

RULE OF LAW AND THE FIGHT AGAINST CORRUPTION AS *CONDITIO SINE QUA NON* FOR THE SURVIVAL OF THE MACEDONIAN SOCIETY

Larisa Vasileska

University “St. Kliment Ohridski” – Bitola
larisa.vasileska@uklo.edu.mk

Abstract

The rule of law and the fight against corruption are foundational to the functioning of democratic societies. This paper examines the rule of law as a *conditio sine qua non* — an essential element — for effective anti-corruption efforts and how the rule of law and security are intrinsically linked, with each reinforcing the other. Systemic corruption depends on the existence of a culture of impunity. The fight against impunity is a fight for human rights and is a struggle for a life of dignity. A robust rule of law provides the framework for a secure society by ensuring accountability and protection of human rights. It argues that without a consistent and impartial legal framework, initiatives to combat corruption lack legitimacy and enforcement power. It analyses how the erosion of the rule of law facilitates impunity, weakens institutions, and undermines public trust, thereby creating fertile ground for systemic corruption. Through a comparative analysis of international legal instruments, case studies, and empirical research, the paper argues that restoring and strengthening the rule of law must be central to any credible anti-corruption strategy, focusing on the fundamentals: rule of law, democratic standards, legal frameworks, institutions, capacity building, and good governance.

Keywords: *rule of law, corruption, anti-corruption, governance, legal integrity, security*

1. INTRODUCTION

The idea of the rule of law can be traced back to Aristotle, who said in his famous book *Politics* (Πολιτικά): “He who bids law rule may be deemed to bid God and reason alone rule, but he who bids men rule adds the element of the beast; for desire is a wild beast, and passion perverts the minds of rulers, even if they are the best of men. The law is reason unaffected by desire” (Aristotle, 350 B.C.E.).

The notion that governance should be based on an established system of rules of conduct rather than being dependent on an individual's whims can be found in numerous early examples of legal codification, leading to the modern understanding of the rule of law as a concept distinct from “the rule of man”. (Schroeder, 2016)

Since ancient times, the idea of the “rule of law” has been prevalent, and in its most basic sense, it refers to the notion that all citizens are bound by the law. Although this can seem like a fairly simple concept, many countries have historically struggled to uphold their legal obligations when it comes to adhering to the goals of this basic legal concept.

When government officials abuse their positions for personal gain or use the law to persecute political rivals, for example, the deviation from expected behaviour is quite obvious.

The rule of law ensures that governments administer laws fairly and impartially, but it also stops the majority, or their elected representatives, from imposing laws that violate natural justice, such as those that disproportionately affect minority groups. Democracy is preserved when the executive and legislature respect the independence of the courts and comply with their rulings.

The UN defines the rule of law as “a principle of governance in which all persons, institutions, and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and which are consistent with international human rights norms and standards. It requires measures to ensure adherence to some of our most basic legal principles, including: the supremacy of law; equality for all before the law; accountability; fairness in the application of the law; separation of powers; participation in decision-making; legal certainty; avoidance of arbitrariness; and procedural and legal transparency” (United Nations, 2015). US Special Counsel Jack Smith noted on Friday 9 June 2023, that: ‘adherence to the rule of law is a bedrock principle of the Department of Justice. And our nation’s commitment to the rule of law sets an example for the world. We have one set of laws in this country, and they apply to everyone.’ (Thrush, 2023)

In the Macedonian case, it may be easier to see the many ways in which the rule of law has failed, rather than point out examples of success. We are a country where corruption is pervasive at the highest levels of the national government and is largely unpunished. Grand corruption depends on the existence of a culture of impunity. The fight against impunity is a fight for human rights because the fight against impunity is a struggle for a life of dignity. Therefore, the fight against impunity is not an end in itself, but a way of establishing real, social and democratic rule of law. We need a relentless focus on the fundamentals – rule of law, democratic standards, and economic reforms – in order to promote progress in governance and prevent backsliding. I strongly believe that the main obstacle for the rule of law is corruption and our culture of impunity. What drives corruption forward is greed. Human greed as the root of all modern evil, inequality and repression.

Macedonia is a candidate for admission to the European Union, but the looming spectre of corruption could derail its candidacy. Just about every journalist covering Macedonian politics points to the rampant corruption present within the country. Corruption is so endemic that mutual accusations of corruption play a central part in election campaigns in our society and the region in general. In the Balkans, a common aphorism suggests that the region has so much history it doesn’t need a future.

Today, the countries in the region show clear elements of state capture, including links with organised crime and corruption at all levels of government and administration, as well as a strong entanglement of public and private interests. All this feeds a sentiment of impunity and inequality. There is also extensive political interference in and control of the media. A visibly empowered and independent judiciary and accountable governments and administrations are essential for bringing about the lasting societal change that is needed.

Despite scholarly efforts to disentangle the variables associated with effective corruption control, whether on a national or institutional scale, an unexplained component persists. It can be linked to culture, systems, or other elements, but one common catalyst is

almost always leadership. Leadership is more than just penalizing individual offenders with a "get tough" approach; it's also proclaiming and building societies that are transparent, accountable and just in society, setting an example for others to adhere to and inspiring them to adopt more ethical actions. (Tsai & Anderson, 2023)

The primary obstacles of reforms in Macedonia are not technical or financial, but political and human. Rule-of-law reform will succeed only if it gets at the fundamental problem of leaders who refuse to be ruled by the law. Respect for the law will not easily take root in systems rife with corruption and cynicism since entrenched elites cede their traditional impunity and vested interests only under great pressure. (Carothers, 1998).

Maybe we should rethink how we approach corruption? Because corruption is more than simply an isolated issue; it is at the centre of political and societal processes in several ways. But conventional wisdom about corruption has failed us. Since the late 1970s, it has been shaped mostly by economists, with a concentration on finding, assessing, and prescribing measures to prevent corruption. Terms like "compliance" have become buzzwords in business circles, indicating a focus on anti-corruption measures. At a higher level, countries have been urged to "comply" with anti-corruption reform measures. However, despite decades of effort, the fight against corruption has mostly failed to yield major results globally.

2. CAN WE, AS A SOCIETY, ESCAPE THIS VICIOUS CIRCLE OF IMPUNITY AND CORRUPTION?

Macedonian society has been in a state of transition since 1991, when we exchanged one political system with another. Of all the challenges we have faced over the past thirty-two years, none is more complex and compelling than reducing corruption and strengthening the rule of law. Bribery and corruption, endemic to most cultures and a mainstay of human greed, are now, as they have always been, a major thorn in our side. With rising levels of corruption, politicians are often caught up in a situation where the need to preserve their position of power overrides all interests of the state of the citizens.

So, what is our biggest problem? The fight against corruption in our country remains one of our weakest points according to relevant international reports. There has actually been no progress; on the contrary things are getting worse. Corruption is pervasive, accompanied by conflicts of interest, undue influence on the non-governmental sector, nepotism, and clientelism. The recommendations from the State Commission for the Prevention of Corruption and the Ombudsman are disregarded by all parties, including the Government, Parliament, and Prosecutor's Office. According to the 'Eurobarometer 2024' survey conducted by the Centre for European Strategies – Eurothink, the government's trust level stands at only 18 percent, while Parliament holds the lowest trust at 12 percent. The prosecution and judiciary follow closely behind, both at 9 percent (Kocovska, 2024). "Corruption as *conditio sine qua non*" implies that combating corruption is an essential prerequisite for accomplishing specific objectives, such as effective governance, economic advancement, or the safeguarding of human rights. The Latin word "condition without which not" signifies that the purpose is unattainable unless corruption is first confronted or eradicated.

What is the most effective method to conceptualise corruption? The traditional definition of corruption is individual behaviour that diverges from civic responsibility for personal benefit. Scholars such as Dennis Thompson, Lawrence Lessig, and Zephyr Teachout have suggested an alternative definition of corruption, characterising it as a structural misalignment of normalised political behaviours. This shifts the focus of

corruption from a critique of individual behaviour to an assessment of institutional efficacy.

The fight against corruption necessitates a robust system that encompasses a legal framework, effective institutions, and the implementation of policies and actions by relevant stakeholders. Given the decline of democracies and the rule of law being influenced by various private interests, it is essential to prioritize the prevention of corruption within governmental programs. Upholding political integrity is a crucial mechanism for ensuring government accountability. High officials must be held accountable, and prioritizing public interest over private interests while exercising political power, along with acting for the common good, should lead the development of policies, strategies, and advocacy efforts aimed at effectively combating corruption.

Therefore, do we need new and better laws? The central premise in rule of law research is to direct our focus—among practitioners, academics, the political class, and the public — toward the need for effective and efficient implementation of public policies. I want to emphasize the term “implementation” because, as the former president of the Macedonian Academy of Arts and Sciences, Academic Prof. Kambovski, stated, “It is not sufficient to only write the law — the law must be implemented”. In other words, the system of legal norms in a country will remain merely a “dead word on paper” if it lacks a well-developed normative-institutional structure and a robust system of separation of powers. This structure is essential because it will, according to the internal logic of the system itself, lead to a significantly higher level of implementation of legal norms than has been the case so far in Macedonia. (Labovic, 2024:283)

Only then can we genuinely discuss the rule of law. If the rule of law thrives, corruption will decline. Corruption is not some vast, impersonal force; rather, it is the result of personal decisions, most often driven by greed. Corruption is a cancer that devours society.

“If corruption is like cancer, then ‘corruption oncologists’ need a deeper understanding of its DNA to create effective interventions. Yet, discussions about corruption and its solutions often seem to be viewed as tedious or bothersome distractions” (Heywood, 2018).

Almost all international conventions as well as national laws focus either on prevention or on penalising corrupt transactions, which stem from such abuses. They are therefore merely treating the symptoms but are missing the disease. The establishment of the legal nexus between corruption, democracy and human rights could allow such a bottom to top approach which addresses the root cause of corruption, rather than its symptoms.

Speaking about tackling government corruption U.S. Embassy Skopje’s Resident Legal Advisor Jason Corley underlined: “A culture of corruption changes when people in positions of authority act with integrity, with character, and do the right thing for the right reasons”.

This brings me to the third fundamental key question of this paper: are there incorruptible leaders to be found? We need leaders with integrity and strict moral values, that exercise political power consistently in the public interest, independent from private interests, and who don’t use power to maintain the office holder’s own wealth and position. History books point to shining examples of the good leaders, and names like Abraham Lincoln, Cincinnatus, Earnest Vandiver and Václav Havel are often spoken of in the highest regard. But where are their modern counterparts?

The proposed reforms in this research should lead to measures to end impunity for perpetrators of corruption and to break the “vicious circle” as described by Ms. Anne Koch, representative of Transparency International: “when it is successfully practiced, it continues to be used, thus undermining the rule of law”.

From a democratic perspective, the goal of the rule of law as a means of combating corruption is to instil faith in public discourse and belief in the possibility of common goods. This appears to fit well within the rule of law, which it undoubtedly does. Politicians and government officials in almost every jurisdiction throughout the world commonly use the term “rule of law”, but do they know what it really means?

The World Justice Program (WJP) extended the definition of the rule of law. Aiming to engage all the actors involved in promoting the rule of law, WJP proposed a definition that is based on four universal principles: "The government and its officials and agents, as well as individuals and private entities, are accountable under the law; the laws are clear, publicized, stable, and just; are applied evenly; and protect fundamental rights, including the security of persons and property and certain core human rights; the process by which the laws are enacted, administered, and enforced is accessible, fair, and efficient; justice is delivered timely by competent, ethical, and independent representatives and neutrals who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve" (World Justice Project, 2024).

3. THE CONVENTIONAL VIEW OF CORRUPTION

Joseph Nye presents a prominent traditional definition of corruption: “Corruption is behaviour which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private regarding influence”. (Nye, 1967)

Corruption is defined as 1) specific acts of behaviour that 2) contravene public responsibility standards to achieve personal benefit. Corruption is a self-serving breach of civic obligation principles. Typical instances are taking bribes, embezzling public assets, or using public office resources for self-serving activities like insider trading. This behaviour transforms authority intended for the public good into a personal advantage for the official in possession of it. It constitutes a breach of public trust and is generally detrimental to responsible and efficient governance.

Mark Philp and Jacob Rowbottom point out that labelling an act as corrupt necessarily involves a moral judgment about political organization. The core principles that define how a society should operate are described by what they refer to as the 'healthy...normal' or 'naturally sound' conditions of political engagement. (Rowbottom, 2010)

4. CONCEPTIONS OF CORRUPTION AND RULE OF LAW

The institutional perspective may have less alignment with the rule of law because it places less emphasis on individual moral responsibility. The rule of law requires the establishment of regulations beforehand, their consistency, and their accessibility to those they govern. It safeguards personal freedom. Corruption is characterized as individual breaches of commonly accepted civic responsibilities, making its conventional identification easily recognizable and familiar in both substance and form. It can therefore fulfil rule of law criteria whether directly applied to an individual as a norm infringement or when utilized to guide lawful anti-corruption measures. Due to adherence to the rule of law, when a state typically upholds this principle, dependence on traditional conceptions of corruption is less likely to infringe upon individual liberties.

Institutional corruption examines the foundational ideals of a society and can identify corrupt behavior even in the absence of intentional misconduct. The rule of law is a complex and often debated concept, yet two of its commonly recognized attributes are evident in anti-corruption law: the impartiality and fairness of arbitration, along with the clarity of articulated regulations. Traditional studies of corruption have emphasized a critical aspect: the enforcement of anti-corruption legislation must exhibit 'impartiality,' 'competence,' and 'integrity' by the authorities responsible for its implementation. Given the potential for anti-corruption law to be wielded as a weapon against political opponents, it is essential in anti-corruption arbitration to distinguish between strong, legitimate claims and those that are weak or politically motivated. (Rose-Ackerman and Søreide, 2011) Historically, scholarship on corruption has paid less attention to the procedural requirements of the rule of law; however, as Susan Rose-Ackerman noted, 'well-drafted, relatively clear, and generally available' (2007) regulations bolster the fight against corruption by making the norms of public interest more accessible.

The elements of the rule of law are crucial for attributing individual moral responsibility in cases of corruption. Biased enforcement or ambiguous, poorly defined laws provide minimal insight into the ethical status of transgressors. Traditional corruption may adapt to the proceduralism of the rule of law. Conventional corruption is defined as guilty individual conduct driven by deliberate malicious intent. The norm breach involving the misuse of public power for private benefit is well-known and often denounced.

Moreover, the standards that shape traditional definitions are often derived from or associated with prevalent perspectives within the political sphere: commonly accepted concepts of public interest or welfare, or legislation that delineates anti-corruption measures (provided there is general rule of law integrity within the political system, and laws align with the popular will). Despite not being entirely definitive or normatively comprehensive, the members of the polity originate and recognize these sources. Collectively, these characteristics—an emphasis on personal behaviour, widespread recognition of the nature of the offense, and a foundation in widely accepted standards—facilitate the ability of the norm violation that characterizes conventional corruption to meet rule of law criteria. The legal regulations will never completely encompass the norm that delineates corruption. However, if the legal regulations aim to promote recognized, well-defined, individual-centred standards of civic behaviour, they can align anti-corruption identification with established expectations, allowing adjudication to address ambiguous circumstances. Although this is not without flaws, the recognition of that traditional concept would enhance the rule of law principle of preventing 'the government... from undermining individual efforts by ad hoc actions.' (Eisler, 2022)

Fighting corruption is a challenging endeavour, particularly in the developing world. Many governments are either unable or unwilling to implement effective anti-corruption campaigns, reforms, and oversight. The gap between nations that can effectively manage corruption and those that cannot is undeniably widening. Corruption is deeply entrenched in numerous societies and has become a normative behaviour; its consequences may be unpredictable or a result of political retribution. Systemic corruption poses a substantial threat to democracy, indicating an inefficient state that must be examined within a broader theoretical context rather than merely through the lens of inadequate governance. In many emerging nations, corruption has become deeply embedded. This entrenchment complicates efforts to establish accountability and transparency, ultimately undermining public trust in institutions. As a result, addressing

corruption requires a multifaceted approach that goes beyond traditional governance reforms.

According to a study by Prof. Labovic, (2024) Macedonia urgently needs a new, coherent, and complementary normative-institutional structure. This structure should consist of a series of optimally independent state institutions that are separate from the executive branch and, to some extent, from the legislative branch, while still under broader institutional controls.

Corruption undermines public trust in democracy and poses a significant threat to the rule of law. It adversely affects the rule of law, which relies on formal and predictable institutions. In reality, corruption compromises the effective functioning of public institutions, disrupts legislative and judicial processes, and erodes the principles of legitimacy and legality. It introduces an element of arbitrariness and has a detrimental impact on citizens' confidence in these institutions. This, in turn, weakens the rule of law's capacity to address corruption by ensuring the consistent application and enforcement of penalties.

What makes the issue of combating corruption still pertinent? In the last twenty-five years, a significant focus has been placed on this issue, with academic researchers, policymakers, international financial institutions, specialised anti-corruption agencies, civil society organisations, investigative journalists, prosecutorial authorities, advocacy groups, coalitions, and individual advocates all engaging in the fight against corruption. A multitude of strategies and methodologies have been proposed to combat corruption: the World Bank has recommended "six strategies to combat corruption" to enhance a prior "two-pronged strategy", along with "10 methods to combat corruption" (Hunja, 2015); Transparency International has outlined "5 essential components" for eradicating corruption; and the World Economic Forum has presented "5 approaches to counter global corruption", in addition to "3 critical steps to eliminate corruption". Responses continue to surface; however, the issue remains persistently unresolved, we can certainly say that is a sort of intellectual Groundhog Day that keeps bringing us back to the same fundamental question. (Heywood, 2018)

Zinnbauer (2017) has noted that the majority of corruption literature tends to link potential drivers of change in corruption too closely with changes in corruption, integrity, and governance. Alternatively, they present wider forces of change in a conceptual and correlational manner without the capacity or intention to analyse these complexities and reveal the actual transmission mechanisms.

Evidence suggests that corruption and anticorruption are still conceptualised at the individual level, even in the face of a broad discourse that supports "contextual" explanations. This assumption is wrong. 'Corruption control' refers to a state's ability to function independent of private interests and promote maximum social welfare within a societal framework. Corruption becomes a policy issue as individuals often adhere to the established norms of their particular society and groups. The contemporary behaviourist perspective on corruption as an individual choice—while potentially correct—applies only to a few scenarios (where corruption is atypical) and does not apply elsewhere. This underscores the limitations of the behaviourist perspective, as it neglects the systemic factors that influence corruption across various societal contexts. Therefore, understanding corruption requires a more nuanced approach that considers both individual choices and broader societal influences. If we acknowledge that individual choice is predominantly influenced by social circumstances, we effectively concede that minimal individual choice exists, necessitating rules over prosecutions. We must alter social incentives rather than

individual ones, and hence we should cease enquiring about how to encourage individuals towards honesty as if the society they lived in were characterised by integrity. Instead, we ought to focus on creating an environment that fosters accountability and transparency, thereby reshaping the very foundations of social interactions. By doing so, we can cultivate a culture where ethical behaviour is the norm and corruption is systematically dismantled.

In the paper titled "Seven Arguments in Favour of Rethinking Corruption," Professor Mungiu-Pippidi (2024) emphasises that, in order to treat corruption as a balance between opportunities (enablers) and constraints (disablers) in every social context, the "rethinking" is required to recognise that the literature on causes of corruption enables, at the national level, to extend Gary Becker's (1993) individual level formula on crime. The traditional concept of an individual's decision to engage in a criminal act, such as corruption, hinges on a rational assessment of the likelihood of detection compared to the potential benefits of the crime, which is significantly influenced by the interplay of possibilities and restrictions within the wider social context. Corruption control can be understood as a balance between opportunities, such as power asymmetry and potential material gains, and constraints imposed by an autonomous society on ruling elites through an independent judiciary, free media, and an informed citizenry that demands good governance.

One optimal solution (Labovic, 2024) would be a newly developed system embodying the principle of separation of powers, where its two defining characteristics are thoroughly and consistently emphasized: the balance of power among the highest state institutions and the mutual oversight between them. The balance of power indicates that key state institutions at the highest level within the system of governance should be organized horizontally, without any hierarchy or subordination among them, and they should remain independent from both the executive and legislative branches.

An evaluation of the effectiveness of anticorruption initiatives as well as a better understanding and monitoring of corruption over time are made possible by the use of an opportunities versus constraint model.

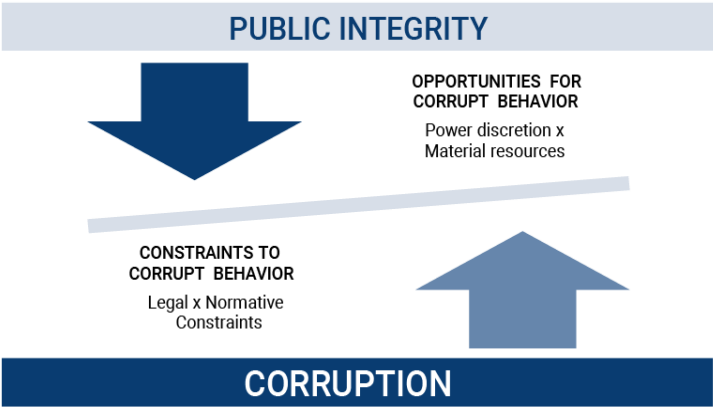


Figure 1. Control of corruption as a balance. Source: Mungiu-Pippidi, A. (2024)

Mungiu-Pippidi (2024, p.3) discusses corruption arising from the balance between opportunities and constraints, exemplifying the issue with the UN Oil for Food programme. Designed with minimal constraints and numerous opportunities, such

programmes are prone to systematic corruption, regardless of the nationality or culture of those involved. Although certain individuals or groups of profiteers may be replaced when exposed, the overall prevalence of corruption will persist if our anticorruption strategies continue to target individuals while neglecting the broader balance within a sector, activity, or country.

Corruption does not guarantee integrity; however, integrity often serves as a safeguard against corruption among public officials, according to conventional definitions. Therefore, a more profound understanding of integrity in public life and its relationship with corruption is crucial for developing an effective integrity management model. This model should establish a formal structure that ensures public officials demonstrate ethical behaviour, characterised by honesty and fairness while complying with existing legal standards. Promoting integrity faces various challenges, including the difficulty of precisely defining the concept. Its connections to anticorruption, ethics, morality, and good governance compound this complexity. The OECD defines public integrity as "consistent alignment with and commitment to shared ethical ideals, principles, and practices that prioritise the public over private interests within the public sector".

Integrity is frequently depicted as the antithesis of corruption, as evidenced by the extensive use of the term in anticorruption circles. Drawing on moral and political philosophy, we can identify the core characteristics of personal integrity as wholeness (considering factors beyond the personal), action that aligns with principles (acting rightly), morality (acting for the right reasons), and process (acting appropriately). Some individuals might add the phrase "even when no one is watching" to suggest that true integrity necessitates no oversight, although such a notion is largely unrealistic in practice. In contrast, political integrity encompasses normative justice, openness and transparency, citizen engagement, and impartial authorities (Heywood et al., 2017).

Instruments like the Transparency Index (T-Index) and analytical tools like the Index of Public Integrity (IPI) have been developed by the European Research Centre for Anticorruption and State-Building (ERCAS) to provide an assessment that can capture any significant policy intervention that has an impact.

Corruption undermines all political systems, whether autocratic or democratic. It should not be seen as a principal element in democratic backsliding, but rather as a vulnerability. Democracies that effectively address corruption are the most stable political systems globally; nonetheless, both resolving corruption and maintaining stability are challenging endeavours.

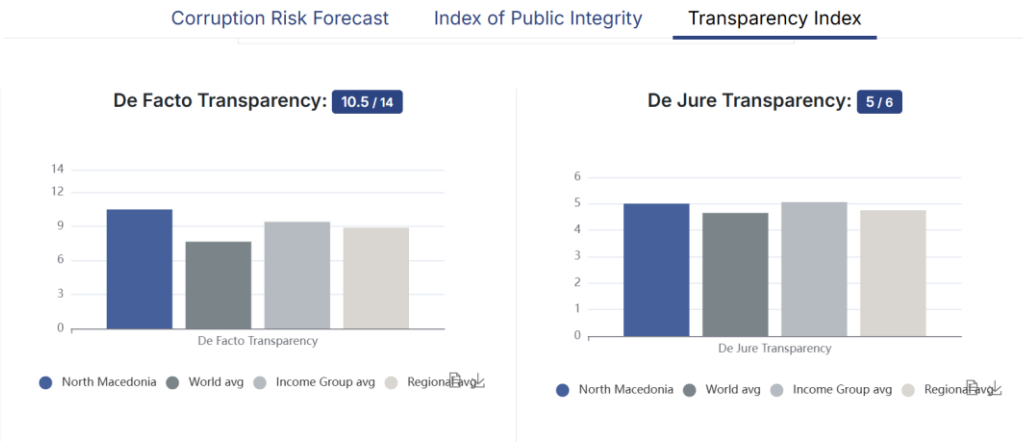
The creation of a new realism paradigm globally necessitates recognition that the prior phase of norm socialization achieved success only in a *de jure* manner, rather than *de facto* level. The United Nations Convention against corruption has not effectively impacted the situation of any country struggling with corruption, similar to the UN's limited success in advancing universal human rights practices.

Various scholars agree that one way in solving corruption often means solving collective action problems. Mancur Olson outlined in 1965 the fundamental causes of the observed absence of group action for shared interests in specific situations. He stated that individuals often exploit the benefits of cooperation without incurring costs when they believe they can, leading to a tendency to rely solely on the contributions of others. This situation represents the primary issue of collective action. Olson argues that a society cannot overcome this challenge without implementing deliberate measures that encourage groups to engage in collective action for the common benefit, rather than merely pursuing individual or group interests. (Olson, 1965)

In a corrupt environment, principal-agent mechanisms fail due to the critical issue of lacking political will—both the principal and agent are corrupt and collude rather than defect. In this scenario, the politician and their political appointee, the civil servant, work together to extract private profit from public resources. Citizens, in their role as ineffective agents, do not unite to form an anticorruption party. Instead, they pursue individual agreements that serve their personal interests, which ultimately perpetuates the corrupt system. (Mungiu-Pippidi, 2024)

The European Research Centre for Anticorruption and State-Building (ERCAS) T-index, which covers 140 countries, highlights a significant gap between the legal commitments made by governments (transparency de jure) and their actual implementation (transparency de facto). The data suggest that achieving democratic transparency requires more than simply ratifying treaties and passing legislation. The way forward for any country involves not just the formal adoption of procedures but also their effective application and the assurance of freedom for individuals, the media, and civil organizations to utilize them effectively. (ERCAS, 2025)

According to the latest data of ERCAS, “Macedonia has been a world champion of good governance regulation due to its EU accession process. At the same time, it did not prevent it from being a fully captured state until very recently. While the country seems to have returned to democracy, with only the lack of autonomy of the judiciary reflecting the past, it has probably one of the largest implementation gaps when good governance is concerned” (ERCAS, 2024).



De Facto Components		De Jure Components	
Live, online, and freely accessible sources of public data. These data sources were assessed as complete and freely available (1 point), partial and/or paid access (0.5 point), or missing (0 points).		Formal transparency commitments by governments. Formal agreements that met category criteria (see Methodology) were assessed as existing (1 point) or not (0 points).	
Past expenditures (last fiscal year)	● Yes	Freedom of Information Acts (FOIA)	● Yes
Current expenditures (budget tracker)	● Yes	Open Government Partnership (OGP)	● Yes
Public Procurement Portal	● Yes	United Nations Conventions Against Corruption (UNCAC)	● Yes
Land cadaster	● Yes	Financial Action Task Force Against Money Laundering (or equivalent)	● Yes
Register of commerce	● Yes	Plurinational transparency agreement (EITI, OECD, WTO GPA, or CPTPP)	○ No
Auditor General's report	● Yes	Beneficial Ownership	● Yes
Supreme Court's hearings schedule	○ No		
Supreme Court's rulings	● Yes		
Financial disclosures for public officials	● Yes		
Conflict of interest disclosures	○ No		
Official Development Assistance (ODA)	○ No		
Mining concessions	● Yes		
Building permits in the capital city	○ Partial		
Official gazette	● Yes		

Figure 1: De Facto and De Jure Transparency

Source⁶: ERCAS 2025: Government Transparency Index

According to [corruptionrisk.org](https://www.corruptionrisk.org) Macedonia's Index of Public Integrity / IPI Score is 7.05 out of 10. As mentioned before, Macedonia has distinguished itself as a leader in the realm of governance regulation, largely attributable to its pursuit of EU membership. This did not preclude it from being, concurrently, a thoroughly captured state until quite recently, positioning itself at the forefront of the implementation gap on a global scale.⁷

⁶ The De Jure index reviews legal transparency (a country's transparency legislation), and the De Facto Index rates 14 essential websites for the coverage and accessibility of data. The 14 websites were selected using the categories of transparency described in the United Nations Convention (UNCAC) against Corruption and Sustainable Development Goal 16. A fraction of the De Facto index (Administrative Transparency) is included in the Index for Public Integrity.

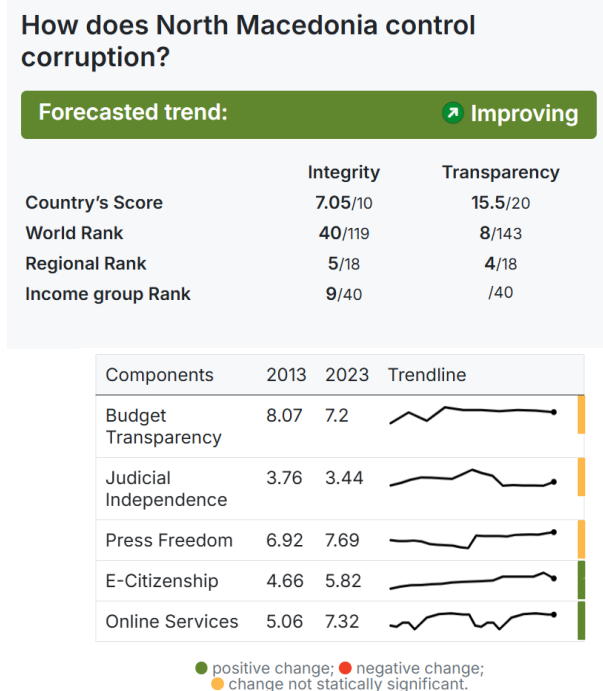
⁷ The IPI score is the mean of the six components scores, which result from the standardization and normalization of original source data to range between 1 and 10 using a min-max-transformation, with higher values representing better performance.



Figure 2: Index of Public Integrity - Map

Source: ERCAS 2025

The European Research Centre for Anticorruption and State-Building (ERCAS) provides this estimate regarding Macedonia's corruption forecast.



The forecast can function as an assessment instrument for a country's anticorruption strategists, in addition to providing a long-term diagnostic complement to the Index for Public Integrity, which presents merely a snapshot at any given point in time.

To comprehend the motivations behind individuals' engagement in corrupt activities, it is imperative to transcend the reductionist and simplistic notion that such behaviour can be solely attributed to incentives, and that modifying these incentives will resolve the issue. In relation to this matter, we must concentrate more on the influence of unwritten and informal social norms as a catalyst for corrupt behaviour; as emphasised in a recent Chatham House report regarding collective action and the social norms that support corruption in Nigeria: "identifying the specific social drivers of particular collective practices is essential for formulating targeted and effective policy interventions to alter those practices" (Hoffmann & Patel, 2017).

I believe the first step is to acknowledge that there is no definitive "win" in the fight against corruption; instead, we ought to set more realistic goals for anticorruption initiatives. While some contemporary "successes" have garnered significant attention—such as Singapore and Hong Kong in Asia, Botswana and Rwanda in Africa, and Estonia and Georgia in Eastern Europe—these examples represent a minuscule number, both in absolute terms and proportionately. Furthermore, data indicates that conditions may be deteriorating in other regions. As Syed Hussein Alatas observed in a historical reflection, corruption "inheres in all social systems... It affects all classes of society; all state organisations, monarchies, and republics; all situations in war and peace; all age groups, both sexes; and all times, ancient, mediaeval, and modern" (Hussein Alatas, 1990).

Furthermore, the "paths to success" in countries that are recognised for effectively combating corruption can vary significantly, which challenges the notion of a single or "correct" approach. As the eighteenth-century biologist and Catholic priest John Needham observed, there are more ways to heaven than one. According to evidence presented by Mungiu-Pippidi (2015), various historical factors—such as crises, existential threats, gradual reforms, visionary leadership, and popular demands—can play crucial roles in the transition from particularism to a more universal and impartial provision of public goods, which is characteristic of jurisdictions with low levels of corruption. The impact of these factors is often dependent on their interaction with other contextual circumstances. Consequently, there is no single path to follow, as seemingly analogous conditions in various countries can lead to significantly different outcomes.

Bo Rothstein (2011) effectively critiques the institutional toolkit approach that aims to find a singular solution for implementing incremental anticorruption measures. The examples of Sweden and Denmark illustrate how a "big bang" approach to significant administrative reorganisation in the mid-nineteenth century, following severe military defeats that jeopardised their survival, more effectively explains the transition from "limited" to "open access" orders.

Looking at the research conducted thus far, I believe that the essential aspect of a successful anticorruption initiative is the necessity to start small, but with initiatives that are highly focused, both in terms of scale and sectoral emphasis. Crucially, we must refrain from discussing corruption in vague, general terms and instead focus on the specific issues that concern us, their locations, and the mechanisms at play.

By concentrating efforts on specific areas, it becomes easier to measure impact and make adjustments as needed. This method builds trust and momentum among the people. As these small initiatives begin to show positive results, they can serve as a foundation for expanding efforts into broader areas of governance. Engaging the community in this

process enhances transparency and empowers citizens to take an active role in combating corruption.

A well-functioning justice system is the key to protecting individual rights and upholding the rule of law. But what does well-functioning actually mean? When we think about it, we will probably come up with concepts like a functional rule of law system, fair legislation, independent judges, anti-corruption, accountability and so on.

But what is most important is that, for any system to reach its full potential, everything needs to work well and work well together. In an ideal hypothetical situation, every human being has the opportunity to live up to their full potential, and the ability to improve their life and the environment in which they live. This flourishing society would ideally be a place where everybody would be capable of improving their own life and environment, provided with the opportunity to live up to their potential.

Does an ideal civil space like this exist anywhere on this planet? This is a rhetorical question of course. But nevertheless, one should always strive to reach the utopian dream of a perfect society. Over the past years, civil society organizations in Europe and all over the world have experienced some negative trends, like democratic backsliding or weakening of the rule of law and, in some instances, the rise of very troubling tendencies.

There is continuing research by many scholars that has firmly established that a combination of a weak rule of law and perceived corruption is closely associated with stunted economic development, presents seemingly pervasive obstacles to an escape from poverty and is accompanied by an absence of human rights.

More positively, there's a sense that with a tradition of the rule of law, with relative freedom from corruption, confidence in government booms. The relevant question for us is identifying, at the margin, where we can gain a better leverage.

Paul Volcker, former chairman of the US Federal Reserve at the IBA Annual Conference in Boston asked very important question related to the rule of law: "Shouldn't we be satisfied that we live with a really effective rule of law, when the perceived need for heavy campaign spending has come to dominate our political process? We let those financing practices infringe in a very basic way upon the rule of law, with its sense of even handedness and openness. Does it not breed behaviour that is accomplished by any reasonable definition of corruption? I made the point earlier that the successful attack on corruption depends upon a strong sense of rule of law, but it's equally true that widespread corruption makes a strong rule of law an impossible dream" (IBA, 2025)

There is increasing recognition that the cultural, historical, economic, and political factors unique to each country significantly shape how corruption manifests, is interpreted, and its implications. A bribe in one context might be perceived as a gift in another. (Khan, 2021) While legal frameworks and law enforcement play crucial roles in combating corruption, viewing it purely as a law-and-order issue risks oversimplifying its deeper causes and expressions. Corruption reflects power dynamics, systemic inequalities, institutional weaknesses, and broader concerns related to governance and social justice. Efforts to reduce corruption must consider these broader realities and, also, tackling corruption is pivotal in breaking this cycle and promoting a just and inclusive society.

CONCLUSION

The rule of law and the effective fight against corruption represent not merely political ideals but existential prerequisites — *conditio sine qua non* — for the stability, progress, and survival of Macedonian society. In a context where democratic institutions remain fragile and public trust in governance is continually tested, the consistent and impartial application of legal norms stands as the only viable foundation for sustainable development. Systemic corruption erodes legality, distorts the economy, weakens social cohesion, and ultimately threatens the very fabric of the state.

The fight against corruption requires a strong rule of law, which serves as the foundation for effective anti-corruption measures. Without a robust legal framework, the enforcement of anti-corruption laws becomes fragmented and ineffective, allowing corrupt practices to thrive. Anti-corruption efforts and the rule of law not only reciprocate, but also reinforce each other. When legal institutions are transparent, accountable, and independent, they act as both a deterrent to corruption and a mechanism for redress, ensuring that perpetrators are held accountable. Only then can the rule of law become a powerful tool in the global fight against corruption, securing a more equitable and just society.

Strengthening the rule of law requires more than legislative reform; it demands an authentic political will, an independent judiciary, transparent institutions, and active civil engagement. Combating corruption must become an integral part of the national ethos—embedded in education, governance, and public accountability. Macedonian society can only ensure democratic consolidation, attract investment, and secure its place within the broader European community of values if it is truly committed to these principles. In sum, the rule of law and the eradication of corruption are not optional aspirations but the indispensable conditions for a just, prosperous, and enduring Macedonian state.

REFERENCES

- Ackerman, R. (2007, May 25). Global Corruption Report 2007: Corruption and judicial systems. Retrieved from Transparency.org website: <https://www.transparency.org/en/publications/global-corruption-report-2007-corruption-and-judicial-systems>
- Aristotle. (350 C.E.). The Internet Classics Archive | Politics by Aristotle. Retrieved from classics.mit.edu website: <https://classics.mit.edu/Aristotle/politics.3.three.html>
- Carothers, T. (1998). The Rule of Law Revival. *Foreign Affairs*, 77(2), 95. <https://doi.org/10.2307/20048791>
- Eisler, J. (2022). Conceptualising Corruption and the Rule of Law. Retrieved from Scholarship Repository website: <https://ir.law.fsu.edu/articles/779>
- ERCAS. (2024). North Macedonia | ERCAS. Retrieved October 25, 2025, from ERCAS website: <https://www.againstcorruption.eu/country/north-macedonia/>
- ERCAS. (2025a). Government Transparency Index. Retrieved from ERCAS website: <https://www.againstcorruption.eu/ercas-projects/transparencyindex/>
- ERCAS. (2025b). Index of Public Integrity - Map. Retrieved from corruptionrisk.org website: <https://corruptionrisk.org/integrity/>
- ERCAS. (2025c). North Macedonia · Corruption Risk Forecast. Retrieved October 26, 2025, from Corruptionrisk.org website: <https://corruptionrisk.org/country/?country=MKD#transparency>
- Heywood, P. M. (2018). *Combating Corruption in the Twenty-First Century*: New

- Approaches. *Daedalus*, 147(3), 83–97. https://doi.org/10.1162/daed_a_00504
- Heywood, P., Marquette, H., Peiffer, C., & Zúñiga, N. (2017). *Title of deliverable: D11.4 Academic Report on Integrity management*. Retrieved from https://anticorr.eu/wp-content/uploads/2017/08/D11_4-FINAL-combined.pdf
- Hunja, R. (2015, December 8). Here are 10 ways to fight corruption. Retrieved from World Bank Blogs website: <https://blogs.worldbank.org/en/governance/here-are-10-ways-fight-corruption>
- Hussein Alatas, S. (1990). *Corruption : its nature, causes, and functions* . Aldershot ; Brookfield, Vt., USA : Avebury .
- IBA. (2025). Film: Paul Volcker keynote speech. Retrieved October 25, 2025, from Ibanet.org website: <https://www.ibanet.org/Conferences/volcker>
- Johnston, M. (2005). *Syndromes of Corruption*. Cambridge University Press.
- Khan, M. (2021), *Making Anti-Corruption Effective: A New Approach*. Cutting Edge Issues in Development, ACE/SOAS Programme, <https://ace.soas.ac.uk/making-anti-corruptioneffective-a-new-approach/>.
- Kocovska, S. (2024, April 12). *Eurobarometer 2024: Citizens trust army, religious institutions and police most, prosecution and judiciary least*. Retrieved October 26, 2025, from Mia.mk website: <https://mia.mk/en/story/eurobarometer-2024-citizens-trust-army-religious-institutions-and-police-most-prosecution-and-judiciary-least>
- Koni Hoffmann, L., & Navanit Patel, R. (2017). *Collective Action on Corruption in Nigeria: A Social Norms Approach to Connecting Society and Institutions* Chatham House Africa Programme Report Launch, Wednesday 17th May Abuja. Retrieved from https://www.chathamhouse.org/sites/default/files/events/Latest_ACS_LaunchSlides_ED.pdf
- Labovic, M. (2024). *Systemic rule of law against systemic corruption and organized crime - A strategic vision with concrete, realistic, sustainable and practically implementable solutions to our biggest problems - How Macedonia can become a functional state*, (Системско владеење на правото против системската корупција и организираниот криминал- Стратешка визија со конкретни реално одржливи и практично спроведливи решенија за нашите најголеми проблеми- Како Македонија може да стане функционална држава). Kultura, Skopje.
- Mungiu-Pippidi, A. (2015). *The Quest for Good Governance*. Cambridge University Press.
- Nye, J. S. (1967). Corruption and Political Development: A Cost-Benefit Analysis. *American Political Science Review*, 61(2), 417–427. <https://doi.org/10.2307/1953254>
- Olson, M. (1965). *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge, Mass. Harvard University Press.
- Rose-Ackerman, S., & Søreide, T. (2011). *International Handbook on the Economics of Corruption, Volume Two*. Edward Elgar Publishing.
- Rothstein, B. (2011). Anti-corruption: the indirect “big bang” approach. *Review of International Political Economy*, 18(2), 228–250. <https://doi.org/10.1080/09692291003607834>
- Rowbottom, J. (2010). *Democracy Distorted*. Cambridge University Press.
- Schroeder, W. (2016). *Strengthening the Rule of Law in Europe*. Bloomsbury Publishing.
- Thrush, G. (2023, June 9). Who Is Jack Smith, the Special Counsel Who Indicted Trump?

- The New York Times*. Retrieved from <https://www.nytimes.com/2023/06/08/us/politics/jack-smith-special-counsel-trump-indictment.html>
- Tsai, L. L., & Anderson, J. (2023, June 12). The role of ethical leadership in curbing corruption. Retrieved from World Bank Blogs website: <https://blogs.worldbank.org/en/governance/role-ethical-leadership-curbing-corruption>
- United Nations. (2015). What is the Rule of Law? Retrieved from United Nations and the Rule of Law website: <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>
- World Justice Project. (2024). What is the rule of law? Retrieved from World Justice Project website: <https://worldjusticeproject.org/about-us/overview/what-rule-law>
- Zinnbauer, D. (2017). Social Accountability - Taking Stock of All the Stock-Taking and Some Interesting Avenues for Future Practice and Research. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2913597>