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COMPARATIVE PROCESS SOLUTIONS TO DEAL WITH THE COVID – 19 PANDEMIC WITH SPECIAL FOCUS ON THE SITUATION IN CIVIL PROCEEDINGS IN REPUBLIC OF NORTH MACEDONIA

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Abstract

The Covid-19 pandemic has undergone tectonic changes in the way the whole social order works. These changes did not spare the civil proceedings. This paper aims to analyze how civil proceedings will be conducted in the field of civil law during the state of emergency, but also after the end of the state of emergency, while measures to protect against the new virus, Covid-19 take place. The subject of analysis is the comparative supranational and national civil process solutions for dealing with the pandemic, with a special focus on the situation in the Republic of North Macedonia.

Keywords: *civil proceedings, Covid-19, process solutions.*

I. INTRODUCTION

The COVID-19 pandemic has affected the entire planet, people, private and public institutions, the commercial and political sectors. The pandemic also surprised states and prevented citizens from accessing justice. For a moment, the pandemic paralyzed the entire social life, due to which the judicial process activity had to be limited or stopped. In order to adapt to the "new normality", the states were forced to declare a state of emergency in their territories, as well as through the existing procedural legislation or special decrees to prepare special modus operandi for the functioning of the judiciary in the administration of civil justice during and after the COVID19 pandemic. In this context, the comparative solutions were different, but all with the same goal - the judicial systems to quickly face a new reality and react.

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II. COMPARATIVE PROCESS SOLUTIONS TO DEAL WITH THE COVID – 19 PANDEMIC

In order to overcome the crisis caused by the COVID-19 pandemic, acts were adopted in different forms and with different legal force, at supranational and state level.

At the supranational level, the most important acts that were adopted are: Declaration on lessons learned and challenges faced by the judiciary during and after the COVID-19 pandemic from 10 June 2020¹ and Notifications under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms in the context of the COVID-19 pandemic.²

During the Covid – 19 pandemic, the Member States has had to adapt to the new circumstances. A compilation of measures was made by the European Commission for the Efficiency of Justice (CEPEJ) at the beginning of the health crisis and which are regularly updated. To guide the States, the CEPEJ organized a meeting on 10 June 2020, in the framework of the Greek Chairmanship of the Committee of Ministers, on the impact and the lessons of the COVID-19 crisis as regards the efficiency of justice and the functioning of the judiciary, which led to the adoption of the Declaration on lessons learned and challenges faced by the judiciary during and after the COVID-19 pandemic. With the Declaration on lessons learned and challenges faced by the judiciary during and after the COVID-19 pandemic, CEPEJ wishes to remind the member States of the following important principles: Principle 1(Human Rights and Rule of Law), Principle 2 (Access to justice), Principle 3 (Safety of persons), Principle 4 (Monitoring case flow, quality and performance), Principle 5 (Cyberjustice), Principle 6 (Training) and Principle 7(Forward-looking justice). These principles are important for the efficiency and quality of judicial systems during the crisis.

According to Principle 1, the Right to a fair trial have to be protected at all times and become especially important during a crisis. According to Principle 2 during a pandemic, locking down courts might be necessary to protect the health and safety of justice professionals and court users. It should be done carefully and proportionately as it results in an important limitation of access to justice which is a fundamental principle of the Rule of Law. According to Principle 3 ensuring the health and safety of all the justice professionals, as well as of the users in courts must be a priority. According to Principle 4, it is necessary to well-functioning case management systems and mechanisms of statistical data collection concerning the functioning of the courts are especially relevant during a health crisis. According to Principle 5, Cyberjustice is the future of civil proceedings and IT-solutions, such as online services, remote hearings and videoconferences, as well as the future development of digital justice, must always respect fundamental rights and principles of a fair trial. According to Principle 6 Training is fundamental for the effective management of a health crisis in the future and According to Principle 7 Transforming the judiciary for the future should be approached positively and always with respect for fundamental rights guaranteed in the European Court of Human Rights (ECHR).

In order to overcome the COVID-19 pandemic, Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms is also important. According to Article 15 of the Convention time of war or other public emergency threatening the life of the

¹ Declaration on lessons learned and challenges faced by the judiciary during and after the COVID-19 pandemic from 10 June 2020, available at: <https://rm.coe.int/declaration-en/16809ea1e2>,

² Notifications under Article 15 of the Convention in the context of the COVID-19 pandemic, available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/webContent/62111354>

nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.³

At the national level, each state to manage the judiciary and functioning of civil proceedings during and after the COVID-19 pandemic regulates rules for 1) access to the court during the pandemic, 2) the running of deadlines in civil proceedings, 3) the need to limit the principle of publicity in civil proceedings and 4) the need for electronic conduct of civil proceedings.⁴

The COVID-19 pandemic has, as never before, raised the issue of the right to access a court in times of crisis.⁵ This is because the COVID-19 pandemic, as the biggest global crisis since World War II, forced states to impose isolation and quarantine measures.⁶ Although isolation and quarantine measures have health justifications, they are de facto per se an encroachment on many human rights that are guaranteed nationally, internationally and supranationally. One of them, of course, is the right of access to a court, which in conditions of limited freedom of movement is difficult to exercise or not exercised at all. This raises the question of finding state mechanisms for exercising the right of access to court in the presence of the COVID-19 pandemic. State mechanisms for exercising the right of access to court are necessary because the state, by administering the justice system, guarantees the right of access to court for everyone.⁷ This is a necessary guarantee because without the right of access to court, as a basic procedural right, legal entities can't realize their substantive rights that are violated, disputed or endangered.

The right of access to a court in the face of the situation caused by the COVID-19 pandemic can be analyzed from at least three aspects 1) factual work of courts and other judicial institutions, 2) possibility of physical presence in courts and 3) possibility of submitting submissions in the courts. In this context, although it is indisputable that in the future the European Court of Human Rights expects more work due to the unpreparedness of state judicial mechanisms for prompt and full protection of this procedural right, it is still notorious that states are struggling to create a legal framework to achieve this right. In the context of this and precisely to exercise the right of access to court, at a comparative level, were adopted decrees on the organization of the judiciary in pandemic conditions, recommendations for the work of courts during the state of emergency and laws or decrees on deadlines in court proceedings. This was done to prevent paralysis of the judicial system and to be able to realize the basic procedural rights.

In most countries, special Decrees were adopted for the organization of the judiciary and the judiciary, the running of deadlines in civil cases and court hearings. In this way, they overcame the crisis in the civil proceedings regarding the flow of deadlines by example: Spain with Decree no. 463/2020⁸ which terminated all the deadlines provided by the procedural regulations with the exception of child protection proceedings, or proceedings in which the rights or legal interests of the parties or participants may be significantly violated

³ Ibid

⁴ More see in: European justice, Impact of COVID-19 on the justice field, Comparative table https://e-justice.europa.eu/content_impact_of_the_covid19_virus_on_the_justice_field-37147-en.do

⁵ OECD Global Roundtables on Access to Justice, *Impact of COVID-19 on Access to Justice*, 28.04.2020, https://www.oecd.org/gov/Impact_of_COVID19_on_Access_to_Justice_Draft_agenda.pdf

⁶ IBA Litigation Committee, "*Report: Impact of Covid-19 on court operations & litigation practice.*" (IBA, 2020).

⁷ Maganić A, "*Utjecaj epidemije bolesti COVID-19 na sudske postupke.*" (Informator 6622, Zagreb, 2020), 1 and Galič A, "*Slovenian Civil Procedure in the age of Covid-19.*" (Kluwer Law, 2020), 47-49.

⁸ Real Decreto 463/2020, de 14 de marzo, por el que se declara el estado de alarma para la gestión de la situación de crisis sanitaria ocasionada por el COVID-19.

due to urgent non-compliance, Italy by Decree with legal force no. 23 of 08.04.2020⁹ which regulates that the deadlines for conducting court proceedings are terminated during the state of emergency.

In other countries, special laws were passed to overcome the process of chaos caused by the COVID-19 pandemic. A typical example of this is Austria which in the Law of 22.03.2020¹⁰ regulated that the procedural deadlines that started before the state of emergency or on the date when the state of emergency was declared or the deadlines that in normal circumstances would start running after the date of declaring the state of emergency is interrupted. Similar to the Austrian decision, on March 13, 2020, Bulgaria adopted a Law on measures and action during the state of emergency and on overcoming the consequences of the COVID-19.¹¹ This law stipulates that all procedural deadlines in civil, arbitration and enforcement proceedings be terminated. Slovenia on 20.04.2020, following the example of the Austrian legislator, also adopted a Law on Interim Measures in connection with court, administrative and other public legal cases in order to overcome the spread of COVID-19. Similar to the Austrian, Bulgarian and Slovenian solutions, Croatia is expected to soon adopt a special law on the issue of deadlines and obsolescence based on the principle of protection of human health and safety. A draft law on intervention measures in the area of the court and administrative proceedings due to the epidemic caused by the COVID-19 virus is currently being prepared.

The fastest and most painless without any possibility of a legal vacuum, Germany overcame the situation regarding the possible consequences of the pandemic on the course of civil litigation. This is because the German Civil Procedure Code in art. 245 regulated this issue in its provisions even before the pandemic. The German Civil Procedure Code contains provisions for the extension of time limits, termination of proceedings and restitution that assist in the conduct of civil proceedings during the crisis related to the COVID-19 pandemic. Precisely because of this, the German procedural solution should be an example for future amendment of the provisions of the procedural laws because this requires legal certainty and the need to protect the rights of the parties and participants in the proceedings.¹²

The Scandinavian scenario is a rare example of legal non-response to the potential legal consequences of the COVID-19 pandemic. Thus, in Sweden, Denmark and Finland, no measures have been introduced in terms of court proceedings. In these countries, the question is left to the courts whether a specific court procedure will be terminated or not. Criticism is assessed ex officio by the court for each case separately. However, this comparative solution should not come as a surprise for at least two reasons: the greater independence that the judiciary enjoys in the Scandinavian countries vis-vis the executive and the legislature, and the small number of civil litigation conducted annually in the Scandinavian courts.¹³

The attack on the right of access to court caused by the pandemic had its reflections on some of the basic principles of civil procedure - the principle of publicity. This is especially noticeable in the national civil procedural legislation that regulates a special legal regime for conducting oral and written civil proceedings (France, Italy, Spain, Belgium). On the other hand, national civil procedural legislation that does not divide civil proceedings orally and in

⁹ Italy Law Decree no. 23, of 8th April 2020.

¹⁰ COVID-19 Justice Accompanying Act.

¹¹ Bill on the Measures and Actions during the State of Emergency announced by the Bulgarian National Assembly on 13.03.2020. The "Bill" was adopted in its final version at an extraordinary meeting of the National Assembly which took place on 23.03.2020 and was promulgated in the Bulgarian State Gazette on 24.03.2020.

¹² More see in: European justice, Impact of COVID-19 on the justice field, Comparative table https://e-justice.europa.eu/content_impact_of_the_covid19_virus_on_the_justice_field-37147-en.do

¹³ More see in: European justice, Impact of COVID-19 on the justice field, Comparative table https://e-justice.europa.eu/content_impact_of_the_covid19_virus_on_the_justice_field-37147-en.do

writing will also experience difficulties (Germany, Austria, Croatia). This is because the parties can not, in fact, participate in the hearings and perform oral proceedings. Exactly because of this, there is a trend for most procedural actions to be taken in writing, and the principle of orality tries to survive by conducting civil proceedings through video conferencing. Conducting civil proceedings through video conferencing is not possible everywhere at the moment (especially in the Western Balkan countries) due to technical difficulties due to which the procedural legislator faces a real challenge - to quickly computerize civil proceedings.

III. PROCESS SOLUTIONS TO DEAL WITH NORTH MACEDONIA COVID – 19 PANDEMIC

The COVID-19 pandemic did not bypass North Macedonia either. Thus, the Decision of the President of the Republic of North Macedonia, Mr Stevo Pendarovski, adopted on March 18, 2020, established the existence of a state of emergency on the territory of the Republic of North Macedonia for 30 days to protect and deal with the consequences of the pandemic.¹⁴ Due to unpredictability and ignorance of the virus, with a Decision of 16.04.2020, the extension of the state of emergency was determined for another 30 days. The state of emergency due to the danger of the further spread of the virus was subsequently extended by Decision of 16.05.2020 for another 14 days and by Decision of 30.05.2020 for another 14 days. In order to prepare and conduct early elections for Members of the Assembly of the Republic of North Macedonia, with measures for the protection of public health in conditions of the pandemic of the COVID-19 virus, the President on 15.06.2020 once again adopted a decision establishing a state of emergency in the duration of 8 days.

In order to quickly deal with the COVID-19 pandemic, measures were taken to organize the judiciary. For this purpose, a Decree was adopted with legal force on the deadlines in court proceedings during the state of emergency and the actions of the courts and public prosecutor's offices.¹⁵

Pursuant to Article 1 of the Decree: "Legal and preclusive deadlines for filing a lawsuit in litigation, a private lawsuit in criminal proceedings, a proposal for criminal prosecution, proposal for initiating the non-litigation procedure, submission of a request for enforcement, a procedure for securing claims, a lawsuit for initiating an administrative dispute, initiating a procedure before the Constitutional Court or initiating another court procedure, shall cease to run at the moment of entry into force of this Decree until the cessation of the state of emergency."¹⁶

Pursuant to Article 2, paragraph 1: "The legal and preclusive deadlines for declaring legal remedies, legal remedies or for undertaking procedural actions in the procedures referred to

¹⁴ In accordance with Article 125 paragraph 1 of the Constitution of the Republic of North Macedonia: "A state of emergency occurs when major natural disasters or epidemics occur." Pursuant to Article 126, paragraph 1 of the Constitution of the Republic of North Macedonia: "In the event of a state of war or emergency, the Government, in accordance with the Constitution and the law, shall issue decrees with legal force."

¹⁵ Decree with legal force on the deadlines in court proceedings during the state of emergency and the actions of the courts and public prosecutor's offices, Official Gazette of RSM no. 84/2020. This Decree entered into force on 30 March 2020 on the same day as the day of its publication in the Official Gazette.

¹⁶ Јаневски А, Зороска –Камиловска Т, "Граѓанско процесно право, Парнично право." (Правен факултет "Јустинијан Први", 2009), 290, Janevski A, Zoroska-Kamilovska T, "Civil procedural law, Litigation law." (Faculty of Law Justinianus Primus, Skopje, 2009), 290, Čuveljak J, "Prekid parničnog postupka kada zbog drugih uzroka prestane rad u sudu." (Ius Info, Zagreb, 2020) <https://www.iusinfo.hr/aktualno/u-sredistu/41111>

in Article 1, shall cease to run from the day this decree enters into force until the end of the state of emergency." The purpose of the adoption of this Decree is to effectively stop the running of deadlines for most of the court proceedings during the state of emergency. This was done in order to prevent the negative consequences of the exclusions on the rights of the parties.

Shortly after the registration of the first cases of COVID-19 virus, and before the declaration of the first state of emergency, the Bar Association requested that precautionary measures and protection against the COVID-19 pandemic will be introduced in the judicial system, especially giving the high frequency of parties in the courts, and proposed measures to be taken to adjourn all court hearings except urgent proceedings (interim cases and detention cases). The Government adopted a conclusion at the session held on 16.03.2020 and adopted a Recommendation that the Judicial Council and the Supreme Court of the Republic of North Macedonia should consider the possibility and recommend to the presidents of the courts to make a plan to postpone the trials, except for those court cases where there is an urgent need to act, such as cases that are about to expire, cases in which detention measures or other measures for securing presence have been imposed, as well as cases in which the right to a trial within a reasonable time would be seriously violated, cases that are reached verdicts, cases that are decided without a public hearing, etc.

The Judicial Council of the Republic of North Macedonia adopted a Decision for the courts to act in conditions of increased danger from the COVID-19 pandemic so that the necessary work in the field of civil law is performed in the courts for cases for the application of temporary measures; cases in which the procedure is in the decision-making phase; cases in which there is a risk of violation of the principle of trial within a reasonable time; items that are urgent by law; receipt of submissions and other matters related to legally preclusive deadlines. While scheduled hearings on cases that are not urgent to be held if they are not at high risk to the health of judges, court service, parties, and other participants in the proceedings. The decision of the Judicial Council recommends that if there are technical conditions, the parties will submit their submissions to the court electronically, the court acts will be delivered to the parties and other bodies electronically, as well as to consider the possibility for judges to perform certain tasks from home. Dealing with cases that are not urgent almost automatically meant postponing all scheduled court hearings. The courts issued statements to the public announcing that court hearings on non-urgent cases were being postponed. Pursuant to the Decision, the Courts of Appeals act on appeals in urgent cases and cases decided on in a closed session. The Supreme Court of the Republic of North Macedonia decides on urgent cases within its jurisdiction and cases that it decides on at a public session.

It can be seen that for the period from 17.03.2020 until the end of the last state of emergency on 22.06.2020 there was no permanent position and guidance regarding the manner of action of the courts. This caused legal uncertainty and uncertainty for the parties and all participants in the proceedings. Thus, from the declaration of the first state of emergency until the adoption of the Decree with legal force on the deadlines in court proceedings during the state of emergency and the proceedings of the courts and public prosecutor's offices, 12 days had passed. During this period, in accordance with the Decision of the Judicial Council, it was possible to receive submissions and other matters related to legally preclusive deadlines. After the entry into force of this Decree, the legal and preclusive deadlines for initiating litigation, non-litigation, or enforcement proceedings, as well as legal proceedings, did not run. Because according to Article 1 of the Decree, the deadlines cease to run from the entry into force of the Decree until the cessation of the state of emergency, the legal and preclusive deadlines continued to run from 23.06.2020. This meant that from the adoption of the Decree

until the expiration of the last state of emergency (30.03-22.06.2020) it was not possible to initiate court proceedings for the protection of civil rights.

The fact that only in one day -16.03.2020 - only in the Basic Civil Court Skopje from 08.30 to 10.30 hours 100 hearings were scheduled speaks about the impact of the world pandemic and the declared state of emergency.

The Judicial Council of the Republic of North Macedonia on 28.05.2020, more than 2 months after the first decision, decided to amend decision no. 02-606 / 1 from 17.03.2020, which allowed the courts to act, and to hold hearings in procedures that are not urgent, in accordance with the measures, decisions and protocols of the competent authorities. We can only assume what would be the total number of cases and parties whose legal protection suffered for the entire period of time while the measures were in force, in the entire period until the hearings were held for cases that are not urgent. But having in mind the number of hearings scheduled only on March 16, 2020, in the Basic Civil Court Skopje, we can assume that this will be a very large number of cases.

Proceedings before the courts, as long as the measures for protection against the COVID-19 virus, or their modification, last, will take place in accordance with the protocols and protection measures. This includes regular disinfection and cleaning of work premises, hand hygiene, respiratory hygiene, physical distance, etc. In order to reduce physical contacts and meetings, on-line hearings were held in the Basic Court in Kavadarci using the electronic platform for two-way communication "Microsoft Teams", which enabled the trials with all involved participants to be held without their joint physical presence in the court building.

According to the conclusions and opinions of the World Health Organization that the pandemic of the COVID-19 virus will last for a long time, we believe that the Judicial Council of the Republic of North Macedonia, as well as the courts, should use the solutions of modern technology and take measures to hold hearings and undertaking all other actions of the procedure using electronic technical means that provide two-way communication without the joint physical presence of the participants in the procedure, in order to have as little delays as possible and unhindered protection of civil rights. According to the data from a survey in which all courts in the Republic participated, answers were received for the use of information technology and equipment in order to hold virtual hearings or trials electronically. So, 74% of the courts stated that they do not have enough technical equipment and do not have enough knowledge to use information technology to be able to conduct virtual hearings in practice. A small part of the respondents or 15% stated that they have some type of equipment that can be used for online trials, but it is outdated and not in operation. The data indicate that although we are in a society where computerization is present in all spheres of society, the Republic of North Macedonia is still far from the introduction of on-line hearings or the introduction of e-judiciary. Apart from outdated technology and inadequate technical conditions, we are also separated from the e-judiciary by the insufficient knowledge of computer technology by some judges, court clerks, lawyers, lawyers, and other persons involved in the proceedings.

Because of this, the crisis caused by the COVID-19 and the chaos in the judiciary that it has caused inevitably open the need to evaluate civil justice in order to promptly improve it. In this context, Albert Einstein seems to be right: "Crisis is a time of ingenuity, discovery and great strategy." In this context, the Macedonian judicial system is on track to either digitize quickly by opening the possibility for electronic conduct of civil proceedings or to resolve disputes using ADR methods, primarily arbitration due to the flexibility it offers to parties which is a luxury for litigation. The Macedonian legislator faces the challenge of organizing the judiciary in the short and long term in order to resolve the disputes that will still be caused in the field of labour relations, where the number of litigation due to dismissal is expected to

increase. Dismissal of workers from work, litigation due to the insolvency of the debtor due to the socio-economic consequences of the virus, new proceedings that will occur in the field of family law due to untimely collection of legal support, and the like.

The state of emergency, as well as the threats from the economic crisis, resulted in the adoption of a Decree with the legal force for the implementation of the Law on Enforcement during a state of emergency. This Decree has undergone two amendments. With the amendments to this Decree from June 12, 2020, the Law on Enforcement will not be applied "until the expiration of 30 days after the cessation of the state of emergency", until July 22, 2020.

Pursuant to Article 2 of the Decree, in the period in which the Law on Enforcement will not be applied, the enforcement agents are obliged to stop undertaking any enforcement actions, except in certain situations solemnly stated in the Decree. Such situations when the Law on Enforcement is applied were the cases for claims based on legal support; the distribution of the funds received on the special accounts of the enforcement agents, if the legal conditions for that are met; actions that follow after the collection of funds from the debtor, successfully conducted public bidding, or sales by direct agreement; receiving requests for execution and electronic recording in the Register for received requests for execution; preparation of requests for data and information for the examination of the economic situation of the debtors and electronic delivery to the institutions; preparation of an order for execution on real estate and electronic delivery to the public book for recording the order; securities and electronic delivery to the Securities Depository.

In order to protect the citizens, to reduce the negative economic consequences of the corona crisis, the Decree prescribed the employers of the debtors, the Pension and Disability Insurance Fund of the Republic of North Macedonia and the National Bank of the Republic of North Macedonia in case the enforcement orders the account located within the treasury account or the health treasury account is debited, the Treasury at the Ministry of Finance, i.e. the Treasury of the Health Insurance Fund of the Republic of North Macedonia where the debtor is accounted to stop acting on the orders issued by of the enforcement agents, in the period determined by Article 1 of this Decree by a law by which the application of the Law on Enforcement was suspended. For the same purpose, the Decree was supplemented with a list of income exempted from enforcement, which in addition to the already established by the Law on Enforcement was extended to the funds paid as financial support or subsidy to legal entities and individuals to overcome the consequences of COVID-19.

Due to the reduced work of the courts during the state of emergency, the Decree with the legal force for the application of the Law on Enforcement during the state of emergency emphasized again that the courts act in relation to the submitted complaints about illegalities in enforcement in accordance with Article 86 of the Law on Enforcement is urgent. Based on the above, it can be concluded that the intention of the Government in adopting the Decrees with the legal force for the application of the Law on Enforcement during a state of emergency was to protect natural and legal persons indebted from insolvency, as well as to reduce or amortize the negative consequences of the economic crisis brought by the COVID-19 virus, in a less harmful way for the creditors.

IV. CONCLUSION

The judicial system administering civil justice was one of the "biggest victims" of the COVID-19 pandemic.¹⁷ This is because the institutional state's inexperience to deal with and

¹⁷ Williams D, Johanson D, "COVID-19: Litigation in the Time of a Pandemic.", (Dac Beachcroft, 2020).

act in such situations, the sluggishness of the judicial apparatus, the general health, and economic panic, and even the legislative vacuum, led to the non-functioning and/or difficult functioning of the judiciary, and with this the impossibility and/or limited opportunity to exercise the rights of the parties and participants in civil proceedings. It was because of the speed that the process chaos had to be overcome and, as Nietzsche would say in "Thus Spoke Zarathustra", the dancing star had to be sought (One must still have chaos in oneself to be able to give birth to a dancing star). In this regard, states have sought to restart the justice system by adapting it to the new normality and regulating pandemic decrees, recommendations for courts to work during a state of emergency, and laws or decrees for deadlines in court proceedings in, state of emergency. The Republic of North Macedonia was no exception to this, in which after the declaration of the state of emergency as a cause and excuse from the pandemic, the number and types of litigation and extrajudicial proceedings that can be conducted in front of courts and other judicial bodies were reduced, the preclusive deadlines ceased to run, while execution was interrupted with rare exceptions.

Adapting to the new normal caused by the pandemic raises several dilemmas: whether or not to establish specialized courts or specialized divisions in the existing civil dispute resolution courts¹⁸ that the COVID-19 pandemic will bring, whether it is necessary to reduce some phases in civil proceedings (previous hearings in some litigation) to expedite them, are legal amendments needed to the existing procedural solutions to strengthen the principle of literacy by reducing the procedural actions to be taken orally, whether or not the procedural legislation should complement its legal provisions in the part of work disputes that will still be opened by the pandemic due to dismissal of workers, insolvency, etc. through the possibility of collective legal protection.

The legal consequences of the COVID-19 pandemic mean that civil justice must be improved. In this regard, as living with the virus imposes new rules of the game, the need arises to develop an e-judiciary system and digitize civil proceedings. This is because in modern technological progress the civil procedure should not stand in place and outside the new era of computerization.¹⁹ In this context, the pandemic only warns once again that national civil process legislation must soon introduce legal provisions for the electronic conduct of some civil proceedings, special rules for videoconferencing proceedings, electronic submission rules, electronic delivery, electronic signature, and why not in future special rules for computer decision algorithms.

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