of RSM had to adopt a decree to legally activate the Law on Protection and Rescue. That is unthinkable. Due to the lack of a Law on Emergency, it was not known exactly what they should do and what the Directorate for Protection and Rescue should do. In fact, the ball was transferred in the direction of the Crisis Management Center towards the Directorate for Protection and Rescue and vice versa, so that in certain situations they declared themselves incompetent. That should not happen. Instead of having two legal solutions, namely the Law on Protection and Rescue and the Law on Crisis Management, that area can be incorporated into one area with the adoption of the Law on Emergency, and the Crisis Management Center and

Directorate for Protection and Rescue can be merged into one body, as is the case in the Republic of Slovenia. This would lead to great efficiency, as it would make it impossible to avoid tasks, abusing legal loopholes, and the entire civil protection system could function in a single, purposeful and smooth manner.

In addition to the Crisis Management Center and the Directorate for Protection and Rescue, which should be merged into one whole, the Law on State of Emergency must precisely define the competencies of all entities that will act in relation to overcoming the state of emergency, namely: the Ministry of Interior, the Ministry of defense, the Ministry of Health, the Red Cross, civil society organizations, humanitarian organizations, legal entities, the security-intelligence community and many other entities. In that way, it will greatly facilitate and ensure the smooth functioning of the socio-economic and health system, in conditions of emergency. What is also missing is the existence of a single emergency intervention service, such as service 112 in the Republic of Serbia or service 911 in the United States. Thus, when the service receives a call from an accident, crime or similar, the call will be forwarded to the competent service, police, ambulance, fire brigade or other service, which will allow quick response and action on the spot. .

Another weakness of the security system of RSM is the insufficient coordination of the security-intelligence community despite the adoption of the Law on Coordination of the Security-Intelligence Community. We had a case when on 22.05.2019, the Assembly adopted two legal solutions, the Law on National Security Agency and the Law on Coordination of the Security-Intelligence Community. The counter-intelligence service was reformed, but something was missing. That is the reform of the intelligence service. It is logical that when reforms are made in the ANB, the same should be done in the Intelligence Agency. The reforms in the Intelligence Agency are overdue, already at the end of 2019 and the beginning of 2020 there was talk of a new Draft-Law on the Intelligence Agency, but that is not enough. The Law on Coordination of the Security and Intelligence Community has already been adopted, so any reform in the intelligence service will imply a change in this law. This will require additional efforts to resolve a situation that could realistically be resolved in one go. We believe that there will be a much more efficient functioning of the security-intelligence community, if the ANB and the intelligence agency are united in one body, such as the example with the Security-Information Agency (BIA) in the Republic of Serbia. If the intelligence and counter-intelligence service are incorporated into one service, which would be under the competence of

the Government of the RSM, then a much faster and more secure flow of all information vital to the security of the RSM will be enabled. Also, in case of their unification, reforms will be made on one body, and not on two bodies, avoiding the danger of reforming one service and leaving the other service unreformed..

Another shortcoming that we would like to point out is the legal non-functionality of the Commission for Supervision and Control of the Work of the UBK and the Intelligence Agency. What can be noticed is that the commission still contains the name Commission for Supervision and Control of the work of UBK and the intelligence agency, and as we already know UBK as such does not exist, it has been transformed into ANB. This must imply a change in the name of this commission and it should be called the Commission for Supervision and Control of the Work of the ANB and the Intelligence Agency.

There is another aspect that refers to the difficult functioning of the commission. The commission has 9 members and it happens that they are declared ineligible and are not issued a security certificate, and without a security certificate they can not be part of the commission. And who issues the security certificate? The Directorate for Protection of Classified Information, which is engaged by the ANB to carry out security checks on the members of the commission. ANB can very easily declare any member of the commission ineligible for obtaining a security certificate, and thus sabotage its functioning. Supervision over these services is a very important segment in order to avoid various abuses, which is why this problem must be resolved as soon as possible.

We concluded that there are certain weaknesses in the security system of RSM. However, it is important that they are identified, and they have already been identified, and that there is the political and personnel will to address those shortcomings effectively. Quality reforms can strengthen the security system, and all this would ultimately lead to a safer living environment, closer to European integration and, of course, improved living standards. To achieve this goal, we must all contribute together as individuals and professionals.

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