

**University "St.Kliment Ohridski" - Bitola**  
**Faculty of Security - Skopje**

# **Security** *Horizons*

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**THE EURO - ATLANTIC VALUES  
IN THE BALKAN COUNTRIES**

 **Hanns  
Seidel  
Stiftung**

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# SECURITY HORIZONS

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## МЕЃУНАРОДНА НАУЧНА КОНФЕРЕНЦИЈА ЕВРОАТЛАНСКИТЕ ВРЕДНОСТИ И БАЛКАНСКИТЕ ЗЕМЈИ

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## WHY “SECURITY HORIZONS”?

At the beginning of the 20<sup>th</sup> century, Max Weber said: when a social science journal, which also at times concerns itself with a social policy, appears for the first time or passes into the hands of a new editorial board, it is customary to ask about its “line.” Why do we need a new journal if we already have one? What is its purpose or tendency, or as Weber would say, what is its line? And thus, we can pose many more questions.

Starting from this edition, the publications of the International conference of the Faculty of Security – Skopje, which has been held in Ohrid every summer for the last eleven years, will be issued in a new publication form, in a periodical titled as “SECURITY HORIZONS”.

The main goal of “Security Horizons” as well as of the Weber’s “Archive” is to broaden our cognition about the security states in all countries, i.e. the cognition for the facts about the security life and nursing of the judgement for their practical problems, and “from the very beginning it will stick to its intention of being an exceptionally scientific Journal and act only by the means of scientific research”. To achieve this mission which was open and practised along the decades of growth of the International Conference in Ohrid, and from a general formulation to promote it into a clear code by which it will distinguish not only among the academic community but also among the other subjects, it was estimated that the general term for the discussions about security, about the scientific cognition in this area and the need for setting clear theories and systems, especially in the affirmation of the efforts for defining the security science (securitology, afaliology), as well as the continuous effort in the search for answers to numerous security challenges of the modern countries, should be affirmed through the motivational phrase “Security Horizons”.

26 volumes of works have been published from the International Conferences in Ohrid for the past ten years, with more than a thousand participants and almost the same number of titles. This Conference merged into the recognizable “Ohrid school of security” in which numerous theoretical views and practical experiences of the researchers from the scientific communities dominantly from the Balkans and the European countries have been crossed; scientific workers from the USA and other world countries have also participated and contributed to the Conference.

This is the precise reason for the opening of this new Horizon. Thus, we will proceed with the continuity of constant gathering and debate among the scientists from the academic community and the practitioners who are directly engaged with security issues to exchange their scientific and research results, and to affirm their practical experience and cognition for promotion and development of the critical dialogue.

The appearing of “Security Horizons” is with the aim of creating space in which scientific workers and practitioners will affirm their standpoints, the awareness for responsibility and the freedom of creativity will grow strong, the individual research and profound cognizance will be affirmed, which will also develop the posture that the freedom of creativity and the affirmation of the humanistic values are the horizons in which the academic achievements will be affirmed. We expect that the contents of the Ohrid security forum reflected on the pages of this Journal will broaden and deepen the debate, affirm the cognizance about the development of security as a scope and also of the security science (securitology, asfaliology, security science), motivate the thinking potential in the consideration of the open questions in the security science, in the development of its methodological approach, and certainly in the affirmation of the theoretical concepts and systems which will reflect in proposing suitable strategies for construction of democratic, humane, free, open, and responsible society in which human freedoms and prosperity will be promoted.

Security Horizons is the medium which will embrace the creators of new scientific cognizance and practices in the area of security and other sciences where they will affirm their cognizance and achievements, highlighting the standpoints that the author’s freedom and liability are inseparable and they are not necessarily also the standpoints of the Editorial office.

Security Horizons are focused on the affirmation of scientific and methodological approaches for the new cognizance in the area of security and other related areas and sciences, on the pursuit for new horizons, cognition and truths, and its affirmation as a scientific forum in which the debate will be founded on new cognition and scientific results.

The challenge is ahead!

**Skopje, 6.11.2020**

**Professor Cane T. Mojanoski**

**Dear,**

The topic of the International Scientific Conference in Ohrid 2020 should create assumptions through scientific articles and through debate to offer answers about the situation with the implementation of Euro-Atlantic values of the Balkan countries. This is important because there are three European Union member states (Greece, Bulgaria and Croatia) in this area, which are also members of the NATO Alliance (Northern Macedonia joins this group, Albania and Montenegro), and other countries (such as Bosnia and Herzegovina, Kosovo and Serbia) are outside these structures.

This position of the countries in relation to the Euro-Atlantic integration causes numerous interactions and relations, which in many ways are specific, both for the relations between the Balkan countries and in terms of the application of criteria and values in the relations between the countries separately. The conflicting historical past has created the impression that "the Balkans are a powder keg", which is causing turmoil in politics, not only in Europe but also beyond. In that sense, it is good to create space, the academic community of the Balkan countries and beyond to try through the analysis of practices from the application of Euro-Atlantic values to offer new insights that will serve to strengthen the idea of Europe as a common home.

**The conference will present papers on the following topics:**

- ❖ ▪ Democracy, rule of law, human rights, their promotion and forms of protection
- ❖ ▪ International Standards for the Protection of Human and Citizen's Freedoms and Rights and the Policies of the Balkan States
- ❖ ▪ Forms of protection of freedoms and rights - experiences and perspectives
- ❖ ▪ Strengthening the rule of law and accountability of institutions
- ❖ ▪ Democracy, forms of democratic participation in government and governance
- ❖ ▪ Contemporary Criminal Theories and Crime Management
- ❖ ▪ Elections, Election Models, Electoral Participation, Election Campaigns, Free, Fair, Democratic Elections
- ❖ ▪ Accountability, transparency, control and accountability of public officials and entities exercising public authority

- ❖ ▪ Peace, non-violence and respect for the identity of man and citizen
- ❖ ▪ Freedom and equality, equality between nations, right to self-determination, national identity and dignity
- ❖ ▪ Respect for the freedoms and rights of the individual and citizen
- ❖ ▪ Individual freedoms
- ❖ ▪ Economic Freedoms and Rights
- ❖ ▪ Civil and Political Freedoms and Rights
- ❖ ▪ Equality, individual and collective, gender equality
- ❖ ▪ Solidarity, support for others, tolerance, respect for other cultures
- ❖ ▪ Religion and attitude towards traditional and other values
- ❖ ▪ Non-violence, peaceful settlement of disputes, mediation, arbitration, democratic dialogue
- ❖ ▪ How to deal with violence and terrorism
- ❖ ▪ Relation to nature and its sustainability
- ❖ ▪ Euro-Atlantic values and contemporary challenges, risks and threats
- ❖ ▪ Strategic Security Documents and Their Importance for realization of the Security Policies
- ❖ ▪ Security research approaches and methods
- ❖ ▪ Security neutrality versus Euro-Atlantic integration
- ❖ ▪ The concept of securitization
- ❖ ▪ The place and role of the intelligence and counterintelligence services
- ❖ ▪ Parliamentary control over the security system
- ❖ ▪ Safety law
- ❖ ▪ Energy security in Southeast Europe
- ❖ ▪ Practical police reform policies
- ❖ ▪ Education systems and the profile of the police profession in the Balkan countries
- ❖ ▪ Forms of bilateral and multilateral co-operation in the areas of crime, human trafficking, narcotics and psychotropic substances
- ❖ ▪ Approaches to cases of domestic violence
- ❖ ▪ Cooperation between business entities between legal certainty and security threats and risks
- ❖ ▪ Regional cooperation and regional economic policies
- ❖ ▪ The Role of International Organizations in Promoting and Implementing International Norms for the Protection of Human Rights in the Balkans

- ❖ ▪ Contemporary forms of crime and ways of overcoming them
- ❖ ▪ Contemporary forms of cybercrime (electronic: fraud, fraud, threats, theft of personal data and other forms of electronic fraud and crime)
- ❖ ▪ Forms of crime related to internet and cyber services and how they are discovered
- ❖ ▪ Criminalistic experiences, achievements, methods, means and means of combating modern forms of crime.
- ❖ ▪ Comparative experiences and the latest anti-corruption mechanisms
- ❖ ▪ The types of corruption in the security system and the judiciary

**Organization committee of the International  
Scientific Conference**



# **WELCOME SPEECHES**



**MARJAN GJUROVSKI, PhD**

**VICE-RECTOR OF UKLO  
INTERNATIONAL CONFERENCE OHRID 2020  
FACULTY OF SECURITY  
ADDRESS**

Dear Vice-rectors and Deans,  
Dear Mayor of Ohrid Municipality,  
Dear Chairlady of the Private Security Chamber of the Republic of North Macedonia,  
Dear representative from the Heinz Seidel Stiftung for the Republic of North Macedonia,  
Dear managers,  
Ladies and Gentlemen,  
Dear friends and colleagues,

At the beginning, allow me, on behalf of the Rector of University “St Kliment Ohridski” – Bitola and my persona one, to greet you and to wish you a successful work of the 11<sup>th</sup> international conference jointly organized by the Faculty of Security and the Heinz Seidel Foundation.

It is my special honor and privilege to address you, here, at the opening of the Conference which has become the recognizable feature of the Faculty of Security – Skopje, an academic gathering that obtained the profile of one of the most significant scientific events in the area of security in the Region.

And, during the period of time that, we, the members of Conference organizational board worked on the preparations of the event, on reviewing the papers and other activities, experienced mixed feelings and above all, uncertainty, resulting from the pandemic turned out daily routine, but, still, at the end, the feeling that the Conference is going to be held respecting and applying the Covid-19 protection protocols, and that we are not going to give up easily, pervaded.

Dear friends,

I vividly recall the moment, 11 years ago, when, I as a then-master of science, first took part by submitting my paper at the First Conference on SECURITY, ECOLOGICAL SAFETY AND THE CHALLENGES FACING THE REPUBLIC OF MACEDONIA, held on September 17-18, 2010, in the Congress Hall, here in Ohrid.

For 11 years now there persists the idea for holding, developing and growing into a highly positioned and internationally recognized scientific event in the area of security. There has been dedicated work that succeeded in bringing together professors from the USA, Europe, India, Morocco, from all continents, in one single place.

Now, due to Covid-19, we decided to get together by means of a combined, hybrid model, and by applying of online connection, to hear our thoughts and to look into our fellow colleagues' papers.

Taken from the fact that the scientific and academic community in the area of security, law, international relations, criminology and police sciences is here in Ohrid, together, I express my convince that, by means of an open constructive discussion, we will manage to analyze the security risks and threats we are faced with.

I will make an effort, based on the researches that several teams from the Faculty of Security have conducted in the recent period, to summarize the security risks and challenges that are newly emerged in the country and in the Region:

1. The first security risk is related to the pandemic and the new, potential surge of Corona virus, which, in the critical period that follows, must not turn from health into security risk, economic threat or endangering human rights and freedoms.

The question, to what extent the security system and the crisis management system are ready to deal with the potential new pandemic blow, remains open.

Some would say the system has already proved its readiness, but it has been exactly three months since the end of the declared state of emergency. Whether and what have we applied from the lessons learnt during the period of curfew, or the legal normative and adopting of decisions in a situation of declared state of emergency, coordination or subordination, as well as numerous other issues. We,

as a Faculty, have conducted a research and offered preliminary recommendations that triggered interest in being carried out for the major part. Yet, this interest, on the eve of the potential new Corona virus surge, is only declarative. Eventual ad hoc solutions for coordination and cooperation among security services would not deliver the desired effect, and thus, induce, unfortunately, an increase in risk incidence. Whether the Law on state of emergency or state of martial law, is to be adopted before the actual declaration of such a state? We, as academics, have aired our views and now the red alert is on, signaling that we are running late with the preparations, and accordingly, with the adoption of a number of solutions and legal models of functional activities within the security system in pandemic circumstances, or possible crisis or new state of emergency.

2. The second challenge hides behind the economic security as a domino effect following the pandemic and the potentially new and increased restrictive measures for safety in the course of the pandemic.

3. The next security challenge is represented in the form of the open issues in the Region – the non-defined status of Kosovo, Republika Srpska and Sandjak, the political instability in Montenegro, Bulgaria and Albania, the tensions between Turkey and Greece. The manner applied to these open issues and the eventual outcomes will depend for the most part, on the outcomes of the forthcoming presidential elections in the USA.

4. Here are also the influence of the Russian Federation and the advance of the People's Republic of China on the Balkans, as additional security risks in a situation of increased influx of hybrid threats and fake news.

5. Another risk is represented in the forms of radicalism, violent extremism and terrorism as a direct security threat to the countries in the Region, Republic of North Macedonia inclusive.

6. And last but not the least, the corruption and organized crime, the inefficiency of the judiciary, can also be considered security risk and threat, for which, being the 30<sup>th</sup> NATO member state, we should display better results regarding the reforms that need to be applied to the overall security system, as well.

Finally, allow me to point out – I am very pleased that, today, we have with us the Minister of Interior, Mr. Oliver Spasovski, a confirmed friend of the Faculty of Security, via online connection. Also, here is the Chairlady of the Private Security Chamber of the Republic of North Macedonia, Ms Verica Mileska Stefanovska, MSc. Under the auspices of the Chamber, several of the previous editions of the Conference have been held, which attributes to our mutual partnership and interest for cooperation, as well.

Due to the pandemic, we do not have here with us, Dr Klaus Fiesinger and Mr. Bogdan Mirchev from the Heinz Seidel Foundation, but I am sure that our cooperation will carry on for the years to come and we will not cease to have their support and assistance, with hopes for further increase and development of this cooperation.

I am extending my congratulations to the chairperson of the organizational board, Prof. Mojanovski, to its secretary, Aleksandar Ivanov, my fellow colleagues, Prof. Gerginova and Prof. Nikoloska, the Dean Dujovski, for, completing, as a team, a successful project the Faculty should be proud of. The success and the results accomplished in the previous period, are actually our joint success. I am also expressing thanks to all other colleagues and students from the Faculty of Security – Skopje, who offered their unselfish assistance in the realization of the Conference – Kemal, Kire, aunt Violeta, Orce, - every member of our Faculty community.

I am of an opinion that the Conference mission to stimulate the academic community and the practitioners in the area of security to exchange ideas based on application of scientific research methods, but also to make better use of practical skills and to attribute scientific research dimension to them, will be achieved.

I wish you all a successful work and pleasant stay in Ohrid, and of course, a fruitful and constructive Conference.

Thank you.

**Mr. OLIVER SPASOVSKI**  
**Minister of Internal Affairs**

**INTERNATIONAL CONFERENCE OHRID 2020**  
**FACULTY OF SECURITY**  
**ADDRESS**

Dear Mr. Klaus Fiesinger, Director of the Department of Central, Eastern and Southeastern Europe of Hanns Seidel Foundation,

Dear Mr. Gjurovski, Provost of St. Kliment Ohridski University,

Dear Mrs. Milevska-Stefanovska, President of the Chamber of Republic of North Macedonia for Private Security

Dear Mr. Dujovski, Dean of the Faculty of Security - Skopje

Dear participants of this scientific conference,

Ladies and Gentlemen,

I am pleased to salute you and honoured to address you at the International Scientific Conference titled *The Euro-Atlantic Values in the Balkan Countries*, a topic of essential significance for all of us who are deeply dedicated and determined to efficiently complete the real path to the Euro-Atlantic processes.

Republic of North Macedonia is already standing alongside of all the members of the most powerful military-political alliance in the world, thus accomplishing 50% of the strategical plans. It is now willingly expecting to initiate the negotiations for admission to the EU and opening of the Chapters to complete the other half of the strategical plans.

We agree that the mutual Euro-Atlantic values represent a basic segment and an essential instigator of the mutual approach of the countries of the Balkan region and the overbearing of all barriers of which some were followed by conflicts and discords in the past. The Balkan “powder keg”, as it is called by many, has to remain in the history, and all the countries in the region have to focus towards the mutual values and goals directed to prevention from conflicts, maintenance of peace and stability, the rule of law

with no exception with respect for the international law, the protection of the human rights and freedoms, and peaceful solution of all conflicts and discords, for which the Republic of North Macedonia has been a good example in the recent period. Only thus we can provide guarantee for the prosperity, sustainability, and stability of the countries.

Alongside of these processes, we also have to mention the challenges of the recent period which we have been facing as countries, such as organized crime, illegal migration, cybercrime and cyber-attacks, the fake news, violent extremism and terrorism, and of course the COVID-19 pandemics. In the combat against these modern challenges, a contemporary, regional approach is required, as well as a joint strategy and precise operation measures.

On 27<sup>th</sup> March this year, Republic of North Macedonia finally accomplished its first strategical goal. By signing of the Protocol for accession to the Alliance by all 29 countries allies and the accomplishment of all our commitments, after a period of 27 years, we became a full member of NATO.

In the whole process, the Ministry of Interior had an exceptionally significant role and a complex task, taking into consideration the fact that according to the Membership Action Plan it was necessary to implement reforms in the security-intelligence system. In addition, in a period of two and a half years of dedicated work, we implemented the recommendations of the group of high experts for system questions in the area of the rule of law with communication tracking.

In this direction, an Operative-technical agency was established. This agency started its work on 1<sup>st</sup> November 2018, as an independent state body for communication tracking and facilitating the data access to the organs authorized for communication tracking.

Immediately after the formation of this agency, on 20<sup>th</sup> November 2018 the Government adopted the proposed Model for the reform of the security-intelligence system, by which the Administration for Security and Counter Intelligence was separated from the Ministry of Interior. This implied reformation of a separate agency under the competencies of the Government, with clearly defined goals and tasks.

With this aim, a new Law on the Agency of national security was drafted, and the agency started its work on 01<sup>st</sup> September 2020. By this, we

outraged the stated inconsistencies identified in the previous reports of the European Commission concerning our country.

Simultaneously, we worked on the drafting of another legal solution for coordination of the Security and Intelligence Community, with the aim of regulating the hierarchy and the competences among the intelligence services. This Law on Coordination of the Security and Intelligence community was voted by acclamation by two thirds of the votes on the 99<sup>th</sup> assembly of the Parliament of the Republic of North Macedonia held on 22<sup>nd</sup> May 2019. The Law anticipated the formation of a special body for coordination of the Security and Intelligence community, and a precise scope of the structure and the methods of working and bringing decisions was determined with the aim of realization of efficient coordination of the Security and Intelligence community. Furthermore, continuous working meetings are held at all levels with representatives of the NATO alliance for strengthening of the collaboration and implementation of the directions.

One of the planned, on-coming processes in the Ministry of Interior is the vetting which will be implemented by strictly defined rules and criteria, and it will embrace all employees in the Ministry of Interior. The aim of this repeated examination is the establishment of a professional, decriminalized, apolitical and responsible police which will serve for the protection of the citizens. For defining of the legal framework, all necessary comparative analyses and exchange of experience are applied in direction of drafting a quality legal solution which will provide consistent implementation.

The Ministry of Internal Affairs will be actively engaged in the initiation of the negotiations for EU membership; it implies Chapters 23 and 24 where, as before, a prompt and efficient implementation of the imperative reforms is required. This especially refers to the sphere of organized crime and high corruption, where the support from our partners with whom we have a constant and productive collaboration is of exceptional importance.

The security system is the foundation for the functioning of the legal state! All these implemented reforms are the guarantee for protection and promotion of the human rights, and protection of the democracy and the stability of the system. Today this system functions; with it also the legal state functions, and consequently the democracy. As I have already mentioned, we have achieved our first strategic goal – the integration in NATO. But we will not stop here! We will continue with unabated intensity, dedicated and responsible work and realization of all activities towards the

accomplishment of the second strategic goal of the country – the EU membership, or the Europeanization of our country. This is a time when everyone's contribution is important, expected, indispensable, and essential.

Thank you.

**VERICA MILESKA STEFANOVSKA, MA**

**Chamber of R.North Macedonia for Private security  
President**

**INTERNATIONAL CONFERENCE OHRID 2020  
FACULTY OF SECURITY  
ADDRESS**

The Euro-atlantic perspectives of the Republic of North Macedonia are reflecting the clear national goal and are marked as a high priority in building and implementing policies and the overall action of our state. In addition to the reforms of the political, economic and legal system it is indisputable that the Euro-Atlantic integration process encompasses the adjustments of the security system, which is a domain in which we professionally and academically articulate our contribution to society as a whole.

Hence, let me emphasize that modern democracies create a broad security concept as a functional system tool for debate and joint action, with a coordinated approach of all stakeholders. In the noted context, the North Macedonian security system manifests a modern direction in the security organization, with an applicable division of state and non-state elements. In that sense, it is more than evident that private security is profiling as an equal strategic participant in the strategies for improvement and modernization of the national security system.

The pragmatism of the security system is most clearly recognized through cooperation and coordination, unification of the potential and defining the common position of state bodies, private security actors, the academic scientific community, the professional public, the non-governmental sector and all other stakeholders.

In the wide range of relevant security stakeholders, the Faculty of Security stands out with its actions for continuous academic-scientific contribution expressed through theoretical upgrading, research and improvement of specific practical aspects of the security profession. It is

through such a prism that the cooperation of the Faculty with the private security sector in the Republic of Northern Macedonia is realized, and further formalized with a memorandum of cooperation and articulated through numerous coordinated joint projects and activities.

Most importantly, the overall commitments in that sense are built on current security dynamics, contemporary global security threats and challenges, and are based on recognized Euro-Atlantic strategic values and standards.

In the year when the private security sector in the Republic of North Macedonia marks the jubilee of its twenty years of existence, I use this opportunity to emphasize that the cooperation with the Faculty of Security is confirmed by positive qualitative results and concrete, measurable indicators of progress in the private security sector and more importantly we intend this successful cooperation to continue with greater dynamics and intensity. Moreover, I hope that we may agree that the integration of capacities imposes a responsibility to leave lasting values that will contribute for continuation and upgrade in this segment of the security sphere.

Finally, let me express my gratitude and sincere congratulations to the organizers and all participants in this conference who in a period of serious challenges to humanity posed by the coronavirus pandemic remain consistent and persistent in their mission of continual and qualitative contribution to the improvement of safety and tracing the way for modern, Euro-Atlantic values and principles.

I wish you a successful work.

**THE EURO-ATLANTIC VALUES IN  
THE BALKAN COUNTRIES**



## **INTERWEAVING OF EUROPEAN AND THE VALUES OF THE COUNTRIES OF WESTERN BALKANS**

**Saše Gerasimoski, PhD,**

*Full Professor Faculty of Security, Skopje, Macedonia*

Keynote Speaker Address

Respected present participants of the Ohrid International Scientific Conference,

When I was thinking and preparing for this year's Ohrid International Scientific Conference, I was glad to see the general topic of the Conference being the values. As sociologist, I would like to emphasize the extreme importance of values for Europe and for current relations between countries of European Union and the countries of Western Balkans in terms of values. At the beginning, I would like to structure my address in three parts.

In the first part I'm going to talk about the importance of the values for the European Union itself. In the second part, I'll point out to the interweaving of values between EU and the Balkans, especially Western Balkans. As far as the third part of my address is concerning, I'll talk about the current state of affairs in terms of values within the countries of the Western Balkans and what they should do in order to become integral part of the EU.

What is Europe? A pretty tangled and controversial question as it was its history. Born out of sheer necessity after the horrors of the Second World War, the modern Europe started to take shape on entirely new bases. Not as community based on ideas or interests, but mainly on values. Of course, one cannot overlook the fact that Europe will continue to be built on ideas and interests as well, but, it seems that the values will be the glue that will hold Europeans together on long terms. In fact, Europe has always been in search of the glue, of something that would provide stable coexistence and

development of the European nations. At first, for a long time throughout the medieval times, religion was considered as a societal and cultural glue that hold the Europeans in relative peace. It lasted until the schism in Western Christianity appeared, that resulted in bloody century of wars, which claimed lives of 8 million people, only to be ended with the Westphalian Peace in 1648. That peace established new societal and cultural glue that was believed to hold relative peace and cooperation between nations. That glue were the nation-states and the new international socio-cultural and political order based on them. But, it lasted until the first half of the XX-th century, when Europe was torn apart by the most destructive wars the humanity ever saw, the two World Wars, which claimed lives of roughly 100 million people. Again, the glue was weak and obsolete and it needed to be replaced by a new, more effective one that would provide long-lasting cooperation and stability between various EU nations. This time, the socio-cultural glue that was found seemed to enable that long desired state of stability, cooperation and peaceful societal development. That glue were the European values.

Modern Europe is being built on common European values which dominate ideas and interests among the EU countries. The very founding documents of the EU stress the ultimate importance of the common EU values for its existence and future. Among the most common and shared EU values we can enumerate the following: respect of human rights, respect of human life, peace, freedom, democracy, rule of law, respect of cultural differences, solidarity, equality, secularism, accountability, transparency, self-realization, environment protection, etc. Choosing the values as an anchor on which the European unity and identity are to be built, looks like the best possible solution for integration, long-term stability and prosperity for all European nations. This is due to the fact that the values are the most stable element of the culture and that they, together with the norms, represent the basis of the societal order (Лукић, 1995: 294; Лукић, 1976: 232-233; Tanovič, 1978: 37).

We could rightly ask ourselves: What lies behind this attractiveness of the EU that all EU countries aspire towards it and want to become part of it? The answer is of course their values, but, we would add to that, the EU's unique values, that makes it interesting and attractive even for the countries outside the EU, the countries from other continents. This has been also proved with some relevant research done on this issue, most notably by the European Value Study and the World Value Study. These studies have

shown that EU values are most commonly accepted, shared and observed among their member countries and show higher coherence when compared to the similar common values between other countries outside the EU. According to the Eurobarometer Study of European Values, nearly half of the Europeans think that EU member states are close to each other in terms of their shared values. Also, an absolute majority of Europeans believe that, in comparison with other continents, it is much easier to see what Europeans have in common in terms of values: 59% agree with this suggestion, while 26% disagree (Eurobarometer, 2012: 4, 7). European values are also humanistic values, which means, that they are human oriented values and more individualistic than collectivistic once, although the European unity of values is maintained more as an awareness and living by those shared values, than by some adherence or belief in collectivistic values or imagined supra-national socio-cultural European identity. The European understanding of the common values also recognizes the heterogeneity of values and understands it as the value richness of the EU. It can be most obviously seen through the saying “united in differences” (Creative Commons, 2020: 5-7; Halman, 2009: 35-48).

There is a widespread belief that the countries which come from the region of so called Western Balkans are primarily the recipients of EU values and that this process is mainly, if not solely, one-directional. In other words, if these countries want to become full members of the EU in the future, they must adopt and live by those EU values. But, this is not exactly what the truth is. In actual fact, throughout the history up until nowadays, there were constant acculturation processes between the Western and Eastern Europe and between the EU and the Balkans in specific. Within these broad and long acculturation processes, a lot of values have been transferred in both directions, so this processes were more two directional or reverse, rather than one directional and irreversible. There were a lot of values transfers, value borrowings and other complex socio-cultural exchanges that have been taking place for centuries. Thus, some of the most significant EU values came from the Balkans, like democracy for instance, which was later digested and upgraded to a “unique” Western value, or, to say more accurately, core EU value. Also, the respect for cultural values have long been a living tradition within the Balkan countries and was incorporated in the socio-cultural systems of Byzantium and later the Ottoman Empire milliet system (Халдон, 2015: 8; Иналдик, 2002: 10-11). Even nowadays, the

legacy of those systems could be recognized in the multicultural and in some smaller extent, even intercultural socio-cultural models of coexistence in the Balkans. This surely could be considered as worthy socio-cultural capital of the Balkans and Western Balkans countries in a narrower sense, something that Europe, and especially Western Europe could not boast. Even on a contrary, last decades saw a complete failure of the multicultural models of coexistence in France and Netherlands, for example, while interculturalism still exists mostly as distant idea, rather than some kind of EU living practice.

The Balkans in general, and the part of it called the Western Balkans, which is newly coined socio-political construct by EU authorities, has long been a kind of problematic region for the EU. Though geographically inseparable from the rest of the European tissue, the Balkans has mostly been viewed by the Western European countries as “powder keg”. This pejorative and stereotypic image and understanding of the Balkans persist since it was coined by the end of the Balkan Wars and the First World War. Completely opposite to that is the picture of the Balkans as a “cradle of civilizations”, an entirely positive depiction of the Balkans as the birthplace of many human, cultural and civilizational achievements throughout history, like democracy and respect for cultural diversity, that we previously mentioned, than religion (especially as the birthplace of Orthodox Christianity), enlightenment and literacy as well as a birthplace of two alphabets (Greek and Slavic), many achievements in arts, science etc. (Кѹлавкова, 2006: 15-47; Тодорова, 2001: 3). This strain in depicting, imagining and understanding of the Balkans has survived till nowadays and still can be observed, manifestly or latently, in the general policy of integration of EU towards these countries. On one hand there is an urgent need to integrate these countries and to make Europe whole again, as complete union of countries united in common values, but, on the other hand, there is a sense of sometimes over accentuated cautiousness and even ambivalent views towards the accession of these countries in the EU. Since the EU is so attractive and desired both for EU and for non EU countries, there is much of the truth in saying that “EU has no alternative for the EU countries that aspire to it as well as for those within it”. Although, not always acceptable and recommendable as living motto, this is surely sobering truth for all Europeans, because the alternative to that usually means turning back to the horrors of historical divisions and suffering for all EU citizens.

Considering the current situation of accession of the Western Balkan countries and Macedonia in this respect, we could say that obviously, what can be observed as current state of values in their respective societies and according to some research done recently on this field, is that there is a clear deficit of values that these countries must adopt in the near future in order to be fully integrated in the EU. The studies have shown that there is insufficient level of adoption of the democracy, rule of law, respect of human rights and respect of human life as values. This can be clearly seen when comparing the hierarchy of values for the EU citizens with the values of the Western Balkans and Macedonian citizens respectively. For instance, in the hierarchy of the European values, the rule of law occupies 6-th position, while according to one relevant Macedonian study of values, conducted with the same methodology as Eurobarometer studies of European Values, the rule of law takes the 10-th place. Another glance at the other values on the hierarchy of values, shows that, at least declaratively, the EU countries and the Western Balkan countries, and Macedonia in specific, share almost the same values, such as peace, democracy etc. It is also evident that EU citizens cherish more individualistic than collectivistic values. The collectivistic values are more shared amongst the countries of the Western Balkans (Eurobarometer, 2012: 9; Клековски, Кржаловски Александар, Стојанова, 2011: 6). The studies show that the Western Balkan countries have still to work hard in order to install, accept and practice in their societies some crucial values of the EU, such as respect of human rights, respect of human life, accountability, transparency and the rule of law. Only by adopting of these values they can become closer to the so called European identity. The thesis of Europeanization of these societies in fact means accepting, sharing and living by the common values of EU.

At the very end of my address, I would like to thank the organizers of this's years International Scientific Conference of the Faculty of Security in Skopje, for giving me this rare opportunity and honor to address to you. I also want to express my congratulations to the Faculty of Security in Skopje for organizing this Conference in spite of the current Covid 19 crisis, thus keeping the fire of the security science alive.

Thank you for your attention!

## REFERENCES:

- Eurobarometer (2012), *Values of Europeans*, Brussels: Eurobarometer
- Иналцик, Халил (2002), *Османската Империја: класично доба, 1300-1600*, Скопје: Слово
- Клековски Сашо, Кржаловски Александар, Стојанова Даниела (2011), *Македонски општествени вредности*, Скопје: Македонски центар за меѓународна соработка
- Creative Commons (2020), *Definition of the Most Basic European Values and Their Significance for Our Modern Society*, München: Creative Commons
- Лукиќ, Радомир (1995), *Основи социологије*, Београд: БИГЗ
- Лукиќ, Радомир (1976), *Социологија морала*, Београд: Научна књига
- Тановиќ, Ариф (1978), *Vrijednost i vrednovanje*, Sarajevo: IKGRO “Svijetlost” - OOUR Zavod za izdavanje udbenika
- Тодорова, Марија (2001), *Замислувајќи го Балканот*, Скопје: Магор
- Ќулавкова, Ката (2006), "Балканскиот модел на свет", во Ќулавкова, Ката (приредувач), *Балканска слика на светот*, Зборник на трудови, Скопје: МАНУ, сс: 15-47
- Халдон, Џон (2015), „Кон социјалната историја на Византија“, во Халдон, Џон (Уредник), *Социјална историја на Византија*, Скопје: Арс Студио, сс: 1-30
- Halman, Loek (2009), “Value Change in Western European Societies: Results from the European Values Study”, *European Values Study*, Tilburg: Tilburg University, pp: 35-48

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Scientific Research Paper

## **THE IMPACT OF THE PARADOX OF DEMOCRACY IN CORELATION WITH NEO-LIBERALISM UPON THE INTERNATIONAL SECURITY AND SPREADING FAKE NEWS**

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### ***Abstract***

In this paper, democracy will be considered through the prism of its multidimensional nature of deep internal contradictions. On one hand it will be considered as a value and system for realization and protection of the fundamental rights and freedoms, and on the other hand, as a method and decision-making procedure in the society. In its original sense, according to the etymological genesis of the word, democracy literally means practicing power by the majority of the people. In this sense, democracy was historically achieved only in the ancient city (polis) Athens. Since then, democracy in various models and modified versions of these models, according to the different understandings of it, appears through the historical development of society. In the paper we will make efforts to give a kind of archetypal contribution to this topic by analyzing the following issues: What is the paradox of democracy?; Is democracy possible in its original sense in today's development of society?; Is democracy a farce or reality today and which are the basic postulates and mechanisms on which globalized societies operate?; What is the connection and impact among democracy, liberalism and neo-liberalism?; What is the reflection of such democratic societies toward the multidimensional phenomenon of international and national security, considered in all its dimensions, beyond the traditional understandings of security, exclusively conceptualized in terms of military and other traditional security threats and risks.

Answering to all these open questions, the historical overview of the development of democracy in this paper will be reduced to minimum extent in order to understand the impact of the various tendencies in the concept of democracy and the doctrine of neo-liberalism upon the international security. Furthermore, in this context, the causes and goals of spreading fake news will be considered as a basic nucleus of the contemporary economic and political propaganda or marketing.

*Keywords: democracy, neo-liberalism, international security, fake news, plural socialism*

## **INTRODUCTION**

Since antiquity, the ancient city-state of Athens, when direct forms of democratic decision-making by the free citizens had been practiced, democracy has not been realized in its original sense of direct democracy or in its classical notion - rule of the majority of people, until today. Today, there is not a country in the modern world that does not declare itself like democratic, although, in fact it can implement an authoritarian, semi-authoritarian and even totalitarian regime. It is also characteristic for most of the modern states that they hold direct and general elections, which they declare to be secret, which gives them the epithet - democratic. In some of the authoritarian regimes the elections acquire a plebiscite character. There are many criticisms of the plebiscite voter turnout in the theory, which describe their undemocratic nature. Here, for the sake of space, we will not dwell on the argumentation of such theses. The crucial question, however, is whether direct, secret, and general elections, as one of the most essential features of a liberal representative democracy, which can pass without election irregularities on the election day, are always truly free and fair elections. The possibility for a real choice on the political scene does not depend on the voters, but in the most subtle ways the choice is determined by many factors much earlier before the voting day. The choice, in modern plural political systems, usually comes down to two "evils", i.e., it is decided between the greater and the lesser evil. In authoritarian regimes where "democratic elections" are held, elections between multiple options do not actually exist because they are just a farce, and the winner is known even before the election begins. The choice made by the citizens in countries with liberal representative democracies is subtly imposed with the help of the powerful machinery of modern political and economic marketing, conducted by the most popular media, in order to achieve the goals of neoliberal economic doctrine. Given that contemporary political and economic propaganda is based on spin-off information, the spread of false news dressed in the guise of truth becomes an inevitable means of gaining or retaining power in a country, as well as gaining or maintaining dominance in the global political and economic relations. All this affects, directly or indirectly, not

only the traditionally understood security, but also the economic, social and environmental security, as well as the other components of the broader modern understanding of the term security, both nationally and globally.

## **SUMMARY OF THE MAIN POINTS OF VARIOUS MODELS OF DEMOCRACY THROUGH THE HISTORICAL DEVELOPMENT OF THE DEMOCRATIC THOUGHT**

From the funeral speech of Pericles, who published Thucydides, some basic premises of the classical Athens democracy can be drawn, which was never after met in the original sense. All free citizens had participated in creating common life. Irrespective of the status or wealth, demos had had sovereign power for actively participating in decision-making on legislative and judicial duties. The City Hall had had a sovereign government. There had been several methods for the selection of candidates for public office: direct elections, lot, rotation, and short terms. One person cannot perform the same position more than twice, except for military positions. The public servants had gained adequate compensation for performing a public service. There had not been differences in privileges among ordinary citizens and the public servants. Small city-states, which mostly dealt with agriculture, had been general social conditions. The economy was based upon the labor of slaves, as free citizens enabled leisure. Free citizens had had additional free time for public obligations because they had not had housework to which women were bound.

One of the most critical of Athenian democracy was **Plato**. Namely, Plato believed that political control must be in the hands of the minority. Well-known is Plato's division of four constitutional forms of government: oligarchy (rule by a system of aristocracy); timocracy (rule of the rich); democracy (rule of the people); and tyranny (rule of a single dictator); The views of Plato, his allegations, and how to anticipate today's conditions of democracy, is best illustrated in the following statements. Because of the ferocity of their real authentic power, I will quote them in the text. Plato criticized all four types of rule, he watched with particular disdain for democracy, which "has treated all people equally, regardless of whether they really are equal or not. According to Plato, this is because people's behavior is guided by instincts, feelings and prejudices. In democracy, there can be no proper leadership because leaders depend on the will of the people and hence,

they act in a direction that will allow them to maintain their popularity and their positions. Careful estimates, responsible decisions, unfavorable choices and unpleasant truths in the democracy will inevitably be avoided. Democracy marginalizes wisely all those involved in political life claiming to represent the interests of the community, but in fact, they represent only their own selfish interests and greed for power acquisition (Plato, 1974)."

Plato's main thesis is that the world's problems cannot be solved while philosophers are not included in the government, because only they, who are educated and trained, have the ability to harmonize all the elements of life in accordance with the rule of wisdom. Plato later changed his views presented in the "State" in his works "Statesman" and "Laws." In his views, he later allowed the possibility that in a real state apart from ideal, justice could not sustain without some form of consent of the people. In fact, Plato advocated the idea of a mixed state, which combined elements of monarchy and democracy. He anticipates later views of Aristotle, a Republican from the Renaissance period, and also the proportional voting represented in the works of liberal thinkers such as John Stuart Mill.

Apart from Plato, another great critic of the democracy of Athens was **Aristotle**. According to Aristotle, there were good and bad forms of government. In bad forms, in addition to tyranny and oligarchy, Aristotle also classifies democracy as the power of the majority (the masses) in the service of their personal interests. In good forms of government, Aristotle classifies monarchy, aristocracy, and polytheism. According to Aristotle, polytheism is the antithesis of democracy. Namely, the polytheism is the power of the majority, not in function of the personnel interest, but in general interest. Otherwise, according to ancient notions, "good" is what benefits life and vice versa "bad" is what harms the life of the individual in the community. Aristotle, on the other hand, believed that among the bad forms of government, democracy was the best form.

The classical model of democracy after the collapse of the Athenian city-state disappears from European political thought, until its reinstatement as ideologically inspired the Renaissance period in Italy and the emergence of a new middle class, to which a new political frame was needed: protective and developmental republicanism in the Italian city-states. **Niccolo Machiavelli (1469-1527)**, is considered as the first theorist of the modern state. He tried to find the balance between state and citizenry. Studying history, he came to realize that the main forms of government, monarchy,

aristocracy and democracy, are essentially unstable and tend to degeneration and corruption. Machiavelli believed that after the initial positive development, monarchy shows a tendency toward tyranny, aristocracy to oligarchy and democracy to anarchy, after which a re-coup to the monarchy comes. Machiavelli continues the historical continuum of anthropological pessimism about human nature, which has its roots in Plato, followed further by other most important political thinkers such as Hobbes, Locke, Montesquieu, Hegel, Weber, and Hayek. Otherwise, he advocated the theory of mixed government, which can compensate for the shortcomings of all other constitutional forms and balance the competing interests of rich and poor. Machiavelli's argument was not only due to the historical events, especially the mixed power of Rome, which for him constituted the most exemplary, but also his original reasoning that in some way it anticipated the subsequent learning of the separation of power. Similarly, ancient democrats and republican thinkers such as Marsilius from Padua and Machiavelli believed that in the process of governance artisans and small traders should be included. Foreigners, employees, servants and all other dependent groups, such as women and children, are considered to have no interest in public affairs.

**Jean Jacques Rousseau (1712-1778)** was one of the most influential theorists of democracy. His thesis on "absolute" democracy, where the will of the majority should unconditionally be accepted by all citizens due to the reasonable cause of the common good that should be achieved through education, in fact, represent the most radical ideas of democracy. He is the most important representative of the development of republicanism. His ideas made an impact during the French bourgeois revolution and the Marxist democratic tradition. Inspired by his native city-republic of Geneva, Rousseau designed the ideal conditions for the development of his republican conception of democracy, for which he was aware that he would never meet in the new world that was born in front of his eyes. Namely, it creates insuperable gap, emphasizing the sovereignty of the people, which threatens the sovereignty of the individual. However, in his most famous work "The Social Contract" Rousseau explains enlightening mission of the social contract between the people and the government or the ruler. His conception of autonomy was often interpreted as a position contrary to the liberal democratic tradition and its democratic model failed to anticipate conditions which were created in a new world of industrial revolution and the massive

nation-states. However, the pattern of development of republicanism, which in its center has the moral of the Republican traditionalism and autonomy of sovereign popular will, left a lasting inspiration for the later models of democracy.

The beginnings of liberal democracy were found in the book "**Leviathan**" (1651) by **Thomas Hobbes**, who believed that man has a continuous tendency for power, that only death can break. He tries to overcome such a natural state, "war of all against all", through the liberal principles of consent and agreement to transfer the rights of individuals to the almighty sovereign, which would unite all the individuals through whom they will rule. Hobbes thought shows anti-liberal tendencies, because it turns out that Hobbes, in fact, had not asked for individuals to sign a contract, but to learn their reasonable obligations that would follow if we assume that such an agreement was signed in favor of the all-powerful sovereign.

**John Locke**, like Hobbes, also tried to find a legitimate form of government that will ensure security, peace and freedom in order to overcome the conditions of pre-political natural state. However, John Locke rejected the idea of Hobbes for transferring rights in the hands of an all-powerful authority that will have unlimited sovereignty. The work of Locke radically broke that idea with conceiving the main postulate of the European liberal representative democracy – the meaning and purpose of the existence of government is to ensure the rights and freedoms of citizens, who are the best evaluators of what is best for their own interests. Although they are given in rudimentary forms, Locke's understandings of the key aspects of democracy anticipate trends in the later development of liberal democratic tradition.

If Locke laid the principles of liberal representative democracy, for **Charles Louis De Seconda Baron De Montesquieu** we can freely say that he laid the foundations of the reformed institutional representative government. In his work "In the spirit of the laws" (1748), he suggested that every person involved in government is inclined towards its misuse, as well as the propensity to enjoy power as long as possible. In order to prevent this situation, Montesquieu thought that authorities must be constrained by other authorities. Bridging the republican and liberal traditions of self-interest and the public good more clearly than Machiavelli and Locke, Montesquieu, who also spoke of a mixed government, expressed the need for separation of the powers and the distinction between legislative, executive, and judicial power.

He thought that the state must be organized in that way, so that it will represent balance and protect the interests of the monarchy, the aristocracy, and the people. However, Montesquieu unlike Locke, did not envisage the possibility that if the citizens are dissatisfied with the government, they can change its form. He considered that the small number of the voters of that legislation were not responsible, and the monarch should have the right to cancel the legislature. The thinking that the governed is accountable to the rule, not vice versa, was what pervaded in his work.

One of the key creators of the American Constitution, **James Madison**, in his political philosophy and emphasis on factions in democracy, presented too strong views that are in line with the historical continuum of anthropological pessimism and limited intellectual potential of the human beings for democracy. Madison said that the diversity in capacities and skills, propensity to wrong judgment and premature conclusions, connectivity with different leaders, passion for a wide range of different interests, all create insurmountable problems in the uniform interpretation of the priorities and interests. He considered that self-love and reason go together and they have proportional impact on the effects between rationality and passion, continues Madison.

**Jeremy Bentham** and **James Mill** were ready to debate the justification of democracy. However, it is thought that the son of James Mill, John Stuart Mill, significantly determined the direction of the modern liberal democratic thought. In his most famous work "On Liberty", Mill elaborated the principle that should set the limits of authority for use of force against the individual. Thus, according to him, the only reason for the use of force by the government against the individual, is preventing such an individual to harm other individuals.

The theory of liberal representative democracy exceeds practical limits that massive nation states with large citizenship and a large territory impose on the democratic idea as viable and sustainable large territories and in large time intervals. However, it should be noted that a representative liberal democracy received its contemporary characteristics in the second half of the 20th century, when it was established in the West and promoted as a desirable paradigm for the rest of the world. It happened when adults received equal right of vote, without distinction in their race, sex, religion, class, etc. Otherwise, in its essence, representative liberal democracy implies government elected in free and fair elections in which each citizen's vote has

equal weight, a broadly defined framework of human rights and freedoms, the right of citizens to resist the government or be potential participants in it, and autonomy of association in NGOs, social movements, interest groups, political parties, etc.

Contrary to the optimistic views of human nature, as the theoretical fundament in the works of John Stuart Mill, Marx, and many other radical democrats and liberals of the 19th century, **Max Weber** and **Joseph Schumpeter** developed the new theory of democracy-competitive elitism. Weber, as well as Marx, thought that the professional bureaucracy is essentially undemocratic because bureaucrats are not responsible for the decisions they make to the masses. But he was deeply convinced that if all citizens participate in the regulation of economic, social, and political issues, which are extremely naive and dangerous doctrinal views. Contrary to the views of many liberals, Weber argued that the massive spread of the right to vote undermined the foundations of liberal democracy and the parliament as its central institution, where a national policy and laws of a country should be created. By contrast to the Parliament, the focus of all political processes are the dominant political parties. This is elaborated by Weber in detail, for many reasons. One of them is that the parties are transformed into means for fight in winning the elections, because without electoral success, there is no sense of their existence. Weber in his essay "Politics as a vocation" characterized the electorate generally incapable of understanding the policy and brings down its role in the choice from the offered candidates for leaders. His work for democracy, put in the shortest terms, is deduced to the selection of capable leaders and not caring for the democratic values.

Within the theory of democratic pluralism, a whole series of studies are devoted to the vote, starting from **Berelson, Campbell, Lipset** and others. They advocated the idea of usefulness of the political apathy of citizens. The argument for this view is that too much participation of the citizens in politics can create excessive distortions and intensifying of the social conflicts, up to fanatical movements. A good example of this is the historically negative phenomena during the Nazi-Fascist Germany and Stalin's USSR, when the leaders received irreproachable support from the people. According to the most prominent representative of the pluralists, Robert Dahl, democracy can be defined as the rule of the minority. According to him, the true value of democracy is the rule of various minority groups. He actually upgraded the position of competitive elitists that

democracy is an institutional arrangement which allows choosing between several candidates for political leaders. The only difference is that the government, according to pluralists, is non-hierarchically (horizontally) structured among a number of interest groups, which have different interests: economical, cultural, religious, ethnic, gender, sex, age, student, etc. As long as there is a consensus about the common values underlying institutional and normative structure that allows competition among various groups, the system will be sustainable. If politicians get out of the agreed consensus, they cannot hope for getting political support from voters to win positions in the government. The main standings of this theory are criticized by the neo-pluralist, neo-Marxists, and the representatives of the New Left in the sense that such notions of pluralists cannot explain the real situation of drastically unequal distribution of economic and financial resources, hence resulting illusions about the equal political power of various groups have in the society. Many groups do not have the resources to compete in the national political arena. Many do not even have the minimum resources for their political mobilization.

**Karl Marx** and **Friedrich Engels** sharply criticized the thesis of liberal democracy and the neutral state, as well as the free market economy on which it rested. Starting from the basic postulates of their teaching, they saw the essence of the relations between people through the prism of the class structure of the society, the irreconcilable antagonistic relations between the classes, which, according to them, are the result of the established productive relations. In these relations of production, the non-productive ruling class, which owns the means of production, exploits the productive working class through the extremely uneven appropriation of surplus value. In this occasion we will not enter into the philosophy of dialectical materialism, the essential elaborations of Marxism on the economic cycles of capitalism and its inevitable collapse, as well as the theses of scientific socialism, according to which the first phase of the dictatorship of the proletariat comes in a revolutionary way. This phase of dictatorship is not necessary, as Marx himself believed, because in countries with strong democratic traditions, such as Great Britain, a revolutionary change can occur through a peaceful transition. After the first phase comes the second phase. This second phase is a classless and stateless communist society. It is one of the most humanistic utopian paradigms and at the same time the "most realistic" science fiction projection that has ever appeared in the social

sciences. In the paper we will dwell very briefly only on the attitude of Marxism towards democracy.

According to Marx, the state and its bureaucracy are class instruments in order to control society in the interests of the ruling class. To some extent, the state has relative independence from the ruling capitalist class, but this is only when the conflicts between the various subclasses within the capitalist class, such as the industrialists and the financiers, must be settled. With explicit arguments, Marx explains how the capitalist economy makes the capitalist state dependent. Hence his view that the dominant class actually rules, even though it is not formally in power. Unlike libertarian and orthodox Marxists, pluralist neo-Marxists emphasize one of the greatest weaknesses of Marxism - that not all differences and contradictions in society can be viewed solely through the prism of class differences (D. Held, 2008). However, Marx in his time anticipated such criticisms and very convincingly pointed out that despite all the other existing differences, racial, ethnic, religious, gender, sexual, age, etc., the most significant differences that undermine inequality and freedom among people in society are the class differences. In the core of class differences are the socio-economic differences. By overcoming them, all other differences in society can be significantly reduced or mitigated. From a democratic point of view, the critique of the pluralist Neo-Marxists who justifiably point to another weakness of Marxism is interesting, which is the complete narrowing of the space for debates, discussions, and negotiations on the authenticity of various dissenting opinions of individuals and groups whose interests are important, but different from those of the majority. Marx's answer to this question leaned towards Rousseau's model of absolute democracy. He found justification in the need to strengthen the revolutionary core and the awareness of the process of transition to a classless society. He, as a kind of answer to the problems of this type, offered the forms of direct democracy, in the first phase of the construction of the new society: all public issues are regulated by the Commune or communes, the Council or the councils, organized in a pyramidal structure. All government, judicial and administrative officials are subject to frequent short-term elections. Anyone can be dismissed from their community if he/she does not perform the function entrusted to him/her properly.

Exposed to much criticism, classical pluralists in particular, (Dahl, 1985), changed their original view from "Introduction to Economic

Democracy" (1956), converging on Marx's view that modern corporate capitalism caused inequalities in the society and the economy so much that it led to severe disturbances of the political equality and democratic processes. In this regard, contrary to De Tocqueville and others, Dahl argues that the main threats to freedom do not come from demands for equality, from the erasure of political diversity, but from the greatest enemy of freedom, from the lack of freedom or freedom of a certain kind, to accumulate unlimited economic resources, creating a number of inequalities that threaten political freedom. Democratic theory is constantly evolving, which is shown in the many points of convergence between the neo-pluralists and the neo-Marxists. Thus, for example, what until recently was almost unthinkable, neo-Marxists are now beginning to consider the possibilities of liberal-representative institutions and the liberal-democratic emphasis on the importance of individual rights and freedoms.

As a result of the profound contradictions of modern liberal democracy in economically highly developed Western societies, theories of an overburdened state and the theory of a crisis of legitimacy have emerged. The first has a neoliberal and neoconservative ideological matrix, while the second has a left-wing provenance. The New Right-Wing, which represents, in fact, the theory of legal democracy, is only a logical consequence that rises to the teaching of the theory of an overburdened state. The basic settings of these theories are that the state should be re-dimensioned to its minimum participation and return to *laissez faire* or free market society. The discontent and the distrust in the institutions, which according to advocates of this stream contributed to the downward trend in the rate of profit, investment, and employment, and to reduction of the individual freedoms versus collective (for which they advocated to minimize up to their full eradication) are the main reasons why the New Right-Wing pedestals enjoy great support in the Anglo-American world, until today. According to the most relevant representative of the New Right-Wing, Friedrich Hayek, it is not always clear what the will of the majority determines not only what is the law, but also what is a good law. This democratic fetish leads to a false conclusion that as long as the power is in accordance with the democratic procedures, it cannot be arbitrary. Similar to competitive elitists, he claimed that "there is often more spiritual and cultural freedom in the autocratic regime than in some democratic societies, and it is clear that under some regimes of homogeneous or indoctrinated majority, democratic government might be as oppressive as

the worst dictatorship". (Held, 2008). Hayek's distinction between liberalism and democracy is significant. In fact, according to him, "liberalism is a doctrine about what should be the law, and democracy is the doctrine of the way leading to the law" (Held, 2008). As long as there are general rules that restrict the activities of the majority and the government, the individual should secure. But without such restrictions, democracy would be a contradiction of freedom. Neo-liberals generally believe that if democracy is understood as unlimited will of the majority, it is not democracy.

Despite such thesis of the New Right-wing, the theory of crisis of legitimacy of the modern capitalist state and the theory of participatory democracy have been developed. This theory is named the New Left-Wing. These theories tend to different understandings of the concept of freedom than the New Right. The New Left comprises a whole range of ideological and theoretical threads, starting republican conceptions of Rousseau, of anarchists, liberals, neo-Marxists, and neo-pluralists. Although many authors contributed to the conception of its teaching, however, two of them stand out in the literature. They are C. Pateman and K. B. Macpherson. According to Pateman, though the formal existence of certain rights and freedoms is not without significance, yet they have very little value if they cannot be truly applied. The biggest criticism of liberals and neo-liberals is the claim that to have freedom not only means to have equality under the law, but individuals to possess enough material and cultural resources that the individual would be free to move in different directions of action. Leftists agree with the views that there are fundamental flaws in orthodox Marxism. They are trying to develop a theory that would transcend the rigid confrontation of Marxism and liberalism. For example, they are not for a change of the representatives of liberal institutions and their substitution with mediocre institutions of democracy. Leftists highlight two changes as essential: 1) the state must be democratized by Parliament, state bureaucracy and political parties; 2) at the local level through policy-based industry, women's movement, environmental groups, society, and the state must allow to provide procedures which would point to responsibility. C. Pateman is seeking to expand democracy in people's daily lives, expanding democratic control over the key institutions. Pateman believes that "participatory society must be an experimental society, able to experiment in the conception of radical reform of the rigid structures imposed by private equity, class relationships and other systemic asymmetries of power" (Held, 2008).

Macpherson advocates for greater participation in the decision making in all spheres of public life, by using a system of competitive parties, organizations, and direct democracy. According to him, the foundation of participatory democracy can be created if the parties are democratizing in accordance with the principles of direct democracy. The Macpherson recognized that the obstacles to the realization of his ideas about participatory democracy are very high. However, his solutions are very vague and do not tell us how the institutions of representative democracy would be combined with the forms of direct democracy.

Otherwise, the general notes to the theorists of participatory democracy expressed doubts about the assumptions that people want to increase democratic control over their lives. Thus, the following questions emerge: What if people do not want to participate in resolving social and economic issues? What if their democratic power wants to use "undemocratic" means for abolition of democracy (example: when Hitler's party came to power)? These and many other questions are based on the doubts about the democratic judgment of the "democratic" demos that permeate from Plato, up to Hayek.

At the end of the 20th century a new concept of deliberative democracy appeared (Habermas, Offe, Fishkin, Gutmann and Thompson, and others.). Among the other key features and objectives of deliberative democracy, except proposing some new and direct ways of practicing democracy (see: D. Heald, 2008), in the central point in this concept is the establishment of a new public discourse on the most important social issues, free from empty debates behind which the self-promotion and advertising of the actors at the socio-political scene is cleverly hidden. According to the deliberative neutralists, rationalist epistemology is the basis for deliberation in the context of the concept of deliberative democracy, which according to me, is the most advanced and most desirable paradigm of democracy, but which, in truth, are still in rudimentary forms in many more developed democracies than ours. Only competent and party neutral intellectuals (but not politically neutral, because it is impossible) together with different party experts can develop, through the confrontation of rational arguments for the disputed issues at the stage of discussion, analyses for the most complex social problems. Moreover, only through rational confrontation of arguments, the most optimal solutions to resolving the most important problems can be reached. Of course, neutral intellectuals cannot be a substitute for the

politicians, which in the final phase decide and bear political responsibility. However, they can significantly contribute to accountability and real "affordable legitimacy" versus "proper legitimacy" (D. Held, 2008). One of the deliberative democrats Bernard Manin wrote: "The source of legitimacy is not a predetermined will of individuals, but rather, it is shown in the process of establishing legitimacy, i.e. by reasoning. "

## **SOME DEVIATIONS OF DEMOCRACY IN THE CONTEMPORARY GLOBALIZED SOCIETIES**

Globalization posed many questions related to democracy. Various authors mostly from neo-liberalistic provenance comment that globalization has risen democracy to unseen scale so far (Huntington, 1991; Diamond / Plattner, 1996). The fact is that after the end of the Cold War liberal democracy extend throughout the world. Many countries in Latin America and Asia have replaced militant regimes in the civil concept of liberal democratic social orders. Berlin Wall was torn down, which abolished "all" obstacles to introducing multiparty systems, free democratic elections, promotion of human rights and freedoms and the concept of "good governance". Central and South-Eastern Europe walked the thorny path of democracy. Also, in view of the objective dimension of globalization, its apologists pointed out that a huge amount and speed of the flow of information in the new information age significantly increased people's opportunities to actively participate in the democratic processes by which they can express their opinions towards management structures. In that sense, today's electronic democracy, which applies to domestic voting via interactive television, tends to replace rational public debate with reckless immediate impressions of individuals, littered with various prejudices, stereotypes, inhibitions and frustrations.

Deeper analyses of the authors of the opposite ideologically-political tendencies speak differently about globalized democratic processes and the wave of democratization that swept the world, especially after the dissolution of the USSR and the Warsaw Pact. Certain authors believe that globalization represents the antithesis of democracy (Gill., 1996; Robinson, 1996; Klein, 2000; Hertz, 2001). Other authors such as Giles and Robinson, described democracy as "polyarchy", whereby governed by democratically elected class elites and "globalization like a new world order with low intensity

democracy" (Gills et al., 1996; Robinson 1996). For dissident-minded authors, formal liberal democracy with the right to a free vote in the ballot box is nothing more than a sham that hides enormous social injustice. Namely, the key questions which should be asked and for which the apologists of globalization and formal democracy do not have valid answer, are the following: Is it the right to choose real if the citizens are imposed in advance to what to choose by perfidious "wash brains" that are performed by the mass media? Or even more important: Do we have a real choice if we are denied the freedom to know what we choose and if alternatives are offered only a choice between several (usually two) evils that differ only in nuances? What can we get even on unanimously received election or referendum if the right questions that should have been interested most citizens, do not receive publicity because political forces which ask these questions (and some of them offer very concrete and sustainable responses) cannot get real publicity in today's globalized and fully commercialized mass media? The deep contradiction of democracy is one of the greatest paradoxes in society. Through political history, democracy was mostly a farce because the "rule of the majority of the people" could have not been realized as the value in its basic meaning by numerous anthropological, psychological, social, political and even epistemological reasons. Democracy is often served as a good bait for "throwing dust in the eyes" of the people that have an impact in making the most important decisions of public character. There are also theses that democracy and religion are the two biggest farces, which deceive the people and prevent the emergence of revolution in the modern globalized society. Namely, it is considered that if democracy really works in the best interest of the majority of the population, it would have been abolished long ago (Chomsky, 1997, 2017).

It is true that globalization, with the rapid development of information technology, has created technical conditions - formal democracy to turn towards more crucial. Globalization contributes to the most essential weaknesses of liberal democracy.

## **LIBERALISM, LIBERTARIANISM, AND THE IMPACT OF NEOLIBERALISM ON CONTEMPORARY GLOBALIZED SOCIETIES**

Liberalism in the broadest sense of its conceptual content has a wide range of meanings and roles throughout the history of political thought and practice, such as particular political philosophy, political ideology and economic doctrine. Volumes and volumes of books have been written on the subject. I will try very briefly, for the purposes of this paper, to clarify the relationship and mutual influence of liberalism and democracy.

Namely, one of the theses is that liberalism is a doctrine that determines the content of political life, and democracy is a doctrine that determines the form of political organization in the society. The question which arises here is: can there be democracy without liberalism and vice versa. We have already tried to give some answers to this question in the text above. Here we will try to clarify the postulates on which classical liberalism is based, but also the currents that later emerged from it, as well as their impact on modern globalized societies. According to a group of authors, libertarianism is a new branch of the 1970s, which is the original successor to classical liberalism. According to other authors, libertarianism differs from classical liberalism. Adam Smith did not believe that a liberal market economy could meet all the needs of society. In other words, liberalism is for a market economy, but it is not for a market society in which all values can have a trade price in the market. Hence, it can be said that libertarianism is a radical variant of liberalism, because in its "purest" form it advocates complete deregulation, complete freedom of individualism and the least possible interference of the state, not only in the economy, but in all other spheres of public life. Libertarianism has some similarities to, and some differences from neoliberalism. Namely, neoliberalism is founded on classical liberalism, but in the modern era of globalization and the so-called IV Industrial Revolution (according to some authors we can even speak of V or VI Industrial Revolution), neoliberalism in a way breaks some of the basic principles of classical liberalism, by breaking the borders of nation states and subordinating the sovereign will of the voters expressed in direct, free, and general elections, because it imposes the interests of the supranational bodies of macro-regional organizations, international security, and financial

organizations, and thus indirectly, multinational companies upon the decisions of national parliaments, as an expression of civil sovereignty.

The main pedestals of the neoliberal doctrine are: deregulation, fixed exchange rate of national currencies, liberalization of customs and trade barriers, approximation and harmonization of the economic, legal, and political systems in as many countries as possible (N. Nikolovska, 2000; M. Labovic, 2013), and even the education systems, in order to achieve the long-term geo-strategic and geo-economic interests of the biggest global capital. The specific goals of these long-term geo-strategic and geo-economic interests that are realized through the pedestals of the neoliberal doctrine are:

- ❖ opening as many markets as possible with as many people as potential buyers;
- ❖ a smooth, free flow of goods, capital, people and ideas, in order to transfer the income from underdeveloped to developed countries, given the fact that highly developed countries export high-tech finalized products from which the greatest profit is made. Manufacturers of these products from various industries are a small number of transnational companies, which come from a small number of the most economically developed countries in the world. Empirical confirmation of this claim is that only the world's most famous car brands produced in Europe (including Germany, Great Britain, Belgium, Spain, France, and Italy), plus the United States, Japan and South Korea (which are geographically in the East, but by all other characteristics inclines towards the Western Alliance), have realized 81% of car exports for 2019 in the world. China and India produce the largest number of cars for which there are almost no exports, because they are sold only on the domestic market (<http://www.worldstopexports.com/car-exports-country/>). The situation is similar in other industries in the global level;
- ❖ uninterrupted exploitation of energy and other raw materials by multinational and transcontinental companies, originating from the most developed countries;
- ❖ Uninterrupted exploitation of cheap labor. This is very indicative given the fact that transcontinental companies are moving their production facilities to the countries with the cheapest labor to reduce costs and increase profitability, because the implications of the welfare state have led to a reduction in profitability in the most

economically developed countries in the world. Namely, in order to prevent protests, strikes and various other riots, the capitalist state promoted the concept of a "welfare state" or a "social-legal" state, which constantly increases the living standard of workers in the most developed countries in order to "buy social peace" and thus preserve the existing capitalist system, at the expense of extreme poverty and labor exploitation in underdeveloped countries;

- ❖ Establishment of military bases at the most important geo-strategic positions in the world. This is especially true given that economic and political dominance in the international economic and political order can only be achieved through military supremacy and the positioning of the military forces in the most important geo-strategic positions. The trinity, economic, political and military power is an interdependent whole. This trinomial is a necessary condition for achieving dominance in the international relations.

All this happens through the concept of extraterritorial imperialist neocolonialism (Labovic, 2016), which is realized not only in the former colonies, but also in all other weak and poor countries in the world. In this way, parliaments, as central bodies of liberal representative democracies and the governments of those countries, become blind pursuers of the interests of the main actors in the global economic and political arena. In the last decades of the last century and especially in the 21st century, the neoliberal economic doctrine has been intensively implemented by both left-wing and right-wing politically oriented governments in the most economically developed countries of the Western world. For the rest of the developing world, underdeveloped and weak countries, the neoliberal doctrine is implemented without question, outside of any discussion, because it is considered that there is no better alternative. In the developed western countries, differences between governments with different political-ideological backgrounds are seen in terms of internal policies (health, social, educational, environmental, and tax policies). The differences are also reflected in the questions about the degree of tolerance towards gay marriages, the possibility of children adoption by gay couples, etc. Otherwise, tolerance for sexual orientation and freedom for transgender declaration is already a closed topic, both for the leftist and for the right-wing. What is common to both left and right-wing political nomenclatures in the developed Western countries is the fact that,

despite these differences, they do not question capitalism as a general type of socio-economic system. Namely, there is no debate at all about essentially resolving the deep internal contradictions of modern capitalism, which have as a consequence the increasingly sharp social and economic differences between the population, especially in the underdeveloped countries in the world. In some of the countries with a longer leftist tradition (Scandinavian countries) there is a significant improvement in the living conditions and the living standards in general. But even there, it is not a matter about deeper social change, but only about reforms within the frame of capitalism.

What is constant in the implementation of neoliberal doctrine between parties with different ideological-political provenance is the continuity in conducting foreign policy in the context of the general concept of systemically corrupt foreign policy (Labovic, 2013, 2016). This policy is pursued in the function of achieving the neoliberal doctrine by all governments regardless of the declared ideological-political matrix. In this domain of foreign policy, the differences between the governments with different ideological-political matrix are expressed in even smaller nuances than the differences in the internal policy.

As for the underdeveloped, small and powerless countries, such as the Republic of Macedonia, here the differences between the parties with nominally differently declared ideological provenance are even smaller. In this regard, the neoliberal doctrine is implemented even more consistently than in the developed western countries. Namely, in these countries, there is usually no substantial ideological differentiation, so that nominally left-wing parties in certain periods represent more right-wing policies and vice versa - right-wing parties advocate left-wing policies. This is due to more profound reasons and factors, but space does not allow us to engage in analyses in more detail. However, one of the important factors that we would single out is the lack of a clearly defined social basis on which the political ideology is built. Namely, except for a small part of the members of the main political parties, who are in the party because of its declared ideology, most of the membership is clientelist and business-oriented looking upon the party only as a means to achieve personal and private interests, and not for realization of the social interests of the political ideology to which they are nominally declared. In that sense, the maxim "We are not all the same" seems like a demagogic phrase that few people believe in. To the contrary, there is nothing in the world that is the same as anything else. But the question is:

what are the differences? Are these qualitative, essential differences or just nuances that cannot significantly change people's lives. In fact, it is an empirical fact that no political party in Macedonia is ready to engage in deeper structural reforms in the crucial systems and their sub-systems within the already existing general type of socio-economic, legal and political system. Then, what are the qualitative differences that the political parties have been offering before every election for 30 years, when those same parties come to power? They can achieve nothing but palliative, cosmetic, and populist measures, high corruption, and institutional organized crime.

One of the smaller parties in Macedonia declaratively advocates for tectonic changes of the general type of socio-economic and political system. However, their program does not explicitly stipulate in which time frames, in how many stages, with which approaches and measures they will reach the "long-term" goal, socialism. Most importantly, their program does not include the type of socialism they advocate, given the fact that there are more theoretically and practically implemented models of socialism (for more details see in the conclusions). What they propose is based on insufficiently thought out, realistically unsustainable and practically unimplementable measures and solutions, which converge more to the old worn-out model of socialism, than to a qualitatively new type of "plural socialism". I claim this, given the fact that a central pillar in their programs is the return to the planned, contractual economy in which the state will be the main actor in economic relations. Actually, it remained empirically confirmed and practically proven that the state is the weakest possible entrepreneur. Among other weaknesses, it was one of the weakest points of Marx's scientific socialism, which also proved to be in the practice of the ex-SFRY, as a sui generis system in relation to the other real-socialist systems. As for the planned economy, it is almost impossible for a small country like ours, in conditions of disintegration of the socialist bloc, disintegration of the bloc of non-aligned, where SFRY realized most of the exports, as well as due to the new era of globalization expressed in its objective Technical-technological dimension - the IV Industrial Revolution, whose main bearers are the former colonial empires (Great Britain, France, Spain, Belgium, the Netherlands), supplemented by the new allies (USA, Germany, Italy, Japan and South Korea), all together now - the main protagonists, planners, and users of the subjective political dimension of contemporary globalization expressed through extraterritorial imperialist neocolonialism.

## **THE FIGHT AGAINST SPREADING OF FALSE NEWS**

The above elaborated topic is directly related to the emergence of the spread of false news, which represent the nucleus of modern economic and political marketing, on which modern capitalist society is founded and maintained. Today, the fight against the spread of false news is a very current topic. It would be far from the truth to claim that spreading false news is present only in capitalism. The propaganda of the totalitarian and authoritarian regimes of real socialism, as well as the hybrid regimes that emerged from them, abounds in the spread and mass use of false news. In this chapter, we will see how in the most subtle and perfidious ways contemporary political and economic marketing turns a lie into truth, that is, it dresses a lie into truth. In that sense, we will make a brief analysis of many types of fake news, starting with the most brutal fake news, the less brutal, sophisticated and the most sophisticated fake news, which are a heresy. For this most sophisticated fake news it is almost not possible to raise a topic in public discourse.

Several foreign and domestic university professors and experts participated at the recent Webinar organized by our university ([meet.google.com/bdp-zbsf-erp](https://meet.google.com/bdp-zbsf-erp)) in the panel discussion on Fake News. Almost all the panelists talked about the fake news spread by certain portals or bloggers in order to achieve various goals, which can range from achieving popularity and individual economic gains, as influencers of social networks on the Internet, to achieving goals of economic and geo-political propaganda that is carried out through various sources and networks that work in order to achieve geo-strategic and geo-economic interests of the powerful structures in the world. It can be said that some of this news is easily checkable and therefore directly visible as false. An example of such easily verifiable fake news was the information that 5G mobile telephony is very harmful to human health and that it allegedly spreads the COVID-19 virus. This information has reached a huge number of views on the social networks. However, all relevant experts confirmed that this is pure untruth and practically impossible, as such news are in contradiction with the laws of physics, chemistry, and biology. Therefore, there were good reasons for this news to lose its meaning after a certain period of time. However, it seems that

the news managed to become a top topic for a certain period of time, spreading moral panic and mass hysteria.

Another type of fake news that cannot be so easily verified is the news connected with the official statement of the US President D. Trump, who said US intelligence had information that the COVID-19 virus was laboratory-made in China and deliberately released to spread around the world, most notably to the United States, as one of China's major strategic and trade counterparts. But the same was addressed at the address of Bill Gates. Sources which circulated the news online claimed to have indisputable evidence that Bill and Melinda Gates funded a scientific institute that first produced the virus in the laboratory, and is now preparing a vaccine in which micro-chips will be inserted using nanotechnology and biotechnology. Vaccines will reportedly not be mandatory, but anyone who refuses to be vaccinated will not have a health card for the sake of travelling abroad, attending conferences, seminars or any other gatherings with a number of people at home and abroad, etc., so every person on the planet will have to be vaccinated if they do not want to be socially isolated and discommunicated. The point of this news, which reached the most views and has remained insufficiently clarified to this day, is in the content of the news itself that through the microchips in vaccines, people will be controlled, their feelings and decision-making will be influenced. In other words, the process by which the human race will be robotized and transformed into a new trans-human race will begin. The news by its very nature raises suspicion among people, given all those conspiracy theories for the establishment of a new world order by a certain world elite. This news was not convincingly (as before) denied by experts, so that it left many people sceptical. Namely, the average person, and even interested NGOs cannot always reach the most confidential documents and evidence that have always been hidden with the veil of top business secret, state or military secret, especially in the most powerful countries in the world. In that sense, the most egregious example is the Kennedy assassination, which has not been yet properly proven, or the September 11, 2001 terrorist attacks on the Twin Towers, which still remained an enigma, in the sense, who organized the attack. Given the complexity and significance of these and similar unresolved events, the American professor Kevin Barrett, 2001, of the University of Wisconsin proved indirectly by the laws of mathematics, physics, and chemistry that the hit of the two planes could not destroy a steel structure. But this could only

happen with a specific type and quantity of explosives. Of course, collecting valid criminal evidence from the crime scene is not logical to expect when the place was secured by US security services. All this and many other events that have never been clarified, have left and leave a huge space for conspiracy theories that can be fueled by various purposes. But, conspiracy theories regardless of the fact how much they are non-scientific, they can foster the free logic of the average person, and it is legitimate that they can be starting point, indicative basis for research at the true cognitive science. Compare the difference between these views of the author of the paper and the views of (Chomsky, 2007) about conspiracy theories, especially in relation to the event of 11.09.2001.

False or unproven news of the above-mentioned types can be very harmful, because in addition to causing panic, moral and general chaos, mass hysteria, destabilization, some of them can be directly harmful to human health. There were many such examples on social networks, such as the example of the prescription for prevention or treatment of COVID-19 virus. Some of these prescriptions are maybe not useful directly against COVID-19, but they do no harm (such as garlic, lemon, baking soda, etc.). But there were also suggestions such as a mixture of the drug "Fervex" and brandy, for which doctors unequivocally confirmed that it can do great harm to suggestible people.

However, in addition to the above false news, special attention should be paid to false news based on true facts. False news based on true facts is the most dangerous. The question logically arises: how can true facts be false news and become the most dangerous? Namely, in this news, in fact, the lie is dressed in the truth, so that the fight against this most subtle and perfidious type of fake news is almost impossible. It is known from ancient wisdom, that man is more inclined to believe to the lie adorned with ornaments and splendor, than to hear the truth. This is because the truth is naked, it is not adorned with anything and it is usually cruel. In that sense, the truth can hurt us more than a lie. Even when the lie is completely turned against us with a severe insult, we tolerate that insult much easier because we know that it is not about us and we are sure that the intruder's goal is to intentionally hurt or destabilize us. Such a lie-based insult often fails because we are confident that the insult has nothing to do with us. But what happens when someone tells us the harsh truth about us, which most people do not want to hear because they do not have psychological stability and emotional maturity to

face the harsh truth, especially if one knows the harsh truth, but is not ready to accept and acknowledge it. Conversely, compliments addressed to people who embellish the truth often succeed in nurturing the vanity and ego of most individuals. This was just a short plethora, with examples from everyday life, to show what the spinning nucleus, with which people are most often manipulated in contemporary mass economic and political propaganda, is based on.

Modern economic and political marketing bases its success on spin. Spin information is a true fact that is twisted with different value or ideological interpretations to such an extent that its true conceptual content is actually destroyed. E.g.: a true fact that is absolutely indisputable for all opposing political parties in Macedonia can be interpreted differently in value and, accordingly, different explanations of causal relations, in terms of why that fact occurred, or who is guilty or responsible for the occurrence of that fact. All this can distort the whole essence of the conceptual substrate, so that the fact itself becomes irrelevant, and different explanations for it become more important, especially if it is a fact of greater social importance. In that sense, let us take an example from our daily political-party argument. No party disputed the fact that the number of newly infected people with the COVID-19 virus is growing rapidly after 3 months from the declaration of the first state of emergency. However, the explanations between the parties why the number of newly infected people has increased are diametrically opposed. Only highly competent and impartial expertise can tell the objective truth about this condition. If desired, all relevant facts about this condition can be investigated and verified.

Another example of a true fact, which is interpreted diametrically opposed, is the signing of the Prespa Agreement with the Republic of Greece to change our constitutional name, which happened on June 17, 2018. No one disputes this fact, which really happened. But this fact, unlike the previous one, is burdened with a distinct value dimension, because it touches the most sensitive national feelings. Some say that it is a historical act which opens a new era in the neighborly relations in the Balkans, where Macedonian people by changing the name does not lose its national identity, but, on the contrary, strengthens it even more, achieving strategic interests for Euro-Atlantic integration. On the other hand, opponents of this agreement claim that this is an act of treason, that the Macedonian people by changing the name of the country loses its national identity, especially outside the borders of our

country, which cuts ties with the diaspora, especially in the Hellenic Republic. Therefore, the current largest opposition party announced that if it secures a 2/3 majority in the Parliament, it will annul the international agreement with Greece, which, by the way, was the ultimate condition set by NATO and the EU. The opposition says that NATO and the EU are their most important strategic goals and they will be able to reach a new, much better agreement, not taking into consideration that apart from the then ruling party "Syriza" all other relevant Greek parties led by the current ruling party "New Democracy" remained of the opinion that this agreement is in the best national interest for us Macedonians?! The differences within the Macedonian national fabric are even bigger, for the betrayal of the national interests and the (a)symmetry of the agreement with the Republic of Bulgaria. These two examples most blatantly show how true facts, with extremely conflicting value convictions and party`s views, are not suitable for a rational confrontation of arguments based on logical principles and indisputable empirical facts. For the possibilities to reach the most optimal conclusion and decision through rational confrontation of arguments based on logical principles of argumentation and indisputable empirical facts, see in more detail in (Labovic, 2016).

The most perfidious manipulation of the citizens is done through the most subtle political propaganda, which is realized by the political parties through the mass media (that are still the televisions incomparably, although the social networks are becoming an increasingly powerful factor). This manipulation consists in the fact that the spread of false news takes place through complete isolation or media ignorance of scientific theses and concepts that are scientifically verified and awarded by relevant international boards and bodies, but here in Macedonia do not receive transparency. Ignorance and complete isolation are forms of political and scientific inferiority. In this most perfidious case, the spread of false news is reflected in the fact that non-stop parties, not only during the election campaigns, but also during the pre-election period that lasts throughout the term, constantly claim that they have the best concepts for the best strategies to solve of our biggest problems, which are constantly mentioned by the international factors, such as high corruption and organized crime, as the biggest security threats to the rule of law. It is spreading false news and crime against the Macedonian people, par excellance, because they, in fact, do not have a real concept for solving the indicated biggest problems. Assuming that they have

some conception, they recklessly avoid publicly confronting the arguments, in order to hide the most optimal conception, i.e. what is the most optimal strategy for solving these problems. As complex as these problems are, in the end everything is simple, only the path to simplicity is not simple. Hence, although citizens are not experts in certain areas, they can discern which are the most optimal theses, especially if the difference in the quality of the arguments between the opposing theses is obvious. The obvious difference in quality cannot be seen when party experts "debate" with each other, buried in their party "trenches", or when they hold monologues with journalists who falsely glorify them. The obvious difference in quality can only be seen if party experts sit down together at a table with an independent scientist and make their views known to the public. This is all the more evident given the fact that the author of the paper has repeatedly publicly called for debates, but no party or quasi-independent NGO experts have dared to confront the arguments of the author of this paper. It should be said that the argumentation for the main theses is important, and the detailed modifications of the specific proposed solutions which are present in large numbers within the reforms of every single system and its subsystems, should be the subject of closer scientific and expert debates. Then, of course, it is possible to find even better concrete proposals for the details than those of the author, when several experts sit together on the table. But this is still a thought-provoking noun in our country, because the Macedonian political leaders, both of the big and small parties, do not have the feeling of primary state and national interest. It is a fact that empiricism shows, and practice proves in the past almost 30 years of independent Macedonia, in which there is not a politician of the highest rank, who, at least, during or after the end of their term did not face a media corruption affair, with criminal charges of corruption and so on. In support of this claim are the notorious empirical facts that one ex-prime minister has accepted abolition and two ex-prime ministers were convicted of corruption, but neither of them served their sentence or returned the money.

International factors from the most developed western countries, through their diplomatic missions have a great influence on the government, the media, and the NGO sector. They also contribute a lot to the spread of false news of this most perfidious type in small countries like Macedonia. Namely, they keep speaking about the fight against high-level corruption, institutional organized crime, and the establishment of the rule of law, but in fact they do not really support such a fight, which cannot be waged without

deep restructuring of the normative-institutional structure, especially in the segments of the judicial and political system of Macedonia. Proof of this is the complete ignorance of the best scientific concepts and giving financial and any other support to a core of NGOs, which permanently financially support them through projects and invite them as experts to all the most important events. If we extremely objective compare, according to the postulates of rationalist epistemology, the paper on which the projects of the Macedonian core of favored NGOs are written, they costed more than the scientific and practical value of their projects for the alleged fight against corruption and the rule of law. On the reasons why the Western powers do not like substantial reforms for real rule of law in small and powerless countries like Macedonia, see more in (Labovic, 2016).

If this was a brief overview of the spread of fake news of the most subtle type within our country, let us see how it goes within the most powerful countries in the world that are building a pluralistic political system based on liberal representative democracy. According to Robert Merton, fake news is any news that does not suit a certain political elite. This may mean that the "Stop Spreading False News" campaign is run by spreading false news against another opposing political party or other opposing structure that does not suit the interests of the governing structure. In this sense, the struggle for supremacy among the political elites in the western developed countries is often waged by spreading false news dressed in the guise of half-truths and even truths. No matter how much we talk about the higher political culture and civilized attitude of the political elites and the leaders in the election campaigns in the western countries, still, they are part of the political "circus" in which the "dirty underwear" is often taken out and the most subtle techniques of political spin are used. However, it must be acknowledged that due to the growing role of the public exercised through the media, which, although not independent of capital relations and even openly advocating a particular political ideology, the media in Western countries are much more professional and are not under the direct control of political parties, as is the case here, where the media are either directly linked to the main headquarters of political parties or highly dependent on them and the international factors. In the Western socio-economic and cultural environment, despite the spread of false news in the struggle for supremacy between the parties, they still, due to the intensified competition and the sharpened role of public opinion, have much greater responsibility and consequently achieve greater results when

they come to power, than the parties in Macedonia or in other underdeveloped and weak countries do, without a democratic tradition and a low level of political culture.

However, spreading false news in addition to the goal of coming to power and achieving a certain influence by the political parties in the most powerful Western countries and the rest of the world where they have influence, has another general, global goal. Namely, by spreading false news in the struggle for power, they defocus the voters' attention from the main, deep contradictions of the contemporary capitalist society, so that none of the leading political parties aspiring to conquer the power, whether from the right or left political-ideological provenance, even thinks of considering the possibility of qualitative substitution of neoliberal economic doctrine. In this way, by spreading false news in the mutual struggle for power, they, in fact, equally fulfill the role of guardians of capitalism and neoliberal economic doctrine, whose pedestals, main goals and their consequences for national and international economic and other security issues were explained in the chapters above.

The thesis that citizens have a choice in politics is another spin demagogic attempt to obscure the truth, which often comes down to a choice between two evils, because the situation is much more common when citizens in powerless countries like ours do not know which is the bigger, and which the lesser evil. We have already said that only in the best cases the choice comes down to greater or lesser evil. The empirically brutal fact is that liberal representative democracy in both Western and other countries emphasize bipartisanship as its immanent characteristic. The rationalization that citizens have a choice by not going to the polls and cast their vote for any political party, does not diminish the validity of the above-mentioned counter-argument that it is only a formal possibility of illusory choice, which does not essentially enable the citizen to choose the best option. I claim this having in mind the fact that the smaller parties (the so-called "third" option in our country) are not a real third option, because in the struggle for power they do not offer anything fundamentally new, except demagogic phrases and moralist appeals, as well sharp criticism of the current government. Even in the rare cases when some ultra-left-wing parties declaratively advocate radical changes in the socio-economic system, they do so without really thought-out ideas, which are not realistically sustainable and practically feasible. In such a lack of ideas in the "empty" debates between the parties in

the political "circus" even under the assumption, there is no electoral threshold for the election of a new parliament and the formation of a new government. The world tendency is the practice of "democracy without a people", i.e. the formation of a government without legitimacy by the majority of citizens. Those who offer fundamentally new, qualitatively radical reforms, even within the existing system, not to mention qualitatively radical reforms that tend to change the existing socio-economic, legal and political system, cannot gain a voice because of the objectively present economic, financial and consequently political inequality. The media in the Western world and the rest of the world under their control seem to stimulate the struggle of "different" opinions between the opposing parties. But they do not allow truly independent scientists to take part equally in the debate with party experts and their "cemented" party positions and thus break the monopoly of bipartisan truth, with a third, much more objective scientific truth. In that sense, today it is a real heresy in the public discourse to open a debate on changing the neoliberal economic doctrine of the capitalist system, because it has been imposed at the level of the axiom that there is no other better alternative than that. Of course, it is not forbidden (right, we live in a world of "democracy" without censorship), but this topic is undesirable in public discourse. If, by some coincidence, such a debate opens on some of the most watched media, such a protagonist will immediately be labeled with unfounded labels for spreading Pro-Chinese or pro-Russian influence, for retrograde ideas that incline towards the return of rigid and anachronic real socialism, totalitarian or authoritarian regimes that implemented such a system. What is it then, if not propaganda based on spreading false news? Thus, the struggle against the spread of false news is, in fact, an archetypal struggle and a metaphysical relationship between lie and truth, which takes place throughout human history. For the different ontological and epistemological orientations and their influence on understanding the primordial category of truth, see (Labovic., 2016).

## **DISCUSSION**

**Francis Fukuyama** declared Western civil-liberal democracy to be the ultimate achievement of human civilization in terms of political organization (Fukuyama, 1994). Hence, the question arises - what is it that does not work good deep within the foundations of that political

organization? Where is the mistake in the democratic political systems of capitalism?

The answer is certainly too complex. Such an answer undoubtedly requires more space, which far exceeds the space provided for this paper. However, even briefly, the author can say that the answer lies deep in the disturbed traditional values, in the disintegration, degradation and dysfunction of the family as a basic micro-organization of society. Ultra-liberal tendencies in all spheres of public and private life also have a great contribution to such conditions. All this is an inevitable by-product, a consequence of modern consumer society, as an emanation and creation of the capitalist economic and political system. The more dynamism and uncertainty in the daily lives of people in the relentless race for profit, building a career or, at the same time, saving a job, the more alienation grows. The more the alienation between people increases, the more the crime increases, but also the deviant, socio-pathological phenomena. Unlike some poor and underdeveloped countries, in the highly developed countries today a new form of violent crime is more and more frequent: mass murder of children in kindergartens, to pupils and students in their school desks. The incomprehensible and rationally inexplicable mass murders of the most innocent members of these societies (outside of terrorist acts) should be seen as a warning before even more tragic events threatening Western civilization in their most cruel and apocalyptic sign. It is a warning that deep in the womb of contemporary Western neoliberal capitalist society, something does not work. It is obvious that the value priorities in the existing value system are very shifted.

Statistics confirm that the concentration and centralization of capital is increasing. In 2012, 5% of the world's population owned 71.6% of the total world wealth ("The World Factbook - Central Intelligence Agency". Cia.gov. Archived from the original on July 16, 2017. Retrieved 2016-09-10.). According to other sources, in 2013, 1% of the world's population owned 50% of the world's wealth, and 10% of the world's population owned 85% of the world's wealth ("Global Wealth Report 2013". Credit-suisse.com. Archived from the original 2015-02-14. Retrieved 2016-06-30.). Empirical data confirm that about 9 million people die of hunger every year. That is more than the total number of deaths from AIDS, malaria, and tuberculosis. Globally, 822 million people suffer from malnutrition. Hunger statistics show progress. The number of people affected by famine decreased by 189 million

people from 1990 to 2015. But in recent years, the positive development has stopped. Since 2015, we have seen an increase in hunger globally every year. (<https://www.theworldcounts.com/challenges/>). What human values then the neoliberal doctrine speaks for, when if multi-billionaires set aside only a small part of their wealth, there would be no people starving and living in substandard conditions below any human dignity. But that is still happening, and neoliberal doctrine is being pushed into the globalized world through the most subtle methods of economic and political marketing, as an option beyond which there is no alternative.

Not to be misunderstood, because of the critiques of neoliberal capitalism, I will unequivocally emphasize that I do not see the alternative in returning towards the rigid and worn-out model of one-party real socialism, which has ended, and in some countries still lasts in the form of totalitarian or authoritarian regimes. The alternative of libertarian-socialism and anarcho-syndicalism preached by Noam Chomsky (Chomsky, 2005) is generally practically unrealistic and logically unsustainable, in the current stage of development of the contemporary world and the degree of civilization consciousness. Also, an alternative cannot be an eclectic (mechanical) combination of a hybrid system, composed of the advantages of capitalism and socialism. Perhaps the alternative might be the Scandinavian type of "democratic socialism", which is implemented within the framework of capitalism by the social democratic governments in the Scandinavian countries. But , as a real alternative can and should be considered a qualitatively new, advanced type of economic and political system of "plural socialism", a system sui generis, qualitatively different from the real-socialist regimes that were "under the boot" of the Warsaw Pact, but also of the former Yugoslav political-economic system of socialist self-government.

In the conditions of modern globalization, due to the inevitable rapid technical-technological development, but also due to the mass economic and political propaganda machinery, which based on Freud's psychoanalytic theory developed the porn industry and from which further developed sophisticated erotic propaganda programs in every advertisement nowadays, the neoliberal market values and standards imposed by global brands from all industries on high-tech products foster the most sensitive human passions and urges, imposing standards that most individuals of almost all meridians in the world have become standards and status symbols without which life is almost meaningless.

The best empirical example of this is China, which is a country with two systems, not only in terms of the annexation to China of the former colonies - Macau and Hong Kong, but also because China is a one-party political system headed by the Communist Party, and at the same time, China is increasingly oriented towards a market economy. The old Buddhist tradition and Confucian philosophy have deep roots in the Chinese society. But certain characteristics of Western Protestant ethics, as a psychological paradigm for the development of capitalism in the Western world, are increasingly felt in the contemporary Chinese society. This miraculous mix leads to an intensified adoption of the Western values of the consumerist-hedonistic society, which penetrate in the most subtle way into the traditional Chinese society through modern economic marketing based on sophisticated eroticism, with all consequences that we talked about above.

In terms of international relations and international security, the de facto undemocratic and quasi-democratic forms of decision-making at the highest political instances in the most relevant macro-regional organizations in the world, NATO, and the EU (which take place behind the curtains of formal democratic procedures and decisions), and the indisputable empirical facts of the recent history of international relations of military intervention in sovereign states without the consent of the United Nations Security Council, constitute a flagrant violation of the principles of the international public law and a direct security threat to whole regions and disobedient states, which are not inclined to be part of the globalized international political and economic order in the world. Undemocratic and informal forms of decision-making, secret organization of coups, civil wars, resignation of Prime Ministers and change of governments, change of constitutions, staged terrorist attacks, are just a small part of the "democratic campaigns" measures led by the most powerful states in the world. Regardless of the rationalization of the legitimacy of the use of all allowed and illicit means such as military force, under the pretext that such violent actions "export" democracy in the interests of the majority of citizens in countries that are subject to their spheres of interest, ostensibly to protect human rights and freedoms, prevent humanitarian disasters or prevent security threats for the expansion of military conflicts in a certain region and beyond, however, it has been scientifically proven that all this is done primarily for the largest global capitalist interests (Labovic, 2016). The tendency goes so far as to demand that such a flagrant violation of international law is legally covered by

amendments to the UN Charter, as an opportunity for the legitimate use of military force for preventive purposes. Given the destructive power and military-security implications of such military interventions, they pose the most serious security threats to entire regions, and more recently, especially in Ukraine and Syria, where a rebalancing of power on a global scale is imminent, various destructively-apocalyptic scenarios are not excluded as possible options.

In this respect, the views of the author of the paper differ substantially from the views of the authors **Paul R. Vioti and Mark W. Kaupi** (as some of the most renowned authors of the 10 most prestigious universities in the world, whose books have been translated by the Government of Macedonia as part of the translation program of the 500 best textbooks and books in the world), in relation to the respectable questions listed above. Namely, the authors of the book "International Relations and World Politics" (Paul R. Vioti and Mark W. Kaupi, 2009) believe that states do not always intervene to serve their own interests, but they may really want to intervene for humanitarian purposes or to contribute to the re-establishment of international peace and security. They believe that this is probably the case with NATO intervention in the Kosovo case, which took place without the consent of the United Nations Security Council (PR Vioti / MV Kaupi, 2009). Such views are an attempt to disguise reality or the author's inability to see the real reasons for the US geo-strategic positioning in the region and beyond. The authors's thesis, in addition to the multitude of other arguments, is supported by an undeniable argument that the United States very openly and strongly supported the violent secession of Kosovo by the then FRY, taking into consideration the double criteria for similar cases, when they reacted sharply to the attempts of some other nations which also, if not more legitimately, demanded a referendum for self-determination and secession in order to form their own states.

The above example with Kosovo, as well as many other examples from recent history that we are witnessing, support the thesis of the general concept of systemically corrupt foreign policy pursued by the great powers in order to achieve long-term geo-strategic, geo-economic and geopolitical goals and interests for the account of the largest global capital. Namely, when the goals of this policy cannot be achieved through diplomatic, political and economic means, then they resort to secret operations and military actions, as an "ultima ratio". It is, in fact, the institutionalized type of organized crime,

as the most perfidious expression of the general concept of systemically corrupt foreign policy, immanent for extraterritorial imperialist neocolonialism (Labovic, 2016).

The thesis of the author of the paper is directly opposed to the thesis of **Samuel Huntington**, in his work "The Clash of Civilizations", which is one of the most quoted works of contemporary globalization. Huntington's main thesis is that the clash of civilizations is due to the great differences in the religious, ideological and cultural collective identities of larger conglomerates of peoples from certain parts of the planet. This thesis is, in fact, an attempt to disguise the real causes of world wars. It is an alibi for the humanity and innocence of the West's high foreign policy toward the rest of the world, especially in those regions of the world where it has the most resources or potential threats to lose its dominance in the international economic and political order. In my deep conviction, the obvious differences on a religious, cultural, and even ideological-political level cannot be the basis for waging wars. The diversity of collective identities on a religious and cultural level in general can only be a treasure trove for expanding horizons and opening new dimensions in recognizing the need for human spiritual development, and not for waging wars. Namely, today wars are no longer led for conquering territories and imposing hegemonic sovereignty with occupying power over other countries, but for conquering markets, enabling multinational and transcontinental companies to exploit energy and raw materials, as well as exploiting cheap labor. Such a claim largely corresponds to the empirical reality that after the military interventions in Iraq, Afghanistan and Libya, Western companies soon took over today's positions. The rationalization that military interventions are aimed at preventing humanitarian catastrophes, protecting basic human rights and freedoms, establishing democracy, peace and stability in certain countries and regions, falls before the undeniable empirical facts that collateral damage expressed in thousands of killed civilians. The damage from those interventions far outweighs the damage done, for example, during the Libyan civil war. And most importantly, regardless of the magnitude of the collateral damage from such military interventions, the declared goal for which the military interventions were carried out has not been achieved. Instead of preventing chaos, there is still chaos in those countries, nine years after the military intervention.

## CONCLUSIONS

A brief overview of the most important pedestals for models of democracy throughout the history of political thought was necessary to see the paradox of democracy expressed in its profoundly contradictory being, as well as its correlation with liberalism and neoliberalism, which sometimes at various stages of historical development, but also in specific constellations of certain political forces and relations in individual countries have a divergent relationship with various democratic models.

The depth of the reasons, which we have established in this paper, clearly show why contemporary political and economic propaganda is based on spin information, in which most often the lie is "dressed" in truth. All this has consequences for the economic, social, political and environmental security on national and global level. Despite the listed components of the contemporary understanding of the term security, it also implies consequences for the traditional military security, nationally and globally.

The conclusions that emerge from the overall empirical data presented open the possibility for projecting a vision for the democratic processes in all the complexity and diversity of their paradoxical, deeply contradictory and multidimensional nature. Hence, I believe that a mixed model of deliberative, participatory and liberal democracy (not as a perfect form of political organization of society, but as less imperfect than other alternatives), is the most appropriate political organization, which can best correspond to a qualitatively new and realistically sustainable socio-economic system. Namely, I see the qualitative synthesis of the mentioned democratic models, in combination with a new socio-economic system, which will qualitatively unite the advantages of capitalism and socialism, as an initial concept for development of the first rudimentary stages in building a qualitatively new socio-economic and a political system - "**plural socialism**". This system should be a real better alternative to today's neoliberal capitalism.

The question that should be answered is: does "state capitalism" wrapped in a neoliberal "wafer" (a trend that began to emerge intensively during the 2008 financial crisis), actually represent the ultimate achievement of the Western political and economic thought, faced with its inevitable long-term disaster (Roubini Nouriel, 2012). Certainly, developing a new concept for a qualitatively new system could be and should be considered. It should

be a concept that will resolve the deep immanent contradictions in the existence of the capitalist system. Unburdened by the name of what the new system will be called, however, I think that "**plural socialism**" best suits its essence. Nonetheless, it should be a system of a truly free, humane, functional and open society, which will function optimally if conditions are created for the existence of truly free, well-informed, educated and economically independent citizens. I believe that in this way the liberal advantages of the market economy can be preserved, while at the same time further developing the social-legal state, which should neutralize the intensified tendencies towards the creation of a market society. Only in this way can non-market values be restored: freedom "for" instead of "freedom from", humanism (altruism, philanthropy), peace, security, unconditional friendship and love, solidarity between people and the true meaning of family. These are the values that are slowly but surely being lost in the contemporary pragmatic-utilitarian and consumerist-hedonistic society of neoliberal capitalism.

Until now, the largest empires in history have not been conquered and disintegrated primarily from the outside. They first disintegrated from within and then were crushed by the external enemy. The Western Alliance, as the leader of today's world, if it manages to redefine the foundations on which the neoliberal capitalist system is based and manages to preserve fundamental human values from within, will reflect humanism from the outside, which will significantly relax and humanize international relations, global, international and national security!? With the inevitable development of the productive forces, i.e., the technical-technological progress, gradually but surely in the long run it will come to socialization of capitalism.

## REFERENCES

- Barrett Kevin "Wisconsin State Journal", The American University "Wisconsin Madison", 2006
- Chomsky, N. (1997) , *Democracy in a Neoliberal Order: Doctrines and Reality*. Cape Town: University of Cape Town.
- Chomsky, N. (2005), *On Anarchism*, AK Press.
- Chomsky,N.(2007). *What We Say Goes*. Allen & Unwin, New Zealand. p. 39. ISBN 978-1-74175-348-6.
- Chomsky, N. (2017) *Global Discontents: Conversations on the Rising Threats to Democracy (American Empire Project)* (with David Barsamian). Penguin Press. ISBN 9781250146182

- Diamond, L. and M. F. Plattner (eds) (1996) *The Global Resurgence of Democracy*. Baltimore: Johns Hopkins University Press, 2<sup>nd</sup> edn.
- Hertz, N. (2001) *The silent Takeover: Global Capitalism and the Death of Democracy*. London: Heinemann.
- Gill, S. (1996) 'Globalization, Democratization, and the Politics of Indifference', in J.H. Mittelman (ed.), *Globalization: Critical Reflections* Boulder: Rienner.
- Robinson, W. I. (1996a) 'Globalization: Nine Theses on Our Epoch', *Race & Class*, vol. 38, no.2 (October-December).
- Huntington, S.P. (1996). *The Clash of Civilization and Remaking of the World Order*. New York: Simon&Schuster
- Labović, M. (2006). *The Authority Corrupts*. Skopje: De Gama.
- Labović, M. (2013). *Globalization or (and) International Policy. International scientific conference, Volume 1, Ohrid. Skopje: Faculty of security - Skopje*. ISBN 978-608-4532-35-4 (T-1)
- Labović, M. (2016). *The Systemic Corruption and Organised Crime*. Skopje: Faculty of Security- Skopje.
- Nikolovska, N., Sundać, D. (2001). *Scenario for economic collapse of the transitional countries*. Rijeka: International Business Consulting Center d.o.o.
- Nikolovska Natalia, (2000). "The Big Illusion", Skopje, Kultura.
- Roubini Nouriel: Government Gridlock 'Ensures' 2012 Recession; finance.yahoo.com By Stacy Curtin / *Daily Ticker – Wed, Nov 23, 2011 8:40 AM EST*
- Пол Р. Виоти и Марк В. Каупи, (2009). *Меѓународни односи и светска политика*, Академски печат, Скопје
- Фукујама Френсис, (1994). *Крајот на историјата и последниот човек*“, Култура, Скопје
- Хелд Давид, (2008). *Модели на демократијата*, Академски печат, Скопје
- УКЛЮ, Трет Вебинар, "Лажните вести како хибридна закана", 15 .06. 2020 год, meet.google.com/bdp-zbsf-erp
- "Global Wealth Report 2013". credit-suisse.com. Archived from the original on 2015-02-14. Retrieved 2016-06-30.
- "The World Factbook – Central Intelligence Agency". *Cia.gov*. Archived from the original on July 16, 2017. Retrieved 2016-09-10.).
- <https://www.theworldcounts.com/challenges/people-and-poverty/hunger-and-obesity/how-many-people-die-from-hunger-each-year>
- <http://www.worldstopexports.com/car-exports-country/>



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## **BENEFITS OF THE EURO-ATLANTIC INTEGRATION FOR THE BALKAN COUNTRIES - COMPARATIVE EXPERIENCES OF MONTENEGRO AND NORTH MACEDONIA**

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### ***Abstract***

Following the end of the confrontation between the former Military Blocs and the dissolution of the Warsaw Pact in 1991, after four decades of existence, the North Atlantic Treaty Organization (NATO) lost its ideological, political and military opponent. Initial expectations were that in such a global constellation of relations NATO would lose its sense of existence. However, as previously when Alliance faced with numerous challenges maintaining internal cohesion, from this situation came up with even stronger strategic concept, focusing on its own transformation, redefinition of its role and expanding the tasks, primarily on development of new partnerships and preventive actions in unstable and crisis areas.

NATO established a new policy, relations, and an open dialogue with the former opponents. The Partnership for Peace (PfP) was created as a program aimed at cooperation and confidence building between the NATO members and other South Eastern European and former USSR countries, while countries that came after the collapse of the former Yugoslavia began their Euro-Atlantic integration processes after the end of the military conflicts in the late 1990s.

Both countries that will be comparatively covered by this research are successors of the former Yugoslavia. They have had different paths and processes of independence and transition, and also their Euro-Atlantic integration processes have begun different and faced different challenges. The Republic of North Macedonia brought the decision for NATO membership in 1993, and in 1995 it joined the Partnership for Peace Program. On the other hand, Montenegro began its processes much later, after it became independent in 2006, and became a full-fledged NATO member on June 5<sup>th</sup> 2017. The Republic of North Macedonia faced a veto by a permanent NATO member over the widely known name issue and unfortunately did

not join NATO together with Albania and Croatia in 2009. After that, the long path to the full membership is seen to be accomplished at the beginning of 2020.

Through the topic of this research by comparative method will broadly analyze all circumstances of the integration processes for both countries, while research questions will be directed to the already visible and expected benefits of euro-atlantic integrations. The particular research attention of this paper will be paid on the military and defense benefits as well as to other consecutive benefits, such as improvement of the overall security of the both countries and the region, strengthening the rule of law, economy, businesses, investments, tourism etc.

**Keywords:** *Euro-Atlantic integration, security, partnership, cooperation, benefits, stability.*

## **INTRODUCTION**

Through its long history of existence, NATO has successfully overcome numerous internal challenges related to the relevance of continuous existence after the end of the Cold War. In response to NATO's post-Cold War sustainability, three main reasons are most often highlighted: 1) the remaining threat to the rest of the USSR, i.e. Russia, 2) the emergence of new threats (instability, civil conflicts at NATO borders, terrorism, ...) and 3) securing friendly relations among NATO members and the disappearance of fear among each other.

Accordingly, NATO launched its own transformation and redefined its role and expanded tasks with its strategic concepts from 1991 and 1999. The focus of action has been concentrated on three areas: partnership and cooperation; the transformation of NATO's defense system and military forces, and military operations and activities that, in addition to collective defense (Article 5) of the Washington Treaty, extended to crisis response operations in fragile areas of ethnic conflict.

NATO faced the challenge to act outside its territory shortly after the end of the Cold War, when the international community faced civil conflicts in the Balkans in the 1990s, due to the ineffectiveness of the operational activities of the UN, EU and other international organizations. NATO was called to engage its operational capabilities to prevent the spread of civil wars and to maintain peace where it was obtained. Subsequently, NATO included the newly formed states arising from the former Yugoslavia in the so-called

Partnership for Peace Program (PfP<sup>1</sup>) and then as full Alliance members. Since then, NATO has been continuously present in the region through its expansion.

As NATO is actively influencing the security situation in the region, so it can be said that developments in the Balkans also influenced the concept of transforming the Alliance from a collective defense system into a mechanism of cooperative and collective security system.

## **NATO - KEY FACTOR OF GLOBAL STABILITY**

Until the end of the Cold War, NATO, as a military and political Alliance, mainly provided security for the capitalist system of Western European allies. With the end of this confrontation, significant progress has been made to overcome old hostilities based on ideological, political and military confrontation, and replaced by partnerships based on common interests and commonly accepted security challenges that emerged the global community, such as civil wars, terrorism, proliferation of weapons of mass destruction and other unconventional threats. Under these conditions, NATO as a vital and effective organization that has demonstrated its capacity to cope with new challenges is gaining momentum of importance and becoming a key contributor to the security situation in Europe, both by acting during numerous crises and by establishing cooperation, partnership and providing support to full membership for new members of the Alliance, especially for the Balkan's countries.

As a form of security cooperation, NATO launched the PfP program in 1994. Since then, 33 countries have joined this program and meanwhile 12 of them have become full NATO members. In addition to the countries that favor NATO membership, through the PfP program NATO is developing cooperation with other partners, especially the former USSR states. Russia has been involved in the PfP program since 1994, and relations have varied in positive and negative direction. However, after the crisis in Ukraine and the annexation of Crimea into the Russian Federation, the crisis has culminated and today's relations with NATO and the Russian Federation are at their lowest levels since the end of the Cold War.

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<sup>1</sup> For more on Partnership for Peace, see Security through Partnership, source: [www.nato.int/docu/pub-form.htm](http://www.nato.int/docu/pub-form.htm).

The strengthening relations of NATO with the United Nations (UN) was significantly influenced by the escalation of the crisis in the Western Balkans in 1992, in which NATO has been engaged and since then it has been in constant presence at all levels, political, institutional, conceptual as well as in the field, i.e. military<sup>2</sup>. The basis for establishing cooperation was the alignment of the Washington Treaty and the UN Charter<sup>3</sup>. The first NATO peacekeeping mission under the United Nations mandate was the implementation of a military part of the Implementation Force (IFOR) in Bosnia and Herzegovina, followed by missions in Macedonia and Kosovo. Following these missions in Europe, NATO expanded its area of operations to Afghanistan, Iraq, Sudan and other countries outside the Euro-Atlantic area.

Political relations between the OSCE and NATO take place on the basis of the Cooperative Security Platform adopted at the 1999 OSCE Summit in Istanbul. The NATO-OSCE relationship<sup>4</sup> is reflected both on political and operational level. At operational level, cooperation takes place through various activities and on various issues of common interest: crisis management, border security, disarmament and taking initiatives for crisis regions such as Southeast Europe, and in particular the Western Balkans, Caucasus, and Central Asia.

NATO is developing a special relationship with the European Union (EU), which is intensively involved in crisis management worldwide and is developing military and civilian capabilities. NATO and the EU have a lot of overlaps, above all membership, including in military capabilities. Starting with the principle of flexibility and to meet new security challenges, in the NATO Summit in Berlin in 1996 (NATO Handbook, 1999, 370-385) with the aim of enhancing the Alliance's military effectiveness for newly established peacekeeping operations, formally accepted the concept of Combined Joint Task Forces (CJTF) and gave importance to the preservation of transatlantic lines to strengthening the European Security and Defense

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<sup>2</sup> More about NATO-UN cooperation, see: NATO Handbook, p. 263. NATO Public Diplomacy Division, 1110 Brussels - Belgium, Website: [www.nato.int](http://www.nato.int).

<sup>3</sup> In Article 1 of the Washington Treaty, the parties undertake to resolve peacefully international disagreements and to refrain from threats or use of force in any form inconsistent with the UN Charter. Article 5 of the Washington Treaty directly refers to Article 51 of the UN Charter regarding the right of the Allies to take, individually or collectively action as they deem necessary for self-defense.

<sup>4</sup> More about NATO-OSCE see: NATO Handbook, p. 267. NATO Public Diplomacy Division, 1110 Brussels, Belgium, Website: [www.nato.int](http://www.nato.int).

Identity. By adopting the European Security and Defense Policy (ESDP) and by Declaration of the Operational Capability, EU also emphasized that the proclamation of operational capabilities does not imply capacity duplication and conflict with NATO, but in direction to develop consultation, cooperation, transparency and avoidance of capacity overlapping.

In a significantly changed global security environment and with a full focus on new threats such as: terrorism, proliferation of weapons of mass destruction (WMD), cyber threats, rule of law and instability, environmental destruction, health risks, etc., in 2010 NATO published a new strategic concept, entitled "Active Engagement, Modern Defense". This Concept defines three key tasks:

- collective defense, that is providing mutual assistance in the event of an attack, in accordance with Article 5 of the Washington Treaty;
- Crisis management using a set of political and military capabilities to solve crises;
- Cooperative security, which involves active engagement through partnerships, arms control and disarmament in order to enhance international security and confidence.

Therefore, it can be concluded that NATO has transformed itself from *a collective defense system into a cooperative security system*.

NATO initiated its first crisis response operation in fragile areas in cooperation with the UN, OSCE and EU in Bosnia and Herzegovina<sup>5</sup>, then in 1999 in the Federal Republic of Yugoslavia over the crisis in Kosovo, where they are still present up to today under KFOR operation (Kosovo Forces). In 2001, NATO, based on invitation of the Macedonian Government, in cooperation with OSCE and EU, helped in resolving the crisis related to Macedonia's internal conflict<sup>6</sup>. Subsequently, NATO conducted several peace support operations in accordance with the resolutions of the UN Security Council in the Islamic Republic of Afghanistan and Iraq, providing assistance with International Security Assistance Force (ISAF), in the Mediterranean,

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<sup>5</sup> Airspace Control Operation over Bosnia and Herzegovina - Prevent flight (Deny Flight) from 1993 to 1995, and from 1995 by the International Implementation Forces (IFOR), then SFOR until it was replaced by an EU force in 2005 (EUFOR).

<sup>6</sup> NATO as a respected global political and military factor forced the rebels of the Albanian community in the cease-fire and to support the political negotiation process, which was completed by signing the "Ohrid Framework Agreement" on August 13, 2001.

with dedicated forces deployed at the Gate of Gibraltar (STROG) and African Union peacekeeping mission in Darfur (Sudan).

These examples indicate that new global threats have become a significant cohesion factor for NATO, as in the past, and should be expected to continue in the future. This significant cohesion element of NATO, through its predominantly military character, has intersected in the area of security, economy, crisis management as well as in all other areas of international cooperation. This feature is of particular importance for the Balkan countries, because “if France and Germany” could overcome mutual conflicts, find common interest and develop close bilateral relations and cooperation, then this is a good example for the Balkan countries as well. In addition to these external interests and the realized benefits, one of the more important interests of NATO integration is the consolidation as a tool for national political reforms in the Eastern European countries after the collapse of real-socialism, especially in countries where there was a high level of violence and civil wars.

## **OPEN DOOR POLICY AND ENLARGEMENT OF NATO**

The main purpose of NATO enlargement policy is to increase stability and prosperity on the European continent. It is aimed to promote stability, cooperation, bring peace, democracy and common values in united Europe. NATO’s “open door policy” is based on Article 10 of the Alliance’s founding document (the North Atlantic Treaty of 1949). The Treaty states that NATO membership is open to any “European country in a position to follow the principles of this Treaty and to contribute to the security of the North Atlantic area”<sup>7</sup>.

The concept of NATO enlargement is based on respecting of the right of every country to choose its own security arrangements. Each independent country has the right to choose for itself whether it joins any alliance or will take care of its security based on an independent security policy. The process of accession of the European countries which are willing to join NATO initially started by invitation to begin an Intensive dialogue with the Alliance

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<sup>7</sup> North Atlantic Treaty Organization, Fact Sheet 2016, for more visit:  
[https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2016\\_07/20160627\\_1607-factsheet-enlargement-eng.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_07/20160627_1607-factsheet-enlargement-eng.pdf)

about their aspirations. Then, potential aspirants may be invited to join the Membership Action Plan (MAP) as a programme which helps nations prepare for possible future membership. MAP participation does not grant membership automatically, but is a comprehensive preparatory mechanism.

As a precondition to join the Alliance, a potential candidate is expected to respect the values of the North Atlantic Treaty, and to meet certain political, economic, and military criteria. These criteria include a functioning democratic political system based on a market economy, fair treatment of minority populations, commitment to peacefully resolve any conflicts, ability and willingness to make a military contribution to NATO operations and commitment to democratic civil-military relations and institutions<sup>8</sup>.

Since its creation in 1949, NATO membership has grown from the 12 founding members<sup>9</sup> up to today's 29 members through six rounds of enlargement in 1952, 1955, 1982, 1999, 2004, 2009 and 2017. The end of the Cold War was followed by the dissolution of the Warsaw Pact and the breakup of the Soviet Union. The reunification of Germany in October 1990 brought the territory of the former East Germany into the Alliance. The Czech Republic, Hungary and Poland became members in 1999. At the 1999 Washington Summit, the Membership Action Plan was launched to help other aspirant countries prepare for possible membership. Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia joined NATO in 2004. At the Bucharest Summit in April 2008, agreement was reached on inviting Albania and Croatia, which joined in 2009. The last country to join NATO was Montenegro in 2017. Most of these countries, meanwhile, have become EU members. From the current Balkan countries which are NATO members, Albania and Montenegro have not yet become EU member states. Montenegro, has opened 26 negotiation chapters in the accession phase and has already closed 2.

Allied leaders also agreed at Bucharest Summit, that Georgia and Ukraine, which were already engaged in Intensified Dialogues with NATO, will one day become members. In December 2008, foreign ministers of

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<sup>8</sup> Study on Alliance's Enlargement, 1995, for more visit: [https://www.nato.int/cps/en/natohq/topics\\_49212.htm](https://www.nato.int/cps/en/natohq/topics_49212.htm),

<sup>9</sup> NATO founding members: Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom and the United States.

NATO members decided to enhance opportunities for assisting the two countries in efforts to meet membership requirements by making use of the framework of the existing NATO-Ukraine Commission and NATO-Georgia Commission – without prejudice to further decisions which may be taken about their applications to join the Member action plan<sup>10</sup>.

## **Euro-Atlantic integration of the Balkans**

### ***Euro-Atlantic integration of Montenegro***

After the Former Yugoslavia was disintegrated and the socialism collapsed in this region, Montenegro remained in a state union with Serbia. On July 3<sup>rd</sup> 2006 the Parliament of Montenegro adopted the Declaration of Independence of Montenegro, which marked the membership in the NATO as a strategic priority. The major focus of the first Government in independent Montenegro was directed towards European and Euro-Atlantic integration and the development of political and military cooperation with NATO. Official relations between Montenegro and the NATO began on 29<sup>th</sup> November 2006, when Montenegro was invited to join the PfP during the Riga Summit. Then Montenegro formally began a Membership Action Plan (MAP) in 2009. Although Montenegro expected to be invited to join NATO during the summit in Wales in September 2014, it did not happen for several reasons. The NATO allies made such a decision primarily due to the current Ukraine crisis, as well as the opinion that Montenegro should continue to implement the conditions and standards of its reform agenda that will bring it closer to the NATO membership. The most vital of these reforms concern meeting the following four issues: strengthening the rule of law; facing and fighting organized crime; balanced funding of the security sector; public support for Montenegrin aspiration to join the NATO. Montenegro officially became a NATO member in June 2017. Montenegro's NATO membership process had a normal timeframe, i.e. it was implemented over a period of ten years.

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<sup>10</sup> For further information on NATO's cooperation with Georgia and Ukraine see webpages: [https://www.nato.int/cps/en/natolive/topics\\_38988.htm](https://www.nato.int/cps/en/natolive/topics_38988.htm) and [https://www.nato.int/cps/en/natolive/topics\\_37750.htm](https://www.nato.int/cps/en/natolive/topics_37750.htm).

## *Euro-Atlantic integration of the Republic of North Macedonia*

As far as Macedonia is concerned, long before the Montenegro decision was made<sup>11</sup> and Euro-Atlantic integration was started, due to the open dispute with Greece the process was frozen until 2019. The first practical step on this long Euro-Atlantic pathway was the accession of the Republic of Macedonia to the Partnership for Peace (PfP) program in November 1995, when at the NATO Summit in Madrid (July 9, 1997), the enlargement was opened as a process. "It was very easy for the Republic of Macedonia to adopt a positive attitude towards the NATO Enlargement process, as the goals and principles of NATO enlargement fully corresponded to the basic elements of the internal and foreign policy of the Republic of Macedonia" (Mr. Kiro Gligorov, former President of the Republic of Macedonia). The Republic of Macedonia confirmed its strong commitment to full membership in NATO by adopting the "Strategy for the Integration of the Republic of Macedonia in NATO"<sup>12</sup>.

After signing the so-called Prespa Agreement<sup>13</sup> and resolving a long-period open name issue with neighboring Greece, the Republic of North Macedonia received an invitation for membership in 2019. From this point in the continuation of the content of this paper the new name for the country will be used, Republic of North Macedonia, except in citing documents and events from an earlier date in the membership process.

Compared to the path of Montenegro's Euro-Atlantic integration, the Republic of North Macedonia, unfortunately, had a long way to go; it practically started at the end of the last century, in 1993, and the final integration should be in 2020. In this 27-year period, much has been accomplished. The only most important steps are listed below:

- December 23, 1993 - The Assembly of the Republic of Macedonia decides to join the Republic of Macedonia in NATO;

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<sup>11</sup> The decision to join the Republic of Macedonia in the North Atlantic Treaty Organization was adopted by the Assembly of the Republic of Macedonia on December 23, 1993.

<sup>12</sup> "Official Gazette of the Republic of Macedonia", no. 51/1998.

<sup>13</sup> Prespa Agreement - an international agreement signed by the Foreign Ministers of Macedonia and Greece on June 17, 2018 on the shores of Lake Prespa. This Agreement replaces the Interim Accord signed in New York on September 13, 1995. It should be a solution to the long name dispute with Greece.

- November 15, 1995 - The Republic of Macedonia joins the Partnership for Peace (PfP) program. It thus becomes a member of the North Atlantic Cooperation Council;
- January, 1996 - Exchange of letters concluding Security Arrangements between the Republic of Macedonia and NATO;
- April 12, 1996 - The Government of the Republic of Macedonia adopted the NATO Code of Conduct;
- May 30, 1996 - Agreement is concluded between the NATO member states and other PfP States on the Status of their Forces (SOFA) and the Additional Protocol to the Treaty. Ratified on June 4, 1996;
- June 14, 1996, a Macedonian Liaison Office is opened at NATO Headquarters in Brussels;
- January, 1997 - The Republic of Macedonia is formally admitted to the Committee on Military Planning and Analysis, which is a high degree of cooperation with NATO;
- April 16, 1997 - In Brussels, the Republic of Macedonia is admitted to the PARP process;
- April 1999 - At the NATO Summit in Washington, DC. Macedonia has officially become a candidate country for Alliance membership;
- The Strategy for the Integration of the Republic of Macedonia in NATO was adopted in 1998;
- 2002 - Macedonia sends military personnel in support of the NATO International Force in Afghanistan;
- June 2007 - Macedonia hosts the Euro-Atlantic Partnership Council Security Forum.
- April 2008 - NATO Summit in Bucharest confirms Macedonia's progress and fulfillment of membership criteria, but no membership invitation has been issued. The conclusions of the Summit noted that an invitation for membership of the Republic of Macedonia will be issued after finding a mutually acceptable solution to the name dispute with Greece;
- At the NATO Summits of 2009 (Strasbourg and Kell), 2010 (Lisbon), 2012 (Chicago), 2014 (Wales) and 2016 (Warsaw), the Republic of Macedonia's contribution to international operations led by NATO and support to the achievement of its goals has been continuously noted. The Alliance reaffirms its position that an invitation to join the

country will be addressed after finding a mutually acceptable solution to the name dispute with Greece;

- Prespa Agreement - an international agreement signed on June 17, 2018. This Agreement replaces the Interim Accord signed in New York on September 13, 1995. It should be a solution to the name dispute and establish a strategic partnership between the future North Macedonia and Greece;
- In July 2018, at the NATO Summit in Brussels, the Republic of North Macedonia was formally invited to start accession negotiations for NATO membership;
- On 19 July 2018, the Assembly of the Republic of North Macedonia adopted the Declaration on Support of the Accession Process of the Republic of North Macedonia to NATO;
- On 18-19 October 2018, the accession discussions between the Republic of North Macedonia and NATO were formally completed at a meeting in Brussels;
- On February 6, 2019 the Permanent Representatives of the 29 NATO member states at the NATO headquarters have signed the accession protocol for the Republic of North Macedonia to NATO. With the signing of the Accession Protocol, the next phase of the accession process begins, followed by ratification of the Protocol by National parliaments of Alliance member states;
- So far, the Accession Protocol for the Republic of North Macedonia to NATO has been ratified by the 28 member states of the Alliance, pending ratification by the Kingdom of Spain;
- Law on Ratification of the Washington Treaty Submitted for Adoption to the Parliament of the Republic of North Macedonia (28.12.2019);
- Because of the delay of the ratification process in the parliament of Spain, and for the announcement of elections in the Republic of North Macedonia, the Law on ratification of the Washington Treaty was adopted by the National Assembly on 11 February 2020 and a NATO flag was officially promoted;
- The final step towards full membership remains to be completed after the ratification by the Parliament of the Kingdom of Spain, which is expected soon and certainly during this scientific conference in June

2020, the Republic of North Macedonia will become 30<sup>th</sup> NATO member state.

### ***Euro-Atlantic integration of the other countries of the Western Balkans***

The Republic of Serbia is committed to military neutrality. As a member of the PfP and assisted by NATO partners, Bosnia and Herzegovina has gone through several stages of reform of the Defense and Security System and has come up with an Action Plan for Membership-MAP. However, there is no agreement in Bosnia and Herzegovina for continuation of the Euro-Atlantic integration, as Republika Srpska is in solidarity with Serbia and wants to maintain cooperation with NATO at the “existing level”. The Republic of Kosovo is committed to Euro-Atlantic integration, however, due to its overall unresolved legal status, this relationship is only a partnership.

### **BENEFITS FROM THE EURO-ATLANTIC INTEGRATIONS**

As mentioned above, there are different aspects of the Euro-Atlantic integration and multiple stages of integration. In this regard, the separate steps of integration of a country into the Alliance are the following: 1) Partnerships for Peace, 2) Candidacy phase, and 3) Full membership of the Alliance. The Benefit spectrum depends on the level of integration achieved and from only military and defense capabilities development it extends to all other areas of social life, especially general security, stabilization of political and economical system, good governance, etc.

The main benefit of the PfP is the establishment of cooperation and collaboration between the previously ideologically conflicted parties according to the needs and perspectives of each country individually. With the PfP framework, the partner countries have undertaken a number of long-term political commitments to preserve democratic societies, adherence to the principles of international law, fulfillment of obligations under the UN Charter and other achievement. Specific commitments have also been taken to promote transparency in national defense and financial planning, to establish democratic control of the armed forces and to develop capacities for joint action in cooperation with NATO in the context of peace and humanitarian

operations. Given that NATO had an open possibility of enlargement, the Republic of North Macedonia and Montenegro, immediately after their independence clearly decided on full Euro-Atlantic and European integration, i.e. on full membership of the EU and NATO.

During the Candidacy phase in the Euro-Atlantic integration process, both countries have achieved multiple benefits. First of all, through the reform process of improving the defense system, with the support of NATO partners, personal capacities have been strengthened through various educational and development programs for both military and civilian personnel of the Army and the Ministries of defense. All criteria regarding the interoperability and compatibility of the defense capabilities of both countries with those of NATO countries were also achieved.

During these reform processes various instruments were used, such as:

- The Planning and Review Process (PARP) and Partnership Goals (PG), which enabled achievement of standards and the required level of interoperability with the NATO forces and equipment;
- The Individual Partnership Program (IPP), and later the Individual Partnership Cooperation Program (IPCP), as a one-year cooperation program for each country individually. Through these two programs, both countries have implemented sets of activities each year in cooperation with NATO and the partners, with a view to achieving the adopted partnership goals and at the same time strengthening their own armed forces and defense system;
- Intensified dialogue at the highest political level discussed policy, military, financial, and security related issues for future membership. On the other side the Individual Partnership Action Plan implemented in parallel, defined the candidate's obligations for reform and enabled the Alliance to develop designated “programs for assistance” and perform the final preparations for receiving the candidate status for membership in NATO;
- The Membership Action Plan implemented through a number of Annual National Plans (ANP), first of all means that the country has been formally nominated as a “direct candidate for membership” by NATO. Consequently, the areas of cooperation have been expanded, as can be seen from the content of the ANP: 1) political and other

issues; 2) defense and military; 3) finance; 4) security; and 5) legal issues.

### **Comparative experiences of the benefit of NATO membership of Montenegro and the Republic of North Macedonia**

As a result of progressing in the process of Euro-Atlantic integration, Macedonia and Montenegro have also expanded the scope of their benefits. Initially, it was only military benefits such as training of military personnel and exchange of experience, through joint exercises and other activities, compatible military procedures were adopted and interoperability with NATO partners was achieved. Joint activities have gained significant experience for much less investment. The involvement of the members of the Army in the international missions and operations has also contributed to the achievement of the Army's interoperability, but also to the achievement of credibility with partners and the positioning of the country on the geo-strategic map of the world through its contribution to the establishment and maintenance of peace and security in the world.

The active support from NATO partners did not mean unconditional support. In front of our countries were numerous requirements, all with the aim of democratization and consolidation in order to achieve their economic and social sustainability. In parallel with many benefits, both countries had different negative experiences at this stage. The Republic of North Macedonia started the Euro-Atlantic integration process early, successfully implemented and had full internal support, but in the end, the membership invitation was missing for years due to the aforementioned dispute with Greece. On the other hand, Montenegro's Euro-Atlantic integration process started later, but despite the obstructions with "some parties" that caused slower integration, the entire integration process was much shorter. Montenegro formally became the 29<sup>th</sup> member of NATO on 5 June 2017. Less than three years have passed since the membership, which is a short time-frame for a more reliable estimation of benefits because "results cannot be seen overnight". However, part of the benefits is felt more during the process of Euro-Atlantic integration, the second part of benefits became evident already after the act of formal membership. With the completion of the integration process and NATO membership, Montenegro has achieved stability both internally and strengthened its foreign policy position.

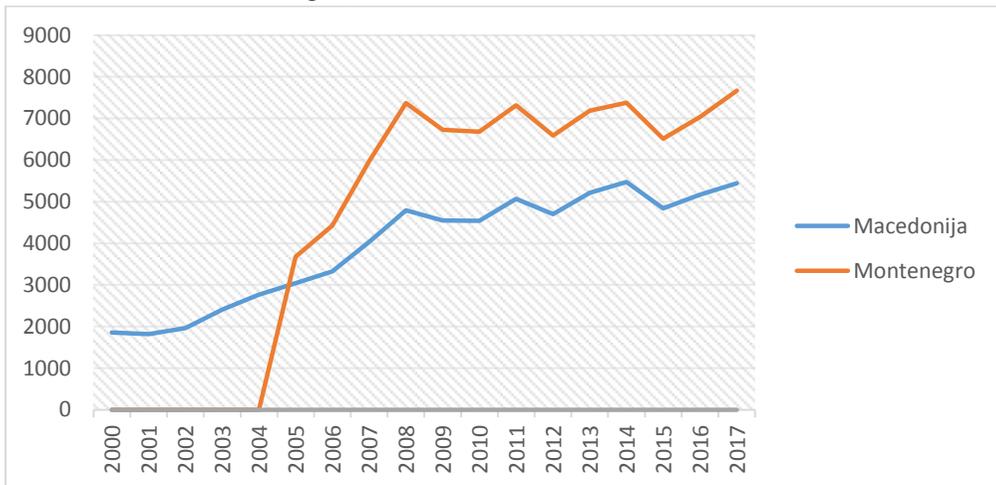
A broad range of direct and indirect benefits after membership has increased and expanded:

- One of the significant benefits to the military component is in the field of *“air defense”*, given all constraints on developing this kind of capabilities. Incorporating NATO's airspace surveillance system has significant advantages for small countries with limited resources. Montenegro receives a radar monitoring of airspace from NATO for free. Also, NATO based on the principle to help each other, provides the so-called *“air policing”* service, which for the needs of Montenegro has been carried out for two years without charge by the Greek and Italian air forces, and is expected to be same or similar for the Republic of North Macedonia;
- The particular political value of NATO membership is given to the *possibility of accelerating of the EU integration*, as 22 of the 29 NATO members are EU members. As the process of EU and NATO integration is complementary for Montenegro to become a NATO member, the institutions of the system are strengthened, the level of rule of law and the fight against corruption, organized crime, and the general level of democracy in the country are enhanced. The link between the NATO and EU processes and the results are particularly evident in the negotiation chapter 31 - Security and Foreign Policy. The process of NATO integration also accelerates a number of conditions within the framework of Chapters 23 and 24 of the Rule of Law. Similar expectations are very relevant to the Macedonian EU integration process and adopting of the final date for the start of negotiations.
- NATO membership also provides a number of *economic benefits* that are largely indirect and coming during the years of full membership. Economic benefits in the defense sector are achieved by obtaining equipment, training, and other defense goods more cheaply, as costs are shared in a proportionate manner. In addition, small members, relying on the Alliance can organize much more cost-effective national systems, that is, with less spending receiving higher level of security, so it can be said that Montenegro is now safer after three years of membership. In support of this, we can highlight the fact that defense costs are visibly lower than Austria or Switzerland, which

have neutral status. This positive experience of Montenegro will be highly applicable to the Republic of North Macedonia, after some years of full membership.

- Particular attention should be paid to the general economic benefits and reflection of the stability of the country to the *level of national GDP*. GDP should be proportionally in line with improving general security conditions in both comparatively analyzed countries.

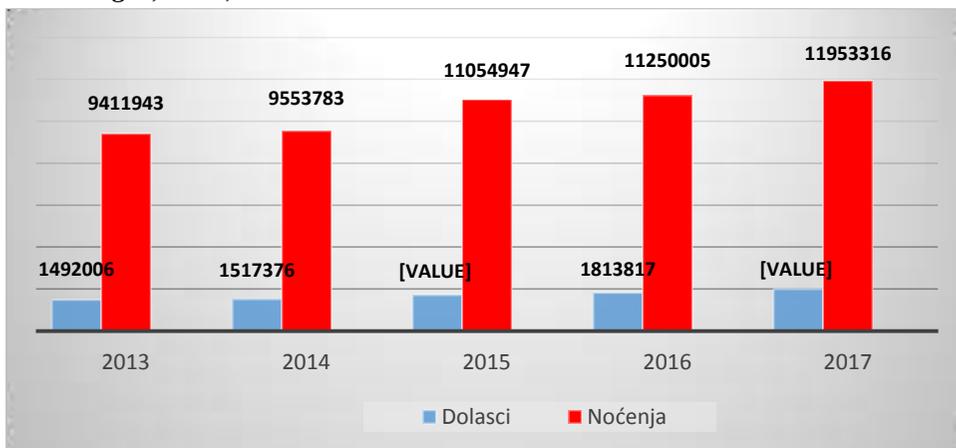
**Chart 1: Comparison of annual GDP per capita in the Republic of North Macedonia and Montenegro,**



(World Bank, Website, 2019)

As a result of the NATO membership, interest in investments of Montenegro economy has increased today and the entire Montenegrin business sector is seeing positive results. The most obvious example of benefit is the results of the *Montenegrin tourism* economy, as stability and security directly affect visits of tourist, especially from abroad. The most obvious example of economic growth is the results in tourism. The entry of the largest European tour operators and world brand hoteliers with significant investments in new resorts. Benefits of Montenegro's membership are also evident in the number of tourist arrivals and overnight stays, which has increased significantly since 2015 when Montenegro received an invitation for NATO membership.

*Chart 2, Number of arrivals and nights, total 2013-2017 (Bureau of Statistics of Montenegro, 2018)*



With the development of tourism, conditions have been created for the development of other economic resources in the territory of Montenegro, and in particular those branches that are complementary to tourism, such as agriculture, food production, etc. All these benefits, which in Montenegro is evident, more or less, are expected to take place in the Republic of North Macedonia.

## CONCLUSION

The benefits from the Euro-Atlantic integration are most evident in the case of former East European socialist countries, which after NATO membership and subsequently the EU membership have avoided conflicts, developed economies, the rule of law, democracy, and caught standards with developed countries in Western Europe. The level of development of the living standard in the Republic of Slovenia and the Republic of Croatia as former Yugoslav republics is an obvious confirmation of the benefits that bear the Euro-Atlantic integration.

An analysis of the Euro-Atlantic integrations of the Republic of North Macedonia and Montenegro as countries that have followed different circumstances has shown that benefits are numerous and the volume of benefits is directly correlated with the degree of integration, which is increasing proportionally with the approaching full membership of NATO.

The analysis showed that the benefits of the Euro-Atlantic integration are not limited to defense and security, but are present in all fields of social life in a country. Numerous facts that we have mentioned indicate that through the Euro-Atlantic integration each country improves in political stability, democratization and the rule of law. The analysis of some of the basic economic parameters of these countries confirmed the significant results because the “business environment is more secure”.

In the light of all above mentioned, we hope that the expansion of the Euro-Atlantic integration and cooperation in the Western Balkans will, first of all, overcome the many hostilities and opportunisms between the countries of the region from the previous period, such as those overcome by other European countries that have already completed the integration processes.

The overall stability of the Western Balkans, as the only “emptiness” on the European continent, is directly dependent on the Euro-Atlantic integration, both in NATO and in the EU. With the full membership of the Republic of North Macedonia in NATO and the long-awaited start of accession negotiations with the EU, this situation in the Balkans will be significantly improved, as the NATO alliance territory will have a full line from the Black Sea to the Adriatic and its political and military influence will contribute to increasing the security situation in the region and the territorial integrity of the member states.

## **REFERENCES:**

1. Communication Strategy - Montenegro a NATO member, 2018, The Government of Montenegro,
2. Duffield, Dz. S. Michota, S. and Miler. E. S. Savezi, page. 377-394, in Introduction to Security Studies, edt. Paul D Williams,
3. Final Communiqué of the Ministerial Meeting of the North Atlantic Council, Berlin, 3 June, 1999, NATO Handbook, Documentation, NATO Office of Information and Press;
4. NATO Handbook, p. 263. NATO Public Diplomacy Division, 1110 Brussels - Belgium, Website: [www.nato.int](http://www.nato.int),
5. NATO Public Diplomacy Division, 1110 Brussels, Belgium, Website: [www.nato.int](http://www.nato.int),
6. North Atlantic Treaty Organization, Fact Sheet 2016,
7. Our way to NATO, [http://www.mod.gov.mk/?attachment\\_id=5183](http://www.mod.gov.mk/?attachment_id=5183),
8. Partnership Security, Source: [www.nato.int/docu/pub-form.htm](http://www.nato.int/docu/pub-form.htm).

9. Publication "Macedonia in NATO", [http://www.mod.gov.mk/?page\\_id=1970&lang=mk](http://www.mod.gov.mk/?page_id=1970&lang=mk),
10. Strategy for the Integration of the Republic of Macedonia in NATO, "Official Gazette of the Republic of Macedonia", no. 51/1998,
11. Survey on tourist arrivals and overnight stays, total 2017. Year, Montenegro Statistical Office Release No. 34 Podgorica, 28 February 2018,
12. Trans Conflict, 2010, Aktivni angažman, moderna odbrana", dostupno na <http://www.mzv.cz/file/559412/novistrateskikoncept.pdf>
13. Warren, P., Alliance History and Future NATO: What the last 50 Years of Alliance Behavior Tells Us about NATO's Path Forward". 21ST CENTURY DEFENSE INITIATIVE AT BROOKINGS. Available at: [https://brookings.edu/wpcontent/uploads/2016/06/0630\\_nato\\_alliance\\_warren.pdf](https://brookings.edu/wpcontent/uploads/2016/06/0630_nato_alliance_warren.pdf).
14. WorldBank <https://databank.worldbank.org/databases>
15. [https://www.nato.int/cps/en/natohq/topics\\_48830.htm](https://www.nato.int/cps/en/natohq/topics_48830.htm)
16. [http://www.mod.gov.mk/?attachment\\_id=5235&lang=en](http://www.mod.gov.mk/?attachment_id=5235&lang=en)
17. <https://vlada.mk/node/18233?ln=en-gb>



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## **THEORETIC FRAMEWORK AND PRACTICAL IMPLEMENTATION**

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### **Abstract**

In the scope of its focus, this paper has the critical infrastructure protection in a contemporary setting as a threat for the Euro-Atlantic Values. The awareness for the vulnerability of the critical infrastructure systems, which are additionally threatened by cyber-attacks and communication disruptions, is high on the security assessment and planning agenda for the state's policy creators and corporate enterprises. The methodology applied for this research consists of qualitative and quantitative methods of data interpretation, gathered by a method of open source analysis, observations, document screening and analysis. The first hypothesis depicted by the data analysis reflects the need for further development of the cyber security platform that incorporates several institutions accounted for critical infrastructure protection and the prevention of tasks overlaps and operational vacuum. This hypothesis refers concretely to the case of the Republic of North Macedonia. The limitations of the findings from this research effort are displayed in the form of lack or insufficient legal framework realization of the prescribed institutional capacity and regulation execution in the domain of critical infrastructure systems protection. A conclusion can be drawn that emphasizes the actual imperative for applying and implementing context-specific and best-alternative solutions in the critical infrastructure protection, delivered by joint engagement of the relevant institutions.

***Key words:*** *security, cyber, critical infrastructure, protection, planning*

## INTRODUCTION

Infrastructure systems have reached a level of development and deployment without which organizations cannot function (Rinaldi, Peerenboom & Kelly, 2001). Given that infrastructural networks are interdependent, mutually affecting each other and having complex links, disrupting their functioning can lead to enormous material and human losses in societies, even leading to disaster. Following the 2001 Twin Towers attacks in New York, critical infrastructure has become an integral part of managing national security, and its protection is a priority for every country. The term infrastructure was first introduced by the Swiss military strategist and theorist Antoine-Henri baron de Jomini who emphasized the strategic and operational importance of military action leadership (Brown, 1987). Thus, the term infrastructure primarily comes from military terminology, which denotes the territorial organization of the system of support and operation of the army (Johnsen, 2018). Infrastructure is considered a logistics function that provides favorable conditions for quality performance of other logistics support functions. Infrastructure is also defined as man-made systems, processes that work in harmony and synergy to create and deploy a seamless allocation of goods and services. The term infrastructure / critical infrastructure became known in the 1980's and was an orientation to public safety policy makers. Gradually, this term goes into the terminology of economics, informatics, and security analysis. Critical infrastructure facilities represent the "bloodstream" for the smooth functioning of the basic elements of societies, so their protection is a priority for every society (Бакрески, Алчески, & Милошевска, 2017). Contemporary democratic and liberal societies are highly relying on these systems in order to realize their functions. This aspect in security is an indispensable segment of nurturing Euro-Atlantic values, which our country aspires to achieve and maintain. Critical Infrastructure Protection (CIP) is a very important process in many aspects - economic, political, security, but also social and environmental (Vasilellis. & Stergiopoulos, 2016). This is due to the fact that arises by analyzing the disruption or destruction of a part or a whole of a critical infrastructure system, which will have a cascading effect that will spill over from one element to another, whether it comes from a natural or anthropogenic source. The cascading nature of the overflow of hazards for the critical infrastructure systems stems from the interdependence between

the infrastructure sectors. In this way, the magnitude of the consequences increases (Jurišić, 2013).

**Table 1: Risks and Threats for Critical Infrastructure Elements (Ani, et al. 2019)**

<b>Threat / Risk</b>	<b>Typical elements</b>
	<b>Internal threats and risks</b>
Accidents	Fire, smoke, hazardous materials, contamination, structural crash
Criminal activities	Theft, assault, vandalism
Sabotage / espionage	Destruction, burglary, manipulation of information, theft, arson
	<b>External attacks</b>
Terrorism	Car bombs, rocket-propelled grenades, coercion
Information warfare	Viruses, "spiders", "Trojan horses", change of information
Civil unrest	Violence, robbery, demolition
Natural disasters / accidents	Flood, earthquake, dam collapse, plane and chain accidents, tornado
Conventional warfare	Air bombardment, missiles, ground-to-ground weapons, air-to-ground weapons, anti -missile defense systems
Weapons of Mass Destruction	Nuclear, chemical, radiological, biological

Source: A Review of Critical Infrastructure Protection Approaches: Improving Security Through Responsiveness to the Dynamic Modelling Landscape. Source: <https://arxiv.org/ftp/arxiv/papers/1904/1904.01551.pdf>

Critical infrastructure as a concept denotes an element, system or part of a system located in a particular country, or positioned in two or more countries. Its primary function and significance are support of the vital societal functions, health, safety, economic and social welfare, whose disruption or destruction would have a huge impact in the country itself, because of the inability to hold those functions. With the increasing number of asymmetric threats, especially terrorism, occurred the emergence of the term "critical infrastructure", part of the system that performs vital functions of society and networks supplying the necessary goods and services to citizens and institutions (Bennet, 2007). This term has become the subject of interest in many analyses related to the protection and prevention of terrorist threats and the maintenance of domestic and international security (Brown, 2006). The numerous definitions of critical infrastructure indicate the essence of the meaning of the term, which implies the resources and goods necessary for the smooth functioning of the economy and society (Škero & Ateljević,

2015). What is a common feature of critical infrastructure systems is their complexity and the structure of interactive components.

## **SPECIFICS OF CRITICAL INFRASTRUCTURE SYSTEMS**

Each element of the infrastructure system itself is part of a multi-layer network and its interaction with other elements is conducive to analysis and planning. Individual contribution, countries, and characteristics of particular issues analyze the environment in which infrastructure systems operate. The midpoint of critical infrastructure is the point at which owners, operators determine goals and objectives, create reference systems for managing and monitoring work, and analyze activities. This defines the architecture and activity of critical infrastructure systems. The operational capability and condition of each system affects the environment that surrounds it, and vice versa, the nature and environment affect the critical infrastructure. In particular, the design and operation of critical infrastructure depends on several environmental impacts:

- Economic and business opportunities and obstacles
- Government investment decisions
- Public policy
- Legal and regulatory issues
- Technical and safety specifications
- Social and social situations

The processes that manage and analyze critical infrastructure risks are vital elements in critical infrastructure system protection programs, as they identify potential threats and vulnerabilities of the systems. One of the key stages in designing protection programs is precisely the risk assessment. Risk assessment of critical infrastructure in any organization is the foundation for prioritizing protection, setting the level of protection and setting costs. This minimizes the risks to an acceptable level.



***Figure 1: Process analysis of critical infrastructure security status (Jamei, 2018)***

Source: [https://repository.asu.edu/attachments/211287/content/Jamei\\_asu\\_0010E\\_18341.pdf](https://repository.asu.edu/attachments/211287/content/Jamei_asu_0010E_18341.pdf)

The most important segment in critical infrastructure risk management is the design and specification of security procedures and implementation methods, in order to achieve the optimal level of protection, i.e. reducing the estimated risk to an acceptable level. Without the judgment of the organization, the critical components that constitute the most vulnerable part of the system cannot be identified. The valuation of buildings is based on generally accepted measures of building quality: reliability, availability and integrity (László, 2009). It is necessary to determine the most important factors for each object individually, and the choice of scale most relevant factors is individual for each organization. Vulnerability assessment refers to the potential loss or damage to the system. The ranking of vulnerability points is determined in accordance with the estimates of potential damages that may result from the abuse, as well as the vulnerability of a threat. The first point of protection is to provide the perimeter of the element of the critical infrastructure system, further divided into sectors, with a combination of burglary protection measures, video surveillance with detectors and more (Bakreski, Slaveski & Gacoski, 2018). Crucial factors need to be assessed and calculated for each point individually, and determined by the visibility, usefulness, durability, utilization and protection of the system object (Mićović, 2015). Appropriate assessment of the

vulnerability of critical infrastructure systems requires a dynamic, proactive and strategic approach to the planning process of critical infrastructure protection in a variety of crises and emergencies. Due to the increased potential risk of vulnerability and the possibility of breaching the critical infrastructure system, appropriate measures should be provided for each system individually. One of the key methods for achieving an optimal level of protection of critical infrastructure systems is the synchronization and coordination of information exchange between competent institutions, public and private - at central and local level. In particular, cooperation is needed between the Ministries of Defense, the Crisis Management Center, the local government and municipal authorities to maintain critical infrastructure systems (D'Agostino, 2009). The risk assessment and methodology that determine the degree of risk is based on cross-sectoral cooperation. That is, the risk assessment itself is a cross-sectoral activity, taking into account the technical installations, the staff, as well as the organization itself, in all its diversity. This contributes to the critical infrastructure being defined as a system of systems as opposed to the usual "complex system" notion. To illustrate, the power grid is no longer an isolated infrastructure, as are telecommunications networks, railways and many others, which in cases of disruption and damage contributes to greater vulnerability of the entire system.

## **METHODS FOR ASSESSING RISKS AND THREATS TO CRITICAL INFRASTRUCTURE SYSTEMS**

Depending on the duration of importance of critical infrastructure systems and the need for their protection, critical infrastructure can be permanent, temporary, or potential. A permanent critical infrastructure is an installation or object and counterpoises key infrastructure for a certain state, adopted by law, and the one which must be in focus all the time (Moteff, 2010). The temporary critical infrastructure category is likely to include some political or sport events and rallies (participants, facilities, etc.) which are short, but very important for the state or internationally. These infrastructure installations are perceived as that they would be important in some time of the year or during some events.

Potential critical infrastructure is an infrastructure that is not in focus but in some situations could be very important. For that infrastructure is

known that it can become critical infrastructure in some situations, but these situations are not planned in advance. Due to the high degree of interdependence, the critical infrastructure systems, described as complex, adaptive structures, it is necessary to differentiate between different types of interdependence in order to achieve greater individual resilience and vulnerability reduction (Rinaldi 2001).

There are four types of interdependencies identified in critical infrastructure systems:

- physical: the operation of the infrastructure depends on the material product of another system;
- cyber: the reliance on information transmitted through the information infrastructure;
- geographical: depending on local weather conditions that simultaneously affect multiple infrastructure systems;
- logical: any kind of dependency that is not characterized as physical, cyber and geographical.

In order to achieve a precise and structured perspective on risk assessment and critical infrastructure protection, the following procedures should be used:

- Scope of methodology: which sector is analyzed and referred to (politicians, researchers, operators, etc.);
- Objectives of the methodology;
- Standards and techniques applied;
- Protection and maintenance of interdependence;
- Resistance management;
- In terms of cross-sector methodologies, risk comparison across sectors.

The methods used to assess critical infrastructure vulnerabilities vary. Risk assessment is divided into two parts - risk analysis and vulnerability assessment (Bakreski, Keković, & Stefanoski, 2016).

Risk analysis focuses on the likelihood of an event and its consequences, and the vulnerability assessment takes into account measures to protect the field against specific risks to critical infrastructure systems. These are two different aspects of risk assessment. The likelihood of any of the threats (a terrorist attack, for example) is graded on this scale: very high, high, possible, low, very low.

- Risk identification (identifying threats locally and regionally);
- Assessment of the consequences of potential threats (measuring risks and the likelihood of threats, as well as the intensity of impacts according to predetermined levels for each system individually);
- Prioritization of risks (the mechanism that performs the identification and reduction of risks in order to determine appropriate preventive measures by comparing the relative levels of risk and resources combined with alternatives to achieve security purposes). The goal is to find effective measures to reduce threats and risks, while making decisions cost effective and sustainable;
- Risk avoidance planning (in order to introduce safeguards and measures to avoid risk);
- Assessment of effectiveness (allowing calculation of the effectiveness of measures through a system of indicators providing descriptive and process information on whether specific security objectives were met.

## **THE CASE OF THE REPUBLIC OF NORTH MACEDONIA**

In the Republic of Macedonia, the Crisis Management Center, through its Operational Coordination Unit, differentiates these sectors as elements of critical infrastructure:

- power grid
- water resources
- sewers and landfills
- telecommunications
- information network
- health system.

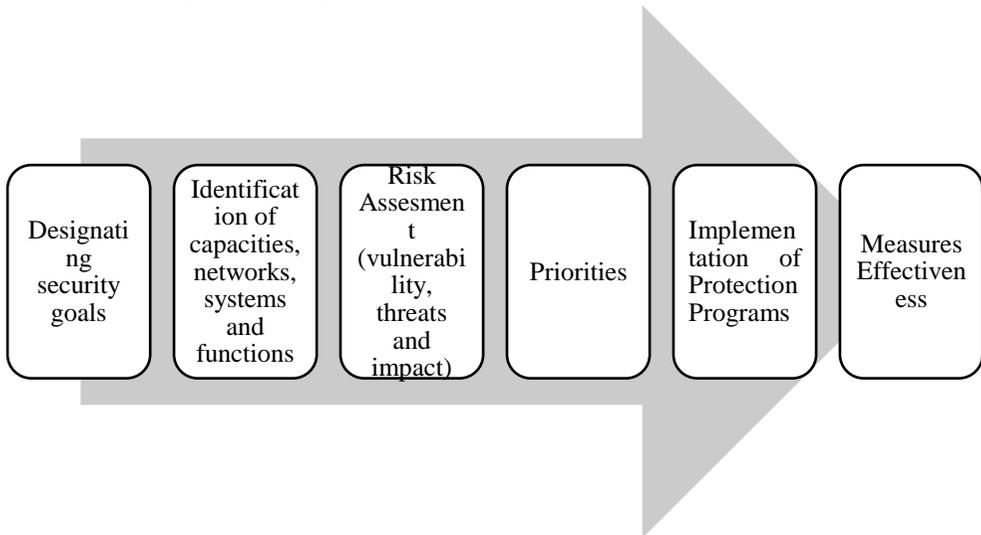
Critical infrastructure is not completely legally regulated in the Republic of North Macedonia, respectfully, there is no legal framework that defines, identifies and protects critical infrastructure assets. The concept of cybersecurity in critical infrastructure (CI) is in its infancy in the Republic of North Macedonia. There is yet no accepted definition of CI and no formal categorization of CI assets.

This leads toward the common conclusion that there is no designated critical infrastructure register. Yet, the concept for critical infrastructure

protection can be recognized in several legal acts and strategic documents, such as the Law for defense (Article 6), Law for private security, the Defense Strategy of the Republic of Macedonia, etc., and it may as well be stated that it is in an initial phase of development.

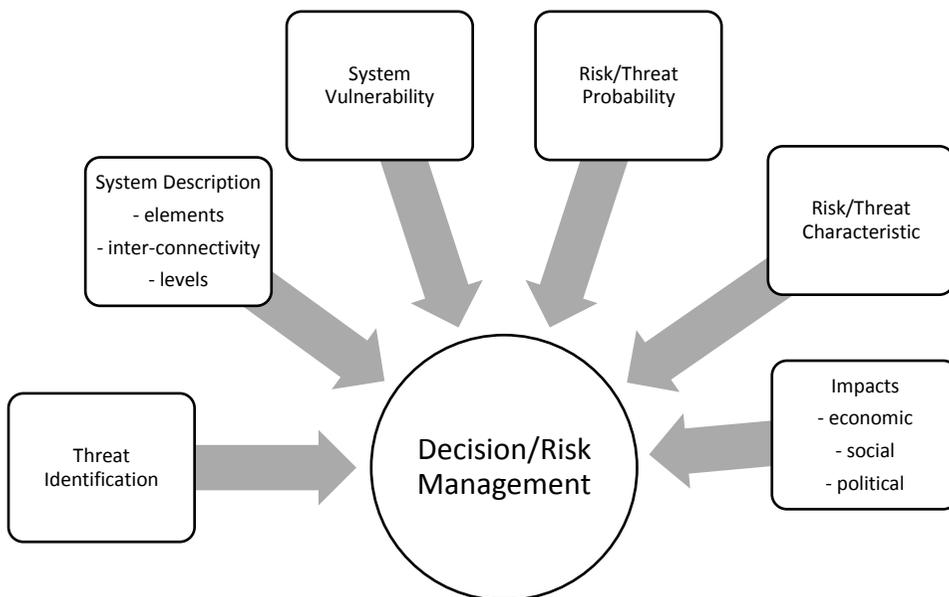
In addition, in the Defense Strategy of the Republic of Macedonia, the security environment is characterized as unpredictable, constantly exposed to internal and external threats, for which the defense and relevant state institutions strive to achieve an optimal level of national security, achieve a degree of resilience and adaptation, and continuous improvement of capacities and cooperation.

This notion is confirmed by the Protection and Rescue Directorate as well, as a state apparatus body designated to be part of the critical infrastructure protection platform.



***Figure 2: Risk Assessment Process and Threats to Critical Infrastructure Systems.***

Source: Risk Assessment and Risk Management. [Enisa.europa.eu/topics](http://Enisa.europa.eu/topics)



**Figure 3: Risk Assessment Process (Buchanan, William, 2018)**

Source: Security Risk Assessment of Critical Infrastructure Systems: A Comparative Study. The Computer Journal. Researchgate. 61. 10. 1093/comjnl/bxy002.

## **SECURITY RISKS, THREATS AND CHALLENGES FOR THE NATIONAL AND EURO-ATLANTIC VALUES**

The strategy for information warfare, the role of proxies in undermining integration efforts, as the intense spreading of lies on the internet and social network platforms as well as by certain officials in certain countries, consequently, makes it difficult for the targeted society and the political will to recognize and respond to such provocations. These developments underscore the evolution of hybrid warfare, where the adversary's use of unacceptable means and methods and reasonable denial mean a credible danger, signaling a paradigm shift in the use of power (Lucas, 2017).

Hybrid threats are methods and activities aimed at the opponent's vulnerabilities. Vulnerability can stem from historical memory and traditional practices, legislation, geostrategic factors, strong polarization of society, technological differences and deficiencies, or ideological differences. These kinds of hybrid threats are aimed at disrupting stability, solidarity and shared

values. Cyber-threats to state security, Euro-Atlantic values and the Alliance are becoming more common, more complex, more destructive and coercive. Strong and resilient cyber-defense is needed to fulfill the Alliance's core tasks of collective defense, crisis management and security cooperation, readiness to defend its networks and operations against the growing sophistication of cyber threats and attacks it faces (Connolly, 2019).

Cyber security as an aspect is gaining an more evident place in the field of security protection at national, regional and international level. The cyber security challenges consist of several elements that define a state of effective computer security. The elements of cyber security can be described as follows:

- Network security
- Application security
- Endpoint security
- Data security
- Identity management
- Database and infrastructure security
- Cloud security
- Mobile phone security
- Disaster planning / business continuity planning
- End-user education.

In this context, state governments are taking steps to adequately address the security threats that are consisted in the newest branch of the security paradigm (Heitkamp, 2019). Given that the concept of cyber security is in the infantile phase, that is, the risks and threats exist for only one generation, their implications and consequences are yet to be analyzed and explored (Chen & Susilo, 2019). Past experiences show that this threat is extremely serious in relation to the Euro-Atlantic values that societies strive to reach and maintain. Cyber-threats by their nature can be classified as activities related to:

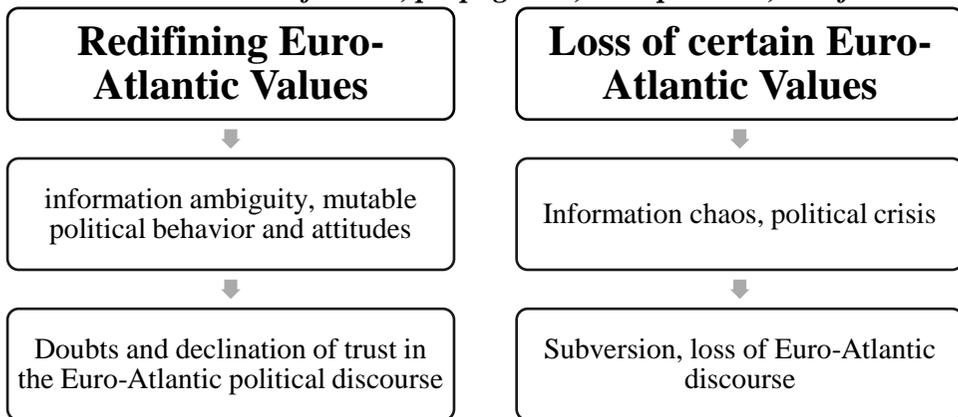
- Spreading false news and propaganda
- Hacking the electoral process:
  - during the election campaign (disinformation dissemination bots)
  - in voting (qualitative vote alternation) and

- counting of election results (quantitative intervention in voting hardware and software)

- Attack on critical infrastructure systems
- Installation of applications and programs for industrial and economic espionage
- Disrupting the communications and satellite communications of civilian and military leadership.

The threats and risks arising from the domain of cyber security essentially include an attack on the Euro-Atlantic values, materialized primarily in the Charter of the United Nations, NATO, the European Union, etc., in order to implement and preserve these values (Mueller, 2019). The pillars of these values, designated as Euro-Atlantic values, Euro-Atlantic oriented attitudes and discourse, as well as Euro-Atlantic policy and strategy, are attacked for causing disintegration and, ultimately, disruption through the use of hybrid methods in values, public opinion and policy making (Lazari, 2014).

*Chart 1: External influence, propaganda, manipulation, redefinition*



Source: NATO and National Responses to Hostile Influence.

Source: <https://www.kivi.nl/uploads/media/5b2a4a695030a/Elina%20Lange%20-%20NATO%20StratCom.pdf>

Regarding the concrete efforts and activities that our country undertakes to tackle this kind of threat to national security, but also to the values that are attributes of the Euro-Atlantic concept of democratic principles, protection of human rights and the rule of law, respect for privacy,

protection of personal data, etc., are represented in the National Strategy for Cyber Security. It has been developed in line with the European Union's Cyber Security Strategy and NATO's Cyber Security Policy and Commitment to provide a secure, secure, confidential and resilient digital environment for the benefit of citizens, the business community and the public administration (Edwards, 2014).

## **CONCLUSION**

Today's modern world is characterized by rapid, complex and dynamic change and faces new asymmetric threats and growing risks such as terrorism, transnational organized crime, fourth generation warfare, proliferation of weapons of mass destruction, religious radicalism and extremism, illegal migration, unstable and dysfunctional states, and cyberattacks. Challenges such as energy dependence and climate change can also have a negative impact on national and international security crisis management. In this direction, the hypothesis stemming from the derived data lead to the conclusion that in terms of contemporary conditions, the protection of critical infrastructure is a segment which must not be overlooked. In an era of advanced technologies and adversaries coming from different backgrounds, the protection of the critical infrastructure grids vital for social functioning and providing core necessities for the societies it is beyond doubt significant to implement and install an appropriate protective system which will safeguard the above-mentioned systems. This counterpoises an integrated plan and assessment, which will respond to the potential risks and threats that cause vulnerability for the critical infrastructure systems. In this direction, it is important to emphasize the role of the relevant stakeholders, both national and private and their coordination of tasks and information, as well as the provision of the necessary resources utilized in this sphere of action.

## **LITERATURE**

Bakreski, O, & Slaveski, S. (2015) *Security of Classified Information as Part of the National Critical Infrastructure Protection: Macedonian Experience*. Series NATO Science for Peace and Security Studies – D: Information and

- Communication Security. DOI 10.3233/978-1-61499-478-7-107, E-book Volume 39.
- Bennet, T., B. (2007) *Understanding, Assessing and Responding to Terrorism: Protecting Critical Infrastructure and Personnel*. Wiley / John Wiley and Sons.
- Biringer, E.B., Vugrin, D. E. & Warren, E.D. (2013) *Critical Infrastructure System Security and Resiliency*. CRC Press.
- Butts, J. & Sheno, S. (2013) *Critical Infrastructure Protection VII: 7<sup>th</sup> IFIP WG 11.10*. Springer.
- Čaleta, D, & Radović V. (2015) *Comprehensive Approach as “Sine Qua Non” for Critical Infrastructure Protection*. IOS Press.
- Connoly, E., G. (2019) *Political Committee Sub-Committee of Trans-Atlantic Relations: NATO @ 70: Why the Alliance Remains Indispensable?* Report 146 PCTR 19 E rev. 1 fin. 12 October 2019.
- D'Agostino, M., D (2009) *Defense Critical Infrastructure*. GAO.
- Dani kriznog upravljanja. Zbornik Radova. 8-ma Međunarodna Znanstveno-Stručna Konferencija. 14-15 Maj 2015. Veleučilište Velika Gorica, Hrvatska.
- Edwards, M. (2014) *Critical Infrastructure Protection*. NATO Advanced Research Workshop. IOS Press, Ankara.
- Hackett, R. (2018) *Cyber Security: Hacking, the Dark Web and You*. Tampa, FL, Time Books Edition.
- Heitkamp, K., L. (2019) *Interference in Elections*. New York, Greenheaven Publishing.
- Jurišić, D., (2013) *Critical infrastructure protection in Bosnia and Herzegovina and the role of Military. National Critical Infrastructure Protection Regional Perspective*. Belgrade December 2013. University of Belgrade – Faculty of Security Studies.
- Kamar, H. (2018) *What is Cyber Security?* New York, Britannica Educational Publishing.
- Lazari, A. (2014) *European Critical Infrastructure Protection*. Springer International Publishing Switzerland.
- Lewis, G., T. (2006) *Critical Infrastructure Protection in Homeland Security: Defending a Networked Nation*. Wiley Interscience.
- Li, K, Chen & X., Susilo, W. (2019) *Advances in Cyber Security: Principles, Techniques and Applications*. Singapore, Springer Nature.
- Lucas, G. (2017) *Ethics and Cyber Warfare: The Quest for Responsible Security in the Age of Digital Warfare*. Madison Avenue, New York, Oxford University Press.
- Mičović, M. (2015) *Specific Features of Protecting Critical Infrastructure*. Ministarstvo Unutrašnjih Poslova Republike Srbije. <http://jakov.kpu.edu.rs/handle/123456789/604>

- Moteff, T., J. (2010) *Critical Infrastructures: Background, Policy and Implementation*. Congressional Research Service.
- Mueller, S., R. (2019) *The Mueller Report: The Final Report of the Special Counsel into Donald Trump, Russia and Collusion*. United States Department of Justice. Skyhorse Publishing, New York, NY.
- Security and Protection of Critical Infrastructure Objects (2013). Monograph. National Military University Vasil Levski, Sofia.
- Škero & Ateljević (2015) *Protection of Critical Infrastructures and Basic Elements of Alignment with the Council Directive 2008/114/EC*. *Vojno Delo* 3/2015 10.5937/vojdelo1503192s
- Бакрески, О., Алчески, Ѓ., Милошевска Т. (2017): *Заштита на критична инфраструктура*. Комора на РМ за приватно обезбедување.
- Бакрески, О., Кековиќ, З., Стефаноски, С., Павловиќ, С. (2016) *Планирање и процена на ризик во функција на заштита на лица, имот и работење*. Комора на РМ за приватно обезбедување.
- Бакрески, О., Славески С., Гаџоски, Ж. (2018) *Безбедноста низ призмата на приватната безбедност*. Комора на РМ за приватно обезбедување.
- Правна рамка за заштита на критична инфраструктура – со осврт на обезбедувањето на критичната инфраструктура во Република Македонија (2016) Комора на Република Македонија за приватно обезбедување, Скопје.

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## **SHAPING THE FUTURE OF THE BALKANS THROUGH DIFFERENTIATED INTEGRATION: THE EU EXPERIENCE**

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### ***Abstract***

This paper addresses the perspective of the European Union as a differentiated integration, where the Member States participate in certain common policies and choose certain policies they are (or not) willful or able to participate. The European integration experience shows such cases – the European Monetary Union and the Schengen Agreement. The objective of this paper is to explore the differentiated integration model in the Balkan context, within the circles of integration, and thus, to identify a model of “multi-speed” Balkans. The main research intention is to explore the significance of the EU as a “multi-speed” model of integration. In the end, this paper concludes that the model of multi-speed Europe could restrictively be applied on the Balkans, introducing four integration speeds, or integration orbits.

**Keywords:** *European integration, differentiated integration, reconciliation, regional networking*

### **INTRODUCTION**

This paper addresses the European Union as a form of differentiated (asymmetrical) integration, through the model of Multi-Speed Europe, with a purpose of its application in the Balkan context. The EU is regarded as a socio-political manifestation of the differentiated integration, covering

Member States which participate in certain common policies, while others, have the possibility not to participate, but not to block the integration dynamics. The mutual relations each Balkan country has established with (in) the European Union are also analyzed. Officially, some of the Balkan countries are EU Member States, while the others are not, but have been articulating desirability and determination for EU membership status, and on the other side, the EU looks toward finalization its territorial integration. In that sense, even the Balkan countries which are not EU members, are located and are part of the European integration processes, based on the mutual relations they have established with the EU.

### **THE EU EXPERIENCE OF DIFFERENTIATED INTEGRATION: WHAT'S IN THE BOX?**

Political integration as a term indicates two understandings of its essence, firstly as a process of establishing a political community, and secondly as a certain stage in the same process. The theorist Ernst Haas defined political integration as the process whereby: “nations forgot the desire and ability to conduct foreign and key domestic policies independently of each other, seeking instead to make joint decisions or to delegate the decision-making process to new central organs” (Lindberg, 1963). The process involves the activity of delegating the power of decision-making to new central organs, which includes delegation of the sovereignty from a national level to a newly established – supranational one (Ilievski, 2015). As a stage, it denotes a particular phase in the process of integration, and mainly refers to the last one – full political integration, identified as a stage, where the units (Member States) have handed over the major part of their decision-making power (sovereignty), to the supranational entity (Castaldi, 2007), have stopped being direct subjects of international public law (Dosenrode, 2010), and have established “*finalité politique*” (Kovacevic, 2013) or a “political union”. In its institutional and political development, the EU has gone through three major integration stages. Each of them is transparently shown on the integration cascade (ladder), also known as “ratchet fusion process” (Wessels and Bopp 2008, 6). Otherwise, with locating the Lisbon Treaty’s place within the European integration process in mind, we have upgraded this “ratchet fusion” with the dashed arrow, presented in Figure 1.

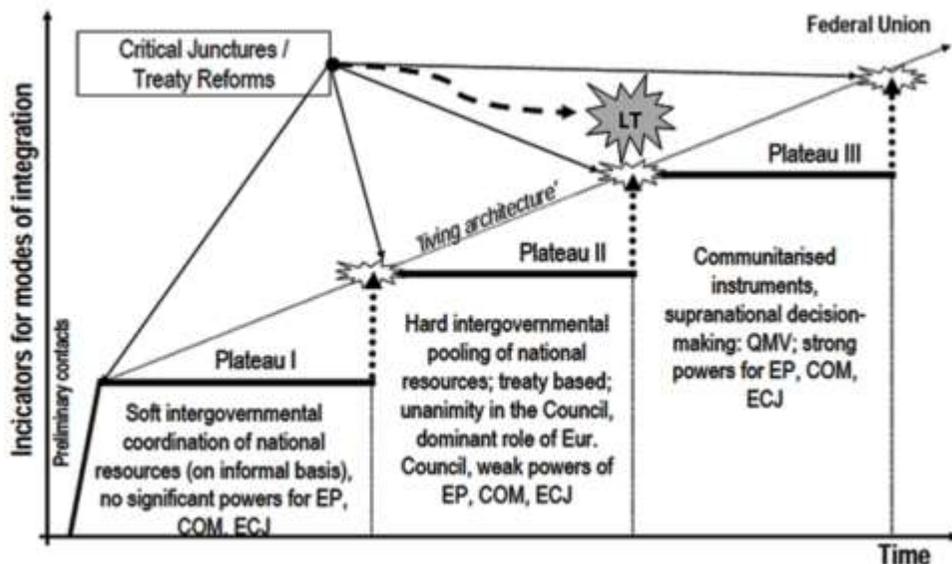


Figure 1: “Ratchet fusion” (Source: Wessels and Bopp 2008, 6)

Stages shown on the cascade are directly derived from the legitimization basis of the EU, which covers the constitutive treaties that condition its foundation and its institutional and political development.

The **first stage** (plateau I) covers the primordial political integration of the EU Member States (then Community) as a basis for creating coherence in their political activities for the purpose of defining and establishing the European political identity. This stage, generated by initiating and formalizing the European political cooperation (starting with the report from Luxembourg, to the Single European Act), undoubtedly leads to certain progress in terms of political communication and closer political cooperation among the EU Member States. The significance of such political cooperation effectuates a relatively flexible, non-obligatory and voluntary “system” of interstate decision making.

The **second stage** (plateau II), began by establishing the institutional - political architecture of the Union through the Maastricht Treaty and up to the Treaty of Nice. This stage is characterized by the final integration of the “political cooperation” within the structures of EU, the installation of the three-pillar system. This stage is characterized by existence of the predominant intergovernmentalism in decision-making process, democratic

deficit, military underdevelopment, institutional non-transparency, strengthening of the bureaucracy, etc.

The **third stage** (plateau III), represented on the integration ladder as a stage of *finalité politique*, has still not been reached from this perspective, despite the Union “efforts” to achieve final institutional and political establishment of its political identity as a federation. This stage involves a final political unification of the Union, in which it should be transformed into a political union of a federal type. Within it, the Union will have to be able to generate institutional and political architecture, compatible with supranational and communitarian concepts (or the “Community method”), as well as political expansion and strengthening of the authorities and prerogatives of its institutions. All this implies a change in the decision-making process, from a system of unanimity to a (qualified) majority system.

In that context, we believe that it is important to emphasize that the European federalists see extending and fostering as much as possible the Community method in various areas of the Union’s activities as the only method for increasing coherence within the EU, and as an efficient tool for incremental building of a European democratic federation. Namely, the Community method implies “pooling of national sovereignty in certain defined respects and the empowerment of supranational institutions to advance and give effect to joint solutions to shared problems” (Duff 2011, 2-16). Thus, the Community method should not be confused with the Monnet method, which descriptively speaking represents a method of “integration by stealth” (Majone 2009, 13). The theorist Giandomenico Majone used the “label ‘crypto-federalism’ to denote a type of federalist revisionism, characterized by this roundabout approach to the political integration of Europe” (Majone 2009, 72). This approach (of which Jean Monnet is a central figure) is highly different from the orthodox (Hamiltonian) federalist worldview, mainly recognizable through the work of the prominent European federalist Altiero Spinelli. In fact, Monnet used the expression “the *United States of Europe* more as a tribute to the USA, a country he knew well and loved, than as a definite ideological commitment” (Majone 2009, 73). This method, according to Giandomenico Majone “consists in pursuing political integration, not by frankly political means, but under the guise of economic integration” (Majone 2009), and it primarily represents a product of “quasi-constitutional principles derived from the founding treaties and from neofunctionalism” (Majone 2009).

Unlike the neofunctionalism, the federalist concept requires the adoption of a European constitution as the ultimate democratic asset for establishing a European democratic federation. The establishment of such a European democratic federation, according to the federalists, will be pursued through a gradual reform of the existing constitutive treaty, such as the Lisbon Treaty, or as MEP Andrew Duff stressed, “it is obvious that the new European federal constitution will be based largely on the existing EU treaties” (Duff 2011, 5). This means that the specific nature of the Union will continue to exist, but in **enhanced** and modified form, which in the future should serve as the legitimization basis for its further political modelling.

However, with the “fall” of the European constitution, the Union was forced to start thinking in an **alternate direction**, in order to find a solution for overcoming the “post-constitutional” crisis and thus to intervene in the process of establishing an international political identity as a global actor. Consequently, the Lisbon Treaty in its essence represents a quasi-federal act, because of its confusing, complex and vague content, and also its partly constitutional determination, which is done through a “compromise” with the protagonists and opponents of the European federalism, seeking to satisfy both sides, and thus to constitute a distinctive type of federalism without a federation. Or, as the famous author Zbigniew Brzezinski says: “at best, the European political union would have grown into something less than the United States of Europe, and something more than the European Union as a corporation” (Brzezinski 2001, 21).

In addition, the European integration is identified as a differentiated integration, since it does not represent a **uniform** or **symmetrical process** of integration but covers existing of more levels (stages) of vertical integration - involves adopting different formal and informal arrangements, inside or outside the EU treaty framework (Matarrelli, 2012). The differentiations in the integration are determined by the Member States’ preferences and possibilities for it. Differentiated integration, as a theoretical expression, finds its practical socio-political application in the whole process of European integration. It is evident that certain Member States participate in certain common policies (**opt-in**), while others are not (**opt-out**). Among other cases, a visible representation of the differentiated integration is the cooperation established within the framework of Schengen Agreement and the Eurozone.

The Schengen Agreement tends to remove the border-checks among the Member States of the Union. The cooperation started outside the EU treaties framework, among the Member States of the Union and certain states that are not Member States (Switzerland and Norway), based on an inter-state treaty (Piris, 2012). Later, in 1997 with the Amsterdam Treaty, the cooperation was transferred on an institutional European level, through incorporation into the constitutive treaties of the EU and position itself on supranational level *acquis* (Ilievski, 2015). This cooperation provides an instrument for **opting-out** for the Member States wishing not to participate in that particular sector of integration, while at the same time establishing **institutionalized differentiation**. The Eurozone stands for a cooperation of the EU Member States in the area of monetary policy, particularly by establishing a single monetary system followed by a single currency – Euro. On the other side, there are Member States that have expressed their will not to participate in this policy, besides their capacity of fulfilling the conditions of participating (e.g. the Kingdom of Denmark). The Kingdom of Denmark is opting-out, formally based on the Maastricht Treaty, particularly in the Protocol on Denmark, stipulating: “The provisions of Article 14 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank shall not affect the right of the National Bank of Denmark to carry out its existing tasks concerning those parts of the Kingdom of Denmark which are not part of the Community” (Treaty on European Union, 1992).

The integration cases of the Schengen Agreement and the Eurozone represent the most adequate examples of differentiated integration within the European Union. Furthermore, the differentiations in the integration are institutionalized with the Lisbon Treaty, stipulating the mechanism of **enhanced cooperation**, which institutionally frames a potential integration in each particular area of integration (Ilievski, 2015). Put briefly, as Articles 20 and 326-334 of the Treaty on the functioning of the European Union (TFEU) state:

Enhanced cooperation is regarded as a measure of last resort and applicable only if the Council establishes that certain objectives cannot be obtained within a reasonable period of time by the Union as a whole. At least nine Member States have to participate in the enhanced cooperation which can only deal with policies within the framework of the Union’s

non-exclusive competences. The enhanced cooperation is open to all Member States at any time (Groenendijk, 2011, 2).

Conceptually examined, the process of European integration embraces various processes unfolding within the European Union, but also includes the ones it has established and developed with the non-member countries, which tend to achieve membership, while gravitating towards the Union. In addition, the integration is observed in 2 ways, and covers 2 types of integration, **vertical** and **horizontal** integration (Figure 2). The vertical one is identified with the processes of political, and/or economic integration, where the indicator of the integration (vertical) is the stage of economic/political integration achieved by the EU Member States. The dynamics of vertical integration tend to establish a political union, operationalized in a certain type of federation. On the other side, the horizontal integration tends to institutionalize the relations with the neighboring countries, positions the goal of membership of those countries, and in that way, attempts to play an active role in the process of vertical integration. The process is finalized when the whole continent is ultimately integrated into the Union, and the non-EU countries become members of it.

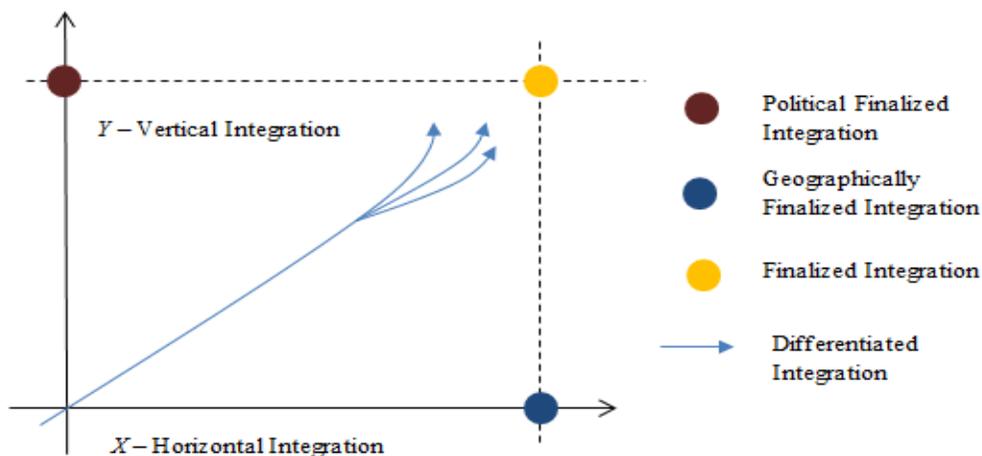


Figure 2: Horizontal, vertical and differentiated integration (source: Our own depiction)

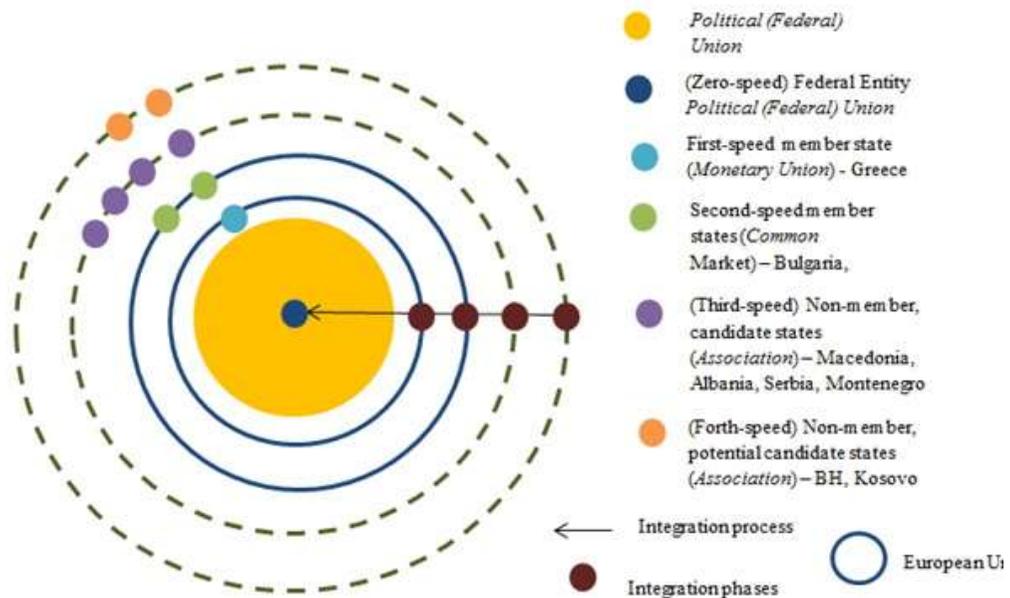
When the Union is positioned as a subject of the integration process, it could be stated that it has not finished its vertical, neither its horizontal integration. Certainly, the Union cannot be defined as a federation (or a

federation *in statu nascendi*), nor it refers to the whole continent of Europe and all European countries.

### **SKETCHING THE MULTI – SPEED BALKANS**

The differentiations in the case of the Balkan EU Member States are of temporal character, and relate the particular (non)participation of certain countries in certain policies. The temporality of the differentiations is based on Bulgaria's and Croatia's determination to achieve the next stage of the integration process, particularly to join the Schengen Agreement and the Eurozone. Greece is part of Eurozone since 2001, and of Schengen Agreement, since 2000. The Republic of Bulgaria is also EU Member State which joined the Union in 2007. It has committed to adopt the Euro once it fulfills the necessary criteria, and currently is in the process of joining the Schengen Agreement, and accordingly, it is not officially a part of the Schengen Agreement and the Eurozone. The Republic of Croatia joined the Union in 2013, has committed to adopt the Euro once it fulfills the necessary criteria, but is not part of the Eurozone, neither of the Schengen Agreement. Consequently, the model of Multi-speed Europe is applicable among these countries, represented as an integration core, consisted of Greece, and integration orbit, consisted of Croatia and Bulgaria.

Despite that, seven Balkan countries are not EU Member States, but have declared their pro-EU orientation, and have initiated the process for a potential EU membership. In addition, certain division also exists among the Balkan non-EU countries, introducing two groups, namely, **candidate** and **potential candidate countries** for EU membership (Figure 3).



**Figure 3: Multi-speed Balkans (source: our own depiction)**

The Republic of North Macedonia is a candidate country that signed the Stabilization and Association Agreement in April 2001. In 2005 applied for EU membership, while in December 2005, the Council decided to grant the country a candidate status. In October 2009, the Commission recommended that accession negotiations should be opened. In June 2014, the Republic of Albania was granted candidate status by the EU. The Republic of Serbia is a candidate country that also has signed the Stabilization and Association Agreement with the EU, which entered into force in 2013. In line with the decision of the European Council in June 2013 to open accession negotiations with Serbia, the Council adopted in December 2013 the negotiating framework. The Republic of Montenegro's accession negotiations started on 29 June 2012. Bosnia and Herzegovina is a potential candidate country that has signed the Stabilization and Association Agreement with the EU, which entered into force in 2015. The Republic of Kosovo is a potential candidate country that has signed the Stabilization and Association Agreement with the EU, which entered into force in 2016. All of the Balkan states are located on the agenda of future enlargement of the Union, and accordingly, the existing differences are of temporal character, and set as a base for achieving further integration. The differentiations in the

relations each country has established with the Union are based on the status they got with it, and serve as a temporal mechanism for achieving membership status. The candidate-states tend to form integration orbit outside the EU, but within the wider context of European integration (Figure 3).

If potentially, the goal of the EU is identified with establishing a political union, the zero-speed, or the integration-core, potentially involves Member States (federal entities) participating in all EU areas, which have delegated crucial part of their sovereignty to the federal core. There are no Member States that have achieved this particular stage of integration, neither Balkan, nor European ones. In the Balkan case, the Multi-speed model is projected as four-speed, and introduces four levels of integration.

The **first speed** is represented by Greece, as a Member State participating in all EU policies. Croatia and Bulgaria compose the **second speed**, as part of the Union but still not part of the Schengen Agreement and Eurozone. The **third** and the **fourth** speed are reserved for the Balkan non-EU countries which have developed relations with the EU, such as North Macedonia, Albania, Serbia, and Montenegro, particularly as candidate-countries, or future EU Member States. The fourth speed is consisted of potential candidate-countries, such as Kosovo and Bosnia and Herzegovina. The third and fourth speed are not officially part of the Union, but are definitely part of the wider European integration processes.

The emulation of the EU integration model by the Balkan countries enables and manifests the process of differentiated integration, which is emanated through the creation of circles of integration. In respect of the EU, we can conclude that the Balkan states are “forced” to cooperate with each other in order to achieve their common objective – the full integration of the region into the EU. Hence, the EU integration model and the strife for integration of the Balkans within the EU strongly confirms the significance of the EU as an agent for homogenization and networking of the Balkans.

## CONCLUSION

The European integration stands for a process involving vertical and horizontal integration framed in the European context. The vertical integration is identified with the processes of political and economic integration, covering the institutional part of the integration and the process

of developing common approach, building common institutes, making common decisions. On the other side, the horizontal integration examines the process of integration in geographic terms. Moving on the process of European integration, the Member States are facing challenges referring to their will and their ability to delegate part of their sovereignty. On the other side, the Union, represented through its institutions and the unanimity of the Member States, is aware of the difficulties. As a solution to the difficulties and challenges, rises the phenomenon of differentiated integration allowing and initiating creating of several stages of integration, determined by the ability and desirability of the Member States. The differences in the integration processes could be of temporal character, and are established in order to facilitate European integration. In that way, the evolving of Multi-speed Europe is seen as a compromise between the tendency of integration within the Union, and the national preferences and abilities.

The model of Multi-speed Europe could also restrictively be applied on the Balkans, introducing four integration speeds, or integration orbits. The first orbit is consisted of Greece, as the most EU integrated country on Balkans. The second one is consisted of Croatia and Bulgaria, as Member States of the EU, which are not participating all common policies. The third speed introduces North Macedonia, Albania, Serbia, and Montenegro, as EU candidate-countries. The fourth speed is consisted of Kosovo and Bosnia and Herzegovina, which are potential candidate-countries. Although not members of the EU, these countries as part of the third and the fourth integration speed are located within the Union sphere of influence, and thus, they are visible units in the horizontal aspect of the European integration processes.

## REFERENCES

1. Castaldi, R. (2007) *A Federalist Framework of European Integration*. Centro Studi Federalismo;
2. Cooper, R. (2002) *The New Liberal Imperialism*. The Guardian. Retrieved from: <https://www.theguardian.com/world/2002/apr/07/1> [2020]
3. Dosenrode, S (2010), *Federalism Theory and Neo-Functionalism: Elements for an analytical framework*. Perspectives on Federalism, Vol. 2, issue 3, Centro Studi Sul Federalism.
4. Groenendijk, N. (2011) Enhanced cooperation under the Lisbon Treaty, Conference: MEIA research meeting, Aalborg University, At Aalborg [2020]

5. Heinonen, H. (2006) *Regional Integration and the State: The Changing Nature of Sovereignty in Southern Africa and Europe*. Helsinki: University of Helsinki;
6. Holzinger, K and Schimmelfennig, F. (2012) *Differentiated Integration in the European Union. Many Concepts, Spars Theory, Few Data*. Retrieved from: [http://www.eup.ethz.ch/people/schimmelfennig/publications/12\\_JEPP\\_Differentiated\\_Integration\\_in\\_the\\_European\\_Union.pdf](http://www.eup.ethz.ch/people/schimmelfennig/publications/12_JEPP_Differentiated_Integration_in_the_European_Union.pdf) [2020]
7. *Europa.eu*. Retrieved from: [https://europa.eu/european-union/index\\_en](https://europa.eu/european-union/index_en) [2020]
8. Ilik, G. (2012) *EUtopia: The International Political Power of the European Union in the ideologization of the post-American world order*, Bitola;
9. Ilievski, N. (2015) *The Concept of Political Integration: The Perspectives of Neofunctionalist theory*. Journal of Liberty and International Affairs, Vol. 1, No. 1, 2015. Bitola: Institute for Research and European Studies. Retrieved from: [http://e-jlia.com/papers/34928593\\_vol1\\_num1\\_pap4.pdf](http://e-jlia.com/papers/34928593_vol1_num1_pap4.pdf) [2020];
10. Ilievski, N. (2015) *The Significance of the Concept of Multi-Speed Europe for the Political Integration of European Union* (Unpublished Master thesis). Law Faculty, University of St. Klement Ohridski, Bitola;
11. Jensen, C and Slapin, J. (2010) *Institutional Hokey-Pokey: The Politics of Multispeed Integration in the European Union*. Dublin: UCD Dublin European Institute. Retrieved from: [https://www.ucd.ie/t4cms/WP\\_10-01\\_Jensen\\_and\\_Slapin.pdf](https://www.ucd.ie/t4cms/WP_10-01_Jensen_and_Slapin.pdf) [2020];
12. Kovacevic, B. (2013) *Hidden Federalism: Federalist Experience in the Processes of European Integration*. Belgrade: Albatros Plus;
13. Lindberg, L. (1963) *The Political Dynamics of European Economic Integration*. Stanford, CA: Stanford University Press;
14. Leonard, M. (2005) *Why Europe Will Run the 21<sup>st</sup> Century*. New York: Public Affairs.
15. Matarrelli, F. (2012) *The Macro-Regional Concepts as a New Model of Differentiated Integration*. Lund University;
16. Majone, G. (2009) *Europe as the would be World Power: The EU at Fifty*. USA: Cambridge University Press;
17. Piris, J. (2012) *The Future of Europe, Towards a Two-Speed EU?*. New York: Cambridge University;
18. Schimmelfennig, F; Leuffen, D and Rittberger, B. (2014) *The European Union as a System of Differentiated Integration: Interdependence, Politicization and Differentiation*. Vienna: Institute for Advanced Studies, Department of Political Science. Retrieved from: [https://www.ihs.ac.at/publications/pol/pw\\_137.pdf](https://www.ihs.ac.at/publications/pol/pw_137.pdf) [2020]

19. Tekin, F and Wessels, W. (2008) *Flexibility within Lisbon Treaty: Trademark or empty promise*. EIPASCOP 2008/1. Retrieved from: [http://aei.pitt.edu/11044/1/20080509184449\\_SCOPE2008-1-5\\_TekinandWessels.pdf](http://aei.pitt.edu/11044/1/20080509184449_SCOPE2008-1-5_TekinandWessels.pdf) [2018];
20. *Treaty on European Union – Maastricht Treaty*. (1992) Retrieved from: [https://europa.eu/european-union/law/treaties\\_en](https://europa.eu/european-union/law/treaties_en) [2020]
21. *Treaty of Amsterdam amending the treaty on European Union, The treaties establishing the European Communities and certain related acts*. (1997) Retrieved from: [http://europa.eu/eu-law/decision-making/treaties/pdf/treaty\\_of\\_amsterdam/treaty\\_of\\_amsterdam\\_en.pdf](http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_of_amsterdam/treaty_of_amsterdam_en.pdf) [2020]

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## **MORALITY AND MORAL VALUES AS A PERSONALIZATION OF MODERN SOCIETY**

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### ***Abstract***

Moral values are the basis for the functioning of every society. The criteria of good and bad, as essential elements of moral consciousness, are built through the life and experience of many generations as shared values for the whole society. In states that qualify as free, democratic, and legal, which do not recognize state religion and have a plurality of religious and ideological values, particular emphasis is placed on the need for a rationally based morality.

To perceive people's beliefs about good and bad in society represents a challenge. This challenge is especially intriguing for a society like ours, which has undergone serious changes in the political, economic, and cultural segments. The subjective feeling that something is happening with the moral value system in our country has been around for a long time. Unfortunately, subjective feeling is that moral values barely exist. Practically, the main purpose of this paper is precisely to examine the moral values of individuals by applying appropriate methodological procedures and to understand the moral attitudes of a group of persons. Also, in this paper the questions of what morality is and what the moral values of a society depend on will be elaborated. To achieve the purpose of this research, the historical and sociological methods will be applied, as well as the survey and the method of content analysis.

***Keywords:*** *morality, moral attitudes, moral values.*

## INTRODUCTION

The challenge for every society is to explore Kant's "moral autonomy for good and bad." (Johnson, Cureton, 2019, p.3). This task becomes even more intriguing for a society like ours, which has long sought to achieve European values and has been marked by serious political, economic, legal, and cultural changes in the past. An individual's thinking of what is good and what is bad in behavior within a social milieu is a form of people's consciousness that is inextricably linked to objective social reality. Specifically, the perception of the individual for good and bad is correlated with social awareness and changes according to changes in society and social values. How an individual behaves in a society, how he or she forms his or her own beliefs about the good and bad depends on many historical, economic, social, religious, political, and other factors. People's awareness of certain types of moral behavior depends on all the social conditions and circumstances in which people live (Bajaldziew, 1999, p.38). Morality as a social consciousness is a socio-historical phenomenon that changes with the change and development of society. It belongs to creations of a social culture that are of relatively lasting character and whose primary function is to stabilize a certain established way of life in society and the people in it. Morality is a form of social consciousness that responds to social relations and expresses the interests of historically established social relations (Cokrevski, 1996, p. 248). This is why morality and moral values differ from one social environment to another. In principle, in current discussions the term morality denotes moral norms, that is, the system of regulating subjective judgments, while in philosophical discussions morality is covered by the term ethics (Riter, Fisher, 2012, p.266). The basic purpose of morality is to give directions for people's actions in terms of what is good and what is bad, what is true and what is false. That is why moral upbringing and education are so important. Moral values arise in two ways: subjective and objective. Namely, some of the moral values are created by the individual, and some are unconsciously accepted by social reality as their own. The primary forms of expression of morality are moral judgments, rules, values, behavior, conscience, character, and duties.

## **DETERMINATION OF THE TERM OF MORALITY**

Morality is a kind of social norm. Etymologically, the word morality originates from the Latin term "mos", "moris" which means custom, or way of behaving, as well as understanding of that behavior (Online Etymology Dictionary (2020) <https://www.etymonline.com/word/moral>). On the other hand, the ancient Greek synonym for the term morality is the term ethics, which derives from the word "ethos" which denotes character (Online Etymology Dictionary (2020) <https://www.etymonline.com/word/moral>). In a general sense, morality is a set of rules of a particular society or class of society about the content and manner of the interrelations of people and human communities. Morality distinguishes between good and bad. At the same time, morality is a direction in philosophy which, as the subject of study, incorporates ethics that describes the way of life and the attitude towards life with an awareness of the discipline. Morality is a set of actions that recognize what is good and what is bad, and through this prism the actions of other individuals are evaluated. Thus, good manners are called moral, and those who abide by them are valued as moral. Bad manners are labeled as immoral, and people who behave so are judged as immoral. Morality is one of the most important characteristics of mankind.

The German philosopher Friedrich Nietzsche defines morality as "the idiosyncrasy of the decadent, intending to retaliate for life with success" (Đurdzevič, 1918 as cited in Nietzsche, 1908). According to him, morality has three sources:

- the first source is society (community), which means that the majority of people agree that it is good and will do so;
- the second source is the person who creates morality according to his ideas and actions, but this morality is also evaluated in the community;
- the third source may be the knowledge of the past and the world in terms of the wisdom and experience of the past in matters of good and evil.

Nietzsche was a sharp opponent of Christian morality, which had long dominated Western civilization. According to him, Christian morality was the "Cyrus of all thinkers" who "were in his service" (Đurdzevič, 1918 as cited in Nietzsche, 1908, p.160); that it is "the worst form of the will to lie"

and that it has corrupted mankind” (Đurdzevič, 1918 as cited in Nietzsche, 1908, p.162).

The theorist Rawls is in the same line. He states that "morality is a code of conduct issued by a society or group (such as religious), or accepted by an individual for his or her behavior." (Rawls, 1971, p.9). On the other hand, Macedonian theorist Gaber gives a descriptive, broad-based definition of this term: “morality expresses certain repetitions in the stylized behavior of humans in which a person more or less incorporates their consciousness and reason into action by appreciating, analyzing, judging whether it is good or not” (Gaber, 1970, p.264). The theorist Cokrevski, on the other hand, defines the notion of morality in a sociological context, applying certain normative elements: "morality is a special form of social consciousness with its roots in the common life of people encompassing a connected system of attitudes, opinions, and beliefs about what is good or bad for society and man. So, morality is that part of human consciousness that is expressed in certain norms that regulate the behavior of people, their actions in social life as guidelines or directives that something should be done or as prohibitions or instructions that something should not be done” (Cokrevski, 1996, p.248). Fuller offered a major contribution to this discussion by proposing a novel set of necessary conditions. Specifically, Fuller argued that a social arrangement is a legal system insofar as that arrangement satisfies eight principles that he collectively called "the inner morality of law." The principles are as follows:

- Consistency;
- Enforcement;
- Generality;
- Intelligibility;
- Possibility;
- Prospectivity;
- Publicity;
- Stability (Donelsen, Hannikainen, 2018, p.2).

## **CREATING AND DIMENSIONING THE MORAL VALUES**

From the discussion in the previous section, we can conclude that the good and the bad are essential elements of morality. Specifically, all actions and intentions of people are evaluated through these values and

qualifications. (Temkov, 2005, p.40). In general, values as moral and ethical principles are established and important in every society. Some of them are forgiveness, honesty, love, respect for life, and self-control. Values affect our behavior, priorities, relationships with others, and the moral lessons we teach young people.

Birnbacher poses the question of what distinguishes moral values from non-moral values. He considers that the distinction between moral and immoral values is made from within a particular morality: what conforms to this morality, is called moral, what does not conform to it, immoral. (Birnbacher, 2013, p. 43).

Every human community forms moral values that should regulate people's behavior towards their fellow citizens and themselves. They are invaluable to any society. The criteria of good and bad as fundamental elements of moral awareness, through the life and experience of many generations, are built as shared values for the whole society. Moral values could be based on a cultural experience, on religious beliefs in philosophical theses, or pseudo-religious, transcendent interpretation of history. But it should be emphasized that, depending on the type of state ownership, morality can be united or divided. Accordingly, the moral attitudes and values of people living in the same social conditions and circumstances and having different social statuses and roles in social life will be different about the things in society. Each member of society, depending on the social group to which they belong, builds their moral attitude on what is good and what is bad. Therefore, these relations and influences could not be disregarded in shaping the moral attitudes and moral values of the individual. However, it must be noted that in the process of dimensioning individual moral values the role of the individual is the most important.

Back in 2012, the Oxford professor of anthropology Oliver Scott Curry, began debating with his students about the moral values that unite humanity. There were many answers and assumptions, so he got the idea to conduct a public opinion survey about this topic. He was aware that the answers will depend on social progress, so he set up seven values. Regardless of the differences, people around the world face similar sociological problems and use similar ways to solve them. Therefore, it can be concluded that most of them have a common moral code, but the question is what it consists of.

After seven years of research conducted on sixty different ethnographic groups, Professor Curry has compiled a list of seven moral values that hold humankind "in the pile":

- Help to your family;
- Help to your society;
- Return the same to someone who helps you;/Return the services;
- Be brave;
- Retreat to the authorities;
- Use resources wisely;
- Respect private property.

The common values to all surveyed groups and cultures were: respect for the family, trust in those belonging to the same society, loyalty, returning services but not revenge, expressing gratitude, remorse or guilt, and peaceful conflict resolution. Of course, there are many subgroups of these seven core values. This research is unique because it was conducted on real people, cultures, and nations and it created a common list of universal lessons ([www.crnobelo.com](http://www.crnobelo.com), accessed on 5.2.2020).

Birnbacher considers that the specific nature of moral values could be characterized by their social functions. According to him, among the most important social functions of morality are the following:

- Individual orientation. Moral values have the function of orienting the individual in their everyday behavior by providing a normative frame of reference.
- Social trust. Moral values set limits to the potential trespasses of others and reduce the fear of aggression, deception, and violations of self-respect.
- Easing social co-operation. Moral values make room for long-term social co-operation by creating a climate of mutual trust in which every party is confident that promises and contracts will be respected.
- Peaceful conflict resolution. Moral values provide possibilities of resolving conflicts of interests and norms following shared social rules instead of the use of force (Birnbacher, 2013, p.58).

In free, democratic, and legal states, with a plurality of different religious and ideological views, there is a rationally based morality. A rationally based morality is the one whose norms are so observable that they can be recognized as a rational way of conduct by any person, regardless of

his or her ideological or religious views. In practice, finding universal morality is an illusion, because it is hard to achieve consensus on it.

### **The Impact of Moral Values on Human Behavior**

Human knowledge of moral behavior is contingent on a process called "human research". This process results in fostering the values that are accepted by individuals and communities. The origin of this process is in the philosophical distinction between two major entities: descriptive research, a process that builds values about truth; and normative (prescriptive) research, a process that builds confidence that refers to values. (Ronald, 2012, p.3). Although the margins between truth and values are clear, it should be noted that beliefs are more abstract and imagined things, while values are human traits that each person raises and unlike beliefs are more durable and less susceptible to change. (Dujovski, 2019, p.21). According to some empirical observations, prescriptive behavior is what assesses what is "needed". Positive moral behavior is defined as "good", so we should do "good" things. Negative and immoral behavior is judged to be "bad" and therefore we should not do "bad" things. It is morality that makes people do certain things and refrain from doing other things. In general, every person does "good" things at one time and "bad" things at other times, and sometimes "good" and "bad" things. People often tend to boast or accuse each other of doing "good" or "bad" things.

According to Bulman et others, prescriptive morality involves activating "good" behaviors to approach positive outcomes, whereas the proscriptive morality involves inhibiting "bad" behaviors to avoid negative outcomes (Janoff-Bulman, Sheikh, and Hepp, 2009, p.521).

White distinguishes four types of behavior that may qualify as good: (Ronald, 2012,p.5)

- moral behavior (right or wrong);
- conventional behavior (good or bad manners);
- reasonable behavior (practical or impractical);
- legal behavior (legal or illegal).

Conventional behavior is often driven by a set of behaviors expressed by rules, which is a set of collective beliefs called tradition. Most traditional beliefs vary between cultures or within a culture. They also vary depending

on the time and place of the event. Conventional behavior is often guided by a set of behaviors expressed by rules, which is a set of collective beliefs known as a tradition. Most traditional beliefs vary between cultures or within a culture. They vary and depend on the time and place of occurrence. Legal behavior is required by laws and state institutions through the law enforcement system. If the conduct is unlawful, it means a sentence will be imposed and enforced by a particular institution.

Reasonableness is an old concept. It expresses individual or collective interests, intentions, needs. Unreasonable behavior could violate good behavior, laws, and conventionality (Dujovski, 2019, p.25). In theory, however, there is still no consensus on the conceptual definition of the good. Good is hard to define. Many philosophers of ethics leave it to be decided, defined, recognized by each individual, and of course based on the attitudes of most people about what is right, useful, and positive.

### **MORAL VALUE TRANSFORMATION: AN INEVITABLE PROCESS TO THEIR EROSION OR SOMETHING ELSE?**

In 2008, a group of researchers in the United States interviewed hundreds of young people about their viewpoint on moral values. "It worries how little they think and talk about moral issues," said David Brooks for New York Times. Most of them declared that rape and murder are wrong, but "except for these extreme examples", they do not think about anything else if it is right or wrong. One girl said: "I don't think much about whether something is right or not." Many live under the motto: 'If you think something is right, do it. Listen to your heart. But, is it wise to think this way?

The human heart is capable of love and compassion, but it can also be "deceitful and ready for all things" (Jeremiah 17: 9) (<https://wol.jw.org/mk/wol/d/r102/lp-mc/102013404> accessed on 5.2.2020). Evidence for this is the changes in the world's moral climate - something foretold in the Bible. It has long been written that: "in the last days ... people will be self-loving, greedy for money, haughty, bloated ... without self-control, cruel, without the love of goodness ... they will love pleasures more than God" (2 Timothy 3: 1-5) (<https://wol.jw.org/mk/wol/d/r102/lp-mc/102013404> accessed on 5.2.2020). Such a reality should lead us not to trust our hearts in everything, not to follow it blindly! The Bible openly says:

"The one that has confidence in his heart is foolish" (Proverbs 28:26) (<https://wol.jw.org/mk/wol/d/r102/lp-mc/102013404> accessed on 5.2.2020). According to this verse, to guide us to our hearts properly, we need to allow it to be shaped by healthy values. Where can we find such values? Many people look for in the Bible because they value its wisdom and openness (<https://wol.jw.org/mk/wol/d/r102/lp-mc/102013404> accessed on 5.2.2020).

The feeling that something is happening with the moral value system in our state has been around for years. Unfortunately, subjective feeling is that the value system is at stake and the moral values barely exist.

But whether such a feeling is just a feeling or it reality was a motive to test the moral values of individuals is what matters. To accomplish this goal, we tried to note the moral attitudes of a group of young people who had just stepped into the adult world through a survey.

A total of 72 students from the Faculty of Security - Skopje at the St. Kliment Ohridski University were examined. 68 of them are enrolled in the study program of Criminology and 4 in the study at the Security and European integration program. 41 of the respondents were women and 25 were men, while 6 did not answer. 47% have a permanent residence out of the city of Skopje, while 21% have a permanent residence in Skopje. Four did not respond. Respondents were asked several questions, of which only some will be set aside for this paper. The majority of them (62.3%) answered that it is not wrong to get a degree without learning, while only 5.8% said that they completely disagreed with this view. Further, for the attitude that it is good to cheat on an exam, 26.4% stated that they do not agree at all, 36.1% disagree, while 13.9% responded answered that they fully agree with this attitude.

Therefore, concerning the second question, respondents gave answers that vary in terms of the values, and the percentage of positively answered questions about this negative moral attitude is even higher.

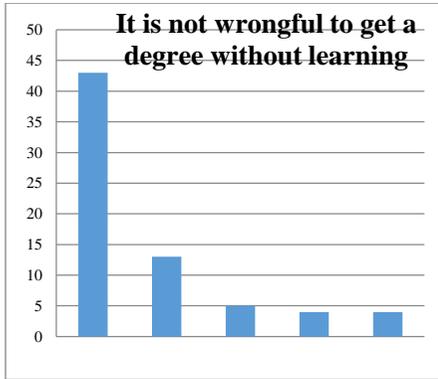


Figure 1

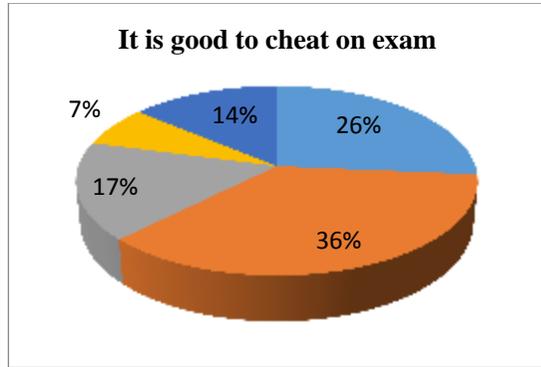


Figure 2

Additionally, on the positive attitude that it is good to have knowledge and experience, most of them, i.e. 75% responded that they fully agree, while only 4.2% responded that they fully disagree. On the other hand, on the attitude that it is good to get a job without the necessary qualifications the answers vary. Thus, only 35.7% fully disagree with this attitude, while 1.4% fully agree.

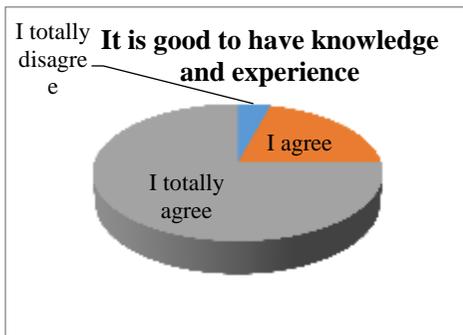


Figure 3

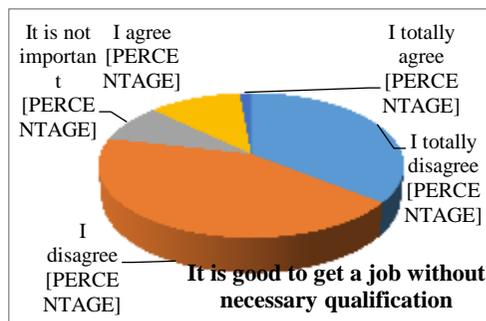


Figure 4

44.4% fully disagree, 32% disagree, and only 1.4% fully agrees with the Machiavellian's attitude that it is good to lie to achieve a goal. Interestingly, 17% gave an indifferent answer, that it is not important.

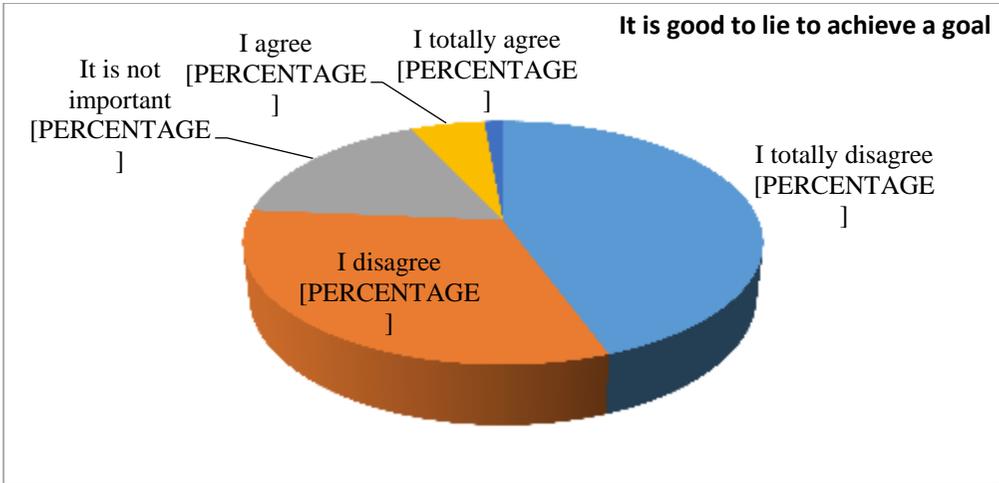


Figure 5

The next attitude is in a similar context like the previous: I would not lie to keep my job. The answers are also interesting. Specifically, 6.9% fully disagree, while 26.4% fully agree, which is a very low percentage, compared to the previous answers. 22% answered that it is not important, which is a higher percentage compared to the previous question answers.

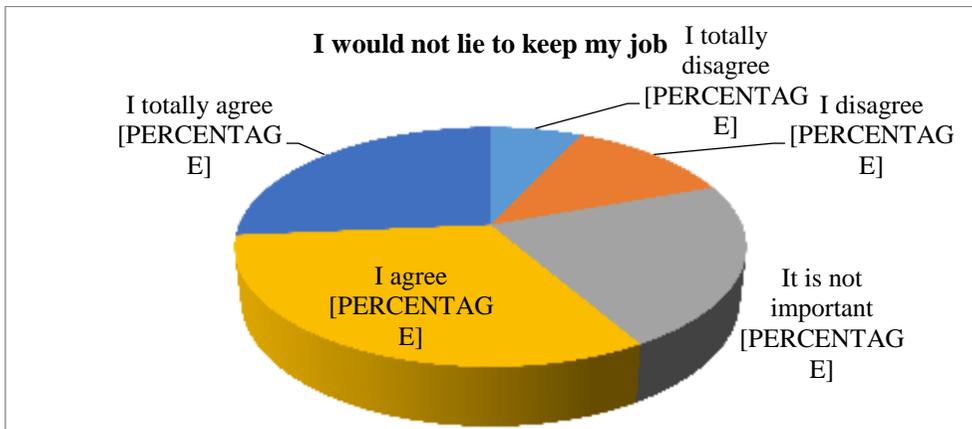


Figure 6

56% of the respondents stated that it is bad to listen to their parents, while only 1% responded that they fully disagree with this attitude.

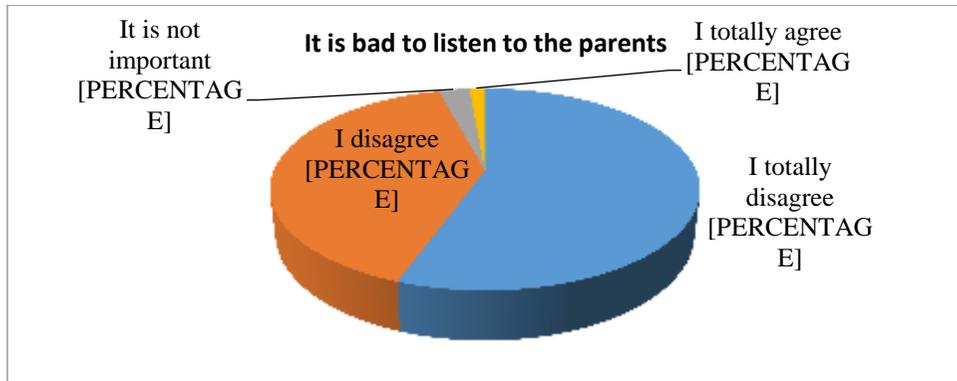


Figure 7

On the other hand, on the attitude that it is bad to listen to the professors, some variations can be noticed. Consequently, 44.4% fully disagree, the same percentage disagree, while 2.8% fully agree with this attitude.

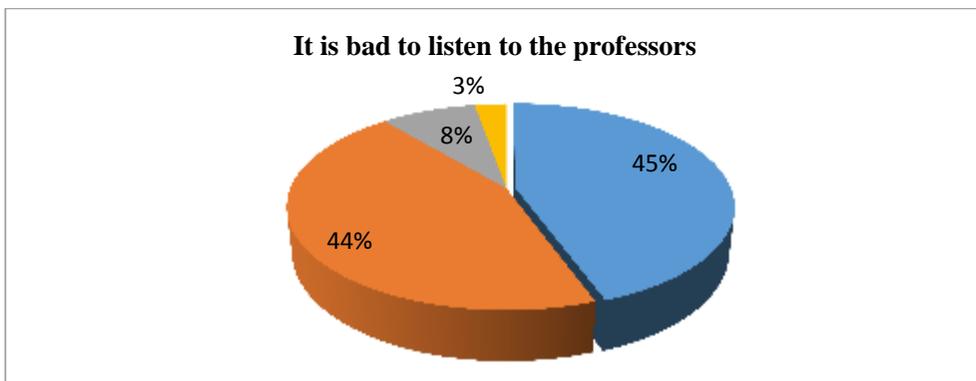


Figure 8

The next attitude is: "my personal life is my job and my parents and teachers have nothing with it." From the answers it can be noticed that there is a certain degree of individualism and independence among young people. So, 43.1% have answered that they agree, which is a relatively high percentage. Further, 22.2% disagree, while 15.3 fully disagree. Only 11.1% fully agree.

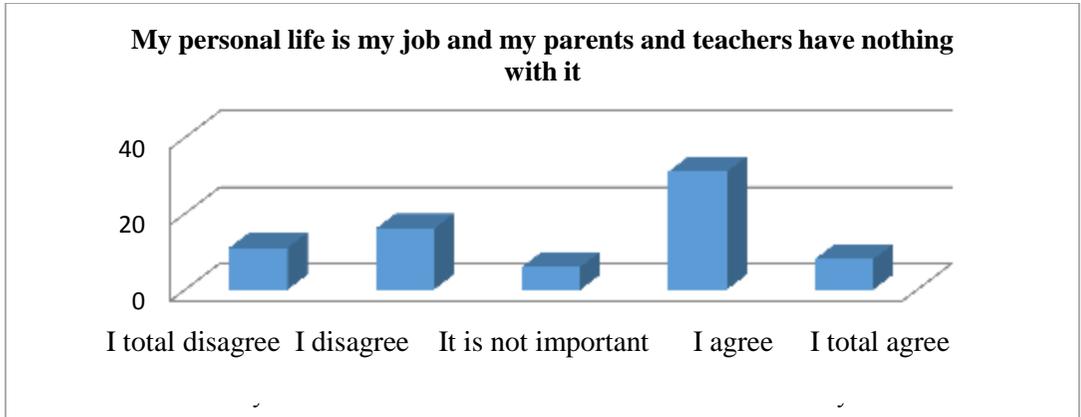


Figure 9

The conformism of young people could be seen from the answers to the next attitude that young people want to get goods without effort. 56.9% agreed that they agreed, while 20.8% fully agree. 5.6% of the respondents fully disagree, while 12.5% disagree with this attitude.

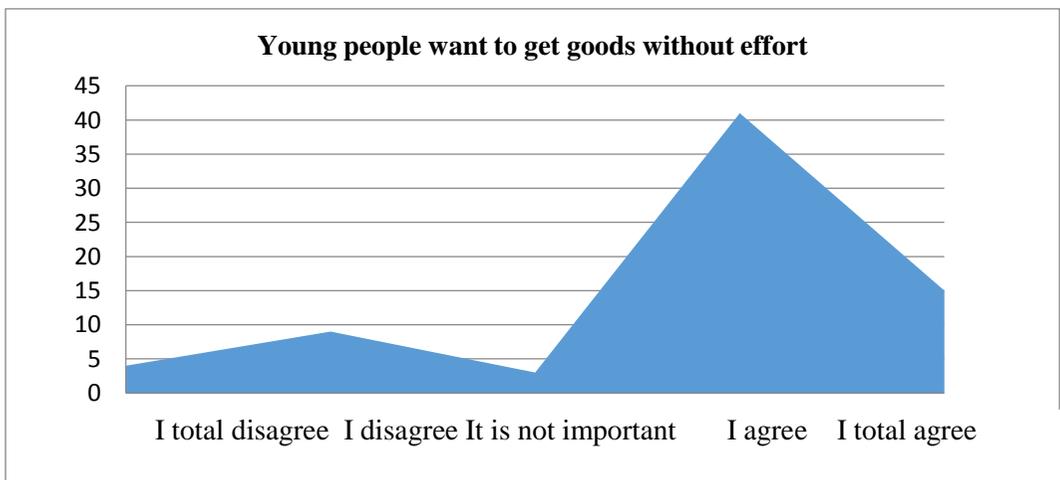


Figure10

The answers to the attitude that success depends on political party affiliation also provide an interesting picture of young people's moral values. So, 17.1% fully agree with this opinion, while 34.3% fully disagree. Only 6.9% of the respondents answered that this is not important.

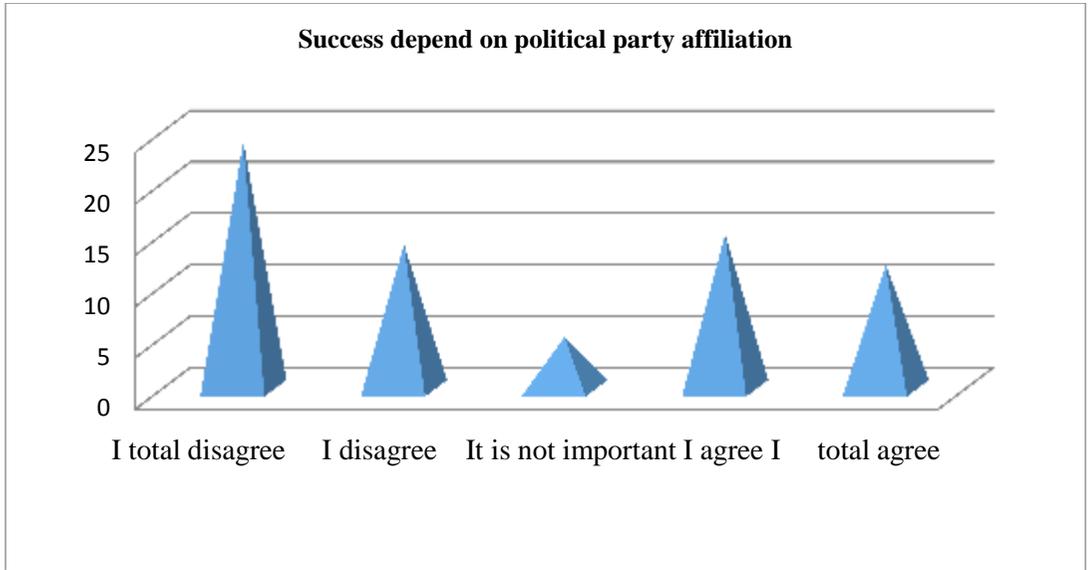


Figure 11

Lastly, with the attitude that it is justified to use the position to help your family, 19.7% fully disagree, while 11.3% of the respondents fully agree. 28.2% of the respondents said they agree, while 18.3% responds that it is not important.

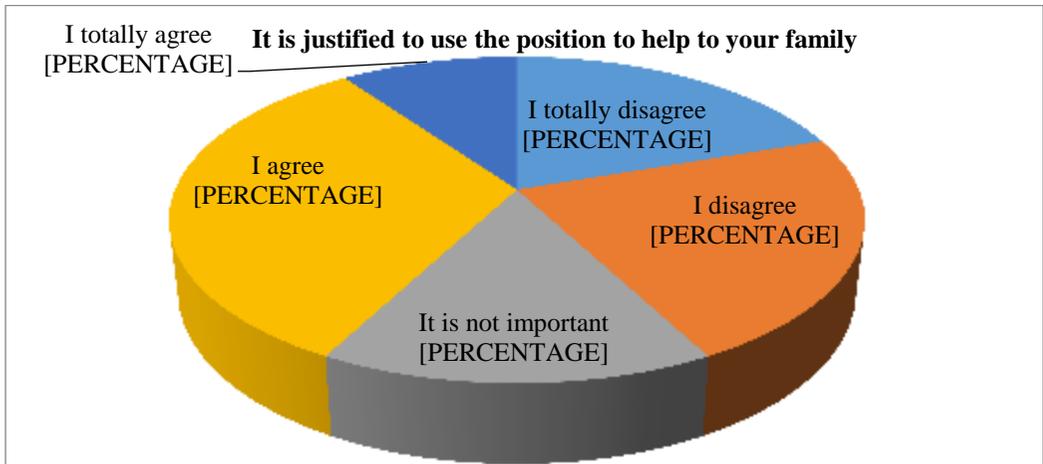


Figure 12

## CONCLUSION

Morality is the differentiation of intentions, decisions, and actions between those that are appropriate and those that are irregular. Morality may be defined as a set of standards or principles that derive from a code of conduct from a particular philosophy, religion, or culture, or it may originate from a standard that one believes to be universal.

Morality is a specific synonym for "goodness" or "fairness." Moral philosophy includes a moral ontology dealing with the origins of morality, as well as a moral epistemology dealing with the knowledge of morality. Different morality systems, including deontological ethical systems adhere to certain established rules and normative ethical systems that consider the merits of actions. An example of a normative ethical philosophy is the so-called "Golden rule" that states: "You should treat others as you would like others to treat you" (Castañeda, 1957, p.339). In the initial naive attempt to descriptively define morality, it can be concluded that morality is a code of conduct in a society accepted by members of that society. But the existence of a large number of heterogeneous societies causes conceptual problems for such a descriptive definition since it cannot encompass and define the morality of a given society.

Even within a society, there is a subdivision of the moral behavior of individuals, depending on their subjective cultural, ethnic, or religious preferences. To govern values in a society, it is not necessary to be accepted by all its members. There are apostates everywhere, in terms of social and ethical norms (Cipelius, 2006, p.21).

Explicitly, the same conclusion can be drawn from the conducted research. Imperative to the young people behave in our society still are generally accepted moral values that distinguish good from the bad. However, it can be concluded that for certain values, there are answers that vary between what is good and what is not good, that is, moral and immoral.

In this respect, there is a dilemma whether the answers to these questions, answered by the adult's individuals will be within the range of the same moral values as the answers given by the young people. However, it remains to be examined in the future, to get a relatively complete picture of the moral values and behaviors of people in our modern society.

Accordingly, morality as a code of conduct created and adopted by a particular group of people, members of society, or individuals, and it may

differ substantially. But, still, every society has its general moral that is maintained and raised.

## REFERENCES

1. Bajaldziev Dimitar, *Voved vo pravoto*, Makedonska riznica, Kumanovo, 1999 p.38
2. B.Riters, K. Fisher, *Introduvtion to Law*, Ars Lamina, 20102, p.266
3. Cokrevski, Tomislav, *Sociologija na pravoto*, Studenstki zbor, Praven fakultet – Skopje, 1996, p. 248
4. Cipelisu, Reinhold, *Filozofija na pravoto*, Ars Lamina, 2006, p. 21
5. Dieter Birnbacher, *Moral and other values*, *Kultura i wartosci*, Nr 4 (8) /2013, Artykuły, p. 43–58
6. Dujovski Nikola, *Policiska Etika*, UKLO-Bitola, Fakultet za bezbednost, Skopje, 2019 p.21, 25
7. Gaber Stevan, *Teorija na drzavata I pravoto*, *Kultura*, Skopje, 1970, p. 264
8. Hector Neri Castañeda *A Theory of Morality*, *International Phenomenal Society*, Vol. 17, No. 3 (Mar., 1957), p. 339-352
9. Johnson, Robert, and Cureton, Adam, *Kant's Moral Philosophy*, *The Stanford Encyclopedia of Philosophy* 2019
10. Raff Donelsen, Ivar R.Hannikainen, *Fuller and the Folk: The Inner Morality of Law Revisited*, Forthcoming in T. Lombrozo, J. Knobe, & S. Nichols (Eds.), *Oxford Studies in Experimental Philosophy*, Volume 3. Oxford: UK, Oxford University Press, 2018, p. 2
11. Temkov Kiril, *Etika*, *Prosvetno delo*, Skopje, p. 40-46
12. Ronnie Janoff-Bulman, Sana Sheikh, and Sebastian Hepp, *Proscriptive Versus Prescriptive Morality: Two Faces of Moral Regulation*, *Journal of Personality and Social Psychology* 2009, Vol. 96, No. 3, p. 521
13. Rawls, John, *A Theory of Justice*, Cambridge, Mass, Harvard University Press, 1971, p.9
14. White, F. Ronald. 2012. *Moral Inquiry*. Cincinnati, Ohio: College of Mount St. Joseph , 2012, p. 3,5
15. Friedrich Nietzsche, *Ecce Homo (Evo coveka) – kako postajes sta jesi*. Sarajevo: I. Dz.Dzurdzevic, 1918, p. 159,  
<https://mk.wikipedia.org/wiki/%D0%9C%D0%BE%D1%80%D0%B0%D0%BB>, accessed on 05.02.2020.

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## **BOSNIA AND HERZEGOVINA 25 YEARS AFTER DAYTON – BETWEEN THE CLASSICAL LIJPHART’S CONSOCIATION AND HIS NEWLY INTRODUCED TERM FOR CONSENSUAL DEMOCRACY**

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### ***Abstract***

In 2020, Bosnia and Herzegovina marks 25 years since the signing of the Dayton Peace Agreement. The arrangement that was set for the country in Dayton 1995 is referred to the consociational model, which in the policy and science of conflict management was launched by Arend Lijphart. The most important consociational pillars - the grand coalition government, decentralization, adequate representation of the three constituent nations (Serbs, Croats, and Bosniaks) and the veto right, can be recognized in the Dayton political system in Bosnia and Herzegovina. As a political project of passive coexistence and agreement among ethnic elites, the consociational democracy proved to be a very important creator of socio-political processes in many post-conflict regions, regardless of the fact that even its most frenetic supporters confirm that this approach is not perfect. However, in his more recent works, the founding father of this model, Arend Lijphart, abandons the problem of divided societies, and redefines this model of consociational democracy in a way that makes it refer to any society in which there are pluralistic interests. In accordance with the change, he introduces the term - consensual democracy. The core of this consensual model still encompasses the above-mentioned consociational pillars (multiparty government, decentralization, and proportional representation - proportional electoral system) but, now, those are complemented with some new indicators such as interest groups corporatism, bicameralism, constitutional rigidity, developed judicial review, independent central bank and executive – legislative balance. The purpose of this paper is to give an overview of the political system of Bosnia and Herzegovina, 25 years after Dayton, through the prism of these parameters, in a way that shows that, Bosnia and Herzegovina not only meets the classical consociational criteria, but also the parameters of the newly introduced Lijphart’s concept for consensual democracy which can be noted to a large degree in its political order.

**Keywords:** *Bosnia and Herzegovina, consociational, consensual democracy, Lijphart, post-conflict societies*

## INTRODUCTION

In 2020, it has been 25 years since the signing of the general Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Agreement, reached near Dayton, Ohio, in November 1995. Since then, the complex political system, which was created there has been “the subject of multiple national and international research projects” (Gavrić, Banović & Barreiro, 2013:12). Dayton established the sovereign state of Bosnia and Herzegovina, consisting of two entities: The Federation of Bosnia and Herzegovina and Republika Srpska,<sup>1</sup> as well as the third, autonomous and internationally-administered Brčko District. The Federation was further divided into 10 cantons (Nardelli, Dzidić & Jukić, 2014). The Dayton Peace Agreement attempted, under the motto “One State, two Entities, and three Nations” to create balance between opposing interests, and to restrain disintegrative political forces (Gavrić at al., 2013:16). It is important to note that after the three-and-a-half year civil war (1992-1995), Bosnia and Herzegovina remained within internationally recognized borders, but after Dayton it gained a federal structure (Elazar, 1987) with institutions of consociational democracy (Lijphart, 1997). “This complex institutional system responded to the need of securing peace in the country, allowing each of the three main ethnic groups – Bosniaks, Croats and Serbs, called “constituent peoples” – the mutual share of power” (Decaro & Piazza, 2016: 18).

The consociational aspects of the Dayton Agreement require “political elites to share power, in addition to prescribing proportionality in government and guaranteeing mutual veto rights and communal autonomy” (Belloni, 2007: 3). And for authors like Florian Bieber (1999), there is no doubt that the institutional order in Bosnia and Herzegovina, after Dayton, is an extreme exemplar of consociativism. Concerning Bosnian power - sharing, other authors, such as Weller and Wolff (2006), say that the Dayton Peace Agreement refers to two consociational orders, within the boundaries of each of the state entities: one of Bosnia and Herzegovina and the other of the regional consociation in the Federation of Bosnia and Herzegovina (see: Stojanova, 2018: 12).

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<sup>1</sup> The multi-ethnic Federation of Bosnia and Herzegovina is mainly inhabited by Bosniaks and Croats, and the Republika Srpska is the home of a mainly Serb population (Constitution of Bosnia and Herzegovina, Article I, Par. 3).

The pioneering theoretical and empirical developments in the field of consociational democracy since the late 1960s can be recognized in the work of Arend Lijphart, who, according to Matthew Hoddie (2014: 5) “provides the earliest examination of the value of a power-sharing approach for the management of conflict in deeply-divided societies”, as undoubtedly is the Bosnian. But, as Vankovska (2007: 153) notes “in more recent papers, Lijphart abandons the problem of divided societies and redefines the model in a way that makes it refer to any society in which there are pluralistic interests. In line with the change, he introduces the term *consensual democracy*”.

## **CONSOCIATIONAL AND CONSENSUAL DEMOCRACY IN BOSNIA AND HERZEGOVINA**

O'Leary (2006) perceived the “complex consociation”, which in Dayton was designated for Bosnia and Herzegovina in four consociational elements, which were originally set up by Lijphart. These four elements are: 1) the grand coalition government; 2) the right of veto; 3) equitable, proportional representation and 4) autonomy of segments. Specifically, in the example of Bosnia and Herzegovina:

- *grand coalition government* – is perceived in the bicephalous executive power in the country that constitutes the collective Presidency manifested by the principle of parity and the Council of Ministers in which Ministers and their deputies cannot be of the same ethnic group;
- *equitable, proportional representation* – is the basic standard of political representation, public service, appointments, and allocation of public funds in Bosnia and Herzegovina (Woelk, 2016: 31).
- *autonomy of segments* – is perceived through the entity principle Republika Srpska vs. Federation of Bosnia and Herzegovina, but also in the additional institutionalization of the Federation, which is comprised of ten cantons, five of which have Bosniak majorities, three with Croat majorities and two with mixed populations (Begić & Delić, 2013: 462; McCulloch, 2009: 150-151).
- *veto right* – Jens Woelk (2016: 31-32) allocates three types of veto in the Bosnia and Herzegovinian Dayton political system. *The first* is at the legislative level in the bicameral Parliamentary Assembly comprised of the House of Representatives and the House of Peoples which is based on the lack of entity support for any draft law (Art. IV.3 (d) Constitution of Bosnia and Herzegovina). *The second* veto mechanism is in the House of Peoples.

Each of the constituent peoples may block any decision by declaring that an issue touches upon a “vital interest”. *Third* are the practically important extensive de facto veto powers of the Presidency stemming from the requirement of unanimity for decision-making (Art. V.2 (c) Constitution of Bosnia and Herzegovina).

But the question of the extent to which this model of democracy is complementary to the newly introduced Lijphart's term for a *consensual democracy* is elaborated in detail in his capital work *Patterns of Democracy: Government Forms & Performance in Thirty-Six Countries* of 1999, with a second edition in 2012. For authors such as Schneckener (2004:25), the term of consensual democracy is wider than the term of consociational democracy. According to him, consociational democracy “would be a specific form of consensus democracy, linked to ethnically segmented societies” (Ibid., 26).

According to Arend Lijphart (1999:3-4), the consensual model has two dimensions – *executives – parties dimension* characterized by: 1) executive power sharing in broad multiparty coalitions; 2) executive-legislative balance of power; 3) multiparty system; 4) system of proportional representation; 5) “corporatist” interest group system; and *federal-unitary dimension* followed by: 1) decentralized government; 2) bicameral structure consisting of two equally strong but differently constituted houses; 3) rigid constitution that can be hard to subject; 4) developed system of judicial review by supreme or constitutional court; 5) independent central bank.

From this, we may notice that the basic consociational pillars mentioned above remain to be in the core of this newer concept of consensual democracy, which additionally is determined by executive-legislative balance, interest group corporatism, bicameralism, constitutional rigidity, developed judicial review and an independent central bank.

Therefore, the aim of this paper is to analyze the executive-parties and the federal-unitary dimension in the political system of post-Dayton Bosnia and Herzegovina through the prism of these criteria, in a way that shows that Bosnia and Herzegovina fulfills the consociational criteria (as it was previously outlined), and its political system also approaches some important aspects of the recent Lijphart’s concept for consensual democracy.

## THE EXECUTIVE – PARTIES DIMENSION IN THE POLITICAL SYSTEM OF BOSNIA AND HERZEGOVINA

*Sharing power in a grand coalition government.* The executive power in Bosnia and Herzegovina, among the political elites of the three ethnicities in the country, is shared in the Bosnia and Herzegovinian Council of Ministers. According to its fixed line of composition and its cameral character, nine ministers, undoubtedly is a reminiscent of the Swiss Confederal Council<sup>2</sup>, which Lijphart, in his work *Patterns of Democracy: Government Forms and Performance in Thirty-Six countries*, even cites as a perfect form of a grand coalition government. The mandate for the composition of the Council of Ministers is determined by the Bosnia and Herzegovinian Presidency, and on the proposal of the Chairman of the Council of Ministers, ministers are appointed for the nine ministerial seats, which also need to be approved by the House of Representatives (Article V.4 of the Constitution of Bosnia and Herzegovina). “The Council of Ministers is constituted on the principle of territorial representation and equality of constituent peoples, according to which 2/3 of the ministers are from the territory of the Federation of Bosnia and Herzegovina and 1/3 from the territory of Republika Srpska (Saračević, 2009:170). In view of determining the composition, and also the manner of functioning of the Council of Ministers of Bosnia and Herzegovina, a series of typical consensus solutions can be identified: a) The Council of Ministers may hold a session and adopt decisions if a session is attended by more than one half of the members of the Council of Ministers; b) decisions on regulations, nominations and appointments are made under the consensus principle from within its competencies, and if consensus is not reached, the Chair of the Council of Ministers shall hold a meeting with the dissenting member(s) of the Council of Ministers in order to reach a solution. If a consensus is not reached in seven days by this means, a majority decision shall be adopted which must include the votes of at least one member of each constituent people (Article 16 and 18 of the Law on the Council of Ministers of Bosnia and Herzegovina).

The proportional system (see below) applied in Bosnia and Herzegovina makes it clear that not a single party has an absolute number of seats in the

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<sup>2</sup> The Swiss Federal Council after the WWII (since 1959) has been composed according to the so-called magic formula 2: 2: 2: 1 in a way that parties that have won at least ¼ of the seats in the National Assembly receive 2 seats while the remaining one council seat belongs to a party that controls 1/8 of parliamentary seats in the Swiss Assembly (Lijphart, 1999:34). In the past few decades, Christian Democrats, Social Democrats, Liberals and the Swiss People's Party have allocated the seats among each other.

Parliament. That is why the government must rely on a coalition of parties. This is the reason for the delayed formation of the Council of Ministers in all previous compositions. In addition, in the previous compositions of Council of Ministers, dominated by the largest national parties, coalitions were difficult to function due to the diametrically opposed goals and political programs of those parties (Sadiković, 2004:142).

*Executive–legislative balance of power.* The Bosnia and Herzegovinian Council of Ministers must enjoy the confidence of the Bosnia and Herzegovinian Parliamentary Assembly. However, the Bosnia and Herzegovinian Presidency may propose the removal of the Chairman of the Council of Ministers, regardless of the fact that, according to Article 34 of the Law on the Council of Ministers of Bosnia and Herzegovina, the Chair is accountable for the work to the Parliamentary Assembly of Bosnia and Herzegovina. “If the Chair of the Council of Ministers resigns (...), the Council of Ministers shall resign as a whole, and continue to perform its duties pending the approval of a new Chair and members of the Council of Ministers” (Article 12 of the Law on the Council of Ministers of Bosnia and Herzegovina). But in practice this has never materialized. The state Parliament also exercises its control function through other means, such as interpellations, but it has been suggested that due to the very small opposition in the Parliament, due to the existence of grand coalitions, the control function is not exercised effectively thus not allowing the full political accountability of the government (Marković, 2012:331-334). Other factors identified as producing such low performance with regards to the control function are the marginalization of the Parliamentary Assembly of Bosnia and Herzegovina through transferring the centre of decision-making to informal channels (Sahadžić, 2012: 157). According to Lijphart, unwritten and informal rules work better to create greater trust among segment leaders (see: Vankovska, 2007:164). In addition, this is one of the reasons for marginalizing the function Chairman of the Council of Ministers<sup>3</sup> because the Chair is not a party leader, thus making him/her a less powerful figure, and therefore the function itself is less important compared to some other countries. All this, on the other hand, contributes to limiting of the domination of the Council of Ministers over the legislature and the overall political processes. It is one of the actors with the power of legislative incentive, but in practice, it «holds the

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<sup>3</sup> “The Chairman of the Council of Ministers in any new term may not belong to the constituent people to which his predecessor belonged, although neither the Constitution nor the Law on the Council of Ministers provides for such a restriction” (Marković, 2009: 62).

monopoly over legislative initiative»” (Kulenović & Hasić, 2016:74). However, one third of the legislative acts initiated by the Council of Ministers have been rejected by the state Parliament, often by the members of parties in the government. According to Bahtić-Kunrath (2011:902) this “should not be seen as a sign of independence of the Parliament from the government, but as a symptom of dysfunctional grand coalition”.

*Multiparty system.* According to Arend Lijphart, this principle is *conditio sine qua non* for the consociational and consensual model of democracy. Specifically to the example of Bosnia:

... since the fall of communism and the introduction of the multi-party system in Bosnia and Herzegovina, three parties have dominated the political scene - the Bosniak's Party of Democratic Action (SDA), the Croat Democratic Union (HDZ of Bosnia and Herzegovina) and the Serb Democratic Party (SDS), representing Bosniaks', Croats' and Serbs' interests, respectively. New parties have occasionally appeared as a result of inter-party conflicts but they failed to deliver any significant change to the political landscape<sup>4</sup> (Avdić-Küsmüş, 2016:9).

These three parties “came to be identified closely with administrative and political power within ethnically dominated entities or quasi-entity (Baskin, 2007:265). All this in Bosnia and Herzegovina has created circumstances in which there is “little space left for non-ethnic parties to compete and achieve any noticeable political impact” (Avdić-Küsmüş, 2016: 9). In this way, the country is cemented by “multiparty unipartism”, mono-ethnic nature of parties that remain to represent the interests of a single ethnicity, “their” own ethnic group, not the interest of the citizens, as well as their intra-party democratic deficit, which is due to the fact that all parties in the country are led by a strong leader or strong elite, which moves them away from modern European parties with developed internal party democracy (Trlin, 2017:90; Vuletić, 2005:129-131).

*Proportional representation.* Among the most common means of assuring effective sharing of power in a consensual model of democracy is “the adoption of a proportional representation electoral system for seats within the legislature. This system of voting tends to provide each group with government representation that is proportionate to their size within the population” (Hoddie, 2014: 6). Also, the

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<sup>4</sup> This is partly not true for Milorad Dodik's Alliance of Independent Social Democrats, which catalyzed and strengthened in the political scene in Republika Srpska as a result of the disintegrative struggles in the Serbian Democratic Party after 1998.

architects of the Dayton political system in relation to electoral rules, as Kasapović notes (2005:16), followed the Lijphart consociational tradition. According to him, in order to describe one electoral system, one needs to take into account the following seven attributes: electoral formula, district magnitude, electoral thresholds, total membership of the body to be elected, the influence of the presidential elections on the legislative elections, malapportionment and interparty electoral links (Lijphart, 1999:144-146). If Bosnia and Herzegovina is portrayed according to these criteria, it should be emphasized that according to the Electoral Code of the country, the Parliamentary Assembly of Bosnia and Herzegovina consists of 42 members directly elected. Each of the two entities of Bosnia and Herzegovina – the Federation of Bosnia and Herzegovina and Republika Srpska are one electorate unit (as a whole), with 28 mandates allocated to the Federation of Bosnia and Herzegovina and 14 to Republika Srpska in multi-member constituencies. “The quotients for any political party or coalition are calculated using the Sainte-Laguë method. Political parties or coalitions that do not gain at least 3% of the total votes cast are not eligible for seats” (Sircar, 2006:108). In this manner, 21 mandates from the Federation of Bosnia and Herzegovina and 9 from Republika Srpska are allocated, while the remaining 7 and 5 mandates from both entities are compensatory and the provisions of Article 9.6 of the Electoral Code apply for their distribution (see: Arapović & Brjavec, 2012). Since the presidential and parliamentary elections for republic, entity, and cantonal assemblies in Bosnia and Herzegovina are held on the same day, there is no doubt that there may potentially be a form of influence between these types of elections, especially during the election campaign. According to Valery Perry (2014:6), the electoral system of Bosnia and Herzegovina continues to be characterized by:

- Electoral units that broadly mirror the country’s constitutional and administrative divisions;
- No risks to candidates for campaigning to the extremes by ethnic outbidding tactics, and no incentive to moderate platforms to attract swing voters;
- No incentives for voters to vote for moderate, let alone cross-cutting, trans-ethnic, or civic parties;
- No incentives to moderate pre-election coalitions.<sup>5</sup>

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<sup>5</sup> Such initiatives existed before the adoption of the 2001 Election Code of Bosnia and Herzegovina during the so-called temporary electoral rules, but the same, according to Mirjana Kasapović (2005:16), proved to be “non-functional in states in which ethnic communities live on geographically homogeneous areas; accordingly,

*Interest group corporatism.* According to Arend Lijphart (1999:171), the coordinated and compromise-oriented system of corporatism is more appropriate for consensual democracy, often named as democratic, societal or neo-corporatist, and it is totally different from non-democratic corporatism, in which interest groups are totally controlled by the state. When the character of the interest groups in one country is taken into consideration, the following two criteria should be taken into account: whether they are organized into national, specialized, hierarchical, and monopolist peak organizations, and how often they are incorporated in the process of policy formation (Ibid.,).

For Stefanie Kappler (2014: 14-15) the sphere in which interest groups interact in Bosnia and Herzegovina remains to be a divided space, as a recidivism from the past, but it seems to be getting worse in the post-war period, due to the two-entity structure as well as the ethnic divisions. These ethnic divisions are also mirrored in the field of organizing interest groups in the country, whereby the insistence on certain rights and benefits can lead to success only if such organizations are organized along the ethnic cleavage lines in the Bosnian society. In this way, the interest group sphere of action in Bosnia and Herzegovina is actually a space in which political elites, in the creation of certain policies, favour the actors belonging to their ethnicity, which makes the whole interest group space in post-war Bosnia to be “de-personalized, technicised, shaped by structural constraints and divisions, while leaving little room for change and transgression of boundaries” (Ibid., 16). In light of this, Sarajlić - Maglić (2010), is of the opinion that the mechanism of power division in Bosnia and Herzegovina “allowed political elites to monopolise the political space for themselves, while at the same time subordinating the interests of other actors to their own interests in that space”. Despite this unfavourable political environment in which trade unions and various professional interest groups in Bosnia are acting, according to Žagar (2017:75-76) they need to “mobilize the public and public discussions and may have an impact on political socialization, political processes, and decision making, particularly through collective bargaining and various (neo) corporate arrangements”.

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and due to the geographical concentration of ethnic segments in Bosnia and Herzegovina during and after the war, it became non-functional in this country as well“.

## FEDERAL – UNITARY DIMENSION IN THE POLITICAL SYSTEM OF BOSNIA AND HERZEGOVINA

*Federal and decentralized government.* The most significant consociational element introduced by Dayton was the strong decentralization of government. As a result, “the central institutions of the Bosnian state became very weak, whereas the regional entities (Federation of Bosnia and Herzegovina, the cantons of the Federation, and unitary Republika Srpska) came to enjoy wide powers” (Touquet & Vermeersch, 2008:270). Therefore, some authors call Bosnia and Herzegovina an asymmetric federation, a union or even a *sui generis* federation. For Seizović, (2008:8) Bosnia and Herzegovina is „an unusual state creation - one state, two entities, three nations, one 'republic' and one 'federation““. And Mile Dmičić (2007:145) thinks that “both normative and real, it is an asymmetric arrangement consisting of one federation, republic and district“. Although there is a state supremacy over the entities, they still enjoy a high degree of autonomy and the entities participate in the exercise of state competence (Trnka, 2006:254). Entities as ethnic enclaves are still the central locus of political authority (Touquet & Vermeersch, 2008:270). Precisely the constitutional position of its entities is the reason why Bosnia and Herzegovina is a complex state *sui generis*, i.e. it does not meet all federal or confederate standards (Dmičić, 2003 par 2). Bosnia and Herzegovina cannot be considered a confederation by the way it was created for two reasons: *First*, the confederation is created by (sovereign) states that are recognized as subjects of international law by their own agreement, while the Constitution of Bosnia and Herzegovina is enacted by subjects of international law. *Second*, Bosnia and Herzegovina cannot be a confederation if its constitution provides for the establishment of a complex state order and supremacy of that constitution over the constitutions of its entities (Marković, 2009: 61-62).

This asymmetric federal design remains to be seriously complex (Gavrić at al., 2013:12, 16). That is why many observers of post-Dayton Bosnia have been advocating various constitutional changes in order to eliminate such numerous levels of government. One of the ideas is finding “a model that would eliminate the Federation of Bosnia and Herzegovina altogether, creating a loose and symmetric federation according to the Swiss model” (Stroschein, 2003:22). The other idea is “the establishment of a Croat entity that would follow the logic of the original Dayton arrangement and establish symmetry in the Bosnian institutional arrangement, absent in the Dayton Peace Agreement” (Bieber, 2006:27). But for

other authors, this would potentially result in re-legitimization of Republika Srpska, which to some extent arose as a result of ethnic cleansing, and the weakening of the common state.

*Strong bicameralism.* The ideal typical bicameral model, according to the founding father of consensual democracy, Lijphart (1999:39), should be symmetric and incongruent – “the upper house has to be elected on a different basis from the lower house, and it must have real power, ideally as much power as the lower house”. The Parliament Assembly of Bosnia and Herzegovina meets both requirements, because MPs of the House of Representatives of the Parliamentary Assembly are elected directly by citizens in general and direct elections, while the House of Peoples (upper house of Parliament) is elected according to the delegate principle – “The designated Croat and Bosniak Delegates from the Federation shall be selected, respectively, by the Croat and Bosniak Delegates to the House of Peoples of the Federation. Delegates from Republika Srpska shall be selected by the National Assembly of Republika Srpska” (Article IV, 1(a) Constitution of Bosnia and Herzegovina). It is important to note that “all legislation shall require the approval of both chambers” (Article IV, 3(c) Constitution of Bosnia and Herzegovina). Additionally, “the two houses of the state Parliament are also highly autonomous, as seen in the independent adoption of internal working rules, which has led commentators to conclude that in the functional sense, the state Parliament is not a single institution” (Kulenović & Hasić, 2016:65).

However, the main difference between the bicameral structure of the Bosnia and Herzegovinian Parliament compared to some other consociational democracies (Switzerland, Belgium) is the fact that, the upper house of the Parliament of Bosnia and Herzegovina, the House of Peoples “is not primarily a representation body for the constituent entities of the state, but rather the representation body for the three dominant ethnic groups, the so-called *constituent peoples*” (Ibid., 69), i.e. “denotes an indirect forum for protection of the national interests” (Saračević, 2009:172).

Therefore, some authors advocate the reorganization of the structure of the Parliament of Bosnia and Herzegovina (even the introduction of a three-cameral structure), in which, on the one hand, the federal dimension of the state will be represented in one chamber (house) and it will represent the federal units (cantons-regions), while on the other hand, the remaining chamber would be a typical citizens’ representation – possibly elected in the whole territory of the state, applying the safeguards that would guarantee adequate proportional representation of all distinct communities, but also ensuring additional mechanisms that would

ensure adequate participation and inclusion of distinct minorities (ex. Sejdić/Finci case vs. BIH, ECHR<sup>6</sup>) and persons belonging to them, as well as individuals who do not wish to express their ethnic affiliation (see: Žagar, 2010:81-82).

*Constitutional rigidity.* This principle implies the existence of “a single document containing basic rules of governance that can be changed only by special majorities” (Lijphart, 1999:40). According to Marković (2009:57):

The Constitution of Bosnia and Herzegovina has the character of *octroyé* constitution, because it was not adopted by a domestic institution, but came into force as an annex to an international treaty. It belongs to the category of written, codified, rigid, and short constitutions. It consists of a small number of other articles, which deal with the constitutional matter incompletely, to some extent not precise, prosaically and essayistic.

It is rigid because it changes into a procedure more complex than the procedure for adoption and change of law<sup>7</sup> (Trnka, 2006:41). The Constitution of Bosnia and Herzegovina in Article X, which refers to the amendment procedure, states that the same “can be amended by a decision of the Parliamentary Assembly<sup>8</sup>, with a two-thirds majority of those present and voting in the House of Representatives”. Due to the fact that this provision is not detailed, “the revision procedure is regulated in detail by the rules of procedure of both parliamentary houses” (Marković, 2009:62).

When we consider the revision of the Constitution of Bosnia and Herzegovina, it should be noted that “the rights and freedoms of Article II of the Constitution are protected by a special clause, the so-called *eternity clause*” (Ademović at al., 2012:11). In particular Article X/2 states that “no amendment to this Constitution may eliminate or diminish any of the rights and freedoms referred to in Article II of this Constitution or alter the present paragraph”.

Hence, as Davor Trlin concludes (2017:81), the Constitution of Bosnia and Herzegovina “is very rigid and changing it so as to strengthen the democratic practice of the Bosnian and Herzegovinian institutions will be very difficult”. According to the same author, the need for constitutional changes in the country is

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<sup>6</sup>The political marginalization of non-constituent citizens embedded in the constitutional system created by the Dayton Peace Agreement has left minorities with limited representation in public offices because they will continue to be excluded from representation in the collective state Presidency and the House of Peoples.

<sup>7</sup> “Bosnia and Herzegovina’s Constitution requires simple majority for adoption of laws and other legislative decisions” (Ademović at al., 2012:11).

<sup>8</sup> When we say Parliamentary Assembly of Bosnia and Herzegovina, we refer to both houses (Ademović at al., 2012:11).

urgent due to the antinomy of the Constitution of Bosnia and Herzegovina reflected through the following lines of antinomy: “the rule of law – the authoritarian state of ethnocratic type; democracy – ethnocracy; federal state – alliance of states; state sovereignty – holder of sovereignty; justice – injustice” (Ibid., 80).

*Judicial review.* The Constitution of Bosnia and Herzegovina since 1995 has provided for the establishment of a Constitutional Court that has been “entrusted with the task of a classical constitutional court as performed in complex, especially federal states, in examining the compliance of the laws of the state and the administrative units or entities” (Smailagić & Keranović, 2009:243). According to Gavrić et al. (2013:46), Bosnia and Herzegovina Constitutional Court “strongly resembles Austrian and German legal tradition”. Additionally, the Court’s jurisdiction, according to Stefan Graziadei (2016:12):

has both elements of the European and the American model of constitutional review. In line with the European model, the Court exercises the abstract review of constitutionality of law when called upon by authorized parties or when a case is referred to it by another court in Bosnia. Following the American model, the Court has some features of a court of last resort in concrete disputes.

Regardless of the fact that the Constitutional Court of Bosnia and Herzegovina does not exercise judicial power, rather constitutionally-judicial function, however, some authors consider that its appellate jurisdiction falls within the ordinary courts of general jurisdiction (Kuzmanović, 2002:509). It is also important to underline that “the Court decides by the majority principle rather than by a consensus, which makes it the only Bosnian state level institution doing so” (Kocadal, 2012:137).

The Constitutional Court of Bosnia and Herzegovina consists of nine judges, six “domestically” elected from entities in the parliaments, whereas the “remaining three judges” have to be elected by the President of the European Court of Human Rights after consultations with the Bosnia and Herzegovina’s Presidency (Marko, 2005: 6). According to Stefan Graziadei (2016:6), courts with a mixed (hybrid) composition (domestic-international) are generally created with a purpose to ensure impartiality and to prevent “ethnic justice”. For the same author, however “the presence of international judges might be seen as problematic for national sovereignty and the legitimacy of the Court as a neutral arbiter of power sharing disputes” (Ibid., 30.). That is why in Bosnia and Herzegovina, the demands for reforming the composition of the Constitutional Court are louder and the

political leaders of Republika Srpska are the most vocal ones, demanding the abolition of the three international judges, and in their place, they seek one more representative from each constituent people, thus the composition of the Court would be 3: 3: 3. Yet, for Feldman (2012:219-220), this can disrupt the existing balance of forces because in Bosnia “there is a popular perception that international judges are sympathetic to the Bosniak cause of making Bosnia a more functional (and more centralized) state”.

*Independence of the central bank.* This institution, according to Arend Lijphart (1999:232), “compared with the other major bodies of the government, tends to be neglected in the political science”, despite the fact that if strong and independent, the central bank can play a crucial role in the policy process (Ibid.). When to the central bank has been given independent power this is yet another strong indicator for the consensual dimension of each political system.

Within the Constitution of Bosnia and Herzegovina and the Law on the Central Bank of Bosnia and Herzegovina, many solutions can be recognized to provide independence in the operation of this institution:

- *Decentralization* – CBBiH has its *head office* in Sarajevo, *three main units* in Sarajevo, Mostar and the Republika Srpska Main Bank in Banja Luka, and *two branches* - the CB in Brčko District and the Republika Srpska Main Bank branch in Pale. “There is only one central bank in Bosnia and Herzegovina - entities do not have central banks” (Ademović at al., 2012:195).
- *Organizational setup* – the top of the Bank is led by a Governing Board, composed of five members appointed by the Presidency of Bosnia and Herzegovina. The Governing Board appoints, from among its members, a Governor with a term of six years (Article 8, (4) Law on the CBBiH). This solution that requires the term of the Governing Board to outlive that of the Presidency (which lasts four years) is another additional element that ensures its independence in terms of decision-making against the conjunctural changes of the holders of executive power, as well as the fact that the Governor cannot be dismissed from office unless he/she has violated a provision of Article 11 of the Law on the Central Bank of Bosnia and Herzegovina.
- *Independence* - In terms of the functional separation of powers, CBBiH is an administrative authority, but it is not under the control of the supreme executive authority. Its independence is reflected in its organizational

autonomy, financial and operational independence. Neither the state nor the entities can influence the work of the CBBiH and determine its political course of work. It has a legal right to regulate internal affairs autonomously. It is not a budgetary institution of Bosnia and Herzegovina, but has its own sources of revenue (Ademović at al., 2012:195-196).

All these offered solutions in CBBiH's work show that it has a solid autonomy, which is another confirmation of the consensual dimension of the Bosnian political system.

## CONCLUSION

The aim of this paper was to show that the political system of Bosnia and Herzegovina, in addition to its classical consociational dimension, meets a set of criteria from the recent Lijphart concept of consensual democracy, as evidenced by the following facts:

- the powers remain to be shared in a grand coalition government;
- the principle of balance between the legislative and executive power cannot be properly established and maintained in the example of Bosnia and Herzegovina (Saračević, 2009:170). “The problem of establishing proper correlations between the parliamentary majority and the members of the Cabinet is a limitation in the functioning of the state government, because it is difficult to reach a consensus for the most important political decisions and reforms” (Ibid.);
- there is a multi-party system that is ethnically based;
- there is a proportional electoral system;
- interest group corporatism - as in some other plural societies and in Bosnia and Herzegovina, the ethnic divisions are also reflected in the field of organizing interest groups;
- the political system in Bosnia and Herzegovina is quite decentralized. Mostly it is talked about as a “federation” or “federal state”. However, some authors consider the state to be “largely confederate” or that it is “more or less a loose union of ethnic entities” (see: Ademović at al., 2012:85);
- the current constitutional solutions “establish a system of perfect bicameralism, which means that any legislative decision must be approved

by both chambers before it can be considered adopted (Kulenović & Hasić, 2016:72);

- there is a strong established constitutional rigidity - a two-thirds majority is needed for an amendment to the Constitution;
- there is a judicial review from the side of the Constitutional Court of Bosnia and Herzegovina which, according to the Dayton Peace Agreement, has been given the classical powers of a constitutional court in a complex state. This is best seen in Art. VI. 3 of the Constitution of Bosnia and Herzegovina which states that “The Constitutional Court shall uphold this Constitution”;
- the Central Bank operates on the principle of the Strict Currency Board, and thus it has to provide a “solid ‘nominal refuge’ for the country's monetary policy, financial stability for the complex political environment in Bosnia and Herzegovina and a specific type and ability to pursue a monetary policy” (Ademović et al., 2012:198).

## REFERENCES

1. Ademović, N., Marko, J., & Marković, G. (2012). *Ustavno pravo Bosne i Hercegovine*. Sarajevo, Fondacija “Konrad Adenauer”.
2. Arapović, A., & Brljavac, B. (2012). Election System of Bosnia and Herzegovina: Catalyst of Unsuccessful Democratization. *Khazar Journal of Humanities and Social Sciences*, 18-37.
3. Avdić- Küsmüş, A. (2016). EU’s normative power: Exploring the limits of Good Governance in Bosnia and Herzegovina. Retrieved from: <http://web.isanet.org/Web/Conferences/CEEISA-ISA-LBJ2016/Archive/>
4. Bahtić-Kunrath, B. (2011). Of veto players and entity-voting: institutional grid lock in the Bosnian reform process. *The Journal of Nationalism and Ethnicity* 39 (6), 899-923.
5. Baskin, M. (2007). Interim Notions of Statehood in Bosnia-Herzegovina A Permanent Transition? In K. Guttieri & J. Piombo (Eds.), *Interim Governments. Institutional Bridges to Peace and Government* (pp. 257-280). Washington DC, United States Institute of Peace Press.
6. Begić, Z., & Delić, Z. (2013). Constituency of Peoples in the Constitutional System of Bosnia and Herzegovina: Chasing Fair Solutions. *International Journal of Constitutional Law*, 11 (2), 447-465.
7. Belloni, R. (2007). *State Building and International Intervention in Bosnia*. London, Taylor & Francis Ltd, Routledge.
8. Bieber, F. (1999). Consociationalism-Prerequisite of Hurdle for Democratization in Bosnia. *Journal for Labour and Social Affairs in Eastern Europe*, 2 (3), 79- 94.

9. Bieber, F. (2006). After Dayton, Dayton? The Evolution of an Unpopular Peace. *Ethnopolitics*, 5 (1), 15-31.
10. Decaro, C., & Piazza, F. (2016). Framing Dayton Agreements: Introductory Remarks. In L. Benedizione & V. R. Scotti (Eds.), *Proceedings of the Conference Twenty years after Dayton. The Constitutional Transition of Bosnia and Herzegovina* (pp. 13-21). Roma, LUISS University Press – Polas.r.l.
11. Dmičić, M. (2003). Ustavnopravni osnov funkcionisanja Bosne i Hercegovine na osnovu slobodnih i demokratskih izbora. Retrieved from: [http://www.soros.org.ba/docs\\_pravo/ustav\\_txt/dr\\_mile\\_dmicic.doc](http://www.soros.org.ba/docs_pravo/ustav_txt/dr_mile_dmicic.doc).
12. Dmičić, M. (2007). Federalni elementi ustavnopravnog uređenja Bosne i Hercegovine kao složene države. *Godišnjak Pravnog fakulteta u Banja Luci*, 27-28.
13. Elazar, D. J. (1987). *Exploring Federalism*. Tuscaloosa, AL, University of Alabama Press.
14. Feldman, D. (2012). The Independence of International Judges in National Courts: Lessons from Bosnia and Herzegovina. In Sh. Shetreet & Ch. Forsyth (Eds.), *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges* (pp. 215-229). Leiden, Martinus Nijhoff / Brill.
15. Gavrić, S., Banović, D., & Barreiro, M. (2013). *The political system of Bosnia and Herzegovina Institutions – Actors – Processes*. Sarajevo, Sarajevo Open Centre.
16. Graziadei, S. (2016). Six models for Reforming the Selection of Judges to the BiH Constitutional Court. *Working paper, 14*, University of Graz and University of Antwerp, 1-38.
17. Hoddie, M., (2014). Managing Conflict after Civil War – The Power-Sharing and Power-Dividing Approaches, *FIIA ANALYSIS 2*, Towson University, Finnish Institute of International Affairs, 1-14.
18. Kappler, S. (2014). Everyday legitimacy in post-conflict spaces : the creation of social legitimacy in Bosnia-Herzegovina's cultural arenas. In D. Roberts (Eds.), *Liberal peacebuilding and the locus of legitimacy* (pp. 11-38). Abingdon, Oxon: Routledge.
19. Kasapović, M. (2005). Bosnia and Herzegovina: Consociational or Liberal Democracy? *Politička misao*, 42 (5), 3–30.
20. Kocadal, O. (2012). *Peacemaking for Power-sharing: The Role of Kin-states*. Doctoral thesis, University of Exeter.
21. Kulenović, N., & Hasić, J. (2016). The influence of Dayton Agreement on Institutions: Parliament Assembly of Bosnia and Herzegovina. In L. Benedizione & V. R. Scotti (Eds.), *Proceedings of the Conference Twenty years after Dayton. The Constitutional Transition of Bosnia and Herzegovina* (pp. 61-81). Roma, LUISS University Press – Polas.r.l.
22. Kuzmanović, R. (2002). *Ustavno pravo*. Banja Luka, Pravni fakultet.
23. Lijphart, A. (1997). *Democracy in Plural Societies. A Comparative Exploration*. New Haven/London.
24. Lijphart, A. (1999). *Patterns of Democracy: Government Forms and Performance in Thirty-Six countries*. New Haven, Yale University Press.

25. Marko, J. (2005). Post-conflict Reconstruction through State- and Nation-building: The Case of Bosnia and Herzegovina. *European Diversity and Autonomy Papers EDAP 4*, 1-21.
26. Marković, G. (2009). Ustav Bosne i Hercegovine. U S. Gavrić, D. Banović & Ch. Krause (Ed.), *Uvod u politički sistem Bosne i Hercegovine – Izbrani aspekti* (pp. 57-85). Sarajevo, Sarajevski otvoreni centar Fondacija Konrad Adenauer.
27. Marković, G. (2012). Kriza parlamentarizma u BiH. U S. Gavrić & D. Banović (Ed.), *Parlamentarizam u Bosni i Hercegovini* (pp. 323-341). Sarajevo, Sarajevski otvoreni centar / Fondacija Friedrich Ebert.
28. McCulloch, A. (2009). *Seeking Stability Amid Deep Division: Consociationalism and Centripetalism in Comparative Perspective*. Doctoral dissertation, Queen's University.
29. McGarry, J., & O'Leary, B. (2006). *Consociational Theory, Northern Ireland's Conflict, and its Agreement: Part 1: What Consociationalists Can Learn from Northern Ireland*. Oxford, Blackwell Publishing.
30. Nardelli, A., Dzidić, D., & Jukić, E. (2014). Bosnia and Herzegovina: the world's most complicated system of government? *The Guardian*. Retrieved from: <http://www.theguardian.com/news/datablog/2014/oct/08/bosnia-herzegovina-elections-the-worlds-most-complicated-system-of-government>
31. Perry, V. (2014). Is Substantial Political Reform in Bosnia and Herzegovina Possible through the Ballot Box in October 2014? *DPC Policy Note New Series 7*, 1-10.
32. Sadiković, Ć. (2004). *Politički sistemi*. Treće izmijenjeno i dopunjeno izdanje, Sarajevo.
33. Sahadžić, M. (2012). Kontrolne funkcije Parlamentarne skupštine Bosne i Hercegovine. U S.Orlović (Ed.), *Demokratske performanse parlamenta Srbije, Bosne i Hercegovine i Crne Gore* (pp. 147-161). Sarajevo, Sarajevski otvoreni centar.
34. Sarajlić-Magić, D. (2010). Can BiH elites run the state? In Heinrich Böll Foundation, Office for Bosnia and Herzegovina (Eds.), *Bosnia and Herzegovina: Between EU-Integration Toolbox and International Community's Exit Strategy*. Sarajevo, Heinrich Böll Foundation.
35. Saračević, N. (2009). Parlamentarna skupština. U S. Gavrić, D. Banović & Ch. Krause (Ed.), *Uvod u politički sistem Bosne i Hercegovine – Izbrani aspekti* (pp.158-190). Sarajevo, Sarajevski otvoreni centar Fondacija Konrad Adenauer.
36. Schneckener, U. (2004). Models of Ethnic Conflict Regulation: the Politics of Recognition. In U. Schneckener & F. Wolff (Eds.), *Managing and Settling Ethnic Conflicts* (pp. 18-40). New York, Palgrave Macmillan US.
37. Seizović, Z. (2008). „Konstitutivni narodi“ i ustavne promjene. Sarajevo, Centar za ljudska prava Univerziteta.
38. Sircar, I. (2006). *Transnational Consociation in Northern Ireland and in Bosnia-Herzegovina: The Role of Reference States in Post-Settlement Power-Sharing*. Doctoral thesis, London School of Economics and Political Science.
39. Smailagić, N., & Keranović, N. (2009). Pravosudni sistem. U S. Gavrić, D. Banović & Ch. Krause (Ed.), *Uvod u politički sistem Bosne i Hercegovine –*

- Izbrani aspekti* (pp. 234-264). Sarajevo, Sarajevski otvoreni centar Fondacija Konrad Adenauer.
40. Stojanova, M. (2018). Political Background of Dayton Peace Agreement: Incomplete Peace. *Filozofski Fakultet Skopje*.
  41. Stroschein, S. (2003). What Belgium Can Teach Bosnia: The Uses of Autonomy in 'Divided House' States. *Journal on Ethnopolitics and Minority Issues in Europe*, 3, 1 -29.
  42. Touquet, H., & Vermeersch, P. (2008). Bosnia and Herzegovina: Thinking Beyond Institution Building. *Nationalism and Ethnic Politics*, 14 (2), 266–288.
  43. Trlin, D. (2017). Limitations of the Democratic Capacity of the Constitutional System of Bosnia and Herzegovina, *Beijing Law Review*, 8 (1), 79-99.
  44. Trnka, K. (2006). *Ustavno pravo*. Sarajevo.
  45. Vuletić, D. (2005). *Organizational Structures and Internal Party Democracy in Bosnia and Herzegovina*. In G. Karasimeonov (Eds.), *Organizational Structures and Internal Party Democracy in South Eastern Europe* (pp. 114-142). Sofia, *Gorex Press*;
  46. Ванковска, Б. (2007). *Политички систем*. Скопје, Бомат.
  47. Woelk, J. (2016). The Constitutional Transition of Bosnia and Herzegovina between Nationalism and European Conditionality. In L. Benedizione & V. R. Scotti (Eds.), *Proceedings of the Conference Twenty years after Dayton. The Constitutional Transition of Bosnia and Herzegovina* (pp. 21-49). Roma, *LUISS University Press – Polas.r.l.*
  48. Wolff, S., & Weller, M. (2006). Bosnia and Herzegovina ten years after Dayton: Lessons for internationalized State building. *Ethnopolitics*, 5 (1), 1-13.
  49. Žagar, M. (2010). Constitutional Reform in Bosnia-Herzegovina: A Few Comments, Reflections and Recommendations. *Treatises and Documents Journal of Ethnic Studies*, 61, 62-90.
  50. Zakon o Centralnoj banci Bosne i Hercegovine, Službeni glasnik BiH, br. 1/1997, 29/2002, 8/2003, 13/2003, 14/2003 - ispr., 9/2005, 76/2006 i 32/2007
  51. Zakon o Vijeću ministara Bosne i Hercegovine, Službeni glasnik BIH broj: 30/03, 42/03, 81/06, 76/07, 81/07, 24/08
  52. Izborni zakon Bosne i Hercegovine, Neslužbeni prečišćeni tekst
  53. Ustav Bosne i Hercegovine

## **ADAPTATION OF YOUNG INMATES TO INCARCERATION: MACEDONIAN CASE**

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### ***Abstract***

The incarceration is stressful and traumatic experience for everyone. The inmates can adopt different coping or adjustment strategies to the new environment. What they adopt depends on the environmental factors and personal characteristics, as well as of their own sense of protection from victimization. In the literature, three types of adaptation are predominantly recognized: cooperation, withdrawal and resistance and violent behavior.

Based on that, this paper examines the manifestation and connection of different adopting strategies of young inmates with their personal as well as institutional features during incarceration. The analysis is based on qualitative data collected by using in-depth interviews with incarcerated young inmates in one educational-correctional facility. The main findings pertain to the recognition that young inmates have adopted several coping strategies in order to adopt to the prison life, but mainly develop violent behaviour during their incarceration.

This small scale survey is particularly valuable in filling up the exiting empirical gap and findings within criminological literature and might be used as basis for developing prerequisites for eliminating, or at least, mitigating negative consequences of the deprivations related to loss of liberty, security, autonomy etc. generated by pains of imprisonment.

***Key words:*** *adaptation, young inmates, incarceration, correctional facility, circle of violence*

## **INTRODUCTION**

The incarceration is stressful and traumatic experience for everyone. Clemer (1940) was one of the first to explain in his classic work *The Prison Community* the changes that convicts experiences in the penitentiary facilities. He describes the process of imprisonment and its effects on the behavior of inmates as prisonization (Monteiro E. Carlos, 2015, p. 29). In

particular, his concept of prisonization refers to the assimilation, to a greater or lesser extent, of the institution's customs and culture and to the development of the prison code, which regulates behavior and establishes hierarchies in the prison subculture (Goncalves C. Leonel, 2014, p. 7).

Gresham Sykes (1958) also argues in his paper *The Society of Captives* that prison-related psychological and social restrictions force offenders to create a social system for adapting prison life. Due to various restrictions and deprivations, inmates adopt strategies for adaptation and coping, and one of them is the development of a subculture that opposes conformism and institutionalization (Monteiro E. Carlos, 2015, p. 29).

Goffman (1957) also writes about negative consequences of imprisonment and he is recognizable in the penological literature for his thesis on prisons as total institutions. According to him, the inmates must adapt to the new environment, which operates independently of their individual needs and desires (Monteiro E. Carlos, 2015, p. 35). He points out that prisons control every aspect of life in prison, depriving the convicted person of his or her individuality. There is a lot of pressure on them, which causes negative emotional responses: anger, anxiety or depression, which forces to adopt adjustment strategies (Monteiro E. Carlos, 2015, p. 96). In addition, Goffman (1961) notes that the process of prisonization deprives inmates of a sense of self-identity, prevents their autonomy, prevents them to fulfill certain roles within family, work, or community environments and restricts communication with the outside world. He calls this process the depersonalization (Harvey, 2007, p. 30).

In addition to the aforementioned authors and their early classical studies, other authors have dealt with the initial reactions or consequences of the incarceration. According to Gibbs (1982), at the beginning, when young people go to prison, they face psychological and physical limbo. The first stage is facing insecurity (Harvey, 2007, p. 30) because, due to the loss of control and freedom, young people are preoccupied with thoughts about their safety (Harvey, 2007, p. 38). In this regard, research shows that young inmates are afraid of violence, insecurity when they enter prison, and therefore the dominant feeling is fear. It stems from the loss of control over their lives that they have before imprisonment. In particular, deprivation of liberty limits the ability to make decisions, which means losing control of the outcome. The second loss is the right to choose while they are in prison, while the third loss is predictability, i.e. the ability to know and expect what

will happen in the future (according to Goodstein et al. (1984), cited in Harvey, 2007, p. 39). The last loss is related to security and the feeling of fear. So, if individuals cannot control their world, they can develop "learned helplessness" and will become addicted (Seligman, 1975, cited in Harvey, 2007, p. 39).

Furthermore, entering prison facilities causes stress and leads to an identity crisis, which, in the beginning, can be manifest in self-harm, insomnia, or suicidal thoughts (Cherie, 2012). In fact, the loss of freedom, personal identity, and family ties is a frightening, disorienting event for any person. Institutional accommodation deprives them of support from the family, friends, school, various sports and other activities, which help them to cope with anxiety and insecurity. It leads to loss of control and exposes them to negative peer culture (Inderbitzin, 2012). In this regard, Toch's (1977) research on the psychological consequences of the interaction between the individual and his environment is recognized in the literature (Harvey, 2007, p. 52). According to him, there should be a balance between the needs of the individual and the environment for his/her successful adaptation. Toch (1977) lists seven needs: security, privacy, structure, emotional protection, support, activities, and freedom. They should be compatible, and the environment should have the capacity to satisfy them because the fulfillment of individual needs determines the adjustment in the institution.

In fact, the inmates can adopt different coping or adjustment strategies to the new environment: avoiding problems, making friendly connections, working, praying. What they adopt depends on the environmental factors and personal characteristics, as well as of their own sense of protection from victimization. In the literature, three types of adaptation are predominantly recognized (Matthews, 1999):

(1) *Cooperation*. It is a conformist behavior of inmates who avoid conflict situations and actively cooperate with prison staff in treatment activities.

(2) *Withdrawal*. Inmates refuse to participate in treatment activities and to communicate. They withdraw and may develop depression and suicide attempts.

(3) *Resistance and revolt*. This mode of adaptation includes disobedience, resistance, aggression, physical and psychological violence against other inmates, and against personnel. In this regard, one model of adaptation is creation of subculture of violence in the prison facilities. In

trying to establish control, young people usually manifest physical strength, superiority and dominance in the environment. Second, because young people lose control and face insecurity and fear in the institution, they have a constant urge to maintain security, and control. Therefore, they are vigilant and violently respond to any attempt to jeopardize their safety.

In addition to the above, Lazarus and Folkman (1984) talk about two types of coping: the first is problem-oriented, and the second is emotional (Harvey, 2007, p. 35). In this context, one study (Ireland et al., 2005) examined coping styles and psychological stress among two categories of young inmates; firsts aged 15 to 17 and second aged 18 to 21. The results showed that first category of young inmates applied more emotional coping styles, which increased stress levels (Harvey, 2007, p. 54).

Considering the adjustment as a process, findings indicate that the imprisonment requires a multi-stage adjustment. In the beginning, the young person needs to learn the prison rules, the regime, the other inmates and the staff. It is a practical adjustment. Then, it should develop appropriate relationships, communication, and access to the formal and informal system, as well as to maintain, but to reduce relationships with the outside world. This is social adjustment to the environment. The last is the psychological adjustment of stressful situations so as to successfully control and cope with the negative emotions (Harvey, 2007, p. 56-57).

## **METHODS**

This paper examines the processes of adaptation and coping strategies of the young inmates placed in Educational correctional facility (further ECF) located in Ohrid city, North Macedonia. The analysis is based on qualitative data collected by using in depth interview with young inmates to capture their attitudes and experiences in relation to those processes. Through content analysis of the statements of young inmates, the survey was intended to identify and articulate the influence of negative consequences caused by incarceration and generated pains of imprisonment (such as the loss of liberty, desirable goods, autonomy, security and hetero (homo) sexual relationships). The survey presumes that those fundamental deprivations generate adopting several coping strategies, but the subculture of violence is most common feature among young inmates. Also, medical therapy is usual mean to treat anxiety and other stressful situations which are enhanced in the

correctional facility. But it is more used to control rather than to cure the real mental problems.

The survey<sup>1</sup> aims to provide overview of the adopted coping strategies (withdrawal and avoiding conflict situations, development of a culture of violence, self-harming, hitting and breaking objects and medical therapy) and to assess their connection with the imported and institutional (situational) factors. They were identified through the attitudes and personal perceptions of young inmates expressed during the in-depth interviews.

An interview was conducted with 17 young inmates, out of 19 who were placed in the facility at the time of the interview (March-June, 2018). They were aged 17 to 21 years who have committed crimes (mostly property crimes: thefts and robberies) as juveniles and who were sentenced to educational institutional measure: referring to ECF (according to the Law on justice for children (2013) by the juvenile judge. An appropriate questionnaire for the interviewees was prepared which included partially adapted several scales. Those are: *Prison Profile Inventory* (PPI), which is designed to assess the perception of inmates of prison environment in terms their privacy, security, support, structure, activities and freedom and *Institutional Life Questionnaire* (ILQ)/179) that is design to evaluate different aspects of institutional life (Brodsky L. Stanley & Smitherman H. O'Neal, 1983, p. 179). The collected data was divided into three categories: (a) withdrawal and avoidance of conflict situations, (b) the development of a culture of violence, and (c) medical treatment.

### ***Access to data and ethical issues***

Access to data and the timetable for conducting the interviews is supported by written and oral consent from the main stakeholders of the relevant departments within the Ministry of Justice, Prison system and courts system. During the survey, due attention is paid to certain ethical issues related to the protection of the respondents' identity as a specific category and to the guarantees of voluntary participation, informed consent, anonymity

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<sup>1</sup> Research project “*Marginalization and deviance of the youngsters in conflict with the law in educational – correctional facilities*” was carried out by the Faculty of security – Skopje (2018-2019). The findings are analyzed and published in research report (Stefanovska, Bacanovik, Batik & Peovska, 2019). Parts of the analysis of the findings that are related to adaptation process of young inmates in this paper are published in the Research report, too.

and confidentiality of the data collected. In this regard, all respondents expressed readiness to be interviewed and signed a statement of participation and consent that their statements might be analyzed and used. Written consent was also given by the staff from the correctional facility. All transcripts of the interviews are confidential and only the research team has access. Also, the research team established an appropriate friendly attitude of trust, emphasizing that the participation of the young inmates in the interview is voluntary, with respect to the principles of confidentiality and anonymity.

## **RESULTS AND DISCUSSION**

### ***Withdrawal and avoidance of conflicting situations***

A small proportion of inmates, especially those who grew up in care institutions who are accustomed to greater freedom but also to more conflict situations; try to refrain from conflict situations and physical confrontations. As, some of them state:

*Before I came here, I was not so depressed, nervous, but here... I get out of the skin, I cannot stand, but I try to not having problems, to watch TV.*

*I'm nervous and I stay aside.*

*I run to the bedroom and under the blanket (when he is annoyed).*

The above statements show that avoiding conflict situations represent an "effort" to refrain, to remain calm despite the temptations they face. In that sense, the correctional prison staff fails to facilitate the already tense atmosphere in the educational correctional facility (ECF). Only a few inmates have benefits, as most of their free time is occupied by certain work activities (in the kitchen, for shopping outside the facility, etc.), which protects them from mutual provocations and calculations. This means that occupational or work treatment preserves their mental health, directs their energy in constructive way and increases external contacts, which reinforces the feeling that they can be useful. Especially important is the preserved feeling that they have not break up the ties with the outside world. In contrast, most inmates, except in regular work activities related to maintenance of hygiene in the prison rooms, do not have additional work engagements, which assume that due to the lack of useful activities, free time is filled with frequent conflict situations.

### *Development of a culture of violence*

In penitentiary and correctional facilities, a subculture of violence is generally developed, driven by number of factors. Dehumanized prison conditions force inmates to behave in a violent manner in order to alleviate "the pain of prizonization" and to gain control over their social environment (Finlay, 2003). So, in order to gain control and dominance over the situation, they are prone to violent behavior (Ogilvie & Lynch, 2001). Second, imported factors such as low self-control, aggression, impulsivity, anxiety, and abstinence crises from drugs produce violence. And lastly, the desire to gain respect and identity is often achieved through violent behavior (Einat & Einat, 2000; Jewkes, 2005; Lindegaard & Gear, 2013). In this regard, Jewkes (2005), for examples, emphasizes masculinity as the main strategy for dealing with men in British prisons. This means that power hierarchies are organized according to the ability to maintain masculinity and to acquire a personal identity through confrontation and force (Cunca de Goncalves, 2014, p. 84).

Based on the above, the basic thesis is that the imported risk personal and family factors, in correlation with the deprivation factors caused by the prison environment itself, produce violence among inmates in the penitentiary institutions, in order to gain status and control over their social environment. In this regard, the high level of deprivation is correlated to the high level of violence, which presumes that the level of deprivation factors determines the level of manifestation of individual risk factors and, consequently, the level of violence (Tewksbury, Connor P. David, Denney S. Andrew, 2014).

### *Forms of violence within ECF*

In the correctional facility, there are several forms of violent behavior: frequent verbal provocations, physical fights, self-harm and breaking objects.

a) Provocative behaviors and physical fights

The following examples indicate the following:

- *I get very upset, if he doesn't calm down, I'll beat him* (for example, an inmate has problems at night, because other wants to watch TV).

- *Many children fight with me, sometimes I fight.*
- *I was beaten, because I am not still, I make trouble, hang out with the kids.*
- *I beat him and his brother.*
- *In a group here, I have been beaten one by one, they were two, I was alone....*
- *When I get annoyed, I get away or I fight with him.*
- *I've been fighting here with children, we're fighting.*
- *The behavior of the children irritates me, of more children. Many people know how to provoke, to fight, to have a fight, whether it's for a cigarette or for coffee or why you have put the garbage here...*
- *I fought, once. He will provoke you, I said that we will turn off the light; he will not turn it off until 00 to 1 a.m. o'clock. I go to bed at 10 o'clock after the TV series. I attacked him because he provoked me.*
- *Sometimes I lose (does he easily lose patience?). E.g., he will start to provoke and there is a problem.*

The above statements show that almost all inmates are intentionally or unintentionally drawn into a circle of violence from which they cannot escape. Violence, as a phenomenon, becomes a feature of the ECF, an inseparable, immanent and "normal" feature. Even if we agree with the claim that deprivation of liberty causes violent behavior, we still cannot agree with its "normality." In other words, those inmates who are more aggressive should not be allowed to "spread" violent behavior, while prison conditions must not "enable" and ignore it because, as previously stated, physical conflicts are caused by several factors:

- *He will look at me badly, so I will ask why he is looking at me.*
- *What I miss the most is to not have provocations, to have peace, because there are children who deliberately provoke... I'm don't provoke, maybe I annoy someone, but I'm kidding. I'm just kidding with a few kids here. I lose my patience here; there are times when someone provokes you, mentions your sweethearts.*
- *Yes, only when I am provoked, challenged, humiliated then, otherwise no (when he attacks?).*
- *For example, if you don't give it to me, I will beat you.*

Due to the lack of peace and privacy and due to frequent provocations and constant noise, young people complain to the staff, but often their voices remain unheard. In the absence of adequate protection, the inmates handle themselves, as stated:

- *I've talked about that too (that there's a noise, he can't read.). They (the prison correctional staff) said to me: the conditions are such in prison, what to do.*
- *I have complained a lot (for the noise). In vain.*
- *I'm going to the psychologist ..., psychologist, this child is touching me, if you don't take measures, I will beat him ... So, if they don't take those measures, the children will take measures themselves ... Everyone.*
- *I went to the psychologist: move them, they bother me and nothing (happens).*
- *Do not touch me or do not provoke me ... First, I go to the psychologist, I say – psychologist... he touches me a lot, if they don't take measures, I tell the commander three times. If not, I will take action later.*

Absence of staff response may mean (1) saturation with constant complaints and grievances from the inmates, (2) insufficient attention to the seriousness of the indications, or (3) limited capacity of the ECH and correctional prison staff to effectively address the causes of such behavior. Because of that, the prison staff sometimes leaves the inmates to cope with the problematic situation by themselves.

But frequent provocative behaviors and physical confrontations further aggravate the situation of young people. They react violently because they do not know or they have not built another way of defense. Others behave violently because they also do not know or they have nowhere else to spend their negative energy. Third, they are behaving violently due to anxiety, inner fear and other psychological crises, which they cannot overcome. All of those aspects create a cycle of violence that is constantly increasing. And, the most common way for staff to solve violent situations (among young inmates and with prison staff) is through medical therapy or disciplinary measures. In the absence of other treatment activities, these solutions fail to reduce violence, but only temporarily and in the short term prevent the consequences.

### ***Self-harm, hitting and breaking objects (material things)***

Self-harm, hitting and breaking objects are also common among certain inmates, particularly among (ex) drug addicted (who were addicted to drugs for many years). They feel aggression, internal tension and anger which direct toward self-destruction, by self-harming or towards destruction of other material things, by hitting the (rooms) walls or by breaking other objects. As stated,

- *I hit the walls, I cut myself... More (hit) the walls when I get annoyed. Do you see how my hand is swollen? I hit there; I don't know... I drink amoxiclav (medicament)... We have it but they don't give it to us (boxer bag) ... that's why I cut myself here, the larynx here, well; I had a lot of psyche (problems)... two years ago.*
- *I didn't want to hurt myself, except once, that my sister was sick, and I cut myself, and once again with a razor..., but when I got angry, I once broke a bed and cried.*
- *I fought... He broke windows, cups, this and that... I don't even know why (why he broke the cups).*
- *When I'm angry, I start breaking, hitting with my fists the walls; I have broken hand and a leg... I can't hit a pillow, because I want to tear that pillow... I take out my anger, I will feel pain and..., yes, that's why I take out all the nervousness (to break.), here I break down sometimes but without the knowledge of the commanders because they will report me and pit in solitude.*
- *I hurt myself; for example, I cut myself two or three times so far.*
- *In the beginning (thoughts) came to me to hang myself, not now.*

Actually, the young inmates by self-harming, by hitting the walls, cutting or breaking things, feel relieved of the current inner tension. In the professional literature, we can meet the view that the self-harm is a way to overcome intense feelings of pain, abandonment, and a sense of inferiority. Also, the self-harm can be due to self-contempt, especially among those inmates with a history of emotional, physical and sexual abuse in the childhood. In fact, physical pain is an easier substitute for mental pain. As Temelkovska (2013) explains, overflowing with intense negative emotions

can be interrupted by causing physical pain to himself, which the person experiences as a solution and relief from tension.

Interestingly, some inmates are aware of this aggression and are afraid to direct it at others. That's why they direct it towards themselves or towards objects. As one inmate states: *Yes, I have a lot of energy, but I have nowhere to spend it. I agree, I don't want to make trouble, I'll hit ... to get rid of that aggression that is in me.*

Physical pain is already experienced and that feeling is already known. Frequent and strong blows of physical pain in the childhood raise the pain tolerance limits. Such statements also show that the prison system is aware of such phenomena and causes (the background for self-harm, for hitting walls and breaking objects), but, the prison staff endeavour much more to prevent the consequence, rather than to cure the cause. Or, they put the risk factor (the young inmate as risk factor) under the control with the help of certain means to calm down or to prevent the aggression.

### ***Medical therapy***

Except three, other young inmates have used and / or still use medical therapy to treat the anxiety, to cure certain mental illnesses or to alleviate pain caused by crises, anxiety, insomnia, depression, anxiety, or other mental illness and disorders. In fact, the use of medical therapy is a way (mechanism) to deal with the negative conditions that are exacerbated and even more manifested due to the "pain" of incarceration. Medical therapy can be analyzed from several aspects: (1) Dealing with abstinence and other crises due to long-term drug use, (2) Dealing with aggression, anxiety and other psychological disorders, (3) Dealing with initially experienced stress and restriction of freedom, (4) Dealing with mental illness or severe childhood trauma. As the inmates' state:

- *Here with pills, now the pills calm me down ... Trigtol, sanval, diazepam and respiridon<sup>2</sup> ... Well, I have to, that's how my brain is ... Morning and evening ... I take diazepam at night and I take these respiridon and trigemol in the morning ... Before I cut myself, I didn't*

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<sup>2</sup>Risperidone is used to treat certain mental/mood disorders (such as schizophrenia, bipolar disorder, irritability associated with autistic disorder). It works by helping to restore the balance of certain natural substances in the brain.

*take therapy ... When I cut myself, they took me to a psychiatrist ... Well, two years ago 2015/2016 ..., a very strong psyche. ... and there in front of the toilet I broke the piece, I took it and cut myself, here, here, I have nine threads ... I would have almost died, but ... I feel good ... If I don't take a therapy, I'm nervous, I feel like fighting with a child, when I take this therapy it calms me down, I'm fine. The commander gives therapy ... I took two pills (in the morning), in the evening I took 4 ... I took more, now I stopped, I took the medicine, they are yellow, they are for sleep, they calm you down.*

- *Here I receive sanval 10 and helex. I used to take 3 helex and now I'm reducing them. I take helex in the morning and sanval and helex in the evening.*
- *I receive 12 mg therapy. Before that I took 6 pills. Sanval for sleeping, because a lot of noise is made and mendelix, to calm my head. I take diazepam..., but not now.*
- *I am mentally ill, I have depression, I am very nervous, I take helex, diazepam, all kinds of pills here, but they do not help me, I drink them, from time to time I am good, sometimes I am not good, so I refrain. ... two a day, morning and evening ...-... I'm looking, because I can't sleep, I have a big psyche.*
- *Sanval, repsiridon, prazine - almost two years ... I want to stop them but I can't sleep at night ... I will try not to take them.*
- *Sometimes I take sometimes no, sanval and 10 diezepam, only in the evening, now I haven't taken it for a long time, only yesterday I took sanval ... Yesterday I slept all day and now in the evening to sleep ... What to do.*
- *They help... I drink sanval here, diazepam, to calm me down, because I have a lot of nervousness here.*

What do the statements show? Long-term drug users are going through various stages of an abstinence crisis, which is why they need sedatives. They receive long-term therapy, which is necessary for certain inmates because, as they say, *if I do not take therapy, I am nervous*. Most inmates need proper therapy at the beginning due to sleep problems. This can be extended due to inadequate accommodation facilities, as there are 10 inmates in one room. Certain inmates use medicaments to treat certain

illnesses during their stay. Therefore, they receive diazepam<sup>3</sup> for anxiety, sanval<sup>4</sup> for sleeping, helex<sup>5</sup> for calming and antidepressant effects or antipsychotics for disturbed mental states. However, as previously stated, some of the inmates have been in the correctional facility for more than three and a half years (some over four years) and are still receiving daily therapy. This indicates that the source of these health problems is present, and the medicaments are treating the effect. The time spent in the correctional facility does not affect the process of adaptation, nor does it alleviate the initially experienced stressful situations. As stated,

- *If I don't take therapy, it's like I'm nervous.*
- *I want to stop them, but I can't.*
- *Now at night, to sleep, what to do.*
- *I'm mentally ill, I have depression, all kinds of pills, but they don't help me.*
- *Sanval for sleeping, because a lot of noise is made and mendelix, to calm my head.*

An additional problem is the treatment of those inmates who have a history of severe mental illness and childhood trauma. It is characteristic that, despite receiving certain sedatives, that therapy does not help because they are one of the most problematic inmates, which often manifest inappropriate behavior. On the other hand, they are often victimized by other inmates. As one inmate states: *The pills I take do not help, I ask them to prescribe something stronger, but they do not prescribe. I want to say, just to prescribe other pills, those who give me do not help me. I don't want anything else.*

What do the above statements indicate?

Inmates use long time sedatives, which are drug substitutes and can become addictive. The ECF, instead of reducing or eliminating therapy, passively agrees with it, without implementing and applying other ways to deal with stress and anxiety, such as: treatment activities, anxiety reduction exercises, workshops for coping with stress, organized physical activity etc.

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<sup>3</sup> Diazepam is used to treat anxiety, alcohol withdrawal, and seizures. It is also used to relieve muscle spasms and to provide sedation before medical procedures. This medication works by calming the brain and nerves (in the Guidelines for rational use)

<sup>4</sup>Sanval is a medication primarily used for the short term treatment of sleeping problems (in the Guidelines for rational use).

<sup>5</sup>Helex is a medicine that belongs to the group of benzodiazepines. It reduces anxiety and fear and cause sedation (acts as a sedative). It is used for anxiety and fear treatment (in the Guidelines for rational use).

Prison staff (along with the medical staff) cares to reduce or control aggression and anxiety during incarceration.

Sleep problems due to a number of factors (initial stress, overcrowding in the bedrooms, noise) are solved with pills, not reducing the causes.

The referral to the ECH manages to stop the drug abuse, although there is a lack of further appropriate treatment for permanent long time users who have negative psychological consequences.

In addition to the inmates with more serious mental problems, almost all inmates (14 out of 17) at the beginning need sedatives or certain pill for sleep. But over time, as young people become accustomed to the restriction of freedom and as they learn the rules in the facility, staff and other inmates, stressful situations are reduced and the need for appropriate medical therapy is reduced. In addition, there are regular weekends for the majority of inmates, which facilitates the deprivation of imprisonment. Therefore, for certain inmates, medical treatment is terminated after certain period. Here are the following statements to support:

- *When I came here, I only took therapy twice.*
- *I take one pill, I take helex, but I don't take it anymore, I took it for sleep, but I didn't take it anymore, I took it for a month or two and I don't take it anymore ... I don't need it, sometimes I sleep, I sleep well ... When I need, I tell, a doctor... I took it for two or three weeks and I didn't take it anymore ... If there is a need, I take it.*
- *I took therapy 3 months ago but now I don't take it, I stopped it... Because I feel, I wake up and I feel like I don't live in this world. I'm better (without therapy), now I'm taking vitamin, B-complex... so I used to take respiridone, diazepam, other pills ... I took them for two years (he has been at facility for 4 year.).*

So, nervousness, anxiety, stress, trauma, and aggression, which are increased due to incarceration, are "cured," or controlled, with the help of prescribed medical therapy by an authorized specialist. This approach is problematic because is long-lasting, may create addiction and because it is the only solution to dealing with the pressures and problems caused by personal disorder among majority of inmates. The application of therapy

would not be debatable if it is used when is necessary in a properly prescribed form and manner. The clinical picture of a number of inmates suggests that appropriate medical therapy is required, and in such cases we do not engage in further elaboration of the need for it. What we can discuss is: - Whether appropriate therapy has an effect? - How much it is increased in conditions of confinement? - What are additional, complementary ways of treating and reducing psychological problems and other mental illnesses among inmates? And - whether ECF is an appropriate correctional institution for young offenders with certain mental disorders?

## **CONCLUSIONS**

Young inmates in ECF have a low level of tolerance and continue to be sensitive to external stimuli. That impatience is heightened by the inability to get out of double closure, first, from the circle where they are together with other inmates and, second, from the limited physical space. It is a closed process where the inmates cannot spend their energy and the desire to wander, walk and to fulfil other hedonistic needs. They can't escape from certain inmates, which puts pressure on them. That is why there are daily provocations and fights, even for banal things. They are caused more by prison conditions, prison deprivations, and limited prison space. Although the way the inmates react in the correctional facility is learned outside, certain verbal and physical attacks are much more aggressive than the received provocations. This confirms the thesis that although the low tolerance level is transferred or imported to the correctional facility, it is further enhanced by frequent provocations and other situational factors.

Also, according to the inmates, they are aware that they have negative energy, which they have nowhere to spend. That's why they feel like captive animals, with nothing left but to attack others, to restrain themselves or to self-harm. Among several adopting strategies, the subculture of violence is the most accepted way of adapting to the prison environment. The incarceration often results in violence, self-harm and even suicide attempts. In fact, violent and inappropriate behavior is the result of prison deprivations, as a way to overcome them more easily (for example, inmates steal from other inmates due to deprivation of material goods) or to express resentment over the inability to participate in certain decisions due to lack of certain treatment activities or strict regime and reduced personal security. In general,

the higher the level of deprivation increases the level of violence (McGuire, 2018). In ECH there is a high degree of deprivation (due to limited movement space, limited right to privacy, unwanted company, inability to protect themselves from provocative behaviors, lack of treatment activities and lack of sufficient material resources and goods), resulting in daily provocations, physical or other verbal calculations.

But on the other hand, young people import a culture of violence from the outside world in the facility, which means that young people with aggressive behavior outside continue to be aggressive inside. Based on the statements of the majority of inmates, violent behavior can be:

- ❖ response to frequent provocations from other inmates, when certain inmates react violently on insults, provocations, harassment or other attacks,
- ❖ response to a particular abstinence crisis due to drug abuse or nicotine addiction,
- ❖ response to internal fear, anxiety, nervousness due to loss of privacy and frustration,
- ❖ response to certain compulsive problems due to childhood trauma or mental disorders or
- ❖ a way to show strength, status and identity.

In fact, violent behavior among 70% of young inmates is more a mean of defense which is manifested in the absence of other ways to deal with stress, crises, provocations and attacks. Another answer is that the introduction of risky personal and family factors, correlated with negative situational and environmental factors, causes violence among inmates in order to gain power and control over their social environment. Low self-control, low levels of social support, poor family ties, coupled with institutional pressures, are associated with an increased risk of misbehavior. Dehumanized prison conditions force prisoners to behave in a violent manner in order to alleviate the "pain of prisonization" and to gain control of their social environment. This means that CEF, under the current situational and other institutional conditions, does not provide and does not offer other alternative ways of dealing with stress and other deprivations caused by incarceration. Until the prison staff and prison system, in general, build appropriate mechanisms (treatment and other activities) to alleviate the deprivations, violence will occur because it is an immediate response and a constituent component of prison life.

The inmate violence, in addition to risk factors and deprivation factors, can also be analyzed in terms of functioning of the system, in general. Namely, just as the new critical criminology observes and analyzes the aetiology of crime through the lens of the functioning of society, the abuse of power, structural inequalities and selective approach of the criminal justice system, so the new critical penology observes prison violence through the lens of the violent criminal justice system. The thesis is that the violent public (which is more prone to revenge, condemnation and punishment instead of rehabilitation), the violent and repressive criminal justice system (which applies criminal sanctions that are violent by nature) and the violent prison administration (whose primary concern is to control the behavior of the inmates and to reduce both, the risk of escape and violence) determines or conditions the violent behavior of the young inmates. Hence, according to the theses of the new penology, the violence of the inmates is related to the repressive behavior of the system itself, the prison staff and the general public (Arrigo A. Bruce & Milovanovic, 2009: 102–104).

ECF has not built appropriate mechanisms to mitigate the negative consequences of imprisonment. The consequences are treated with medical therapy, which is debatable in terms of its duration and effects. In terms of duration, certain inmates receive certain sedatives on a daily basis and for a longer period of time, which means that they, in some way, "control behavior" without offering other alternative or complementary ways to alleviate anxiety, aggression, or of other mental crises. In terms of therapy's effects, referring to inmates' considerations, they have need of daily therapy or it does not help. Therefore, ECF must find appropriate mechanisms and other ways to alleviate the sources of mental problems and other stressful situations, which necessarily require medical therapy. Daily intake of diazepam can cause physical and mental dependence, so trying to reduce the "risk" in the facility can cause additional even more lasting consequences among young people after their release (<https://hops.org.mk/diazepam>). In this regard, trying to achieve positive short-term affects the medical treatment for certain inmates can cause negative long-term consequences.

At the end, a small number of inmates adopt withdrawal strategies that involve passive and conformist behavior in the facility. Such behavior is more an expression of powerlessness, indifference, loss of optimism and belief in a better tomorrow than an expression of obedience and compliance with the rules imposed by prison staff.

## BIBLIOGRAPHY

- Arrigo A. Bruce & Milovanovic, D. (2009). *Revolution in Penology, Rethinking the Society of Captives*, Rowman & Littlefield Publishers, Inc.
- Brodsky L. Stanley & Smitherman H. O'Neal (1983). *Handbook of Scales for Research in Crime and Delinquency*, Plenum Press, New York
- Cherie, A. (2012). "Mental Health in Prison: A Trauma Perspective on Importation and Deprivation", *International Journal of Criminology and Sociological Theory*, 5/1, 886 – 894.
- Dharni K. Mandeep, Ayton, P., Loewestein G. (2007). "Adaptation to imprisonment Indigenous or Imported", *Criminal Justice and Behaviour* 34/8, SAGE, 1085 – 1100.
- Finlay, J. (2003). *The Acquisition and the Use of Power and Control: A Model for Understanding Violence among Incarcerated Youth*.
- Goncalves C. Leonel (2014). *Inmate adjustment to prison and correctional practices: explaining institutional infractions, health care utilization and coping strategies*, Doctoral Thesis, Justice Psychology, Universidade do Minho, 30/04/2014, Researchgate
- Harvey, J. (2007). *Young Men in Prison Surviving and adapting to life inside*, Willan Publishing
- Hochstetler, A. & DeLisi, M. (2005). "Importation, deprivation and varieties of serving time: An integrated-lifestyle-exposure model on prison offending", *Journal of criminal justice* 33, Elsevier, 257 – 266.
- Inderbitzin, M. (2012). "Delinquency Interrupted: Research into and inside of Juvenile Correctional Facilities", *Sociology Compass* 6/6, Blackwell Publishing Ltd, 445-457.
- McGuire, J. (2018). *Understanding prison violence: a rapid evidence assessment*, Analytical summary Report 2018, HM Prison & Probation Service, UK.
- Monteiro E. Carlos (2015). *Understanding persistent offending among incarcerated offenders through General Strain Theory*, Northeastern University, Boston, Massachusetts.
- Ogilvie, E. & Lynch, M. (2001). *Responses to Incarceration: a Qualitative Analysis of Adolescents in Juvenile Detention Centres*.
- Стефановска, В., Бачановиќ, О., Батиќ, Д. & Пеовска, Н. (2019). *Маргинализацијата и девијантноста на младите во судир со законот во воспитно-поправните и казнено-поправните домови*, Факултет за безбедност – Скопје.
- Tewksbury, R., Connor P. David, Denney S. Andrew (2014). "Disciplinary Infractions behind Bars: An Exploration of Importation and Deprivation Theories", *Criminal Justice Review* 39 (2), SAGE, 201 – 218.

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## **POLITICS OF NATIONAL SECURITY OF MONTENEGRO**

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### ***Abstract***

In the introductory part of the paper, the author defines the terms of policy and strategy for national security. Furthermore, the author determines the national security policy of Montenegro in accordance with the National Security Strategy of Montenegro from 2006, 2008, and 2018, as well as the components of the national security policy, such as national security interests and goals with special reference to strategic interests, overview of the global and regional environment, and security risks and threats. At the end of the paper, the author outlines the external components of national security policy – cooperation with European countries in responding to modern challenges, risks and threats, Montenegro's possible response to security risks and threats, and developing a crisis management system and participation in missions. The content will be based on an analysis of foreign literature and the use of electronic content.

The subject of research in this paper is the national security policy of Montenegro in modern global conditions.

The purpose of this study is to focus on the importance of national security and global security in the scientific literature.

***Keywords:*** *national security policy, national security strategy, security interests and goals.*

## **INTRODUCTION**

Promoting national security and effectively countering the challenges, risks and threats to the state and the community require strategic planning and organization of entities, forces, measures, things and activities in the national security system. Therefore, "stable states", by conceiving a policy and strategy for national security, operationalize the state strategy in terms of achieving protection of vital values and interests.

In the scientific literature, there are different definitions of the terms *security policy* and *national security strategy*. Every policy, and thus the

security policy, is an "art of governance". Security policy is the managerial and concrete activity of political entities, aimed at achieving the highest level of national security (Mijalkovič, 2011: 261).

Security policy is a set of rules according to which security is distinguished from insecurity. In a broader sense, it is made up of several national policies: foreign, defense, economic, social, environmental, health, energy, education and other policies which design the so-called special state strategy. Security policy creates a national security strategy. At the same time, it is its product as well as its means of realization. Security policy can be defined as part of the general policy, based on relevant facts obtained through security assessments of the degree of threat to the values. It determines the means and measures that can achieve certain security objectives in the country and abroad. In modern conditions, politics is defined as the skill or ability to measure the relationship between the assets and the objectives of a political problem or some other issue in the field of government, political parties, NGOs, or citizens. Security policy appears as domestic and foreign policy, and it should contribute to the realization of the internal stability of the country by gaining insight into the factors (phenomena) that are important for its strengthening and development, as well as the factors (phenomena) that bring or can later lead to a threat to national security.

The state strategy (so-called national, total, high, or general strategy) is a relatively new type of national program that refers to the war and the sphere of defense (traditional model) and the realization of all state functions in conditions of peace and war, i.e. the manner in which the state came to the desired goals (Mijalkovič, Keserovic, 2010: 228).

The term strategy is of Greek origin (*stratós*, *stratiia* – army and *agein*, *ago* - running; *strategos* – military leaders). It consists of practical action based on the general program viewing for the directions of development and the survival of the state through which the highest goods, values, interests, and goals are determined (Mijalkovič, 2011: 259). The external-state relations and the internal-state relations, the manner of building political, economic, and military power and the direction of the national resources in those relations are taken into account (Kovač, 2003: 9).

It is about general and integral programmatic viewing for the purpose of achieving, preserving, protecting, and successfully developing vital national and state values and interests by engaging the overall mental,

spiritual, and material potentials of the state, as well as achieving defined goals in peacetime and extraordinary circumstances. It is a set of statements in the form of rules, principles and norms used in the adoption of long-term management actions in order to develop and protect the state and the community. Practically, it is a general idea for the real and / or virtual direction of the power of the state in order to achieve protection and realize the highest national and state interests (Kovač, 2003: 82).

The National Security Strategy is a system of complementary norms in the field of state strategies that directly refers to the security system and the realization of specific security functions of the state in the political, economic, legal, technological, educational, informational, military, religious, and other areas of state life (Mijalkovič, 2011: 261).

It is a comprehensive and relatively permanent program, the realization of which should achieve the internal and external security in the country in conditions of peace and war by effectively counteracting security challenges, risks and threats (Kovač, 2003: 72).

The national security strategy should be different from the defense strategy and the military strategy.

The National Security Strategy is a basic and public document that defines the term security of the state and treats. It refers to the national interests, security goals, security risks and threats, the possible response of the state to those risks and threats, security policy, as well as the structure of the national security system. Furthermore, it refers to the views and attitudes regarding defense and crisis management, with a special emphasis on optimizing security resources, the organization and guidelines for increasing opportunities, and the readiness of states to respond to the challenges, risks, and dangers to the country's security (Mijalkovič, Keserovic, 2010: 230).

The strategy also determines the components of national security. There are various didactic-pedagogical and theoretical reasons in the structuring and displaying of national security as a complex phenomenon composed of several components.

National security is considered to be generally compromised when any of its components are compromised. Endangering one component jeopardizes other components of national security. For example, by endangering the economic, the social components of national security are also endangered (Mijalkovič, 2011: 165).

## **BASIC WARNINGS OF THE NATIONAL POLICY OF SECURITY OF MONTENEGRO**

The policy of national security in Montenegro determines the political, economic, military, information and environmental stability of the country, in respect of the political existence and territorial integrity of the state. The strategic goal of the state is to build a stable, functional, and efficient security system that enables prevention, management and peaceful resolution of all possible crises and disagreements, regardless of their level and character, and in accordance with the international democratic standards and rules (according to the Strategy of national security of Montenegro - adopted by the Government of Montenegro - June 2006).

The realization of this goal creates a positive environment for efficient protection and defense of the vital state and social values and interests of the state defined by the Constitution of Montenegro. The national security policy regulates the national interests, the security objectives, the security risks and threats, the possible reaction of the state of Montenegro to those risks and threats, as well as the structure of the national security system. The policy of national security is an expression of the determination of Montenegro to be part of the regional and global Security System, and it determines the possibilities of Montenegro as a state, as well as its constant efforts to adapt to the global change and contribute to the security and stability in Southeast Europe.

The security policy of Montenegro is aimed at preserving its national and state interests and fully achieving the security goals based on the principles of developed democracy, rule of law and its orientation towards the Euro-Atlantic integration. On this path, the country strives for respecting the international law and the internationally accepted principles of peace resolving misunderstandings, and it strives for its right to a healthy environment (according to the Strategy of national security of Montenegro - adopted by the Government of Montenegro - June 2006).

Furthermore, in 2008 a new Strategy was adopted in Montenegro. This strategy defines the development and functioning of Montenegro's national security system and is an expression of its commitment to be part of the regional and international (UN, NATO, EU and OSCE) security systems. (according to the Strategy of national security of Montenegro "Official Gazette of Montenegro No. 75/08 of 08.12.2008"). Altogether, it defines the

security objectives, the possible response of the state of Montenegro, the national security system, and the necessary resources. The strategy confirms Montenegro's state obligation to take all necessary actions to meet the conditions for its integration into the European, Euro-Atlantic, and other international security structures. With this goal in mind, Montenegro became a member of the NATO's Partnership for Peace Program and signed a Stabilization and Association Agreement with the European Union. This Strategy is the basis for significant reforms of the national security sector, as well as for normative adjustment and further development of the national security system, and serves as the basis for reform of the security and defense sector in Montenegro.

The Strategy of national security of Montenegro of 2018 sets out Montenegro's security policy and defines mechanisms and instruments for achieving and protecting the national security interests. This Strategy is the starting point for the preparation of all other strategic documents and plans in the field of security policy in Montenegro (according to the Strategy of national security with the Action plan of Montenegro, 2018). This Strategy is a revision of the 2008 Strategy and reflects the need to redefine Montenegro's security response in the context of ongoing and profound changes in the modern security environment.

Montenegro became a member of NATO on June 5, 2017 and thus achieved one of the two key foreign policy goals and became an integral part of the collective security system. Under the auspices of NATO, the strategy aims to establish a systematic framework for pursuing Montenegro's security interests, and it sets out the key guidelines for defining the national security policy. The prerequisites for building the Strategy identify the principles and basic determinations of the national security policy, defining national security interests and goals and determining the direction of action of all entities to ensure an adequate response to the current security challenges, risks and threats. The content of this strategy follows the recommendations given in the European Security Strategy adopted on 12.12.2003 and the Global Strategy of the European Union from 2016 in order to achieve a stable security environment and preventive action (according to the *European Security Strategy – A Secure Europe in a Better World*, Internet, 11/06/2004, [http://www.iue.eu.int/cms3\\_fo/showpage.asp?id=391&lang=en](http://www.iue.eu.int/cms3_fo/showpage.asp?id=391&lang=en). *Shared Vision, Common Action: A Stronger Europe*", A Global Strategy for the European Union's Foreign and Security Policy, 2016, available at:

<http://europa.eu/globalstrategy>. See more: House of Commons, Defence Committee, The Future of NATO and European defence, Nine report of Session 2007-08, p. 72).

The strategy is proactive. It aims to anticipate and analyze the challenges, risks and threats in a timely manner. The answer to them should be defined in advance, to create conditions for unity in the actions of all relevant entities, to ensure efficient and sustainable use of all resources, the necessary resistance and the ability to recover all elements in the security system.

**Basic components of national policy of security** - Montenegro's security policy is based on the principle of inviolability of security. The security of the citizens of Montenegro as a country is directly dependent on the security in the region, Europe, and beyond. There is no longer a clear line of separation between external and internal security. Montenegro has recognized in time that the best way to guarantee a long-term and sustainable security and to achieve sovereignty and territorial integrity of the country is to approach a collective and cooperative system of security and defense, and this is achieved with NATO membership (according to the Strategy of national security with Action plan of Montenegro, 2018, p. 10). The NATO membership has significantly strengthened Montenegrin international position and facilitated the achievement of the second key foreign policy goal - accession to the European Union. Active participation in NATO's collective security system, operations, and missions is a key precondition for protecting Montenegro from armed threats and other threats to national security.

Also, strengthening transatlantic co-operation, co-operation with partner countries and accession to the European Union will further enhance the security climate in the region and strengthen Montenegro's capacity to respond to current challenges, risks and threats.

During the drafting of this Strategy, the key strategic documents of NATO were discussed in details and their principles were incorporated to the highest extent. Montenegro's obligations as a NATO member in the EU accession negotiations process and the need to harmonize the country's foreign and security policy with the European Union's Common Foreign and Security Policy were also taken into account.

The strategy identifies the vital, strategic, and other important interests of Montenegro. In the framework of this paper, we will determine

the Strategic interests of Montenegro (according to the Strategy of national security with Action plan of Montenegro, 2018, p. 11)

Montenegro's strategic interests are:

- Development of an efficient and sustainable national security system;
- Preventing and combating the challenges and threats that may affect the security of Montenegro and its allies;
- Strengthening resilience, civilian capabilities, and crisis management capabilities;
- Stable and long-term economic development;
- Continuous improvement of the cyber defense, security and safety system;
- Strengthening of the capacity to counter the intelligence and hybrid activities of other states, terrorism and other forms of organized violence, organized crime and corruption, and threats to the economic interests;
- Protection of tradition, culture, language, national and identity;
- Strengthening and developing ties with the diaspora and providing support in preserving Montenegrin tradition, culture, language, and national identity;
- Protection of the natural and all other resources and potentials of Montenegro;
- European Union Integration;
- Strengthening cohesion and efficiency within NATO;
- Promoting the policy of good neighborly relations and cooperation at regional and global level;
- Development of the capacities for participation in missions, operations and other NATO activities, as well as for support and assistance to the Allies in case of need and in accordance with the obligations arising from NATO membership ([https://www.nato.int/cps/en/natohq/topics\\_48830.htm](https://www.nato.int/cps/en/natohq/topics_48830.htm));
- Contribution to the international stability through active participation in European Union missions, international peacekeeping missions, and United Nations operations.

The realization of Montenegro's strategic interests contributes to the protection of vital interests, social development and the overall prosperity of

the country. It also promotes the security of citizens, society and the state, strengthens the national security institutions, and creates conditions for preventive action and adequate response to security challenges, risks and threats as basic national security goals. Achieving national security goals is made possible by implementing a national security policy and defining specific responses to security challenges, risks and threats.

## **ELEMENTS OF THE NATIONAL POLICY OF SECURITY**

Montenegro's National Security Strategy of 2018 also defines the elements of Montenegro's national security policy, foreign policy, economic policy, defense policy, internal security policy, natural and man-made disaster protection policy, human rights protection policy, social policy and other policies (according to Strategy of national security with Action plan of Montenegro, 2018, p. 13). Montenegro's national security policy is a balanced set of visions, strategies, programs, plans and activities to respond to sources of challenges, risks and threats, as well as to achieve national security goals. Montenegro's foreign policy priorities are interrelated and complementary. By pursuing basic foreign relations priorities, Montenegro is pursuing membership in the European Union after joining NATO. It is also committed to developing good neighborly relations and strengthening regional security cooperation and other areas of common interest to the state. In this regard, Montenegro is an active member of regional incentives, follows global trends and engages in them in accordance with the interests and capabilities of the state. Montenegro establishes and maintains good relations with a number of the most developed countries in the world, while fully respecting the undertaken international obligations and principles.

Montenegro's 2018 National Security Strategy has been developed in line with the changes in the global and regional security environment. The global security environment is characterized by constant and dynamic change, unpredictability and the interaction of various security factors and trends. Security challenges, risks, and threats are both conventional and asymmetric in nature and are characterized by hybrid and global character.

One of the characteristic aspects of the modern security environment is that the security of any country can be directly threatened by instability and conflicts that occur outside its borders or the borders of the region, i.e. the continent on which it is located (according to Strategy of national security

with Action plan of Montenegro, 2018, p. 14). The line between external and internal security is blurring, prompting radical changes in security and defense approaches. It is vital for the state to establish mechanisms and methods for prevention, immediate and effective response and neutralization of the impact of unforeseen challenges, risks, and threats, primarily through coordinated engagement of civilian and military mechanisms.

## **REGIONAL EVALUATION**

The security situation in Montenegro has to be monitored in a regional context. Montenegro regionally belongs to both the Balkan and Mediterranean regions, and sub-regionally to the Adriatic basin. It is part of the region that in the previous period underwent dynamic changes and a civil war. Given the historical heritage as well as the positive trends after the restoration of its independence, Montenegro has a specific place and a significant role in maintaining stability in the region. Montenegro is also taking a strategic approach to the challenges, risks, and threats to national security defined by NATO's strategic documents. The region is still burdened by the events of the past and by unresolved issues that can destabilize certain areas. As a result of reduced military effects in the region, the integration of NATO and the European Union countries, and the development of a policy of trust, cooperation and partnership, the fear of direct military threats to Montenegro is significantly reduced today. However, that fear cannot be ruled out.

Geostrategic changes have affected the Western Balkans to once again become a zone of strong interest of certain international actors whose primary goal is to prevent the European and the Euro-Atlantic path of some countries in the region. This leads to concrete actions towards the region, especially of a hybrid nature, which is a serious security challenge and can have significant consequences for regional stability and slow down the integration process.

Given Montenegro's geographical location, its security could be negatively affected by crises in the immediate vicinity, as well as crises in remote regions such as Eastern Europe, the Middle East and North Africa, as well as the Black Sea region, the Caspian Sea and the Caucasus. In these areas, which are destabilized by crises, conflicts, demographic growth and reduction of strategic resources (water, energy), the manifestation of

transnational threats and transfer or overflow of the crisis towards the European continent is more notable.

## COMPONENTS OF FOREIGN POLITICS OF MONTENEGRO

The increasingly complex geopolitical relations in the world, which have conditioned the economic, political and geostrategic interests of global and regional powers to be violated in both Western Balkans and Montenegro, have affected the intensified intelligence activities of individual states and systems. In parallel with the classical collection of information from various fields, intelligence operators, through the parallel application of hybrid action mechanisms, seek to influence political elites and public opinion to create conditions for the establishment and influence of the processes and stability of Montenegro which is a long-term security challenge.

Achieving the desired level of security is a prerequisite for the well-being of the state, society, and each individual. Security provides progress and prosperity in all fields as a guarantor of domestic and foreign investment as well as a catalyst for tourism.

*Contributes to achieving quality of life and international reputation of the country.* Qualitative and complete analysis of security challenges, risks and threats, economic opportunities of states and rational consideration of its capacities determine the modalities of responding to certain challenges, risks and threats. Montenegro is aware that the new environment offers many opportunities, but also many new challenges, risks, and dangers. Therefore, the new challenges, risks and dangers require new answers, which, despite the efforts of Montenegro, are only possible in cooperation and with the help of all countries in the region, Europe and the world.

Basic principles in determining a certain response (according to the Strategy of national security with Action plan of Montenegro, 2018, p. 18) are:

- ❖ Unity of actions - coordinated and harmonized engagement of all state entities and resources, cooperation of state and civil bodies, institutions and organizations and engagement of society as a whole;
- ❖ Prediction and prevention - timely identification of situations that may pose a potential risk to national security; Effective use of all resources - a principle based on the prioritization of resources and their optimal use;

- ❖ Resistance and ability to recover - enabling the ability to flexibly engage human and material resources to reduce or mitigate possible negative consequences. Within the concept of civil readiness, the cooperation of state institutions, the civil and the private sector should be enabled, because the new security challenges require a response from the entire community.

The Strategy for 2018 also identifies the activity of Crisis Management, which is one of the key tasks of NATO. This activity is a coordinated use of elements of diplomatic, informational, military and economic power in a complex security environment, in order to prevent a crisis, to prevent the escalation of conflicts in armed conflict and to overcome hostilities, in case of their occurrence. As a full member of NATO, Montenegro will recognize the state of crisis as one of the countries of national security and will develop a crisis management system compatible with the NATO system (according to the Strategy of national security with Action plan of Montenegro, 2018, p. 24).

In order to establish a unified crisis management system in Montenegro, it is necessary to adopt a legal framework that will clearly and precisely define the competencies and responsibilities of all elements of the system and their interaction with local governments and civil society, as well as establish an integrated national early warning and alert system;

Defining clear criteria for assessing sources and potential security challenges, risks and threats and response measures requires standardization of training and equipment in a crisis management system.

The Establishment of a Legislative Framework is defined as a high-priority activity, which will clearly define the positions and roles of the elements of the national crisis management system and will prescribe the decision-making process in response to a wide range of crises. This framework will define the place, role, and competencies of all elements in the national crisis management system, establish a unified management and command system, synchronize planning processes and crisis response activities. One of the priority tasks is to define the position and structure of the National Crisis Management Situation Center and its accelerated formation. Following the establishment of the crisis management system at the national level and within the framework of the NATO Crisis Response System, it will be periodically checked that the Crisis Management System,

the capacities and opportunities of Montenegro can meet various security challenges, risks, and threats.

*Reaction of the state to security challenges, risks and threats.* Montenegro's 2008 National Security Strategy sets out the introduction of a national-international cooperation strategy to achieve security policy objectives (according to the Strategy of national security of Montenegro "Official Gazette of Montenegro" No. 75/08 of 08.12.2008).

At national level, comprehensive and flexible security cooperation is established. It consists of assigning specific tasks and appropriate resources to different entities that contribute to security at different levels, with coordinated cooperation in their deployment within the integrated system. Comprehensive cooperation requires the activation and cooperation of different bodies at different levels (state, municipal, and others). Flexible collaboration ensures the application of the most favorable combinations of measures and resources based on real needs.

International security cooperation should consist of preventive and, if necessary, reactive involvement. Through coordinated multinational cooperation, Montenegro will contribute to crisis management, stabilizing the region from tensions, and strengthening mutual security measures in general. Montenegro will also aim to strengthen relations with other countries and international organizations, primarily in order to preserve its own security and create a system of appropriate agreements on joint security and defense. Cooperation at domestic level as well as international presupposes continuous and intensive activities for modernization and functionality of the Montenegrin resources. Montenegro will take all necessary measures to reduce risks and protect the state, its institutions and population from security threats, by establishing an effective security system and building trust and partnership with other countries and international organizations.

Missions: Montenegro is prepared to respond to risks and threats to national and international security by carrying out the following four missions: (according to the Strategy of national security of Montenegro "Official Gazette of Montenegro" No. 75/08 of 08.12.2008).

Defense: Montenegro develops and maintains its ability to protect and defend its sovereignty, borders, territory, airspace, maritime space and population from threats and the use of force on a strategic scale. Ability to protect and defend implies maintaining a credible defense capacity, efficient and flexible internal security system, high standards of equipment and

training, as well as degree of readiness that can be adjusted to the development of the situation and interoperable force, capable of acting together with the forces of other states.

*Maintaining and promoting internal security and stability.* This refers to protection of the constitutional order, democratic political system, human rights and fundamental freedoms and other constitutionally and legally secured values. To successfully maintain Montenegro's internal security, it is particularly important to achieve border security and protection, which is achieved through a system of integrated border management and cooperation with other countries, and contributes to a more effective fight against terrorism and organized crime.

*Emergency management.* It is crucial in natural disasters, environmental, technical, chemical, biological, nuclear and radiological disasters, epidemics, as well as the consequences of terrorism and other dangers that can create risks and threats to the security of Montenegro and the region. Montenegro will participate in providing international assistance in the event of natural, technical-technological and other disasters.

Participation in international peacekeeping and humanitarian operations led by the UN, NATO and the EU: Montenegro is determined to contribute to building and maintaining peace at the regional and global levels. In making decisions on participation in international peace and humanitarian operations, the international legal basis of the mandate, the goals for Montenegro's integration, the available resources, the location of the crisis hotspot and the impact on national security will be taken into account.

## **CONCLUSIONS**

The National Security Strategies of Montenegro from 2006, 2008 and 2018 are the framework for the construction and operation of an integrated national security system of Montenegro. These strategies define Montenegro's national security policy and the country's national security interests and goals, and determine the direction of action of all entities to ensure an adequate response to current security challenges, risks, and threats. All documents governing Montenegro's national security must be in line with the Strategy. Depending on the security environment, interests, economic opportunities and changes in the factors that determine it, the content of the National Security Strategy in each nation-state also changes.

Montenegro's strategic goal is to achieve state interests and security goals based on the principles of developed democracy, rule of law, market economy and orientation towards Euro-Atlantic and European integration, respect for the international law and the internationally accepted principles of peaceful settlement of disputes, and creating a favorable security environment. The primary point of view of the National Security Policy of Montenegro actually consists in the respect for human rights, economic prosperity, social stability, the development of democracy and the rule of law, pro-European foreign policy, and the promotion of relations and cooperation with the most influential entities in the international community, with neighboring and other countries in the region.

Montenegro became a member of NATO on June 5, 2017 and has become an integral part of the collective security system. As a full member of NATO, Montenegro is developing a crisis management system, compatible with the NATO system. The expansion of the North Atlantic Alliance in the Western Balkans region will strengthen and contribute to building an area of governance shared by NATO (democracy, rule of law, and human and minority rights).

Another strategic goal for Montenegro is to integrate into the European Union and harmonize its foreign and security policy with the European Union's common foreign and security policy, as well as with the European Security and Defense Policy as an integral part of it. Regional cooperation and relations with the neighbors are the key to achieving stability and security throughout the region, and also internally, but they are also a prerequisite for progress in the Euro-Atlantic and European integration.

Through special engagement with the United Nations and the OSCE in building and actively participating in collective security, Montenegro will further reaffirm its position in areas such as: participation in international peace and humanitarian operations and missions, non-proliferation, arms and weapons control for mass destruction and in a number of other activities important for the advancement of Montenegro's international role within these organizations.

Montenegro is developing a functionally integrated national security system that provides an opportunity for the state to act preventively on security challenges, risks and threats and respond accordingly. The system ensures realization of the national security interests and goals and strengthening of the national security institutions. It also contributes to

regional and global security, efficient functioning of the elements of the system in all conditions in order to ensure the protection of the interests and values of Montenegro, rational use of the resources, coordination and effective management of the national security system, and transparent operation of all system elements.

## REFERENCES

1. Mijalković Sasa., Keserovic, Dragomir., (2010). *Osnovi bezbednost*, Faculty of security and protection, Banja Luka.
2. Mijalkovic, S., (2011). *National Security*, Other, Edited and Allowed Edition, Criminal-Police Academy, Belgrade.
3. Kovač, M., (2003). *Strategijska i doktrinarna dokumenta nacionalne bezbednosti – Teorijske osnove*, Svet knjige, Beograd.
4. Strategy of national security of Montenegro - adopted by the Government of Montenegro - June 2006.
5. Strategy of national security of Montenegro "Official Gazette of Montenegro No. 75/08 of 08.12.2008".
6. Strategy of national security with Action plan of Montenegro, - adopted by the Government of Montenegro, 2018.  
file:///C:/Users/Tatjana%20Gerginova/Downloads/Strategija%20nacionalne%20bezbednosti%20sa%20Akcionim%20planom%20(1).pdf
7. *European Security Strategy – A Secure Europe in a Better World*, Internet, 11/06/2004, [http://www.iue.eu.int/cms3\\_fo/showpage.asp?id=391&lang=en](http://www.iue.eu.int/cms3_fo/showpage.asp?id=391&lang=en).
8. *Shared Vision, Common Action: A Stronger Europe*", A Global Strategy for the European Union's Foreign and Security Policy, 2016. Available to: <http://europa.eu/globalstrategy>.
9. House of Commons, Defense Committee, The Future of NATO and European defense, Nine report of Session 2007-08, p. 72.
10. NATO Handbook, p. 263. NATO Public Diplomacy Division, 1110 Brussels - Belgium, Website: [www.nato.int](http://www.nato.int)
11. [https://www.nato.int/cps/en/natohq/topics\\_48830.htm](https://www.nato.int/cps/en/natohq/topics_48830.htm)

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## **PREVENTION OF THE ABUSE OF POWER-LEGISLATIVE AND THE BEST PRACTICES**

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### **INTRODUCTION**

International acts are the basis for an organized social response against perpetrators of crimes in the area of abuse of power and corruption. However, the fight against corruption is taking place nationally.

States, in order to maintain the power and in general of the public authority, as well as to ensure respect for the rule of law and the axiom of the rule of law by all available means, oppose the ways and forms of corruption. In order to fully and comprehensively consider the criminal issues of abuse of power, such as distortion of the rule of law and the rule of law, it is not enough to dedicate ourselves to theoretical and practical analysis of the form of occurrence, elements and characteristics of these crimes. with the solutions from the domestic criminal legislation, the legal theory and the court practice, but it is necessary to pay some attention to the comparative law with a brief analysis of the representative criminal acts of corruption in the modern criminal justice systems. These crimes can occur under different names and with different content, elements and characteristics, as well as for the prescribed punishments. Furthermore they can also occur in various forms, various phenomena in the exercise of power such as material and other abuses of authority to the detriment of individual and social interests.

According to the object of protection in theory, a division of crimes has been made: political acts, acts of corruption and acts against the freedoms and rights of citizens. The former have the character of abusing the powers of

the highest state officials who enjoy material and legal immunity and have political responsibility, so they are expected to resign or be dismissed. To illustrate, there have been several cases in the United States of wiretapping political opponents of Watergate, which ended with the impeachment and resignation of President Nixon. Slovenia and the Republic of Croatia, as well as Austria, in May 2019, announced a political influence on the media, due to which the Government of Kurz fell. In our country, the case of the "Big Ear" from 2000, which ended with the abolition in 2003 of a former Minister of Interior and a senior police officer, as well as the still publicly published illegally wiretapped conversations from 2015 that deepened the political crisis.

Corrupt acts of abuse of power are examples where the object of an attack is public authority and his attempt to gain personal property for oneself or for another, against the damage done to the public interest and budget funds for which the holder of public duty is responsible.

The third form of crime of abuse of power are acts against the basic freedoms and rights of citizens, such as unauthorized deprivation of liberty, exceeding police powers, torture, in which there is an obvious direct interpersonal relationship between the perpetrator, the official and the victim, for whom motives are not important, but the very act of violating the right to liberty. From a scientific point of view, corrupt acts are quite frequent and are supported by numerous analyzes and researches. Based on the committed crimes, it is determined which incriminations are most common.

By presenting cases from the largest criminal court in the country, the Basic Court Skopje 1 Skopje, analysis of reported, accused and convicted persons holding office, for corrupt criminal acts, as well as analysis of criminal policy according to pronounced sanctions for criminal offenses against abuse on the position, for the period 2012-2018. The main goal of this empirical research is to detect weaknesses in the system for protection against corrupt acts of abuse of authority in the rule of law and to make proposals for creating a new quality system of prevention and repression of abuse of authority. The aim is to obtain concrete indicators of the existence, dynamics and structure of these acts, but also the conditions that go in their favor for their execution, as well as to propose new legal solutions.

## CRIMINAL JUSTICE FOR ABUSE OF POWER

### Politics and power

In his work "The Laws", Plato talks about the development of state order in history and explains the relationship between justice and power. Plato<sup>1</sup> believes that anyone who enforces the law and is consistent with respect should be given the authority to oversee the enforcement of the law. Unfair treatment is impermissible by those in power who are obliged to enforce the law and interpret it correctly<sup>2</sup>. Weber has created a systemic theory of power and explains it as "a factual situation in which the expressed will presents an order from those who rule, thus influencing the actions of others."<sup>3</sup> Labovic<sup>4</sup>, on the other hand, using the etymological roots and theoretical teachings of the phenomenological forms of government, gives an analysis of the conceptual differentiation of the terms government, politics, power and authority.

In political practice, the division of power into legislative, executive, and judicial is generally accepted. However, Levenstein believes that in the division of power and functions, control over politics is essential, and not only this is provided by the division of power, but also by applying the principles of political responsibility<sup>5</sup>.

Political power threatens the other principles of the rule of law: the principle of legality, free elections, carrying out public functions, the public interest, the independent judiciary and the constitutionally presumed legitimacy of the state. The question is how the rule of law can develop its own defense system, how it can be protected "against the state"<sup>6</sup>. Academician Kambovski believes that in order to defend itself, the state "should establish strong and autonomous institutions of protection, primarily through independent and powerful judiciary and other institutions for the protection of human rights that will act as a counterweight to the criminal

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<sup>1</sup> Plato, *The Laws*, Belgrade Publishing House, Belgrade, 1971, p.521

<sup>2</sup> Rawls, J., *A Theory of Justice*, The Belknap Press of Harvard Univerizty, Press Cambridge, Massachusetts, 1997, Rawls J., *Theory of Justice*, Slovo, Skopje, 2002, p.267

<sup>3</sup> Weber, M., *Economy and Society*, Prosveta, Belgrade, 1976, p.446

<sup>4</sup> Labovič, M., *Vlasta korumpira*, De Gama, Skopje, 2006, pp.40-46

<sup>5</sup> Kitanovski, L., *Division of Power*, Aniscope, 1996, Skopje, p.30

<sup>6</sup> Kambovski, V., *Organized Crime*, 2 August S, Štip, 2005, p.58

aspirations of political tycoons.<sup>7</sup>" The protection of the integrity of the trial, fair open trials and hearings, which guarantee rational examination procedures to establish the truth, by judges who are impartial and independent.

Mechanisms for effective fight against political corruption should focus on narrowing the possibilities for those in office to exert political or party influence on others in order to gain property, directly or through an intermediary, for themselves or for others, but they can also be under the influence, regardless of the hierarchical subordination. Due to improper use of powers, most often discretionary, financing of political parties and campaigns against the law, trading or illegal use of information, transparency of procedures and documents, new forms and forms of influential trading are revealed and the need to develop specific methods is required for the discovery of these works. Due to the emergence of new individual behaviors that attack and threaten the proof, there was a need for new incriminations in the national legislation to sanction the obstruction of justice.

## **MACEDONIAN CRIMINAL LEGISLATION AND CASE LAW**

### **Amendments to the Criminal Code in 2018**

At the end of 2018, at the request of MPs in the Assembly of the Republic of Macedonia, the Law on Amnesty and the Law on Amendments to the Criminal Code were adopted in fast-track procedure<sup>8</sup>. The court may impose a penalty on the perpetrator under the limit prescribed by law or apply a milder type of punishment in three cases<sup>9</sup> (Article 40), and with intervention in paragraph 3 of Art. 275 of the Criminal Code, the lower threshold of imprisonment from five to four years has been reduced<sup>10</sup>, and a suspended sentence may be imposed. Analyzing the reasons for the adoption of the Law on Amnesty and the latest amendments to the Code, the hypothesis was confirmed that the holders of office, regardless of which

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<sup>7</sup> Ibid, p.59

<sup>8</sup> The Criminal Code of the Republic of Macedonia ("Official Gazette of the RM" No. 37/96, ..., 248/18)

<sup>9</sup> 1) when the law provides for a milder punishment, 2) especially mitigating circumstances and the mitigated punishment will achieve the purpose of punishment or 3) a decision based on an agreement

<sup>10</sup> Protection against abuse of the public call procedure, awarding a public procurement contract or public-private partnership (Article 275-c)

political party they are supporters of, are privileged over other citizens in the country. In the "spirit" of political reconciliation, in order to secure a majority to vote on constitutional changes in Parliament and a consensus on the Prespa Agreement, in order for Greece not to veto it, we have become a member of NATO<sup>11</sup>.

### **New crimes in the incrimination system**

The need for a new incrimination "obstruction of justice" is a result of the egalitarian examples presented to the public when the investigative actions of certain criminal proceedings are hindered. In the criminal law sense, an action for execution in para. 1 of Article 368 of the Criminal Code is the prevention of giving a statement or giving a false statement through several certain ways of execution by applying force, bribery, obstruction or otherwise influencing a person to give a false statement or not to give statement at all <sup>12</sup>(*delicta manu propria*). The content of the statement should be influenced by the correct decision (*thema probandi*)<sup>13</sup> and not by a value court<sup>14</sup>. The more difficult forms in paragraph 2, paragraph 3, paragraph 4, where the enforcement agent may be only a person who is affected by the duty to give a witness, witness, expert, translator, interpreter, and in para. 5 et para. 6, the offense of "coercion against a judicial employee" for subjugating a judge, public prosecutor, lawyer or other official as a victim has been sublimated.

The new act of Article 369 of the Criminal Code, Disclosure of the identity of an endangered or protected witness, collaborator of justice or victim who appears as a witness is all in order to provide measures for effective protection or limited provision of information, non-disclosure of identity, place of residence and standards to ensure the safety of the witness (Article 24 of the Palermo Convention).

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<sup>11</sup> Skopje Court of Appeals GZ no. 1026/18 from 11.03.2019 The verdict changes the sentence of the first convict from 6 years in prison to 4 years and 8 months, and to the second convict from 3 years imprisonment to suspended imprisonment of 2 years provided that he does not commit another crime for 5 years

<sup>12</sup> Schultz and B., *Uber das falsche Zeugnis*, ZStR 1940/4, p.426

<sup>13</sup> Kambovski, V., *Commentary on the Criminal Code*, Matica, Skopje, 2010. For more details see: giving a false statement p.1109

<sup>14</sup> Manzini, V., expert opinion based on facts p.838

## **Corruption crimes**

### **Abuse of official position and authority**

The term *lat. abusus*<sup>15</sup> means any behavior that is unlawful and contrary to the constitution, laws or other legal regulation or general act. Abuse of official position and authority - Art. 353 of the Criminal Code<sup>16</sup> in the criminal legal sense includes illegal actions of officials who are sent with the intention to obtain for themselves and for others some favours, i.e. infliction of damage to another person. There are several forms, the basic form is abuse of official position by selfishness. According to the action, it can appear in three forms: abuse of an official position or authority; exceeding the limit of official authority and non-performance of official duty.

A serious form of abuse exists when by committing an act a property gain<sup>17</sup> is obtained or when a significant property gain is obtained<sup>18</sup>. The perpetrator presents an official, and in terms of responsibility he is equated with a responsible person in a company in a legal entity and an institution or other organization. The term official is defined by international documents and Art. 122 of CC<sup>19</sup>. In court practice, emphasis is placed on the exercise of powers under legal regulations. To illustrate, a sententia from the Decision<sup>20</sup> can be used. "... According to the classical concept, the executor of the official criminal act is an official person, and as an executor of certain official acts, a responsible person also appears. It is undisputed that defendant Gj.P. was an official in the MIA, who appears as a contracting authority in the specific public procurement and in fact para. 5 of this crime is a more serious form whereby the commission of the crime during public procurement is

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<sup>15</sup> Sajo, A., Corruption, Clientelism and Future of the Consolidal State in Eastern Europe, East European Consolidal Review, New York, 1/1998, pp.37-46

<sup>16</sup> Until 2009, for para. 3 is provided with a prison sentence of 1 to 10 years, by the Law on Amendments to the Criminal Code (Official Gazette of RM no. 114/09) a prison sentence of less than 3 years is determined.

<sup>17</sup> 5 average monthly salaries in the Republic at the time of the execution of the crime

<sup>18</sup> 50 average monthly salaries in the Republic at the time of execution

<sup>19</sup> Under the term official in Article 122 para. 4 of the CC of the Republic of Macedonia is considered the President of the Republic of Macedonia, appointed ambassadors and other representatives of the Republic of Macedonia abroad and appointed persons by the President of the Republic of Macedonia, elected or appointed official in and by the Parliament, in the Government of the Republic of Macedonia, in the courts, the Public Prosecutor's Office, the Judicial Council of the Republic of Macedonia and other bodies and organizations that perform certain professional, administrative and other matters within the rights and duties of the Republic, in the units of local self-government, as well as persons who permanently or occasionally perform official duties in these bodies and organizations

<sup>20</sup> KOK no.59 / 17 from 23.05.2018, KOKZno.23 / 18

singled out, and stricter treatment of this form is justified. by accumulating two injustices, and that is the abuse itself, but also the violation, the interest of lawful and conscientious treatment of the state budget, public funds and other state funds ... ".

In the case of guilt, there needs to be intent. The perpetrator must be aware that he is abusing his position or authority to gain some favour for himself or another, or to harm another, that is, to infringe on the rights of another. To illustrate the point, a sentiment from the Decision of the Supreme Court of the Republic of Macedonia KVP 234/14 from 15.07.2016 "... According to the assessment of this court, the presented evidence does not indicate with certainty that the actions of the defendants have achieved the subjective component of the crime in question. Namely, the crime Abuse of official position and authority is a deliberate act, which in this case implies the existence of direct intent of the perpetrator to obtain for himself or for someone else some favour or harm to another. From the evidence presented during the procedure, it is not concluded that the defendants acted with the intention to damage the budget of the Republic of Macedonia".

### **Indications of incriminations: taking bribe and receiving reward for illegal influence**

According to their characteristics, these two crimes are a form of corruption in the service.

With the crime of accepting bribes, the incrimination is that it is unlawfully mediated to perform or not to perform any official work, action, income, reward or any other favour. In that sense, this crime presents a criminal offense consisting of unlawful intermediation to perform or not any official duties. Considering that an award is mediated and received or not in relation to official activity, three forms of this crime are envisaged: mediation to perform lawful official work; mediation to carry out illegal official work; mediation in performing illegal official work by receiving a reward or other favour.

For example, the case law is a case study conducted under the jurisdiction of the specialized court department for trial of criminal offenses in the field of organized crime and corruption of the Basic Criminal Court

Skopje 1<sup>21</sup>. "... Pursuant to Article 359 paragraph 2 of the CC, the enforcement action is the influence to perform an official action that should not be performed or not to perform an official action that would have to be performed. In this particular case, it is indisputable that the defendant N. Mr. by using his real influence as Prime Minister of the Republic of Macedonia, he influenced to perform an official action that should not have been performed ... ”.

The amount of the reward is not important for the existence of the deed, for the illustration decision for another case<sup>22</sup>. The perpetrator of the crime can be any official, intent is required, and the application of a security measure is mandatory, in terms of Art. 110 of the Criminal Code, reward and favour gained in a crime, must be confiscated<sup>23</sup>. In this context, it must be mentioned that the public has long commented that the announced sale of the vehicle did not materialize, but is still used by the Government.

### **Judicial practice (case studies) for corruption**

The first case is the final Decision KOK 59/17 from 23.05.2018<sup>24</sup> for criminal offenses Receiving a reward for illegal influence under Article 359 paragraph 2 and Abuse of official position and authority 353 paragraph 5 of the CC<sup>25</sup> and was selected for research because of from a scientific point of view it is an example of abuse by holders of high political office, and for practice it is important because it is based on an indictment by the Special Public Prosecutor's Office established by the Law on Public Prosecution to prosecute crimes related to and arising from the content of illegal interception of communications . In the explanation of the verdict, the factual situation is based on illegally tapped conversations and other material evidence and a detailed description of the actions that contain the elements of the crime is given. Sententia *"The court especially emphasizes that it is an honor to be a holder of public office, especially the Prime Minister of the Republic of*

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<sup>21</sup> KOK no.59 / 17 from 23.05.2018, KOKZno.23 / 18

<sup>22</sup> KOK.br.16 / 15 od 25.03.2015

<sup>23</sup> Tupancheski, N., Economic Criminal Law, Faculty of Law Justinian I Skopje, 2015., p.66

<sup>24</sup> Decision of the Court of Appeals Skopje KOKZ no. 23/2018 the sentence of imprisonment of a person L.P. from 6 years and 6 m changed to 4 g and 6 m.

<sup>25</sup> Decision of the Constitutional Court U no. 138/2007 of 19.12.2007 -353st 5 -KZ

*Macedonia, but at the same time it is an obligation. No one, not least the holders of public office, and above all, the Prime Minister must not underestimate or belittle the citizens as the accused N. actually did. Mr. in a way that he managed to secure for himself in an illegal way a Mercedes S 600 Guard passenger motor vehicle for which the vehicle was not only not informed to the citizens, but with the same as he says that until the local elections were held they would not announce that take over the vehicle ... ”.* The entire course of the criminal proceedings was monitored by the public through the media, which reported in detail on the trials. Regarding the outcome of the proceedings, the public was divided, some still sharing the view that it was political revanchism, others that although illegally tapped evidence was authentic, they were still "merged, cut and adapted", and others that justice is still satisfied. The Court reaffirmed its independence and autonomy in a democratic state<sup>26</sup> governed by the rule of law, ensured the rule of law, non-selective justice, efficient and impartial trial, and the protection of the human rights of defendants and legal principles.

The second case is the Decision of the Supreme Court of the Republic of Macedonia KVP 234/14 of 15.07.2016 on the abuse of official position and authority under Art. 353 para. 3 of the CC of the former Minister of Defense and Chief of the General Staff of the ARM of the Republic of Macedonia and other employees of the Ministry of Defense. The subject of legal analysis is due to the fact that the first instance verdict K no. 694/10 from 01.07.2013 and the verdict of the Court of Appeals Skopje no. 181/14 from 30.06.2014 are revoked, the case is returned for retrial and is postponed. from the execution of the decision for execution of a prison sentence, with a final decision K no. 1978/16 from 22.11.2019, by which the decision is rejected due to obsolescence. The lower courts found that the defendants acted contrary to the public procurement procedure in the MoD and, without any real need, made a procurement of such a large amount of spare parts. With the Decision of the Court of Appeals Skopje No. 181/14 of 30.06.2014, the first instance verdict in the part of the prison sentence for V.B. from 3 to 2 years. The legal opinion is already mentioned above in the description of the crime under Art. 353 of the Criminal Code regarding the unspecified subjective intention and the damage to the budget that "simultaneously casts

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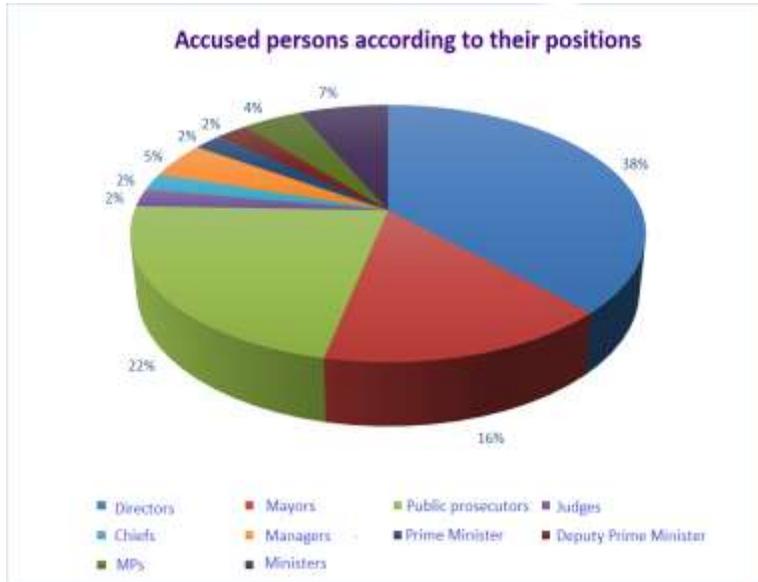
<sup>26</sup> Naskovska, E., Abuse of Power, Sofiaprint, Skopje, 2020, pp.139-158

doubt on their criminal responsibility ...". The Supreme Court gives legal guidance for the exclusion of criminal responsibility "... *it is disputable not only the existence of intent in the defendants, but also whether the budget of the Republic of Macedonia was harmed at all, given the indisputable fact that the purchased spare parts are properly stored, functionally correct and as such have their own value, which means that even today they can be subject to sale or exchange ...*".

### **Analysis of statistical data on official criminal offenses in the Basic Criminal Court Skopje 1 in the period 01.01.2012 -31.12.2018**

From the review of statistical data on official offenses, in the largest criminal court in the period from 01.01.2012 to 31.12.2018, a total of 31 cases were applied against 55 persons holding public office. Out of a total of 31 cases, 22 cases, i.e. 67% of the cases are for a criminal offense under Art. 353 of the CC, the other cases refer to one established case, for the criminal offense of negligent work in the service of Art. 353 of the Criminal Code, for the criminal offense of criminal association under Article 394 of the Criminal Code, for the criminal offense of accepting a bribe under Article 357 of the Criminal Code, for receiving a reward for illegal influence under Art. 359 of the CC, one case for receiving a bribe under Art. 357 of the Criminal Code in connection with the criminal offense of receiving a reward for illegal influence of 359 of the Criminal Code and one case in accordance with Art. 353 of the CC in connection with Art. 359 of the CC. Also, a case has been established for a criminal offense of forging an official document under Article 361 of the Criminal Code and the cases with legal grounds, violence in accordance with Art. 386 of the CC and is not valid for the election fraud in accordance with Article 165 of the CC. Out of a total of 31 cases, 20 cases were decided, in percentage are 65% or 2/3 of the total received. Also, a total of 11 cases are pending against 19 holders of public office, of which 9 are charges under Art. 353 of the CC. Regarding the imposed sentences: for the criminal offenses abuse of official position and authority, the measure of suspended sentence was mostly imposed, for 5 persons, and for two persons imprisonment. The data of the largest Criminal Court for persons who hold public office are monitored according to their function and in the period from 01.01.2012 to 31.12.2018 it is noticeable that most of them performed the function of director, a total of 17 persons, followed by 10 persons.

prosecutors, 7 mayors, 3 ministers, 2 MPs, one judge, one chief, two managers, one Prime minister and a Deputy Prime minister. The graph below shows the percentage ratio of data for defendants according to the function they perform.



## COMPARATIVE MODELS IN SOME EUROPEAN COUNTRIES

The general dissatisfaction with the permanent penal corrections, and the inability to find an adequate response to the challenge of organized crime, has reached the need for reforms in the penal legislation in many countries. Models have been developed for the adoption of special laws to combat organized crime, seeking solutions within the framework of general criminal legislation and a combined model that, in addition to innovation in criminal legislation, includes the adoption of special laws (to prevent corruption, money laundering, etc.).

## German Criminal Code

The German Criminal Code<sup>27</sup> recognizes several crimes of corruption that represent different forms and types of abuse. These are the following crimes: receiving favours - Art. 331, receiving bribes (bribery) - Art. 332, giving favours - Art. 333 and giving bribes or bribes - Art. 334.

The last of the corruptive crimes in accordance with the provisions of the German Criminal Code are provided in Article 334. This work is called "Giving - Offering Bribes". The basic form of bribery (active bribery) has two types of incrimination. For the first qualification in the incrimination of this crime, a prison sentence of three months to five years is prescribed (and in milder cases a prison sentence of up to two years, or a fine) to the person who offers, promises or favours from the official person; or person with special authorizations in the public service or military person as a counter-service for the undertaken official action that should have just been undertaken, which leads to injury or may violate the official obligation. The action of this form of work is alternatively defined as offering, promising or giving, directly or indirectly, any favour. For the existence of the crime, it is important to use any kind of favour (but of a property nature) that is given, offered or promised to the official, a person with special powers or military personnel. The consequence is further doubly alternative, such as injury or endangerment (possibility of injury in the form of a specific danger) by the official duty of the recipient of the bribe. There is a second type of this crime when the favour is offered, promised or given to judges. as a counter: taking over the judicial action that violates the judicial duty and for the court action that should not be taken and with which the judicial obligations will be violated. This offense carries a maximum sentence of three months to five years in prison. According to the legal provision, the attempt to commit the crime of giving bribes is also punishable.

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<sup>27</sup> Criminal Code of the Republic of Germany [www.gesetze-im-internet.de/stgb/bjnr001270871.html](http://www.gesetze-im-internet.de/stgb/bjnr001270871.html) StGB-Stafgesetzbuch, XXIX Chapter, Criminal Offenses Committed in the Service

### **Case from German case law**

Germany's most important conservative opposition party has been fined 14 millions for practicing corruption. The case was uncovered when the Christian branch of the Christian Democratic Union (CDU) transferred 6.6 million, undisclosed to the public, in secret overseas accounts donated to Germany as cash in the form of legal inheritance. In 2000, the speaker of the lower house of parliament, who is in charge of overseeing party funds, ordered CDU<sup>28</sup> to have its state funds confiscated that year. CDU lost the case before the Federal Administrative Court in Leibniz and before the Constitutional Court in Karlsruhe. The abuse, discovered in Hessen, was the largest single element in a network of related intrigues that came to light after the former chancellor publicly acknowledged that he had secretly accepted cash-in-cash contributions in 1990, so under German law at the time he and his party to disclose all donations, given the fact that the state gives the parties another 50% extra over all donations they have received or will declare.

### **Criminal Code of the Republic of Slovenia**

The Criminal Code of the Republic of Slovenia<sup>29</sup>, with the amendments of 1999 in Chapter 26 in a group of crimes against official duty and public authority, provides for "classic" crimes of corruption. They are: receiving a bribe (taking a bribe) in Art. 267 CC RS and giving a bribe (giving a bribe) in Art. 268 CC RS. The act of accepting bribes or passive bribery occurs in three forms: real passive bribery, false passive bribery and additional bribery.

### **Case of the Court of Audit**

In Slovenia in 2011, a question was raised about the suspicion that the Minister of Interior had concluded a harmful Agreement on Public Private

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<sup>28</sup> The Guardian, 12.02.2003, Vitlarov, T., Repression and Prevention of Corruption, August 2, S, Stip, 2006, p.48

<sup>29</sup> Criminal Code, consolidated text, Official Gazette .50 /12,29.06.2012 www.PSIRS.S.PRAVNIRED RS

Partnership with a Legal Entity, with whose manager there is a conflict of interest. Agreement on the business building, part intended for the Interpol department, due to provisions for use of the remaining space, duration of the contract and due to conflict of interest between signatories, the President of the Court of Audit of the Republic of Slovenia Dr. Scholtes<sup>30</sup>, determines that a private public partnership agreement is harmful and contrary to the public interest. It is due to this that the Minister of Interior of the Republic of Slovenia resigned.

### **Romanian criminal law**

The Romanian government is planning a program called "Building Institutions and Strengthening Anti-Corruption Capacities in Romania"<sup>31</sup> The Romanian Criminal Code provides for the following anti-corruption incriminations<sup>32</sup>: The active bribery of national public officials with imprisonment from 6 months to 5 years - Article 254; Passive bribery sanctioned with imprisonment from 3 to 15 years - Article 255; "Influential trafficking" sanctioned with imprisonment from 2 to 10 years - Art. 257 and Passive bribery of foreign and international public officials and officials.

The lawmaker in Romania's Criminal Code and Criminal Procedure Code stipulated that in the event of an active lease, those who reported the case before prosecuting authorities could have their sentences reduced or mitigated, and protection provided for co-workers and justice witnesses.

In May 2000, the Law on the Prevention, Detection and Punishment of Corruption<sup>33</sup> was passed, establishing a special anti-corruption body, the National Department for Combating Corruption and Organized Crime, within the Office of the Attorney General and related to the Supreme Court of Justice. The department has a centralized database of all institutions and financial affairs experts under the control of special prosecutors. The National Money Laundering Prevention and Control Service has the legal authority to monitor transactions over 10,000 euros and to take action to stop

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<sup>30</sup> Law on the Court of Audit of the Republic of Slovenia, appropriate to the State Audit Office and audits all budget users, analysis TV Slovenia, August 11, 2011

<sup>31</sup> SPAI, Steening group, pp.149-150

<sup>32</sup> Labovic, M., Vlasta Korupira, DE-GAMA, Skopje, 2006, p.228

<sup>33</sup> Law on Prevention, detection and punishment of acts of corruption no.78 / 2000

the transaction within 24 hours with the possibility of up to 3 days, but if the measure is continued, the service should compensate the damage<sup>34</sup>.

### **Cases of National Anti-Corruption and Organized Crime Department in Romania**

The main prosecutor in Romania in the period 2013-2018 was Laura Kovesi. She has accused former ministers, media moguls, judges, prosecutors, aides to former President Traian Basescu, a former tourism minister and current parliamentarian, and allegations of close ties to incumbent Prime Minister Viktor Ponta.

According to the annual report for 2017<sup>35</sup>, 1,000 officials have been brought before a court on corruption charges, including three ministers, six lawmakers and a former speaker of parliament. The directorate has prosecuted a total of 713 officials, including 28 mayors, 38 directors of public institutions and one senator. The presentation noted that corruption in Romania was high, hospital directors had taken millions of euros in bribes, and EU fund abuses had doubled. In February 2018, Justice Minister Toder demanded the removal of the Coves, saying it had exceeded its powers and damaged the country's image abroad. His request gathered thousands of protesters on the streets, who raised their voices against the abuse of power and the online petition was signed by 108,000 citizens and the President of the Republic Iohannis<sup>36</sup> in April 2018 refused to change it. The dismissal of Kovesi is by a decision of the Constitutional Court, and President Iohannis signed a decree removing the Chief Prosecutor from office on 09.07.2018<sup>37</sup>. The High Judicial Council considered that it should not be changed.

### **Comparative analysis of the legislation of the countries in the region**

Based on the case law in Montenegro<sup>38</sup>, Croatia<sup>39</sup> and Serbia<sup>40</sup>, it can be concluded that in the region, comparatively, the most common crime

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<sup>34</sup> Labovic, M., Vlasta Korupira, DE-GAMA, Skopje, 2006, p.230.

<sup>35</sup> The Special Prosecutor's Office of Romania, Report for 2017, Makfax 09.07.2018

<sup>36</sup> www.pravdiko.mk.17.04.2018

<sup>37</sup> [https // sdk.mk](https://sdk.mk) Tuesday 09.07.2018 Romanian President dismisses special envoy Laura Kovesi

<sup>38</sup> Criminal Code Crne Gore (Sl.list RCG br70 / 2003 ..... 49/18)

committed is abuse of office and similar incriminations are committed. The Criminal Code of Croatia was separated only after the incrimination under Article 338 of the CCC-Abuse in the performance of duties of state power<sup>41</sup>. The accusatory model introduced in the criminal procedure in our country is reflected in the fact that the Public Prosecutor's Office is independent in the decision whether to initiate an investigation. In Croatia, the Court has a strong role to play in controlling whether or not to conduct an investigation at all, primarily due to the fact that the evidence is still being investigated and judicial control over the opening of the investigation is important. In the Criminal Code of Serbia<sup>42</sup>, it is specific that in the group of acts against the official position there is a criminal offense under Article 360 "Breaking the law by a judge, public prosecutor and his deputy".

Judicial practice in Montenegro<sup>43</sup> concludes the effectiveness of law enforcement agencies, most court proceedings are completed by agreement, but the Court in accordance with criminal procedure law in addition to the agreement, in addition to the sentence of imprisonment, fine or alternative measure, also conducts confiscation of property and property gain and seizure of items and borrowing, and with a Decision the defendants are obliged to reimburse illegal property gain after the decision becomes final.

## CONCLUSION

Political corruption is a real socially negative phenomenon that can be explored from several aspects, social, economic and legal, but it is fundamental that it threatens the concept of the rule of law in essence the rule of law and the trust of citizens in the institutions of the system. Political responsibility is confirmed as one of the most effective forms of control over the exercise of power.

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<sup>39</sup> The former Prime Minister of the Republic of Croatia has been sentenced to 4 years and 6 months in prison for accepting 2.2 million euros in bribes in the "Mountain" case and will have to return 2 million euros to the budget within 15 days of the verdict.

<sup>40</sup> Sententia from the Criminal Division of the Supreme Court of Cassation Belgrade, 12.09.2014

<sup>41</sup> The Supreme Court of the Republic of Croatia with CJSC no. 2005 convicted under Article 338 of the Criminal Code and example of organized, clear and stylistically striking way of making a verdict

<sup>42</sup> Criminal Code (Sl.glasnik br.85 / 2005... .95 / 16), [www.paragraf.rs/propisi](http://www.paragraf.rs/propisi) Centennial determined at the session of the criminal department of the Supreme Court of Cassation 12.09.2014

<sup>43</sup> High Court Podgorica KVS no.69 / 16 from 08.09.2016, KVS 72/16 from 12.09.2016, Decisions for organized criminal group led by high officials in the municipality

The elaboration of corruption cases confirms the hypothesis of the research that not only in our country but also in other European countries public officials, continuously in the exercise of power, commit abuses in order to pursue personal interests abuse against the public interest of the state. Hence, the rule of law should develop its own defense system, ie it should incorporate strong and autonomous instruments of protection. We hereby conclude that it is necessary to:

- Strengthen the parliamentary control over the executive power through the use of the mechanisms that are within the competence of the Assembly (interpellations, inquiry commissions, control over the implementation of the laws).
- In order to ensure the consistency of criminal legislation, it is necessary to urgently carry out its codification.
- Strengthening the personnel capacities, financial independence and improving the technical conditions in the judiciary and other relevant institutions in the direction of their more efficient fight against the serious forms of crime, abuse and corruption.

With the implementation of the proposed steps, it is expected to effectively influence the prevention and repression of the crime of abuse of power. By respecting the legally established procedures and by proper and lawful behavior of each of the holders of public functions, the rule of law in the institutions of the system and respect for democratic values that are crucial for building the legal system of the Republic of Northern Macedonia will be ensured.

## **BIBLIOGRAPHY**

1. Amundsen, I., Corruption-Definitions and Concepts, Chr. Michelsen Institute Development Studies and Human Rights, 2000
2. Andvig, J., and Odd, F., Amundsen, I., Sissener, T., Soreide, T., Research on Corruption, a policy oriented survey: Chr. Michelsen Institute & Norwegian Institute of International Affairs, 2000

3. Kambovski, V., Organized Crime, 2 August S, Štip, 2005,
4. Kambovski, V., Commentary on the Criminal Code, Matica, Skopje, 2010
5. Kalajdziev, G., Lazetić Bužarovska, G., Denkovska, M., Tumanovski, A., Commentary on The Law on Criminal Procedure, OBSE, Skopje, 2018
6. Kitanovski, L., Division of Power, Aniscope, 1996, Skopje,
7. Labovič, M., The Power is corrupt, De Gama, Skopje, 2006
8. Lazarević, Lj., Vučković, B., Vučković, V. Commentary on the Criminal Code Monte Negro, Third Edition, FMS, Tivat, 2010
9. Manzini, V, expert Opinion based on Facts, 20
10. Naskovska, E., Criminal Law aspects of abuse of power, Sofija Print, Skopje, 2020
11. Tupanceski, N., Economic Criminal Law, Faculty of Law Justinian I, Skopje, 2015
12. Omejec, J., Legal doctrines and principles for interpretation of conventional rights, methods and judicial techniques on case resolution, Novi Informator, Monography-The Rights Privileging Model Zagreb, 2013
13. Platon, Zakoni, Beogradski izdavacki zavod, Belgrad, 1971
14. Puhovski, Z., Captured state in the Balkans: Who captures that? Kinaped state or state sponsored kidnapping, Heinrich-Boll-Stiftung, Sarajevo, 2017
15. Rawls, J., A Theory of Justice, The Belknap Press of Harvard University Press Cambridge, Massachusetts, 1997
16. Reid, S, Crime and Criminology, Ninth Edition, Boston, 2000
17. Sajo, A., Corruption, Clientelism and Future of the Constitutional State in Eastern Europe, East European Constitutional Review, New York, 1/1998,
18. Schultz and B., Uber das falsche Zeugnis, ZStR 1940/4,
19. Vitlarov, T., Repression and Prevention of Corruption, August 2, S, Štip, 2006
20. Weber, M., Economy and Society, Prosveta, Belgrade, 1976,
21. Wine-Banks, J., The Watergate girl, Watergate prosecutor, amazon. com

### *Conventions, Declarations, Resolutions*

1. United Nation - Against Transnational Organized Crime, Palermo Convention, 2001
2. United Nation - Convention Against Corruption 2005
3. Council of Europe-European Convention on Human Rights, 1950
4. Council of Europe-Criminal Convention on Corruption 1999
5. Council of Europe- Civil Convention on Corruption 1999
6. Council of Europe- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime –Strasbourg Convention 1990

7. Resolution 1594 (2007) of the Parliamentary Assembly of the Council of Europe The principle of the rule of Law adopted by the standing Committee acting behalf of the Assembly 23 November 2007
8. Council of Europe-Preventive Legal Measures against Organized Crime, PC-S-CO, 2003, Strasbourg, 2003
9. Council of Europe- Committee of Ministers, Recommendation Rec (2001) 11 of the Committee of Ministers to members states concernin guiding principles on the fight against organized crime, 2001

*Legislation*

1. Constitution of the Republic Northern of Macedonia, with amendments I to XXXVI (Official Gazette of R.M, No. 52/91, 1/92, 31/98, 91/01, 84/03, 107/05, 3/09, 49/11, 6/19).
2. Law on Courts (Official Gazette of RM, No. 58/06, 150/10, 35/08, 150/10, 83/18, 198/18, 96/19) Decisions of the Constitutional Court, U. br. 256/07, U. br. 74/08, U. br. 12/11
3. Criminal Code of RM (Official Gazette of the Republic of Macedonia, No. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18) Decisions of the Constitutional Court У бр. 138/2007 од 19.12.2007 -353ст 5 -K3
4. Law on Criminal Procedure (Official Gazette of RM, 150/10, 100/12, 142/16, 198/18).
5. Criminal Code of Monte Negro (Sl. list RCG br70/2003.....49/18)
6. Criminal Code of Srbija (85/2005..... 95/16), [www. paragraf.rs/propisi](http://www.paragraf.rs/propisi)
7. Criminal Code of Croatia, [http://www. zakon.hr/z/98/](http://www.zakon.hr/z/98/)
8. Criminal Code of the Republic of Slovenia, [http://www. policija.si/eng/images/stories/Legislation/pdf/CriminalCode](http://www.policija.si/eng/images/stories/Legislation/pdf/CriminalCode)
9. Criminal Code of Germany [www. gesetze-im-internet. de/stgb/bjnr001270871.htmlStGB-Stafgesetzbuch](http://www.gesetze-im-internet.de/stgb/bjnr001270871.htmlStGB-Stafgesetzbuch)



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## **FREEDOM OF RELIGION, RELIGIOUS FREEDOMS AND POLITICAL EXTREMISM**

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### ***Abstract***

The subject of this paper is the discussion about human rights and freedoms of the citizens, established by the Constitution and the international documents, with a special emphasis on the freedom of religion and other religious freedoms and rights. In that sense, the assumptions for realization of the freedom of conscience are analyzed as a basis for strengthening the independent, free, and critical thought of the individual, the free development of the thought and the beliefs in terms of accepting views, beliefs, and knowledge related to religion.

A special emphasis in this paper is given to certain forms of (miss) use of religion, as fanaticism, the religious integralism, extremism and the political extremism.

*Key words: Freedom of religion, religious freedoms, religiosity, extremism and political extremism*

### **INTRODUCTION**

The freedom of religion, especially the set of religious freedoms, is a specific area of the development of the human freedoms and rights, especially in the context of the European values. That is the reason why it is important to renew a part of the debate about the religious freedoms and their misuse in a form of religious fanaticism, religious integralism and political extremism. Therefore, the discussion about the human freedoms and rights means discussion about the legal position of the individual towards the government. They are the frontier that no government should overstep if it

has preferences for democracy, that is, if it is constituted on democratic principles. Although the democracy cannot be reduced to the freedoms and rights, it is unthinkable and impossible without the realization of the freedoms and right of the human and the citizen, because the scope and the respect of the human rights are the best indicator of the character of the relations between the state and the citizen. In that sense the freedoms and the rights of the human and the citizen, together with the Constitution is defense of the arbitrariness of the powerful people and the absolute and irresponsible government. That is why the freedoms and the rights are prescribed by the highest legal act of any state. They are developing as an instrument for limiting the state power and in essence they are rights for resistance of the state, i.e., they are freed from resistance (Mojanoski, 2002).

Human freedoms and rights are result of the century long efforts of the individuals to protect themselves from the irresponsible behavior of the authoritarian and unlimited power. Namely, the liberal state in its conception provides the individual with a zone of free privacy, i.e. it is brought down to a night watchman, and in the society free competition between economic entities is developed. Therefore, the wider the domain is in the sphere of free privacy, the less the state intervenes in that sphere, and then it is a liberal state (Milutinovich). On the contrary, if the state intervenes more and more often in all spheres of life, the distinction between public and private life is not respected, and if there are tendencies to simply dominate the fate of each individual, then it is a totalitarian state.

The liberal-democratic conception has a special contribution to the development of the human rights and freedoms. It is part of the concept of the liberal democracy. In its structure it starts from the fact that the freedoms and rights:

- are a primary and extensive category, and the state government secondary and restrictive category,
- they are a constitutional, not a legal category,
- there is a correlation between the freedoms and the rights and duties and responsibilities of man and citizen and
- judicial protection is provided for their violation.

## **STARTING BASICS ABOUT THE FREEDOMS AND RIGHTS**

The jusnaturalism and the juspositivism have impact on the conceptual and contextual determination of the freedoms and the rights which is especially expressed through the theory for natural law and the theory of positive law. The theoretical concept of the freedoms and rights of the jusnaturalism, or the theory of natural law is a result of many philosophic and theoretical concepts from ancient to modern times. In the basis of this theory is the naturalness of the human's rights and freedoms, i.e. they arise from the human's nature as a free and equal being. It is a fact that the man as a human being possesses certain rights and they are obligation of everyone, especially of the state government. The freedoms and the rights derive from the human, and are not a result of the "the mercy of God and the will of the master, that is, the political will of the state power and its position." According to this theoretical approach the rights belong to the human and there is no political or other subject that can take them away from them. They simply belong to someone just because he or she is a human. Therefore, these are inviolable and inalienable rights that the state government is obliged to protect, and cannot be limited or abolished.

This theoretical concept is closely related to justice. Beside the freedom, justice is a basic term and value of the politics and the political philosophy. Justice is a principle that should be given to everyone. The term "justice" is hard to be defined because it belongs to the group of terms that are abstract. In the "standard interpretation, justice requires interpretation of disputes between the actors, by ensuring impartiality or inclination towards any of them. It has subjective and objective sense. "In subjective sense, the fairness is a characteristic of the individual in its behavior towards the others, by which is avoided the intentional harm to the others and the arbitrary behavior". The fairness is related to the belief that something is done because it is fair. It "comes to the fore in situations when beside the physical, intellectual and informative advantage, the other does not want to use, to lie". (Matić & Podunavac, 1993, p. 911). In objective sense, justice is one of the fundamental principles of the living together. It has aggregate and distributive character. The aggregate character means a certain amount of good, that is, that it applies well to most individuals. In such case, the number to which it refers defines it whether it is just or not. The distributive nature of justice implies the way in which a good is distributed among the members of

a particular reference group. However, the content of the term justice is also related to the impartiality that implies certain distance in relation to the attitude of any party to the dispute. (Matić & Podunavac, 1993, p. 911-912). Hence, justice is defined as a value without which life has no sense, "because it has proven to be the most correct principle for regulating interpersonal relationships." Without it, the relationship between freedoms and the rights and responsibilities of man and citizen cannot be regulated. "Justice is the basic essence of the natural law and a key precondition for the stability of the positive law." (Skaric, 1995, p. 134-135).

The juspositivism gets its proper realization in the theory of positive right of freedoms and rights of the human and the citizen. This theoretical concept treats the freedoms and the rights as sovereign right of the state government, that is, the will of the ruler and the ruling class. The scope of the freedoms and the rights is set by the will of the state government. They can be expanded or restricted at any time. According to this concept, the individual is not a citizen but a subject, and the state government is the one that will expand or restrict its freedoms and rights. Here, freedoms and rights are in the function of state power and not in the function of social justice (Skaric, 1995, p. 135).

In the modern world, special attention is paid on the internationalization of freedoms and rights of the human and citizen. Immediately after the Second World War, in the Organization of the United Nations the universal declaration of human rights was adopted (December 10, 1948). Today, it is a document with provisions which are not accepted as an international agreement, but as customary rules or as general legal principles that are accepted by all democratic countries. Namely, they become a mandatory category for all countries, in their content they represent an international standard and their application is internationally controlled. The provisions established by this act become a mandatory category of each state, regardless of whether it agrees or not with the stated internationalization. The control over the implementation of international documents includes the introduction of various monitoring missions, sanctions, as well as the establishment of institutions such as the European Court of Human Rights through which an individual can be protected from irresponsible behavior of the state (Murdoch, 2015).

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted by

the UN General Assembly, are of particular importance in the structure of international acts. These acts are of imperative character, and the 1978 Spanish Constitution stipulates that the General Declaration of Human Rights is the basis and criterion for the interpretation of the constitutional freedoms and rights of Spanish citizens. The recent history of the countries states that the personal and the political freedoms and rights are increasingly being standardized. In this regard, efforts to establish unique standards in European Union countries are particularly important. They are increasingly defined as a basic assumption for association in this community. In that sense, efforts are made to bring the European Union standards in line with the adoption of legal acts. Several acts have been adopted, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities, the European Charter for Minority Languages, the European Convention on Persons Participating in the European Court of Human Rights and other acts.

The accelerated process of integration of the European countries necessarily establishes certain standards in other areas of life. Today, there are numerous international and regional associations that seek to standardize the issue of human rights and freedoms (Murdoch, 2015). With the ratification of international acts by parliament, they become part of the country's legal order and benefit its citizens.

## **CLASSIFICATION OF FREEDOMS AND RIGHTS**

There are many classifications and names of the human freedoms and rights. If the classification is made by the subject as criteria then they can be: a) individual and b) collective. The holder of the individual rights is the individual, and the holder of the collective is a certain group. If they are observed from the aspect of the normative and factual side, they are: a) formal and b) factual. That is, there are rights that cannot be objectively realized, they are usually claimed to be formal, i.e. they represent a naked declaration (such as guaranteeing the right to work). Opposite to them, a certain number of rights become human property and practice (for example, freedom of movement). If freedoms and rights are observed from the aspect of the relationship between the citizen and the state, the classification of freedoms and rights could be: a) rights with negative status, b) rights with positive status and c) rights with active status. In the first group are the

inviolable rights of the citizen in which no government can and cannot interfere, they belong to the people as beings (for example, the right to life). The second group includes the rights of citizens who enjoy freedom from state intervention and may seek to refrain from interfering in that legal sphere. These rights are also called rights to freedom. Namely, according to this type of rights, the citizens can ask the state to act or refrain. In such a case, the state is obliged to act actively in favor of the citizens. And the third group is those rights that citizens actively practice in performing public functions and become integral parts of state bodies.

The most common classification of human rights and freedoms is according to the sphere of the human person that they protect or develop. In that case, they are classified as: a) personal (civil), b) political, c) economic, social and cultural and d) environmental rights. In addition, there is a classification according to the time of occurrence, by which the freedoms and rights are divided into generations: a) first, b) second, c) third and d) fourth. Usually in the first generation are the personal freedoms and rights, in the second generation are the political freedoms and rights, in the third generation are the economic, social and cultural rights and in the fourth or latest generation are environmental rights (Mojanoski, 2002).

## **PERSONAL FREEDOMS AND RIGHTS**

The personal freedoms and rights are rights from the first generation, they are negative freedoms and rights, which as private, are a forbidden sphere for the state government. History shows that the personal freedoms and rights are result of the generations against the absolutism and the despotic government. In that fight through different views such as Magna Carta Libertatum from 1215, then through the declarations, various bills, and later the constitutions of some countries, the map of personal freedoms and rights is completed. This struggle is intertwined with the struggle for constitutionality.

Personal freedoms and rights are the foundation for the realization of the other freedoms and rights, especially the political freedoms and rights. They directly express the humanistic and democratic character of a certain political system. Such a value is determined by their naturalness, that is, they arise from the human needs. They are not the subjective will of the state government, and therefore their universality and morality are defined. These

rights are also considered measurable because they belong to the real human rights.

There are many classifications of the personal freedoms and rights. According to the content they can be classified in three subgroups:

- ❖ personal freedoms and rights for protection of the physical (physical integrity of the person);
- ❖ freedoms and rights for protection of the spiritual integrity of the person and
- ❖ freedoms and rights that secure the status of the individual in society.

The international Law establishes a set of imperative rights that are absolutely mandatory for every country, whether or not it has signed international acts. That group of absolute rights is obligatory for all people, whether they have citizenship or are foreigners, whether the government considers it loyal or hostile, whether the state is sovereign or a colony, a condominium or some other form of independence. This group of imperative rights includes:

- ❖ the right to life;
- ❖ the right to protection of the moral and physical integrity of the person;
- ❖ the right to prohibit discrimination on any grounds;
- ❖ the right to equality before the law and
- ❖ the right to a judicial punishment of the penalties provided by law before the criminal offense is committed.

The imperative rights and freedoms are fully enshrined in our Constitution from 1991, which makes the Macedonian state one of the countries with established standards for personal freedoms and rights.

In addition to this number of personal freedoms and rights, the 1991 Constitution established a number of personal freedoms and rights that outweigh its democratic identity. It's about:

- freedom of thought,
- freedom of belief,
- freedom of religion,
- freedom of movement and occurrence,
- right to liberty,
- right to privacy,

- the right to inviolability of the secrecy of letters and other types of communication,
- the right to inviolability of the apartment and
- the right to citizenship.

## **FREEDOM OF RELIGION AND OTHER RELIGIOUS FREEDOMS**

Before answering the question, in several sentences the following question is actualized: *What is religion?* In the philosophical and sociological debates there is no unique position or a general definition about religion. Etymologically, that term is related to the Latin term *religare*, interpreted as “connecting”. So, religion is an expression of what connects the believer with the thing, the “absolute” which is conceptualized in a certain personal or imaginary shape. The connection is expressed in a set of rules, norms, values as well as the practice of rituals and rituals, which allow individuals or communities to practice and manifest their own view and relationship, the existence and usefulness of "God" or "gods" (Garner, 2009).

Hence, we can conclude that faith is an integral part of religion. What is faith? The term faith is wider than the term religion. It includes religion, but is not limited to its traditional meaning (Benedek, 2008, p. 182) The believers are expected to express their religious beliefs in a variety of ways. The religious institution is established to organize group practices or worship services. Religion is based on belief, on a special ability of the human spirit that is not rational but is mostly emotionally based, although it differs from the pure emotions in which there are no thought expressions. "Religion considers religious statements to be true without the need to explain them or prove them. "Faith does not require proof or reason, it is woven with the belief in the truth of what its content is and the conviction of the true believer in religious truth is far stronger than the conviction of a scientist or an ordinary person in scientific or ordinary everyday experiential truths." (Lukic, 1992, p. 31).

"So, faith gives our views the greatest certainty, even when they are clearly and grossly contrary to our experience. The believer believes in the supernatural knowledge, although their superstition is of a higher degree than ordinary superstition, of that experience which is connected to an object

which is given in experience. The subject of faith is absolutely inaccessible to experience, so it is not known whether it exists at all. The world is given to us in experience, but philosophy does not know whether it is so in superstition; objects that religion claims to exist are not at all given in experience - faith simply claims that they exist in both experience and superstition. Even when religious claims are absolutely contrary to reason, faith believes in them - Credo quia absurdum est = "I believe because it is meaningless." Hence, true faith provides peace and tranquility. Therefore, faith is the furthest from experience and is the ultimate achievement of human cognitive power (if the word cognition can be used). Her knowledge is based on something that is inaccessible to the unbeliever, which has nothing to do with experience. In this respect, similar to religion, other types of introspective knowledge (various mystical systems, knowledge of magical and similar rituals, etc.) are similar" (Lukic, 1992, p. 32)

The term religion is closely related to the term religiosity. Namely, when we talk about the term religion, it basically covers a whole system of ideas, beliefs and values and the term religiosity implicates a subjective i.e. personal attitude. This attitude is formed by adopting certain religious beliefs, and those beliefs do not have to be associated with just one religion. This is because those beliefs do not have to be based solely on traditional religiosity, but can also be new religious practices. The relationship between religion and religiosity has been formulated by Ankica Marinovic-Bobinac as: "The religion is external, public, objective, established and rational; religiosity is internal, private, subjective and emotional (Marinović Bobinac, 1995, p. 854).

Freedom of religion implies that anyone, if they have religious convictions, can profess religion according to their religious beliefs. This freedom also means that a person does not have to belong to a certain religious circle - that is, to be an atheist. This freedom means that no one should seek to profess a faith or any other belief contrary to their own desires and beliefs. This freedom is possible in a country based on the principle of citizenship and political pluralism and in a country where religion is separated from the state, i.e. the state is secularized. When it comes to religious freedoms, they could be interpreted as follows:

- ❖ Freedom to hold (practice) worship or gatherings related to religion or belief, which includes the choice, establishment of places and facilities for that purpose;

- ❖ Freedom to make, procure and use appropriate objects and materials in connection with the rites or customs of a religion, creed or belief;
- ❖ Freedom to seek and receive voluntary financial and other contributions from individuals and institutions;
- ❖ Freedom to train, appoint, choose, or by inheritance appoint appropriate leaders, in accordance with the independently established rules and standards of a particular religion, creed or belief;
- ❖ Freedom to determine and observe days of rest, to celebrate holy days and ritual activities, in accordance with the principles of religion or belief;
- ❖ Religious freedoms in the workplace, including the right to pray, adherence to dress codes, and dietary regulations;
- ❖ Freedom to assemble and associate in order to maintain worship and honor;
- ❖ Freedom to express one's beliefs;
- ❖ Freedom to accept, change or reject a particular religion, creed or belief;

The right to religious education, for which parents are excluded, is "in the best interest" of the child (Бенедек, 2008, p. 184).

The ability to believe in something and to manifest it is known and protected as religious freedom. This is not only a legal but also a moral issue. The religious beliefs are largely intertwined in the private sphere of life, because they touch personal convictions and understanding of our world. Faith is an important element in expressing cultural identity, which is why religious freedom is such a sensitive topic and seems to cause more difficulties than other human-rights issues. Another problem has hampered the regulation of religious freedom in the international human rights law. Throughout the world, religion and belief are key elements of politics for politicians as well. Religious beliefs and freedoms are often abused for political purposes and demands for power, which usually results in inaccurate arguments related to religion and politics. The need for adequate protection has become increasingly urgent in recent years, as religious intolerance and persecution are at the center of many tragic conflicts around the world, including problems caused by ethnicity, racism or group hatred. The persecution on religious grounds can be seen in the current clashes between believers and non-believers, between traditional and "new" religions in many

religions, or in states with official or preferred religion and individuals or communities that do not belong to that religion (Benedek, 2008, p. 181).

## **RELIGIOUS FREEDOMS AND INSTITUTIONS AND THE STATE**

A modern way of regulating the relations between the country and the religious subjects is the use of the principle of secularism. The term “secularism” literally refers to a process of separating the church from the state, excluding the religion from the sphere of deciding and it moves it into the private sphere on individual and intimate level (Casanova, 1994, стр. 21). This movement has a long prehistory based on the efforts of the Reformation, Protestantism, the Enlightenment, the English Liberal and the French Civil Revolutionary Thought. However, the political movement of the secularists was published in 1846 by George Jacob Holyoake, an opponent of the establishment of the state religion and the favoring of one religion to the detriment of others. The secular state today confirms the right of freedom from religious rules and studies, as well as the right to freedom from the state imposition solely of one religion in one community (Freedon, 2006). In the secular society, the activities and the decisions of the human, especially the political ones should be based on evidences with facts that are impartial and separated from the religious studying. Secularism as an ideological and political direction differs from secularization, which basically implies a social process of transformation of society from close identification with religious values and institutions to non-religious values of secular institutions (Škorić & Kišjuhas, 2015). Secularization has limited the church's functioning in society and suppressed religion in the public sphere (Ćurković, Kraljević, & Mioković, 2016). In secular societies, faith has no meaning as a cultural example, and religious organizations have little social power (Gacinovic & Stankovic, 2017, p. 227).

Secularism should be a barrier from the (mis)use of the religion and the faith in political goals. In the social practice there are many examples of (mis)use of the religion and the religious groups and movements. The forms of (mis)use appear in a form of religious fanaticism and political extremism. At the beginning we should answer to the question - what is fanaticism? Religious fanaticism is a spiritual blindness of a higher level, one of the many types of madness. The fanaticism begins with a passion about an idea or

belief without rational or scientific, religious or ideological justification. It is considered that fanatics became fanatics out of the same reason (the theme of preoccupation differs) or because of their inability to differ the important from trivial, the real from imaginary, the symbolic and metaphoric from the actual. Religious fanaticism is an inevitable result of the indoctrination and insufficient critical review of what is believed.

Fanaticism can hardly be grouped by the degree of the potential danger to the environment, both because of the different and difficult-to-predict chain consequences and because of the different effects on different profiles of individuals. What is certain is that the increasing of the number of fanatics multiplies the dangers of any kind; if there is a number of critical mass of ideological and (or) religious fanatics in a certain area, they will undoubtedly try to impose their concept by force. At the social level, within a particular paradigm, religious or ideological groups, the main cause of fanaticism is the constant systematic brainwashing. The incomprehensible and fanatical views of secular and religious leaders throughout history have contributed to the emergence of countless casualties, unnecessary hatred, and discord. There is a war over the loyalty of the human mind.

Religious integralism is a political movement that insists to de-privatization of the religion in the society, to enable and achieve fullness of its impact in the social relations (Casanova, 1994, ctp. 5). It is in a close relation with the extremism. It is a synonym for one-sidedness, exclusivity, irreconcilability and intolerance, while political extremism implies the perceptions and behavior that significantly deviate from the conventional, socially acceptable political views and behaviors (Vukovic & Milosavljevic, 2015, p. 124). In line with this it can be concluded that the extremism in a wider sense encompasses all political perceptions and behaviors (of individuals, groups, organizations) that deviate drastically from what is acceptable, legal or legitimate in the internal political relations and fight of a democratic society. In a narrower sense of the term, extremism implies readiness to use violence and the most ruthless methods and means to achieve one's own political goals. Such behaviors regularly cause serious political and security problems in any society. Extremism in practice, as a rule, manifests itself as extremely negative and for the social and state order in general, is a destructive phenomenon.

The emergence of new forms of extremism, as the neo Nazism (the clerical neo fascism) and the jihad (Islamic radicalism) assure us that the

potential of the extremism is big and that it tends to create new areas, especially in Islamic countries (Smith, 2010). When it comes to the area of the extremism, it can occur anywhere, but it is more common for the areas where the authoritarian regimes have existed for a long time, as well as culturally backward environments (Griffin, 2005). "Extremism is a complex social phenomenon based on the overemphasized biological needs of self-reliance and the xenophobic variant of the identity mechanism, which serve to form and justify hard-line attitudes and aggressive behavior that, as hostile to another, endangers a racial, faithful, ethnical or other group. The extremism characterizes with a vital formally protected attitude toward its own group which implies excessive diligence in finding enemies and right to impatience, hatred and aggression towards the real or presumed enemy, as a tendency to take the lead in one's group or pluralism due to its mobilization with an intention for systemic crossing of the boundaries of generally permissible behavior, and are in the name of preserving the values, identity and perspectives of one's group" considers Simeunovic (Simeunović, 2009, p. 158).

It is rightly considered that any political extremism is a negation of the democratic constitutional states, regardless of how it manifests itself in practice (racism, xenophobia, etc.) (Nohlen, 2001, стр. 314). Some authors believe that extremism is initially manifested in the form of adventurism, hostage-taking, hijacking, destruction of political targets, and the like. The purpose of such actions is to provoke the state to react by using excessive force to demonstrate that it is in control of the whole situation.

In such situations, part of the population that is not connected with the perpetrators of political violence develops certain intolerance towards state bodies and often provides support to extremist elements. Understood in this way, the perceived adventure turns into a higher form of political extremism, which is characterized by the fact that power is achieved only "through the tube of arms" and the futility of the democratic order (Štitkovic, 2007).

In addition to the legal political aids (such as participating in parliamentary elections, appearing in public), extremists use other means in realizing their own intentions, such as subversive propaganda and sabotage by foreign intelligence services and other foreign political entities (organizations of political emigration, international terrorist organizations, etc.) (Dimovski & Ilijevski, 2011). For the bearers of extremism, the intelligence action against the institutions of the political system of the state

whose order they are endangering is also characteristic. The main goal of this action is an offensive penetration in the mentioned institutions (counter-intelligence work) in order to get the data on how much those institutions know about the extremists (Dimovski, 2015).

The rest of the goals are mainly connected with the propaganda - psychological action, attempts to compromise the representatives of the system, to internal misunderstandings, confusion, and distraction with the extremists themselves. There is cooperation with the bearers of the classical crime in the country and abroad for getting material aids, weapons and activities for extremist and terrorist actions (Milosevic, 2001, p. 54). Extremism is tolerable as long as it is a marginal phenomenon in the society. Even when certain boundaries are crossed if it is an isolated incident with low consequences, that phenomenon is not treated as extremism even though it is extreme.

Every culture knows the extremism and the ferocity of the extremists. To better explain the characteristics of the political extremism we will use the psychology of the extremism. Political extremism characterizes with a fanatical conviction that its policy is the only right, and the others are fake, that the representatives of the other political options should be forced by all means to accept the one and only ideological truth or, in the name of a lofty goal (the nation, the class, the party), they need to be wiped off the face of the earth! Ideological extremism with its own, usually declaratively lofty goals (new man, just society, etc.) is usually manifested in the form of intolerant and violent behavior (from discrimination, through persecution, to genocide). Extremism begins with the satanization or dehumanization of political dissidents, and ends with extermination (Trebješanin, 2007).

For the extremists, typical phenomena of moving towards the aggression is finding (true or unavailable source of frustrations) some substitution of a socially allowed object, which is a sufficient basis for looking for a "sacrificial lamb" (an unprotected group). Many people need enemies to direct their frustrated aggression to. "The enemy" is necessary for the totalitarian regimes. It is well known from the history that the communist and fascist regimes have constantly found and produced enemies. The way they dealt with "enemies" was shaped by purges, campaigns, camps, pigeons and killings (Mojanoski, 2017) (Mojanoski, 2017). The aggression is the best method for mobilization of the masses and directing toward the enemy who is the cause of misfortune and misery, and at the same time justifying the

repressive exercise of power (Gacinovic, 2012). The hostility is especially directed toward those who deviate from conventional regulations and behave informally. Those who are “different” (religiously, nationally, ideologically and sexually oriented) are target of anger and resentment. Whoever is different from the majority is perceived as "immoral", "perverted" and thus, dangerous to the "healthy organism" of the nation or the state.

Sartre believes that the frustrated man who has no identity, who is uncertain in its value, who is overwhelmed with “the fear of freedom” needs someone who is subordinate to him, weak and unprotected and to whom he can express his aggression and anger with impunity. The anti-Semite needs a Jew, and if they do not exist, then they must be invented, concludes Sartre (Sartre, 2009).

The worship of the leader, blindly covered by the authority of persons prone to some kind of political extremism, is characterized by a high degree of subordination to the legitimate and powerful authority, towards which there is an uncritical, servile attitude. Such a person considers the blind obedience of the leader to be the most important virtue. When such an individual enters into a political group or party, he transfers their personal integrity to a strong, energetic leader. The leader often receives attributes of deity, while the meaning of the individual in the group is lost. Of course, out of conscious idolatry and love for the leader it hides the repressed hatred (which is especially manifested when they fall from their exalted position) (Đorđević, 1975).

Through fanaticism, extremism, and intolerance, the members of a sect or church have persecuted "others" for centuries, such as infidels and heretics. The results of the fanatic loyalty to its “real religion” were intolerance, murder and mass pogrom of the infidels. What in the middle Ages were the religious wars later were the political clashes and persecution of dissidents by ideological extremists (Veljak, 2017). In the basis of every extremist ideology lies passionate intolerance and inability to deal with the different beliefs and attitude, as well as a complete absence of logical arguments for such. Extremism in such cases does not know for boundaries; at the beginning, it was just an uncompromising battle which later ends in genocide (Mojanoski, 2017). In the modern multicultural society, where there are many differences, only a dialogue can replace the violence against the dissidents and minimize the potential forms of extremism.

For the over-developed identity of the group, tribal identity, as a type of extremism, is considered any expressed sense of group identity (national, party, religious) that overcomes all other affiliations (professions, families). In the psychology, according to Amin Maalouf, this type of identity is called monolithic, simple, and exclusive. Most often, it comes down to ethnic, class, racial, or religious affiliation, which is glorified and creates a sense of absolute loyalty. This tribal identity is called "murderous" by Maalouf because it is a source of intolerance, xenophobia and conflict. Every conception that comes down to individuals of a single affiliation simultaneously leads individuals to sectarian, intolerant, and sometimes suicidal behavior, and usually turns them into murderers. Their vision of the world is distorted. It is black and white, exclusive, Manichaeian, and contains only two sides, good and bad, angels and devils. The extremists have a simplified picture of the world, they are prone to dogmatic thinking and have a "closed mind." For the dogmatic individuals, the knowledge and the attitudes are influenced by external authority, not logical arguments and critical search for truth. The extremely simplified way of interpreting the world has its source in the need for security and certainty, as well as in the need to protect the weak and "vulnerable self" from anxiety. Such individuals are "true believers" who too rigidly believe in dogma, in fact, unconsciously doubt it, and then suppress that suspicion in fanatical belief and persecution of dissidents (Rockeach, 1960).

Propensity for stereotypes and prejudices and persecution of enemies, as a rule, are individuals prone to simple, extreme solutions, characterized by opinion in black and white categories (good - bad, friend - enemy). The lack of compromise in the politics and interpersonal relations speaks to the fact that such people do not know the opinion in nuances, that they are completely exclusive in their opinions and that those opinions move along the axis: - either you are a "patriot" or a traitor, or "normal" or abnormal. Between these sharply opposed categories there is no middle ground: "the one who is not with us is against us", and he is "an enemy". The enemy is necessary for justification of the bad condition in the own community (it is a source of all evils), but also for preventing the emptiness of the aggression within the group. In the example of the October Revolution in Russia from 1917, this phenomenon was seen by the founder of the psychoanalysis Sigmund Freud who through analysis of the group aggression of the Bolsheviks said: "We can understand why there is an attempt to build a new communist culture in

Russia for the psychological support of persecuting the bourgeoisie. We are anxiously wondering what the Soviets will do when they destroy the bourgeoisie” (Freud, Sigmund, 2005). For the individuals who think in "black and white" the stereotypes are the dominant category that governs notices and cognition. These stereotypes are formed in childhood as a result of the uncritical generalization of limited experience and the conformity of the opinion of the majority (Lippmann, 1997).

In general, the man needs to simplify and reduce the complex phenomena, for the sake of easier cognition and energy saving, to a simpler pattern, at the cost of falsifying reality. The stereotypes are spontaneous, quasi-empirical generalizations that cannot be corrected by later experiences. Their function is to draw a line between “we and they”, to homogenize its own social group and to build a group identity (Trebješanin, 2007). The stereotypes help the individual to easily and successfully identify with the group (of which he is proud) and to distance from the other groups. This way of speaking strengthens the exclusive, tribal identity, which is built on hatred and intolerance towards the other. In this way, the murderous identity is strengthened and fanatics, xenophobes and racists are formed. Every extremist outburst mainly promotes or leads to violence. Regardless of the inevitability of conflicts between people, only nonviolent models of communication and dialogue lead to conflict resolution.

The responsibility of the organized community and the democratic forces in it is to narrow the space for their emergence and action, but also to strengthen the trust in the rule of law as a principle that guarantees the realization of the freedoms and rights, and in this context the religious freedoms and rights. Undoubtedly, the freedom of conscience is a criterion that draws the boundaries of the democratic identity of the community.

## **CONCLUSION**

The debate over the religious freedoms and the forms of their misuse is in a function of affirmation of the democratic principles of the modern organized community, which is one of the elements of the democratic identity and the European values. The freedoms of the individual, especially the ones related to the faith, belief, and freedom of thought, are in one way or another subject of interest of the individuals and the groups.

That is why nowadays, when we talk about the religious freedoms, we primarily think of the ability to believe in something and to manifest it, that is, it is not only a legal issue, but also a moral issue. The religious beliefs are part of the man's private sphere, because they touch the personal beliefs and understandings of the world. When we talk about the religious freedoms, the interest is directed to the freedom and the right of practicing worship or gatherings related to religion or belief, which means choosing, establishing places and building religious and other facilities for that purpose, which also means freedom to make, acquire and use appropriate objects and materials related to the rites or customs of religion, creed or belief, then the freedom to seek and receive voluntary financial and other contributions from individuals and institutions for the smooth conduct of religious activity, freedom to train, elect, or by inheritance appoint appropriate leaders, in accordance with the independently established rules and standards of a particular religion, creed or belief, as well as the freedom to determine and observe days of rest, to celebrate holy days and ritual activities, in accordance with the principles of religion, religion or faith making. In this context are religious freedoms related to the religion of the workplace, including the right to pray, respect for dress codes and dietary regulations, freedom of assembly and association for the purpose of worship and celebration, to express one's faith, freedom to accept, change or reject a particular religion, creed or belief, as well as the right to one's own religious education, but also the education of children.

The religion as a system of knowledge and beliefs, practices and experience, as content and culture of living is a subject of interest of individuals and groups. In certain cases, they are the subject of interest and influence of various political interests and influences. Most often, the manifestations are expressed through the practice of fanaticism, religious integration, up to various manifestations of extremism. In doing so, they are particularly susceptible to (mis)use for political purposes. Religious extremism is usually an instrument of political extremism. It can be concluded that political extremism always arises from political intentions and goals and it always exists in the area of politics. Political extremism is always a battle against an ideology, or political government or an attempt for establishing one's own government.

The modern societies, such as the Macedonian, in the concept of development incorporate the freedoms and the rights of the human and the citizens. At the same time, it is of particular interest to regulate the freedoms

of individuals. Therefore, it seems that personal freedoms and rights and their protection and application are a priority and practice of the citizens and institutions of the Macedonian state, one of the indicators that is in function of building democratic identity and acceptance of the European values in a democratic community of equal and free citizens. In that context, it is of particular importance that the affirmation of the freedoms of thought, belief and religion are affirmed as acquired freedoms with significant experiences and practices of the citizens.

## BIBLIOGRAPHY

- Casanova, J. (1994). *Public Religions in the Modern World*. Chicago: University of Chicago Press.
- Ćurković, A., Kraljević, M., & Mioković, A.-M. (2016). *Odnosi između države i vjerskih zajednica u Evropskoj uniji - analize i kritike*. Zagreb: Sveučilište u Zagrebu - Pravni Fakultet. doi:
- Đorđević, J. (Ed.). (1975). *Politička enciklopedija*. Beograd: Savremena administracija.
- Freedon, M. (Ed.). (2006). *Političke ideologije: novi prikaz*. (R. Rusan, Trans.) Zagreb: Algoritam.
- Freud, Sigmund. (2005). *Antropološki ogledi: kultura, religija, umetnost*. (Ž. Trebješanin, Trans.) Beograd: Prosveta.
- Garner, B. A. (Ed.). (2009). *Black's Law Dictionary* (9 ed.). San Diego: West, a Thomson business.
- Griffin, L. (2005). Fundamentalizam iz perspektive liberalne tolerancije. *Treći program Radio Beograda, III - IV*(127-128), 129-144.
- Lippmann, W. (1997). *Public opinion*. New York: Free Press paperbacks. Retrieved from <http://xroads.virginia.edu/~Hyper2/CDFinal/Lippman/cover.html>
- Marinović Bobinac, A. (1995). Nacrvena religioznost u Hrvatskoj. *Društvena istraživanja, IV* (1995)(6 (20)), 853-866. Retrieved 06 20, 2020, from [..hrcak.srce.hr](http://hrcak.srce.hr)
- Matić, M., & Podunavac, M. (Eds.). (1993). *Enciklopedija političke kulture*. Beograd: Savremena administracija.
- Nohlen, D. (2001). *Politološki rječnik: država i politika*. (D. Nohlen, Ed., M. Krajnović, & M. Krajnović, Trans.) Osijek; Zagreb; Split: Pan liber.
- Rockeach, M. (1960). *The Open and Closed Mind: - Investigations into the Nature of Belief Systems and Personality Systems*. New Zork: Basic Bokcs.
- Sartr, Ž.-P. (2009). *Razmišljanje o jevrejskom pitanju*. (M. Vukmirović, Trans.) Beograd: Paideia.
- Simeunović, D. (2009). *Teroriza : opšti deo*. Beograd: Pravni fakultet Univerziteta.
- Sinani, D. (2010). Tipologije religijskih organizacija. *Anropologija, 10*(3), 9-22. Retrieved 12 27, 2017, from <http://www.anthroserbia.org/Content/PDF/Articles/4f43a9a0f4ec4a7fa57a815b727fa4dd.pdf>

- Škorić, M., & Kišjuhas, A. (2015). *Vodič kroz ideologije II*. Novi Sad: Alternativna kulturna organizacija.
- Smith, H. (2010). *Svjetske religije*. (M. Perišić, Trans.) Zagreb: Znanje.
- Štitković, E. (2007). Religije i politički ekstremizam. (J. Trkulja, Ed.) *Hereticus - Casopis za preispitivanje prošlosti*, V (2), 93-97.
- Trebešanin, Ž. (2007). Psihologija političkog ekstremizma. (J. Trkulja, Ed.) *Hereticus - Časopis za preispitivanje prošlosti*, V (2), 67-75.
- Veljak, L. (2017). Multikulturalizam nasuprot fundamentalizma. *Filozofska istraživanja*, 146 (37)(2), 221–229. doi:10.21464/fi37201
- Бенедек, В. (Ed.). (2008). *Разбирање на човековите права: прирачник за едукација од областа на човековите права*. Скопје: Македонски Информативен Центар: Министерство за надворешни работи на Република Македонија.
- Вуковић, Н., & Милосављевић, З. (2015). Политички облици екстремизма. *Војно дело*(4), 121-129. doi:10.5937/vojdela 1504121V
- Гаћиновић, Р. (2012). Унутрашњи неоружани облици угрожавања капацитета безбедности државе. *Политичка ревија* (1), 229-251.
- Гаћиновић, Р., & Станковић, В. (2017). Фундаментализам - фанатизам - тероризам. *Српска политичка мисао*, XXIV (3 (57)), 223-243.
- Димовски, З. (2015). *Тероризам*. Београд: Факултет за инженерски менаџмент, Институт за безбедност Београд.
- Димовски, З., & Илијевски, И. (2011). *Меѓународен тероризам*. Скопје: Факултет за безбедност- Скопје.
- Лукић, Р. Д. (1992). *Систем филозофије права* (Vol. IV). Београд: Завод за уџбенике и наставна средства & БИГЗ.
- Мардок, Ц. (2015). *Прирачници за човекови права на Советот на Европа*. Скопје: <https://docplayer.es/>. Retrieved 06 23, 2015, from <https://docplayer.es/85555563-Predgovor-prirachnici-za-chovekovi-prava-na-sovetot-na-evropa.html>
- Милошевић, М. (2001). *Систем државне безбедности*. Београд: Полицијска академија.
- Милутиновић, И. (n.d.). *О културној демократији на неолибералним тржиштима или зашто о укусима треба расправљати*. Београд: Институт за европске студије. doi:10.5937/kultura1860110M
- Мојаноски, Ц. Т. (2002). *Основи на општественото уредување*. Скопје- Штип: 2 Август С.
- Мојаноски, Ц. Т. (2017). *Политичка социологија*. Скопје: Факултет за безбедност - Скопје.
- Шкариќ, С. (1995). *Уставно право - Втора книга*. Скопје: Union Trade

