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FOREWORD

Dear readers,

Editor-in-chief

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ORIGINAL RESEARCH PAPER

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RELIGION AMONG THE POPULATION IN VIEW OF THE BEHAVIOR ARISING FROM THE MORAL ASPECTS OF RELIGION DEPENDING ON THE SOCIO-DEMOGRAPHIC CHARACTERISTICS

Abstract

Today we live in period of big social changes that are both dynamic and intense. Additionally changes are also accompanied by changes in value priorities in the social value system. People are exposed to influences from social, political and cultural developments in which they find it difficult to navigate. Before them are many challenges, open questions that are related to both the present and the future, and there is little probability that they will cope with all those challenges and open questions on their own. In such a context, religion offers a philosophy of life and through his own learning establishes mutual relation with the man while offering him solutions for the many questions on which comes across . Therefore, the manifestation of religiosity is basically an indicator of the degree of acceptance of religion by the individual. Of course, we should emphasize here the activities of the confessional communities, which, through their organizational forms, are increasingly trying to attract people's attention. The research was carried out in the Ohrid-Struga region, which includes the municipalities of Ohrid, Struga, Vevcani and Debrca. In this research, we started from the assumption that religiosity is correlated with the following socio-demographic characteristics: religious affiliation, gender, age, place of residence (city-village), marital status, level of education and occupation of the respondents. This paper will show part of the results of the research that refer to only one segment, that is, the religiosity of the population in the Ohrid-Struga region in terms of behavior depending on socio-demographic characteristics.

Keywords: Religion, religiosity, behavior, indicators, socio-demographic characteristics

INTRODUCTION

In our daily life, we encounter many phenomena, events and symbols that connect us with religion and religiosity. The world we live in today could hardly be understood without determining the place and role that religion has in the modern world. Religion, as one of the key forms of human consciousness, influences not only the shaping of the system of spiritual values, but also the very way of living. Ethnicity and religion are the main cohesive factors in multi-ethnic and multi-confessional environments such as ours. Also, in recent times we have witnessed increased activity of religious communities. Through religious teaching, ritual practice, as well as broader social activities, etc., religious communities strive to be as present as possible and in direct contact with the population.

When defining religion, there are certain difficulties, which are much greater than they seem at first glance and which are primarily due to the complexity of the phenomenon of religion. First of all, it is difficult to find a common name for the many types and different manifest forms of religion and the sacred, starting from the prehistoric period of man up to the present day. Likewise, the second type of difficulty in defining religion comes from the subjects of belief. During the research, one should start from the specific (individual) individuals with their specific religious experiences and their self-understanding of that experience. Basically, "by definition, science strives for objectivity and impartiality in research, which is not so easy to achieve, considering the religious experience of the believer, which includes the whole person, his opinion, feelings and his behavior" (Blagojević, 2005: 37).

Of course, we should mention that certain difficulties in defining religion come from the disciplinary approach itself and the methods used, which ultimately determine the type of definition of religion. Various attempts are evident that within the framework of global sociological theories in some way contributed to the definition of the general concept of religion. Among the various attempts to define religion, two basic sociological approaches prevail: the substantive and the functionalist. The substantive approach tries to determine the essence, that is, it tries to find the common and distinctive element of all religions. The substantive definition seeks to make the distinction between what religion is, from other social phenomena. A key element of the substantive definition is the belief in the sacred or a special attitude towards sacred things, i.e. a feeling of strength and power that is connected to the concept of the sacred, i.e. the opposite of the profane. The second approach, the functionalist, begins with the question of what religion does for the individual and the social community, that is, what function does it perform. This approach is the basis from which the functionalist definition starts. Both definitions have strengths and weaknesses. We should also emphasize that one of the biggest challenges of the two definitions of religion is the separation of religion and religiosity from spirituality in the modern or postmodern society.

However, at the beginning of any research, despite the mentioned difficulties in definition, there should be a precise, operational definition. The definition of religion at the beginning of the research "clearly limits the subject of research, but at the end of the research there is an opportunity to correct and supplement the initial definition of religion with arguments from the research itself. So all the time we are dealing with a working definition

of religion, because the complete definition of religion is its true history" (Blagojević, 2005: 39). Given the fact that there are many definitions of religion that differ from each other, the researcher should exclude some of them by way of selection and depending on the research objectives. In our case, since the purpose of the research is aimed at researching established (institutionalized) traditional religions and conventional religiosity, it is necessary to start from such a definition. Despite the dispute that it is possible for one definition of religion to include all types of religious phenomena, there are still authors who have made quite a large contribution to the definition of the general concept of religion. Briefly, in the following, we will try to separate some definitions of religion that represent a basis for creating a good heuristically fruitful definition. Thus, for example, according to Giddens, who makes a distinction between what religion cannot be and what religion actually is, "the characteristics common to all religions refer to the following elements: religion always implies the existence of a series of symbols that evoke feeling of respect and awe, then the rites and ceremonies in which the community of believers participate are important for religion" (Gidens, 2001: 272). According to Vuko Pavicevic, the definition of religion is built or made up of five elements: the idea of a supernatural being, religious feelings, religious symbols, ritual and religious organization. He gives the following phenomenological definition of religion: "Religion is an organized set of beliefs, feelings, symbols, cult actions and moral rules related to the idea or conception of the otherworldly Being, which is taken care of by a special organization - the church" (Pavičević, 1980:17). According to Sušnjić, when defining religion, one must first start from its essence, not from its function. According to him, "religion can be considered any belief in an absolute and mystical power, on which man depends and which controls his life and death, but which he can influence, if he behaves in certain ways; he can express his experience with that power in a cognitive, emotional, practical and mystical way, i.e. in the form of teaching, rites, community of believers or charismatic persons; acquiring and expressing experiences with that power has a certain meaning for him, and a certain importance for the community, because without it his life and the life of the community would look completely different" (Šušnjić, 1998.a: 50). While the definition of religion, according to Bešić and Djukanović, should contain the following elements: faith, sacred, collective, transcendent and cultural-historical conditioning. According to them, "religion represents a culturally-historically conditioned and collectively ascertained faith in the sacred, which as such is of a transcendent nature" (Besić i Đukanović, 2000: 32).

When defining religion, some authors emphasize its subjective side, i.e. individual experience, while others point out that religion represents a special specific organization. "Religion is essentially a broad term in which religiosity and confessional communities have their place" (Bashkimi, 2021:14). We should also mention that in addition to the subjective dimension of religion, i.e. religiosity, religion also exists as a separated specific organization, i.e. as a confessional community. As we mentioned earlier, two confessional communities operate in the examined area, namely: the Macedonian Orthodox Church - Ohrid Archdiocese and the Islamic religious community.

RESEARCH RESULTS

As we have already mentioned, the Ohrid-Struga region consists the municipalities of Ohrid, Struga, Debrca and Vevcani and is located in the southwestern part of the Republic of North Macedonia with a total area of about 1,333 km² . The Ohrid-Struga region, with its characteristics as a multicultural, i.e. multi-ethnic and multi-confessional environment, represents "in some way a minimized form of the Macedonian multicultural, i.e. multi-ethnic and multi-confessional society" (Bashkimi, 2021:15). According to the census of population, households and apartments in the Republic of Macedonia in 2002, the Ohrid-Struga region has a total population of 127.065 inhabitants, of which 58.592 belong to the cities of Ohrid and Struga. In terms of religious affiliation, 74.975 (59.1%) declared themselves Orthodox, 50.721 (39.9%) Muslims, 178 (0.1%) Catholics and 1.191 (0.9%) declared themselves to belong to another religion (Census of the population, households and apartments in the Republic of Macedonia, 2002-BookX).

Quota purposive sampling was used in this research. Quotas express the variation of the phenomenon which is researched. The sample is designed in accordance with the subject of research and the expected goals, as well as with the research approach itself. The sample consists of 400 respondents over the age of 18, selected according to pre-defined relevant characteristics. That is, when determining the quotas in the sample, care was taken to reflect the different geographical and socio-demographic characteristics of the examined area. For this purpose, the sample includes subjects from different settlements in the Ohrid-Struga region and with different socio-demographic characteristics, which correspond to the geographical and socio-demographic characteristics of the examined area. The survey research, that is, the questionnaire adapted to the research model, represents a primary source of data, complemented by other research techniques such as observation and informal conversations. This research was conducted by the author during 2015 and 2016 and is part of the research entitled "Religiosity among the population in the Ohrid-Struga region".

In research were used indicators that cover the four components of religiosity, namely: Indicators that refer to the cognitive-emotional component, that is, belief in the sacred, i.e. identification with a certain religion through the acceptance of religious teachings; Indicators that refer to the conative component, that is, the behavior of respondents in society, which stems from the moral aspects of religion; The indicators that refer to the action component - that cover the practice, i.e. religious practice within religious organizations through which a sense of religious belonging develops; As well as the indicators that refer to the knowledge of the theological doctrine of one's own religion. The questions in the questionnaire, that is, the indicators, are arranged in a way that covers all components of religiosity. We should point out that in this research we used the term "classical" religiosity, a term that was taken as it was used by all significant researchers in our area. The questions from the survey in the first part of the questionnaire is the same for all respondents , while the questions in the second part of the questionnaire are different and adapted according to the religious affiliation of the respondents.

In this research, we started from the premise that religiosity as a subjective category, i.e. as a dependent variable, is conditional, i.e. it is correlated with the following independently

variable categories, i.e. socio-demographic characteristics: religious affiliation, gender, age, place of residence (city-village), marital status, level of education and occupation of the respondents. This paper will show part of the results of the research that refer to only one segment, that is, the religiosity of the population in the Ohrid-Struga region in terms of behavior depending on socio-demographic characteristics.

In addition to belief in the sacred and practice as a third segment of religiosity in our research is the behavior resulting from the moral aspects of religion. The research was based on the assumption that the religiosity of the population in the Ohrid-Struga region is uneven in terms of behavior arising from the moral aspects of religion depending on socio-demographic characteristics.

We will analyze the relationship between religiosity in terms of behavior resulting from the moral aspects of religion, as a dependent variable and certain assumed factors as independent variables (religious affiliation, gender, age, place of residence, marital status, level of education, occupation, number of household members and the social status of the respondents) through the following questions and answers received from them:

1. Anyone who believes in God must not lie and embezzle for material gain ?
2. Should people who perform state affairs do so in accordance with God's commandments?
3. Should children get to know God's laws and behave in accordance with them?
4. Should others be helped even at the cost of our own sacrifice?
5. Can we successfully complete every job we do only with God's help?
6. All songs, books and music that offend God in any way should be avoided?

Issues related to behavior arising from the moral aspects of religion as a segment of religiosity are common to members of one and the other religious affiliation. We start from the assumption that the above questions will be indicative in order to perceive the religious behavior resulting from the moral aspects of religion with all the specificities among the respondents from one and the other religious affiliation.

1. THE RELIGIOSITY OF THE POPULATION IN THE OHRID-STRUGA REGION IN TERMS OF THE BEHAVIOR RESULTING FROM THE MORAL ASPECTS OF RELIGION DEPENDING ON THE CONFESSIONAL AFFILIATION OF THE RESPONDENTS

The research was based on the assumption that the religiosity of the population in the Ohrid-Struga region is unequal in terms of behavior arising from the moral aspects of religion depending on the confessional affiliation of the respondents.

Table - 1: *Religious affiliation and forms of manifesting religion*

	confessional affiliation					
	Orthodox			Muslims		
	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree
Anyone who believes in God must not lie and embezzle for material gain ?	0.8%	8.1%	90.7%	2.0%	2.6%	94.1%
People who perform state affairs should do so in accordance with God's commandments?	17.5%	29.7%	49.2%	2.6%	13.2%	80.3%
Children should learn about God's laws and behave in accordance with them?	3.3%	7.7%	86.2%	1.3%	2.0%	96.7%
Others should be helped at the cost of our own sacrifice?	19.1%	21.5%	54.5%	13.2%	17.2%	62.3%
Every work we do we can successfully complete only with God's help?	10.2%	14.6%	69.1%	2.6%	1.9%	94.8%
All songs, books and music that offend God in any way should be avoided?	5.7%	13.8%	76.0%	1.3%	5.2%	92.%
Overall mean	9.4%	15.9%	71.%	3.8%	7.0%	86.8%

As we have already said, members of the Orthodox and Islamic faiths are included in the research. We will try to make a comparative assessment of the religiosity of members of the Orthodox and Islamic faiths in terms of the behavior arising from the moral aspects

of religion among the population in the studied area. In order to get a clearer picture of this segment of religiosity, we tried to average the percentages of the answers to all the questions listed in the table as well as in all subsequent tables.

From the data in Table 1, a significant difference can be seen in terms of the behavior arising from the moral aspects of religion depending on the religious affiliation of the respondents. So, for example, from the answers to the questions that cover the behavior arising from the moral aspects of religion as a segment of religiosity, i.e. questions that are the same for all respondents, it can be seen that the number of respondents from the Orthodox religion who answered the questions with "I agree" with the views (71%) significantly lower compared to respondents from the Islamic religion (86.8%). This confirms the hypothesis that under similar living conditions, the religiosity of the population in the Ohrid-Struga region is unequal in terms of behavior arising from the moral aspects of religion depending on the confessional affiliation of the respondents.

2. THE RELIGIOSITY OF THE POPULATION IN THE OHRID-STRUGA REGION IN TERMS OF THE BEHAVIOR RESULTING FROM THE MORAL ASPECTS OF RELIGION DEPENDING ON THE GENDER OF THE RESPONDENTS

As a second independent variable in the examination of religiosity among the population in the Ohrid-Struga region, we take the gender of the respondents. In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region is unequal in terms of behavior arising from the moral aspects of religion, depending on the gender of the respondents. As we have already said in the research and when analyzing the results, gender is treated not only as a biological factor, but also as social differences and living conditions, which are the result of the influence of religious affiliation and traditional norms, especially characteristic of rural areas.

Table 2 shows a certain diversity in the acceptance of the attitudes of the respondents gender dependence indicators. So, for example, from the answers to the questions that cover the behavior arising from the moral aspects of religion as a segment of religiosity, i.e. questions that are the same for all respondents, it can be seen that the number of male respondents who answered the questions with "I agree" with the views is lower (75.8%), compared to female respondents (78.3%). This confirms the hypothesis that under similar living conditions, religiosity among the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the gender of the respondents.

Table - 2: *Gender and forms of manifesting religion*

	gender					
	men			Female		
	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree
Anyone who believes in God must not lie and embezzle for material gain ?	1.5%	6.5%	91.5%	1.0%	5.1%	92.9%
People who perform state affairs should do so in accordance with God's commandments?	11.6%	22.6%	62.8%	12.1%	23.7%	59.6%
Children should learn about God's laws and behave in accordance with them?	3.5%	6.0%	87.5%	1.5%	5.1%	92.9%
Others should be helped at the cost of our own sacrifice?	18.1%	19.1%	57.3%	15.2%	20.8%	57.9%
Every work we do we can successfully complete only with God's help?	8.0%	13.0%	75.0%	6.5%	6.5%	82.9%
All songs, books and music that offend God in any way should be avoided?	3.5%	11.5%	81.0%	4.5%	9.6%	83.8%
Overall mean	7.7%	13.1%	75.8%	6.8%	11.8%	78.3%

3. THE RELIGIOSITY OF THE POPULATION IN THE OHRID-STRUGA REGION IN TERMS OF THE BEHAVIOR RESULTING FROM THE MORAL ASPECTS OF RELIGION DEPENDING ON THE AGE OF THE RESPONDENTS

In addition to the religious affiliation and gender of the respondents, we take the age of the respondents as a third independent variable in the examination of religiosity among the population in the Ohrid-Struga region. In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region is uneven in terms of behavior arising from the moral aspects of religion, depending on the age of the respondents. The respondents were divided into three groups : The first group includes respondents from 18-29 years of age, the second group includes respondents from 30-59 years of age, and the third group includes respondents over 60 years of age.

From the data in Table 3, no significant difference can be seen in the acceptance of the attitudes of the indicators of dependence on the age of the respondents. So, for example, from the answers to the questions, it can be seen that the number of respondents who answered the questions with "I agree" with the views from the first group of respondents aged 18-29 (76.4%) is approximately the same with the second group of respondents from 30-59 years of age (77.3%) and with the third group of respondents over 60 years of age (77.4%). This rejects the hypothesis that under similar living conditions, religiosity among the population in the Ohrid-Strusa region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the age of the respondents.

Table - 3: *Age and the forms of manifesting religion*

	Age								
	18-29			30-59			60+		
	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree
Anyone who believes in God must not lie and embezzle for material gain ?	0.0%	7.4%	91.7%	1.7%	5.7%	92.1%	2.1%	4.2%	91.7%
People who perform state affairs should do so in accordance with God's commandments?	9.9%	32.2%	52.9%	14.4%	18.3%	63.8%	4.2%	25.0%	68.8%

Children should learn about God's laws and behave in accordance with them?	1.7%	6.6%	90.9%	3.5%	5.2%	88.7%	0.0%	4.2%	95.8%
Others should be helped at the cost of our own sacrifice?	15.8%	18.3%	59.2%	14.8%	20.5%	59.0%	29.2%	20.8%	45.8%
Every work we do we can successfully complete only with God's help?	4.1%	9.1%	81.8%	9.1%	10.8%	76.6%	6.3%	6.3%	83.3%
All songs, books and music that offend God in any way should be avoided?	1.7%	11.6%	81.8%	4.8%	9.1%	83.5%	6.3%	14.6%	79.2%
Overall mean	5.5%	14.2%	76.4%	8.1%	11.6%	77.3%	8.0%	12.5%	77.4%

4. THE RELIGIOSITY OF THE POPULATION IN THE OHRID-STRUGA REGION IN TERMS OF THE BEHAVIOR RESULTING FROM THE MORAL ASPECTS OF RELIGION DEPENDING ON THE PLACE OF RESIDENCE (TOWN - VILLAGE) OF THE RESPONDENTS

In addition to religious affiliation, the gender of the respondents, the age of the respondents, we take the place of residence (town-village) as the fourth independent variable in the examination of religiosity among the population in the Ohrid-Struga region.

Table - 4: *Place of residence and forms of manifesting religion*

	Place of residence					
	City			Village		
	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree
Anyone who believes in God must not lie and embezzle for material gain ?	0.7 %	5.4 %	92.6 %	1.6 %	6.4 %	91.6 %
People who perform state affairs should do so in accordance with God's commandments?	12.2 %	22.3 %	60.8 %	11.6 %	24.0 %	61.2 %
Children should learn about God's laws and behave in accordance with them?	2.0 %	6.7 %	89.3 %	2.8 %	4.8 %	90.8 %
Should others be helped even at the cost of our own sacrifice?	20.9 %	19.6 %	54.7 %	14.5 %	20.1 %	59.0 %
Every work we do we can successfully complete only with God's help?	10.1 %	10.7 %	72.5 %	5.6 %	9.2 %	82.9 %
All songs, books and music that offend God in any way should be avoided?	6.0 %	14.8 %	76.5 %	2.8 %	8.0 %	86.0 %
Overall mean	8.6 %	13.2 %	74.4 %	6.5 %	12.1 %	78.6 %

In the research, we started from the assumption that the religiosity of the population in the Ohrid-Strusa region is uneven in terms of behavior arising from the moral aspects of

religion, depending on the place of residence (city - village) of the respondents. The data in Table 4 shows a certain difference in the acceptance of the attitudes of the indicators depending on the place of residence of the respondents. So, for example, from the answers to the questions, it can be seen that the number of respondents from urban areas who answered the questions with " I agree " with the views is smaller (74.4%), compared to the respondents from rural areas (78.6%). This confirms the hypothesis that under similar living conditions, the religiosity of the population in the Ohrid-Strura region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the place of residence of the respondents.

5. THE RELIGIOSITY OF THE POPULATION IN THE OHRID-STRUGA REGION IN TERMS OF THE BEHAVIOR RESULTING FROM THE MORAL ASPECTS OF RELIGION DEPENDING ON THE MARITAL STATUS OF THE RESPONDENTS

In addition to the religious affiliation, the gender of the respondents, the age of the respondents, the place of residence (city-village), as the fifth independent variable in the examination of religiosity among the population in the Ohrid-Struga region, we take the marital status of the respondents. In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region is uneven in terms of behavior arising from the moral aspects of religion, depending on the marital status of the respondents. The respondents were divided into four groups : married, single, divorced and widowed.

From the data in Table 5, a significant difference can be seen in the acceptance of the attitudes of the indicators depending on the marital status of the respondents.

Table - 5: *Marital status and forms of manifesting religion*

	Marital status											
	Married			Single			Divorced			Widowed		
	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree
Anyone who believes in God must not lie and embezzle for material gain ?	1.3%	4.6%	93.4%	0.0%	9.7%	90.3%	0.0%	33.3%	66.7%	5.0%	10.0%	80.0%
People who perform state affairs should do so in accordance with God's commandments?	11.3%	18.2%	66.6%	11.1%	40.3%	45.8%	33.3%	33.3%	33.3%	20.0%	40.0%	35.0%
Children should learn about God's laws and behave in accordance with them?	2.3%	4.6%	91.7%	2.8%	8.3%	86.1%	0.0%	33.3%	66.7%	5.0%	5.0%	85.0%
Should others be helped even at the cost of our own sacrifice?	16.2%	18.9%	57.6%	15.5%	22.5%	60.6%	0.0%	33.3%	66.7%	35.0%	25.0%	40.0%
Every work we do we can successfully complete only with God's help?	5.9%	9.5%	80.9%	8.3%	9.7%	75.0%	0.0%	33.3%	66.7%	25.0%	10.0%	65.0%
All songs, books and music that offend God in any way should be avoided?	4.0%	9.2%	84.5%	1.4%	16.7%	77.8%	33.3%	33.3%	33.3%	15.0%	5.0%	75.0%
Overall mean	6.8%	10.8%	79.1%	6.5%	17.9%	72.6%	11.1%	33.3%	55.6%	17.5%	15.8%	63.3%

So, for example, from the answers to the questions, it can be seen that the largest number of respondents (79.1%) have a marital status of married, who answered the questions with "I agree", followed by those who are single (72.6%) then those whose marital status is widowed (63.3%) and finally the lowest number of respondents who answered the questions with "I agree " are those whose marital status is divorced (55.6%). This confirms the hypothesis that under similar living conditions, religiosity among the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the marital status of the respondents.

6. THE RELIGIOSITY OF THE POPULATION IN THE OHRID-STRUGA REGION IN TERMS OF THE BEHAVIOR RESULTING FROM THE MORAL ASPECTS OF RELIGION DEPENDING ON THE LEVEL OF EDUCATION OF THE RESPONDENTS

As the sixth independent variable in the examination of religiosity among the population in the Ohrid-Struga region, we take the level of education of the respondents. In the research, we started from the assumption that the religiosity of the population in the Ohrid- Struga region is unequal in terms of behavior arising from the moral aspects of religion, depending on the level of education of the respondents.

The respondents were divided into three groups : In the first group there are respondents without education, with incomplete primary education and those with completed primary education, in the second group there are respondents with completed high school education and in the third group there are respondents with completed higher education, master's and Ph.D.

Table - 6: *Level of education and forms of manifesting religion*

	Degree of education								
	NE, IPE, PE			High school education			HE, Master's, Ph.D		
	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree
Anyone who believes in God must not lie and embezzle for material gain ?	2.1%	4.1%	92.5%	1.2%	8.8%	89.5%	0.0%	3.8%	96.2%
People who perform state affairs should do so in accordance with God's commandments?	6.8%	26.7%	61.6%	12.4%	25.9%	58.2%	18.8%	12.5%	66.3%
Children should learn about God's laws and behave in accordance with them?	1.4%	4.1%	92.5%	3.5%	7.0%	88.9%	2.5%	3.8%	90.0%
Should others be helped even at the cost of our own sacrifice?	13.7%	20.5%	61.6%	18.3%	25.4%	49.1%	18.8%	7.5%	67.5%
Every work we do we can successfully complete only with God's help?	4.8%	5.4%	87.1%	9.4%	12.9%	73.1%	7.5%	10.0%	77.5%
All songs, books and music that offend God in any way should be avoided?	3.4%	8.9%	86.3%	2.3%	12.3%	82.5%	8.8%	8.8%	76.3%
Overall mean	5.4%	11.6%	80.3%	7.9%	15.4%	73.6%	9.4%	7.7%	79.0%

From the data in Table 6, a certain diversity can be seen in the acceptance of the attitudes of the indicators depending on the level of education of the respondents. So, for example, it can be seen from the answers to the questions that the largest number of respondents who answered the questions with "I agree " are those with no education, with incomplete primary education and those with completed primary education (80.3%), followed by respondents with completed higher education, master's and doctorate (79.0%) and finally respondents with completed secondary education (73.6%). This confirms the hypothesis that under similar living conditions, the religiosity of the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the level of education of the respondents.

7. THE RELIGIOSITY OF THE POPULATION IN THE POPULATION OF THE OHRID-STRUGA REGION IN TERMS OF THE BEHAVIOR RESULTING FROM THE MORAL ASPECTS OF RELIGION DEPENDING ON THE OCCUPATION OF THE RESPONDENTS

As the seventh independent variable in the examination of religiosity among the population in the Ohrid-Struga region, we take the occupation of the respondents. In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region is uneven in terms of behavior arising from the moral aspects of religion, depending on the occupation of the respondents. The respondents were divided into five groups : In the first group the respondents are farmers, in the second group Non-qualified workers (NQW), Semi qualified workers (SQW), Qualified workers (QW) and High-qualified workers (HQW), in the third group there are respondents with completed secondary education (SE), College degree (CD) and University degree (UD), in the fourth group there are pensioners and in the fifth group there are the unemployed.

From the data in Table 7, a certain diversity can be seen in the acceptance of attitudes from the indicators depending on the occupation of the respondents. So, for example, from the answers to the questions, it can be seen that the largest number of respondents who answered the questions with " I agree " is among the respondents who are unemployed (80.4%), followed by respondents with SE, CD and UD (79.1%), respondents NQW, SQW, QW and HQW (74.9%), pensioners (71.1%) and finally farmers (67.8%). This confirms the hypothesis that under similar living conditions, the religiosity of the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the occupation of the respondents.

Table - 7: *occupation and forms of manifesting religion*

	Occupation														
	Farmers			NQW, SQW, QW, HQW			SE, CD, UD			Pensioners			Unemployed		
	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree	I do not agree	I don't know	I agree
Anyone who believes in God must not lie and embezzle for material gain ?	3.2%	12.9%	83.9%	2.2%	4.5%	93.3%	0.75%	3.7%	95.6%	0.0%	7.9%	89.5%	0.8%	7.2%	90.4%
People who perform state affairs should do so in accordance with God's command-ments?	16.1%	32.3%	48.4%	9.1%	28.4%	59.1%	21.2%	13.2%	63.5%	13.2%	18.4%	65.8%	7.2%	28.0%	60.8%
Children should learn about God's laws and behave in accordance with them?	3.2%	9.7%	80.6%	4.5%	7.9%	86.5%	1.5%	3.6%	92.0%	5.3%	2.6%	92.1%	0.8%	5.6%	92.8%
Should others be helped even at the cost of our own sacrifice?	9.7%	25.8%	61.3%	21.6%	28.4%	46.6%	12.4%	11.0%	70.1%	36.8%	21.1%	39.5%	12.1%	20.2%	60.5%
Every work we do we can success-fully com-plete only with God's help?	0.0%	35.5%	61.3%	7.9%	5.6%	83.1%	12.4%	6.5%	73.8%	10.5%	13.2%	68.4%	4.0%	7.2%	88.0%
All songs, books and music that offend God in any way should be avoided?	3.2%	16.1%	71.0%	3.4%	15.7%	80.9%	8.1%	8.8%	79.5%	10.5%	13.2%	71.1%	0.8%	8.0%	89.6%
Overall mean	5.9%	22.1%	67.8%	8.1%	15.1%	74.9%	9.4%	7.8%	79.1%	12.7%	12.7%	71.1%	4.3%	12.7%	80.4%

CONCLUDING OBSERVATIONS

In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region is uneven in terms of behavior arising from the moral aspects of religion, depending on socio-demographic features. The results of the survey research obtained from the answers to the questions that are the same for all respondents show the following :

- In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region is unequal in terms of the behavior arising from the moral aspects of religion, depending on the confessional affiliation of the respondents. From the answers to the questions that refer to the behavior arising from the moral aspects of religion as a segment of religiosity, i.e. questions that are the same for all respondents, it can be seen that the number of respondents from the Orthodox religion who answered the questions with "I agree" is much smaller, compared to respondents from the Islamic religion. This confirms the hypothesis that under similar living conditions, the religiosity of the population in the Ohrid-Struga region is unequal in terms of behavior arising from the moral aspects of religion depending on the confessional affiliation of the respondents.
- In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region is unequal in terms of the behavior arising from the moral aspects of religion, depending on the gender of the respondents, the respondents are unequal. From the answers to the questions, it can be seen that the number of male respondents who answered the questions with "I agree" with the views is much lower, compared to the female respondents. This confirms the hypothesis that under similar living conditions, religiosity among the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the gender of the respondents.
- In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region in terms of behavior arising from the moral aspects of religion, depending on the age of the respondents, is uneven. From the answers to the questions, it can be seen that the number of respondents who answered the questions with " I agree " with the views from the first group of respondents, respondents aged 18-29 years, with the second group of respondents, respondents from 30-59 years of age and the third group of respondents, respondents over 60 years of age, is approximately the same. This rejects the hypothesis that under similar living conditions, religiosity among the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the age of the respondents.
- In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region in terms of the behavior arising from the moral aspects of religion depending on the place of residence of the respondents (city - village) is uneven. From the answers to the questions, it can be seen that the number of

respondents from the urban areas who answered the questions with " I agree " with the views is much lower , compared to the respondents from the rural areas. This confirms the hypothesis that under similar living conditions, the religiosity of the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the place of residence of the respondents (city-village).

- In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region in terms of behavior arising from the moral aspects of religion, depending on the marital status of the respondents, is uneven. From the answers to the questions, it can be seen that the largest number of respondents have a marital status of married who answered the questions with " I agree " with the views, followed by those who are single, widowed and then followed by those with a marital status of divorced. This confirms the hypothesis that under similar living conditions, religiosity among the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the marital status of the respondents.
- In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region in terms of behavior arising from the moral aspects of religion, depending on the level of education of the respondents, is uneven. From the answers to the questions, it can be seen that the largest number from respondents who answered the questions with "I agree" with the views comes from the group with no education, those with incomplete primary education and those with completed primary education, followed by respondents with completed higher education , master's degree and doctorate and finally the respondents with completed secondary education. This confirms the hypothesis that under similar living conditions, the religiosity of the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the level of education of the respondents.
- In the research, we started from the assumption that the religiosity of the population in the Ohrid-Struga region in terms of the behavior resulting from the moral aspects of religion, depending on the occupation of the respondents, is uneven. From the answers to the questions, it can be seen that the largest number of respondents who answered the questions with " I agree " is among the respondents who are unemployed, followed by the respondents with SE, CD and UD, respondents NQW, SQW, QW and HQW, pensioners and finally farmers. This confirms the hypothesis that under similar living conditions, the religiosity of the population in the Ohrid-Struga region is unequal in terms of the behavior resulting from the moral aspects of religion depending on the occupation of the respondents.

On the basis of the obtained data relating to the religiosity of the population in the Ohrid-Struga region in terms of the behavior resulting from the moral aspects of religion depending on the socio-demographic characteristics as independently measurable (religious affiliation, gender, age, place of residence, marital status, level of education and

occupation of the respondents), we can conclude that religiosity among the population in the Ohrid-Struga region is uneven in terms of behavior arising from the moral aspects of religion depending on socio-demographic features.

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A CRITICAL ANALYSIS OF THE EUROPEAN UNION'S SPACE POLICY AND ITS COMPLIANCE WITH THE 1967 OUTER SPACE TREATY

Abstract

This brief research document critically analyzes the Space Policy of the European Union and its legal compliance with the 1967 Outer Space Treaty, where the research methods utilized include particular theoretical procedures of description and analysis, respectively. The primary focus is placed upon its four main directions, those being the following: (1) The Copernicus Earth Observation System; (2) The Galileo and EGNOS Satellite Programs; (3) Space Research; and (4) Space Exploration. Without any particular contribution towards the advancement of space law, such directions prevent sufficiently developed European Union Member States who wish to progress in the field of space research. It is, hence, the duty of the European Union to enable Member States to be independent concerning their technological development. Moreover, we raise the question of whether the extent to which other space-related Treaties adopted, specifically mentioned or ratified extensions and elaborations of the Outer Space Treaty, where such overarching requirement for European Union compliance with the Outer Space Treaty is consistent, but unlikely to change, nevertheless. On the other hand, the extent to which the European Union acts as a space operator must obviously adhere to the regime established by the Outer Space Treaty, meaning that the manner in which responsibilities, obligations and executions of competences will be given any shape or form represent an internal question expected to be solved by the European Union itself.

Keywords: Space Policy; European Union; External Relations; Satellite Programs; Observation Systems;

INTRODUCTION

Many fundamental aspects of contemporary human society – ranging from telecommunications to television, weather forecasting to global financial systems – rely on space systems and space-based technologies. Their significant characterization, however, creates a specific issue: the impossibility of certain countries around the globe to attempt to implement such elements with technology and available financial resources which would be in compliance with the positive regulations of both national and international space law. And in our case, the European Union (hereinafter the "EU" or "Union"), represented by its Member States and the European Commission, claims the primary role of European countries pooling their financial and technological resources in order to manage space policy and law through the European Commission in cooperation with the European Space Agency (hereinafter "ESA"), as an intergovernmental agency currently managed by 27 European countries. The European Space Policy consequently believes that it has – for the first time – created a common political framework for space activities in Europe. Being jointly drafted by the European Commission and ESA's Director General, Jean-Jacques Dordain, the European Space Policy sets out a basic vision and strategy for the space sector, and tackles issues such as security and defense, access to space and exploration. Adopted by the 'Space Council' of ESA and EU ministers, the approach intends to equip Europe for space study and exploration, prepare it for new challenges and bring a new dimension to the EU's external relations. Through this document, the EU, ESA and its Member States all commit to increasing coordination of their activities and programs and to organizing their respective roles relating to outer space. This document is published as the *Resolution on the European Space Policy; ESA Director General's Proposal for the European Space Policy, ESA BR-269*. (European Space Agency n.d.) The European Space Policy, furthermore, consists of four main directions, those being the following:

- The Copernicus Earth Observation System;
- The Galileo and EGNOS Satellite Programs;
- Space Research; and
- Space Exploration;

The concrete research problem put forward within this brief critical analysis revolves around space-related activities of the European Space Policy and its four main directions manifesting a rather strong implementation in accordance with legal regulations as provided by space law. Simply put, the principal argument concerns the interconnectedness between both aspects in practice. In addition, it is equally relevant to consider the relation between the European Space Policy and the 1967 Outer Space Treaty (hereinafter "OST"), in terms of legal compliance, with primary focus placed upon EU Member States which aim to further advance in the fields of space research and exploration, simultaneously obtaining their independence from the EU in terms of technological and scientific development.

THE COPERNICUS EARTH OBSERVATION SYSTEM

Copernicus is an EU Program aimed at developing European information services based on satellite Earth Observation and *in-situ* data. The Program is coordinated and managed by the European Commission. It is implemented in partnership with the Member States, the ESA, the European Organization for the Exploitation of Meteorological Satellites (EUMETSAT), the European Centre for Medium-Range Weather Forecasts (ECMWF), EU Agencies and Mercator Océan. Vast amounts of global data from satellites and from ground-based, airborne and seaborne measurement systems are utilized to provide information to help service providers, public authorities and other international organizations improve the quality of life for the citizens of Europe. The resulting information is collected, processed and made available to interested users with confidential up-to-date data through a set of services related to environmental and security issues. (European Commission 2016) While such program significantly contributes to Earth through climate change, tourism, safety or health, it lacks relations with the basic essence of space law defined:

> *"Space law is the law intended to regulate relations between states to determine their rights and duties arising from all activities directed at space and its interior - and to do so in the interest of humanity as a whole, to offer protection to life, terrestrial and extraterrestrial, wherever it exists"* (Diedriks-Verschoor and Kopal 2008: 7)

The indisputable fact of Copernicus being coordinated and managed by the European Commission as a European institution in the role of an executive body – while the satellite infrastructure is managed by ESA, and the sensors are developed by the European Environment Agency, as well as individual EU Member States – indicates that one of the reasons the Copernicus system is housed in the space sector is due to ESA's significant involvement, but without any particular contribution toward the advancement of space law.

THE GALILEO AND EGNOS SATELLITE PROGRAMS

Like the previous program, Galileo represents the EU's Global Navigation Satellite System (GNSS), which provides accurate and precise positioning and timing information. As a program under civilian control, its data can be used for a wide range of applications. It is autonomous, but also interoperable with existing satellite navigation systems. Europe's involvement in Satellite Navigation has begun with the European Geostationary Navigation Overlay Service (EGNOS), which is a Satellite-Based Augmentation System (SBAS) complementing GPS. EGNOS is currently undergoing certification for safety-of-life applications. Galileo, Europe's Global navigation satellite System has benefitted from the experience gained from designing, building and deploying EGNOS. The European Commission is the program manager of Galileo; ESA is the procurement and design agent. In the frame of the European GNSS Evolution Program, ESA is studying scientific applications of satellite navigation systems. This should lead to a better utilization of the navigation signals but also provides valuable feedback from the scientific community to

the designers of the next generation Galileo system. (Arbesser-Rastburg and Hein 2010) However, regardless of the function of this system, important questions from the perspective of space-legal politics that should be asked are as follows:

1. Why does the European Union need the Galileo and EGNOS Satellite Programs?
2. What is the role of the European Commission in this case?

Regarding the first question, assumptions can be found within the purpose of the Galileo program – the use of satellites in order to know a precise location. Compared to foreign systems of non-EU member states such as *Beidou* in China and *Glonass* in Russia, certain characteristics of competitiveness are attributed, mainly in the space-related aspects of the industry. It is due to major developments that enable outer space to currently represent a significantly relevant and promising source of industrial excellence and technological development with several potential spillovers into other sectors. Hence, if being guided by logical expectation that sufficiently developed EU member states wish to advance in the field of space research, then it is the duty of the EU to enable them the freedom to be independent in their technological development. Such freedom considers the lack of assistance, support or cooperation from non-EU member states. Moreover, since satellites are a necessary element of our contemporary way of life, as well as a prerequisite for technological and scientific progress, certain strategic and economic advantages are realized that the EU and its member states enjoy regarding the availability of services offered by satellite navigation. Based on satellite signals, Galileo could contribute to the development of new products and services, as well as generate technological benefits for research, development and innovation which, once again, are derived from the concept of EU member states obtaining technological-scientific independence.

Regarding the second question, the European Commission analyzes the impact that satellite navigation has on competitiveness in four main segments of the EU economy:

- *Upstream* – the contribution of the European space industry to the building of global satellite navigation systems;
- *Service provision* – European businesses supplying commercial or public positioning, navigation, or timing services;
- *Downstream* – the European applications industry, which depends on service provision to supply the hardware and software needed to exploit satellite signals; and
- *End users* – businesses using services and applications provided by satellite signals; (International GNSS Service 2019)

Given that the Galileo program is funded and fully owned by the EU, the European Commission is responsible for managing and overseeing the implementation of all activities on behalf of the EU. While the purpose of the Galileo program is strictly technological, the role of the European Commission is to provide legal implementation, meaning that all activities aim to be implemented in accordance with legal regulations, as cooperating with its quality of an executive body of the EU. That being said, certain aspirations of the EU being as independent as possible from other non-EU Member States can be recognized.

SPACE RESEARCH AND EXPLORATION

Space exploration is considered the driving force of technological innovation and scientific discoveries. It is also borne in mind that space programs require extensive financial support and international cooperation is vital. The EU appears prepared to develop a competitive, independent and global European space industry with the priority of strengthening the European space sector by stepping up research and innovation if Europe is to maintain and secure access to and operations in space. For that matter, analyzing the relationship between the space policy implemented by the EU and the 1967 OST is necessary. We consider the European flagship projects Galileo and Copernicus, with the European Commission on behalf of the Union in the main position, which questions the relationship between the EU and the OST which, otherwise, represents a comprehensive international convention that establishes the legal framework for all space-related activities. Historically speaking, the beginning of the Treaty itself lies during the Cold War with its primary focus upon military-and-scientific-related features of space activities. Thus, the legal regime of the Treaty was expectedly aimed at sovereign states, such as the USSR and the USA, and not at a specific union or international organization. Nowadays, however, it can be perceived that to the extent where the Union acts in its legislative capacity through the European Commission and regardless of the law or regulation it enacts, such should not run contrary to the provisions of the OST – and at least 24 of the 28 EU Member States are bound to ensure that the Union does not do so, and are also bound to succeed in doing so in view of their large majority. The EU itself also recognizes a fundamental obligation that relies on compliance with international law. This clearly includes the OST as well, given that it reflects customary international law. Its provisions, however, are quite broad and provide only general obligations:

1. To act in the interest of the international community, international cooperation and international peace and security;
2. *To refrain from putting weapons of mass destruction into space;*
3. *To treat astronauts as "envoys of mankind" and to support them as much as possible;*
4. *Accept international responsibility, as appropriate, and ensure appropriate authorization and continued supervision of space activities conducted by non-governmental organizations;*
5. *To reduce at least in principle from harmful interference with other (States) legitimate space activities;*
6. *Allowing access in principle to stations and equipment on celestial bodies; and*
7. *To be generally consistent with international law applicable to outer space;* (United Nations 2002)

The seventh obligation, in particular, raises the question of the extent to which other space-related treaties adopted, even if not specifically mentioned or ratified, as extensions or elaborations of the OST should also be respected. At this stage, it is sufficient to note that

the majority of EU legislations relating to space activities and issues are rather limited to specific aspects. Hence, this overarching requirement for EU compliance with the OST is consistent, but unlikely to change, nevertheless. On the other hand, the extent that the Union acts as a space operator – which is the case of Galileo – must obviously adhere to the regime established by the OST. In the Treaty there are only two clauses that refer to international intergovernmental organizations; the first clause alludes to the following:

> *"The provisions of this Treaty shall apply to the activities of the States parties to the Agreement (...), including cases where they are carried out within the framework of international intergovernmental organizations"* and *"practical questions arising in connection with activities that implemented by international intergovernmental organizations (...) will be resolved by the member states of the Treaty or with the appropriate international organization or with one or more member states of that international organization, which are parties to this Treaty."* (United Nations 2002)

And the second clause alludes to the following:

> *"When the activities are carried out in outer space (...) by an international organization, the responsibility for compliance with this Treaty shall be borne by both the international organization and the States Parties to the Treaty participating in such an organization"* (United Nations 2002)

If we follow the political logic of the Soviet Union which refused to grant special status to international organizations, such entities remained platforms for cooperation and not just independent legal entities capable of act with the least independence from their member states. This also means that, regardless of "space competence", the extent to which it will enable the Union to begin to engage in the licensing regimes of states having established national space laws can be additionally supported by Article VI of the OST – EU-level approval and continued supervision of private space activities is neither a requirement nor a right. Other major issues relate to the obligations are set forth in their most fundamental version by Article VII *(if the state is involved in launching a space object in any of the above ways, it will be responsible for the damage caused by such space object)* and Article VIII *(if a space object is launched into space, it should be registered by (one of) the participating states, thus giving such state jurisdiction over the object).* (United Nations 2002) Given its structure, the EU does not constitute a state in any relevant legal sense of the word. As further supported by the provisions of Articles VI and XIII alluded above, some EU Member States would bear such responsibilities and enjoy an obligation and the possibility to register instead; This is proven by briefly reviewing the *"EU Space Programme 2021-2027"* as such regulation was adopted in April 2021 by the Council and European Parliament, and consequently entered into force retroactively on 1 January 2021. It aims to ensure:

- High-quality, up-to-date and security space-related **data and services;**
- Greater **socio-economic benefits** from the use of such data and services, aimed at increasing growth and job creation in the EU;

- Enhanced EU **security and autonomy;** and
- A stronger role for the EU as a **leading actor** in the space sector;

The regulation simplifies the existing EU legal framework and governance system and standardizes the security framework. It improves and brings together existing EU programs such as Copernicus, Galileo and EGNOS under one umbrella. (Council of EU and the European Council 2022) And in what manner such responsibilities, obligations and execution of competences will be given some shape or form in the future, essentially represents an internal question that should be solved by the EU itself.

CONCLUSION

Given this brief critical analysis of the EU's Space Policy and its compliance with the 1967 OST, we identify three main concluding remarks, namely:

- The Space Policy implemented by the EU represents a major international struggle for independence from non-European countries;
- The Space Policy implemented by the EU appears to achieve a significant advantage from e technological, economic and scientific perspective; and
- The Space Policy implemented by the EU appears to attempt compliance with the 1967 OST;

Such observations imply the diminution of the "international" characterization of space law as a legal regime, as well as its legal division between nations, on one hand, and international organizations, on the other, in the process of reflecting individual independence in outer space.

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ORIGINAL RESEARCH PAPER

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RETRIBUTIVE VERSUS RESTORATIVE APROACH TO CHILD DELINQUENCY: THE CASE OF NORTH MACEDONIA

Abstract

This research paper discusses the criminal treatment of children in conflict with the law and children at risk in the Republic of North Macedonia, where the purpose of the study is to analyze the retributive and restorative approach to the phenomenon of child delinquency in the country. The study contains aspects of normative and empirical analysis of justice for children, simultaneously being divided into two parts. Accordingly, retributive justice is dealt with in the first place, that is, the repressive criminal policy against children in conflict with the law by analyzing the criminal sanctions for children provided for in the Law on Justice for Children. Furthermore, during the second part of the study, the possibilities for extra-juridical settlement were analyzed in relation to the treatment of children at risk, that is, the forms of treatment of a restorative nature towards delinquent children. The research paper reflects the factual condition regarding the applicability of the forms dealing with child perpetrators of crimes by the competent institutions, both from a retributive and a restorative aspect. In doing so, we refer to the data published by the publications of the State Statistics Office, as well as the annual reports of the State Council for Child Delinquency Prevention. In this direction, the number of criminal sanctions imposed against children in conflict with the law for the time period 2007-2021, as well as the number of applied non-criminal measures and other restorative procedures against children at risk, is manifested. Hence, one of the main challenges of justice for children in the country which further remainsis the more frequent application of the restorative approach to the phenomenon of child delinquency.

Keywords: retributive justice, restorative aproach, child delinquency; comparative statistics;

INTRODUCTION

Justice for children in the Republic of North Macedonia is characterized by a restorative approach to criminal proceedings concerning the phenomenon of child delinquency. Positive criminal legislation for justice for children defines a wide range of forms of treatment with a restorative character of this phenomenon. Although in practice, some of the forms of extrajudicial treatment of children who violate the law are applied less frequently, the courts in this country, when choosing and imposing criminal sanctions against children who are in conflict with the law, give priority to educational measures as milder sanctions for children, and it is proven that they implement the legal principle from the Law on Justice for Children (Article 10), which stipulates that the sentence for children with deprivation of liberty represents only a last resort in the procedure and only under conditions and for a duration determined by law.

Regarding the majority of criminal cased which are tried against minor offenders – children in conflict[1] with the law, courts impose criminal sanctions, that is, educational measures whose purpose is to protect the interest of the child, his education, re-education and proper development.

One of the most important competent subjects within the system of justice for children in North Macedonia is the State Council for Child Delinquency Prevention, which during the course of its activities given recommendations and undertakes initiatives to encourage the competent state institutions to increase the implementation of extrajudicial procedures against delinquent children. Encouraging the competent state institutions to more frequently apply the various forms of treatment towards child offenders, forms that represent restorative justice for child delinquency and which are provided for by the Law on Justice for Children (in articles 24-29, 30, 75-78, 79- 85) remains as the main challenge of criminal justice in North Macedonia.

This research, on one hand, analyzes the number of criminal cases registered by the State Statistics Office of the Republic of North Macedonia for the period 2007-2021, as a reflection of the factual situation regarding the retributive treatment of children in conflict with the law. In that direction, data on the number and types of criminal sanctions imposed on children tried for certain groups of crimes for the above-mentioned time periodis presented.

Meanwhile, on the other hand, the annual reports published by the State Council for Child Delinquency Prevention have been analyzed, especially the latest reports for 2019 and 2020, with data showing the conditions of implementing restorative justice towards children in the country. And in this direction, data is presented on the number of children at risk who are registered by specialized bodies – Centers for Social Work, on the number of implemented measures to help and protect children at risk, on the number of conciliation and mediation procedures implemented, as well as the successful completion of such procedures and data on the number of imposed deterrence measures.

1 A child in conflict with the law between the ages of 14 and 18 is any child who, at the time of committing the act provided by law as a criminal offense for which a prison sentence of more than three years has been established, has reached the age of 14 and has not reached the age of 18 (Article 19, paragraph 5, from the Law on Children Justice (2013)).

It is worth noting that *restorative justice differs sharply from retributive justice* (Daly 2002:28). Firstly*, restorative justice focuses on repairing the harm caused by crime, whereas retributive justice focuses on punishing an offence.* Secondly*, restorative justice is characterised by dialogue and negotiation among the parties, whereas retributive justice is characterized by adversarial relations among the parties. And* thirdly*, restorative justice assumes that community members or organizations take a more active role, whereas for retributive justice, 'the community' is represented by the state* (Daly 2002:28).

Restorative justice is accepted in the new model of justice for children in North Macedonia and this happened with the adoption of the Law on Juvenile Justice (2007), which established a system of justice for children based on the principles of restorative justice by presenting reforms in the criminal justice system for children, in accordance with the Convention on the Rights of the Child and in accordance with the approach of non-punishment and restorative justice towards the child (Информатор за субјекти кои работат во системот за малолетничка правда 2013). According to this justice model, the sanctioning of the child aims towards recocialization and special prevention of the child, but also the satisfaction of the injured party in the form of compensation for the damage (Ahmedi 2021).

1. RETRIBUTIVE APROACH TO CHILD DELINQUENCY IN NORTH MACEDONIA

1.1. General rules regarding sanctions for children provided for in the positive criminal legislation of North Macedonia

In the third part of the Law on Justice for Children, entitled Sanctions for crimes and misdemeanors, the conditions for imposing these repressive measures on children, their purpose and types are defined.The purposes of criminal sanctions for children are, primarily, the education of children, resocialization and protection of their interests, that is, the prevention of child delinquency (special and general prevention) (Ahmedi 2021).

According to the positive legal provisions in this country, the minimum age for criminal responsibility is fourteen years.*The radical change in the status of children upon reaching a certain age, for example, from the absolute exclusion of any type of sanction until the age of 14, to prosecution and the possibility of sanctions after the age of 14, is a very unnatural choice. Hence, for example, if a child under the age of 13 years, 11 months and 29 days commits murder – no criminal sanctions will be applied against him and if after two or three days he commits petty theft, he will be tried in court and an educational measure will be imposed on him!* (Kambovski 2007: 605). *But the determination of the age limit of children, which conditions the establishment of criminal responsibility of children, must be unconditionally respected, because without such a classification, punishments will first have to be removed from this system, given that their sentencing could increace as a result of subjectivity and sometimes the arbitrariness of the competent state authorities acting against children* (Kambovski 2007:605).

*Along with the abandonment of the concept of guilt and and punishment as a just retribution for a committed criminal offence, the system of sanctions in the Law on Justice for Children fully incorporates the idea of restorative justice (*Kambovski at al, 2018:72). *However, the principles representing the basis of the new concept of justice for children and the policy of child protection are incompletely implemented by the Law on Justice for Children, which mainly refers to children in conflict with the law, remains with the tendency for the entire system of measures and sanctions to rely on institutional solutions (institutional measures and prison sentences for children). Furthermore, the entire responsibility of supervision over non-institutional measures has been transferred, instead of a special probation service for working with children, to social work centers, which do not have sufficient facilities in order to undertake special measures of treatment and supervision in support of families* (Kambovski at al, 2018:72-73).

1.2. Types of criminal sanctions for children

According to the Law on Justice for Children, only one type of criminal sanctions can be imposed on a child aged 14 to 16 for actions that are considered a crime according to the law – and these are the educational measures. In the meantime, children aged between 16 and 18 years old can exceptionally be given the following types of sanctions for criminal acts: monetary fines or alternative measures, in addition to educational measures.The possibility of security measures that can be imposed on children based on the conditions defined by the Criminal Code and the Law on Justice for Children is also foreseen.

1.2.1. Educational measures are a type of criminal sanctions that can be imposed on children in conflict with the law between the ages of 14 and 18.These measures are aimed towards the protection, supervision and professional training of children to achieve the result of re-education, as well as their proper development. ***These sanctions are driven solely by the idea of education and prevention*** (Kambovski 2007).

Educational measures are of several types and, by their nature, are represented as mild criminal sanctions in relation to other sanctions, that is, to penalties. When choosing the educational measure, the court takes into account the following circumstances: the age of the child, the degree of his mental development, his psychological qualities, inclinations, the reasons for which he committed the act, early education, the environment and circumstances in which he lived, the gravity of the committed act, whether he was previously sentenced to an educational measure or a prison sentence for children, as well as other important circumstances that determine the choice of the criminal sanction.

The Law on Justice for Children provides for three types of educational measures that can be imposed on children who commit crimes between the ages of 14 and 18. They are:

A: Reprimand or Referral to a Disciplinary Center;

B: A measure of enhanced supervision by a parent/guardian; enhanced supervision by a foster family and the measure of enhanced supervision by the Social Center;

C: Institutional measures – Referral to an Educational institution and measure of referral to an Educational-Correctional Institution;

The measures of admonition and referral to a Center for Children are imposed when there is no need for longer educational measures, but especially if the child has committed a crime out of carelessness or recklessness.The child is sentenced to measures of enhanced supervision when there is a need for longer measures of education, re-education or treatment with appropriate supervision, if it is not necessary to completely separate him from the previous environment (up until the moment he committed the crime). The first measure of enhanced supervision is imposed in cases where the parent or guardian made a concession, even though they had the opportunity to supervise the child. A variety of reasons can be given as to why parents or guardians are unable to care for their child.As a result of these circumstances, they may not be able to positively influence the behavior/ correction of the child's actions.

In this case, it is necessary to find another foster family, usually members of the child's extended family, who are prepared to take on the responsibility of caring for him. Although in practice, this measure has never been imposed according to the statistical data published by the State Statistics Office for the period 2006 to 2017 (see Table 1). The first measure - Supervision by a parent/guardian - is imposed much more often, followed by the measure of supervision by the Social Center, which comes second in place.This is due to the fact that no family, although expected to be from the child's immediate family, is prepared to undertake the responsibility of caring for and supervising a "problematic" child, who is prone to deviant behavior! The third measure, enhanced supervision – is imposed by the social center if there are no conditions for imposing two precautionary measures, enhanced supervision, either by the parent(s) or the guardian(s) or a foster family. In that case, the child will be placed under the supervision of the Center. The duration of these measures cannot be shorter than one year, but not longer than three years.

The institutional measures of Referral of the child to an educational institution and Referral of the child to an educational-correctional institution can be imposed on the child when there is a need for long measures of education, re-education or treatment and complete separation of the child from his former environment. It is worth emphasizing that *the assessment of educational measures from the mild measures, measures of freedom, to the severe measures, measures of deprivation of liberty, does not intend to establish any a priori proportionality between the type and importance of the committed act and the measure to be imposed which, for example, the principle of gradation of actions into severe and mild ones has (*Kambovski 2007:607). *Although it is more than true that even here the choice of these measures is based on the requirement of proportionality, but understood as the choice of the educational measure that corresponds to the child's personality and the need for his education and development* (Kambovski 2007:607). However, this does not oblige the court to always proceedes in this order, that is, from the mild educational measures to the severe educational measures, so in the specific case, the court may decide to impose the institutional measure without experimenting with the mildesteducational measures (Kambovski 2007:607). In these cases, the application of the

principle of opportunity and reasonableness in decision-making is expressed on the basis of the judge's free conviction, adapting to the specific criminal case.

The child stays in the educational institution for a minimum of six months and a maximum of three years.The institutional measure Referral of a child to an educational-correctional institution is the severest educational measure that can be imposed on a child. The measure is imposed on the child, who must be subjected to permanent and reinforced measures for his eductaion and re-education, as well as his complete separation from the environment in which he lived until the commission of the illegal act.The duration of this measure can be a minimum of one year or a maximum of five years or until the child reaches 23 years of age.This measure is carried out in the Tetovo Educational-Correctional Institution, in the newly built facility in Volkovia (near the city of Tetovo), which has been operational since November 2020. Before that, children tried with this measure, for approximately five years, were placed in the prison for children in Ohrid, while even previously in educational institutions for children in Skopje and Veles.This is due to the fact that since 2001, the Tetovo Educational-Correctional Institution ceased to operate as a result of the lack of adequate conditions for the proper functioning of the facility of this educational-correctional institution.

What makes institutional measures special is the manner in which the Law on Justice for Children regulates the determination of their duration by the court.This distinguishes these measures which in themselves contain the consequence of depriving the child of liberty, simultaneously as the prison sentence for the child. In the case of imposing any of the institutional measures, the court imposes the measure, while the duration of the measure is decided in an additional manner each year (depending on the assessment of the staff of the institution, it is decided whether to extend or terminate the measure), in a form regulated by the Law on Justice for Children (Article 47 paragraph 2). Although this legal solution was adopted in order to increase the motivation of children, to improve their behavior and to prove that the effect of these measures has been achieved for them, this manner regulated by law, *in most cases creates a feeling of insecurity among children because the children do not know what will be decided about their "fate" for the next year nor how long they will stay in the appropriate institution (*Ahmedi 2021:59).

1.2.2. Penalties for children can be imposed in the cases determined by the Law on Justice for Children, to the child who was at least 16 years old at the time of committing the crime – (the minimum age of 16 years is the main condition for the possibility of sentencing) and other legal conditions are met, such as the high degree of criminal responsibility of the perpetrator and the serious consequences of the crime caused by that action, as well as the court's assessment according to which only through the execution of the punishment against the child will the goal of the sanctions for the child be achieved (education, re-education, development, for the purpose of ensuring and protecting the most necessary interest for the child). *In certain cases, in order to achieve the correct re-education of the child, sentencing him can be shown as an extremely useful sanction in this direction* (Kambovski 2007: 612).

The following penalties may be imposed on a child over 16 years of age: Prison for children; Monetary Fine; Prohibition of driving a motor vehicle of a certain type or category and Expulsion of a foreigner from the country.

Prison for children over 16 years of age is regulated by articles 51-53 of the Law on Justice for Children. This sentence represents the severe sanction which could be imposed upon the child who committed the crime. Therefore, the legal conditions that must be met in order to impose this sentence are the existence of aggravating circumstances related to the crime for which the child is being tried, namely: that the committed crime is sanctioned in the Criminal Code with a prison sentence of at least five years; That the act was committed under aggravating circumstances and the existence of a high degree of criminal responsibility of the perpetrator.The duration of the prison sentence for children is from a minimum of one year to a maximum of ten years.This sentence can be imposed for whole years or half a year.The sentence is carried out in the Correction Facility Prison Ohrid. Prison sentences for male children are carried out in this institution, while the female children punished with this sanction are serving their sentence in the Idrizovo Correction Facility, in a department for females. According to the Decision on the placement of convicted persons and children in correction facilities and educational-correctional institutions as well as detained persons in the detention departments of correction facilities (2020, 1.1. c.), female children convicted with a prison sentence for children and with an educational measure, referral to an educational reformatory, regardless of the amount of the sentence or the measure, are sent to this department.

When determining the sentence, the court cannot impose a prison sentence for children with a longer sentence than the sentence determined for that crime, but it is not obliged to the smallest measure of that sentence defined in the Criminal Code (Kambovski 2007). Hence, for example, *when a prison sentence of up to 8 years has been determined for the committed crime as a special maximum, the court cannot impose a sentence above that maximum, but it can always reduce it below the minimum prison sentence of up to one year (*Kambovski 2007: 612). The Law on Justice for Children provides for the possibility of parole for a child who has been sentenced to deprivation of liberty, as well as the possibility of canceling parole.

The monetary fine may be imposed on a child in conflict with the law as a primary, but also as a secondary punishment, simultaneously with a prison sentence for children or a suspended sentence with enhanced supervision, for crimes committed out of greedy. This penalty is imposed in daily fines, from 1 to 120 daily fines. The penalties of the prohibition of driving a motor vehicle of a certain type or category and the expulsion of a foreigner from the country are imposed on the child as primary or secondary penalties, simultaneously with a monetary fine.

The Law on Justice for Children regulates the sanctioning of children in conflict with the law when they commit criminal acts in the stack. For these cases where the legal requirements are met, the law determines that the court will impose only an educational measure on the child or only one punishment - prison for children or a monetary fine.

1.2.3. Alternative measures and security measures: According to the Law on Justice for Children, the following alternative measures can be imposed on a child over the age

of 16 with criminal responsibility: Conditional sentence with enhanced supervision; Conditional termination of the procedure and Community Service. In the meantime, the law provides that a security measure can also be imposed on a child who is tried with an educational measure or a prison sentence for children.The following security measures can be imposed on an unaccountable child under the conditions established by the Criminal Code: Compulsory psychiatric treatment and custody in a health facility, Compulsory psychiatric treatment in liberty, and Compulsory treatment of alcoholics and drug addicts (as a measure of compulsory treatment of children from addictions).

1.3. Criminal sanctions imposed against children in conflict with the law in North Macedonia: 2007-2021

This analysis is based on the number and type of sanctions imposed on children in conflict with the law from two age groups: 14-16 years and 16-18 years, respectively the number of educational measures imposed on them - disciplinary measures, measures of enhanced supervision and institutional measures as well as the number of sentences imposed, for each year. The ratio of the number of prison sentences in relation to the educational measures imposed on convicted children (aged 16-18) is also reflected.

From the obtained results, it can be concluded that the courts in the country implement the legal principle of giving preference when choosing to impose educational measures in relation to the penalty of deprivation of liberty, which is required to be applied as a last resort in the procedure under certain legal conditions (Articles 10 and 15 of the Law on Justice for Children). This finding is based on the fact that during the years 2007-2021, of the total number of sanctions imposed on children tried for each year, more than 95% are educational measures. Prison for children remains very low during this period, between 0.3% and 3.1% (see Table 1).

Table 1: *Convicted children in conflict with the law aged 14 to 16 years by type of penalties in North Macedonia: 2007-2021*

Year	Total (aged 14-18)			Children aged 14-16							
	Total	Female	Attempt	Total (aged 14-16)	Disciplinary measures		Measures of intensified supervision			Institutional measures	
					Rebuke	Disciplinary center	By the Parents	In another family	By a social agency	Educational institution	Reformatory
2007	537	15	16	155	11	-	96	-	42	1	5
2008	529	17	23	169	19	-	95	-	44	-	11
2009	748	39	12	210	21	-	116	-	64	1	8
2010	547	20	10	162	33	-	80	-	42	2	5
2011	722	22	16	220	27	-	116	-	64	2	11
2012	556	9	9	140	12	-	85	-	36	-	7
2013	473	24	4	123	17	-	67	-	33	2	4
2014	461	16	18	107	10	1	59	-	28	1	8
2015	348	22	9	73	14	-	35	-	21	-	3
2016	468	19	4	119	10	1	58	-	42	5	3
2017	368	14	11	112	11	-	63	-	34	2	2
2018	330	-	-	73	10		57			6	
2019	300	-	-	82	20		60			2	
2020	350	-	-	80	27		50			3	
2021	382	-	-	93	28		55			10	

Source*: State Statistical Office, Publications:"Perpetrators of criminal offences" for 2007-2017 and News releases: "Reported, accused and convicted perpetrators of criminal offences and children in conflict with the law" for 2018-2021, Skopje.*

Regarding children in conflict with the law, it can be noted that in the period 2007-2021 (Table 1), the most often pronounced educational measure against children aged 14-16 years was the measure of intensified supervision by parents, while after it came the measure of intensified supervision by Center for Social Work. The disciplinary measure of Rebuke was pronounced in a significant number, while the institutional measures were pronounced in a smaller number.

During the period 2007-2017, the disciplinary measure – Refering children to the Disciplinary Center was pronounced only twice, while regarding the measure Intensified supervision by a foster family, it is established that it was never once pronounced to the children during the above period of time (For the period 2018-2021, the State Statistical Office does not present detailed data on the type of educational measures that are imposed within their groups, but only on the total number of the same group of certain measures). In this direction, there is a need to specify the conditions related to the application of these

measures and their efficiency, that is, the already overdue initiative for legal supplementing of the provisions of the Law on Justice for Children regulating these two measures is necessary, to specify the conditions related to their execution in order to create opportunities for them to be pronounced in the future.

Table 2: *Convicted children in conflict with the law in North Macedonia aged 16 to 18 years by type of penalties: 2007-2021*

		Imprisonment	**Educational measures**	**Disciplinary measures**		**Measures of intensified supervision**			**Institutional measures**	
Year	Total			Rebuke	Disciplinary center	By the parents	In another family	By a social agency	Educational institution	Reformatory
2007	479	15	464	46	-	254	-	155	0	9
2008	510	11	499	95	-	234	-	156	4	10
2009	537	14	523	64	-	251	-	202	2	4
2010	385	9	376	74	-	165	-	122	5	10
2011	502	2	500	65	-	277	-	151	-	7
2012	416	7	409	45	-	213	-	137	2	12
2013	350	-	350	63	-	154	-	127	-	6
2014	354	3	351	52	-	192	-	91	1	15
2015	275	8	267	65	-	111	-	83	1	7
2016	349	4	345	39	-	162	-	142	-	2
2017	256	5	251	39	-	128	-	75	3	6
2018	257	3	254	36		208			10	
2019	218	2	216	30		185			1	
2020	270	1	269	76		186			7	
2021	289	1	288	77		199			12	

Source*: State Statistical Office, Publications:"Perpetrators of criminal offences" for 2007-2017 and News releases: "Reported, accused and convicted perpetrators of criminal offences and children in conflict with the law" for 2018-2021, Skopje.*

In Table 2, the number of convicted children aged 16-18 in the period 2007-2021 according to the type of criminal sanction imposed is displayed. From these data, it could be initially observed that, when compared to the data from Table 1, that from the total number of tried children aged 14-18 years, most of those tried belong to the age group of 16-18 years. Furthermore, as it is displayed in Table 2, for this category of children, other sanctions can be imposed, in addition to educational measures, where in this case data is presented only concerning the number of prison sentences imposed on children (in addition to other sanctions provided for by the Law on Justice for Children). The measure most often imposed upon convicted children aged 16-18 is the measure of intensified supervision by the parent, followed by the measure of intensified supervision by the Center for Social

Work.The disciplinary measure Rebuke is ranked after them in terms of number, and the institutional measures are the least imposed. And for this category of children (as well as for the category of 14-16 years old, in Table 1), in no case did the courts impose the following measures: Referral to a Disciplinary Center and Intensified supervision by a foster family.

If we compare the number of prison sentences with the number of educational measures imposed on children, it could be concluded that such number is fairly insignificant and this situation is in accordance with Article 10 of the Law on Justice for Children. In that direction, from 2007 to 2021, the number of prison sentences imposed compared to the total number of criminal sanctions imposed on children has moved from a minimum of 0% in 2013 to a maximum of 3.1% in 2007 as the year with the most prison sentences (15 in total). In 2009, 14 prison sentences were imposed, that is, 2.6% of the total number of children tried. In recent years, the percentage of this imposed penalty in relation to the total imposed sanctions for children is very low, namely in 2019 -0.9%, in 2020 - 0.4% and in 2021 - 0.3%. (See Tables 2 and 3)

Table 3: *The number of imposed sanctions on children in conflict with the law, the ratio of number of penalty of prison and the number of educational measures: 2007-2021*

Year	The total number of imposed sanctions on children	Prison for children	Educational measures
		%	%
2007	479	3.1	96.9
2008	510	2.2	97.8
2009	537	2.6	97.4
2010	385	2.3	97.7
2011	502	0.4	99.6
2012	416	1.7	98.3
2013	350	0	100.0
2014	354	0.8	99.2
2015	275	2.9	97.1
2016	349	1.1	98.9
2017	256	2.0	98.0
2018	257	1.2	98.8
2019	218	0.9	99.1
2020	270	0.4	99.6
2021	289	0.3	99.7

Source*: State Statistical Office, Publications:"Perpetrators of criminal offences" for 2007-2017 and News releases: "Reported, accused and convicted perpetrators of criminal offences and children in conflict with the law" for 2018-2021, Skopje.*

In 2020, only one male child was sentenced to prison for children.The sentence was pronounced by the Basic Court of Veles (*Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020*, 2021: 46). Meanwhile, from the data presented in the tables above (Tables 1, 2 and 3), it can be seen that the educational measures imposed on children in conflict with the law dominate in number during all the years of research and it can be concluded that they represent the largest percentage of sanctions imposed on children in this country. According to this order, during the time period 2007-2021, more than 97% of the convicted children were sentenced to educational measures compared to the total number of imposed sanctions (in 2013 these measures were imposed 100% on all the children tried) (See Table 3).

2. RESTORATIVE APROACH TO CHILD DELINQUENCY IN NORTH MACEDONIA

The Law on Justice for Children regulates the treatment of child offenders in other forms besides the regular criminal court procedure, that is, it provides for the possibility of imposing non-criminal measures against children, by conducting some of the extrajudicial proceedings or court proceedings with elements of restorative justice. The procedures of restorative justice regulated by the Law on Children's Justice are: the procedure for applying assistance and protection measures and the plan of measures and activities for individual work with the child and parents (Articles 24-29), the mediation procedure (Article 30), the application of deterrent measures (Article 75-78), mediation (Articles 79-85), the procedure for acceptance of responsibility and the agreement on the amount of the penalty (Article 108).

2.1. Assistance and protection measures

According to the Law on Justice for Children, the assistance and protection measures can be applied to children at risk up to 14 years of age and over 14 years of age.These measures are of interest to the child, as well as his development and education.The Law on Justice for Children does not explicitly determine the types of measures for assistance and protection, but only determines that these are measures determined by material laws in the field of education, health, social, family and other forms of protection (Article 23).

In this case, the Ministry of Labor and Social Policy determined the types of these measures in the List of measures for assistance and protection, attaching it as an additional document to the Rulebook on the form, content and management of the Register for the implementation of measures for assistance and protection of children and minors at risk, approved in 2008. According to the abovementioned list, the types of assistant and protection measures defined in the relevant regulation are the following: From the Law on Social Protection: Social Prevention; non-institutional protection; field work; provision of personal

documentation; daily and temporary care as assistance to the individual and the family and guidance to the appropriate (daily) center; institutional protection; accommodation in a social protection institution; the right to social protection; From the Law on Family: The marital relationship; creating/strengthening parent-child relationships; supervision over parental rights, deteriorated and violent relationships in marriage and family; adoption; guardianship; conducting proceedings in matrimonial disputes; From the Law on Justice for Children: Working with children and minors at risk; giving consent to the minor; acting according to child protection conventions.

During the implementation of the procedure for the implementation of assistance and protection measures, the degree of maturity of the child and his ability to understand the committed crime should always be followed, in addition to recognizing the factuality of his age, which does not always coincide with the criteria of maturity (Pajoviq 2011).

The Center for Social Work is competent to assess when the above measures would be applied to children at risk, by determining whether the risk situation has an impact on the child's personality and on his proper education. The Law on Justice for Children stipulates that the measures in question can also be applied against parents or guardians, if they have neglected or abused the exercise of their rights or obligations related to the protection of the person, rights and interests of the child. The Law on Justice for Children regulates the mutual cooperation between the Center and the mentioned entities and in all cases when the Center is informed that there are different conditions of risk in certain children, which is competent to act immediately upon these notifications received from various entities such as, for example, the Ministry of Interior, the school or any other institution where the child is in care and the child's parents or guardians, or even from his own action.

The Law on Justice for Children determines the deadlines in which the Center must act towards the child at risk, within a period of no longer than 15 days from the receipt of the notification or other acknowledgement. While, in cases of emergency (when there is an existing danger posing to the person) the Center is required to act within 36 hours at the latest to call the child at risk, his legal representatives, and to initiate a procedure of credible nature to determine the factual condition of the specific event. In order to determine the factual condition of the event or the risk-related situation of the child, the center conducts the conversation by forming an expert team consisting of a teacher, a social worker, a psychologist and a graduated lawyer. During the conversation, the law determines the mandatory participation of the child's defender in cases where the crime committed by a child at risk under the age of 14 is sanctioned with a prison sentence of at least five years, as well as in cases where there is an existing risk to the person, rights and interests of the child.

The above-mentioned expert team must prepare the Plan containing the measures and activities considered to be applied to the child and his legal representative within 30 days. Assistance and protection measures can be applied to the child until reaching the age of eighteen, and the supervision of the implementation of the plan is conducted by the Center for Social Work.

According to the data presented in the annual report of the State Council for Child Delinquency Prevention for 2019, the measures of assistance and protection (as a form of restorative justice) were most often applied. The percentage of children at risk to whom assistance and protection measures were applied in 2019 is 30 percentage points higher

compared to 2018 when it amounted to 53% and does not differ from 2017 when it amounted to 83% (Draft Law on Justice for Children 2022).

Table 4: *Number of children at risk referred to Center for Social Work by age, and by gender*

	Total	Female	Male
2018	1689	309	1380
2019	2035	424	1611
2020	1850	254	1596

Source*: State Council for Child Delinquency Prevention: Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020, 2021,Skopje, p.18-19.*

The data in Table 4 display the number of children at risk who were referred to Centers for Social Work in 2020. The source of this data is from 30 Centers for Social Work in North Macedonia. From the available data, it follows that 452 children were referred to a population of 100,000 during the year of 2020. Compared to previous years, in 2020 the number decreased by 9% compared to 2019 and increased by 10% compared to 2018. Moreover, as compared by gender, the number of male children in 2020 decreased by 1% compared to 2019 and increased by 16% compared to 2018. Among female children, the number in 2020 decreased by 40% compared to 2019 and by 19% compared to 2018 (*Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020*: 19).

The largest number of children is referred to the Strumica Center for Social Work (262), the Veles Center for Social Work (235), the Skopje Center for Social Work (222), the Shtip Center for Social Work (213) and the Kavadarci Center for Social Work (182). The largest number of female children (37) is sent to the PrilepCenter for Social Work, while the largest number of male children (239) is referred to the Strumica Center for Social Work. If a comparison is made of the number of children referred per Center for Social Work in relation to the year of 2019, a significant decrease in the number of children at risk in Skopje (from 768 in 2019 to 222 in 2020) can be observed, major changes are not noted in Kavadarci, Shtip and Veles, while there is a significant increase at the Strumica Center for Social Work – from 61 children in 2019, the number rose to 262 children in 2020 (*Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020*: 20-21).

Regarding the measurement of the percentage of children at risk which have received services from the Center for Social Work, that is, assistance and protection measures that were applied to them, the data collected from all 30 Centers for Social Work in the Republic of North Macedonia are as follows:

In 2020, 1287 measures were applied to 779 children, or 42% of children at risk (out of 1850 children at risk in total). Of them, 82% are male children, and 18% are female. Compared to previous years, the percentage of children at risk to whom assistance and

protection measures were applied in 2020 is 39 percentage points lower compared to 2019, when it was 81%, and 11 percentage points lower than 2018, when it was 53%. (*Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020*: 36).

2.4. Mediation procedure for compensation of the injured party carried out by the Social Center

The Law on Justice for Children (in Article 30) authorizes the Center for Social Work to undertake the mediation procedure between the child at risk and his legal representative and the injured party if the child at risk obtained property benefit or caused damage to another.The purpose of applying such procedure is to reach an agreement between the parties, obtaining a promise from the child that the act in question will not be repeated, as well as for the return of the property benefit or compensation for the damage caused (achievement of material and moral satisfaction by the victim). The mediation procedure may last a maximum of 30 days after the approval regarding the beginning of the decision. An agreement is drawn up for the achieved reconciliation, which has an extrajuridicial meaning. While, in the event that the mediation remains unsuccessful, the law provides for the opportunity for the injured party within 30 days to submit a proposal for the initiation of the procedure for the confiscation of the property and property benefit from a person to whom the property or property benefit has been transferred or for a property law claim for compensation to harm.

2.5. Children at risk involved in the mediation procedure in the Center for Social Work

The following segment displays the percentage of the number of children at risk, for whom the Center has implemented a mediation procedure, compared to the number of children at risk referred to the Center for Social Work.

In 2020, the Center for Social Work conducted a mediation procedure for 8 children at risk, which represents 0.4% of the total number of children at risk (1850 children). Mediation was successfully implemented in 7 of the children to whom it was applied. In 2019, mediation was applied to 34, and successfully implemented to 31 children. In 2020, the procedure was applied in three Centers for Social Work, namely Probishtip, Skopje and Strumica.The largest number of children was included in the center in Skopje (5 children) (*Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020*: 40).

2.6. Mediation procedure

The Law on Justice for Children (Articles 79-85) regulates the conditions for mediation between the child and the injured party. In this case, the law authorizes the competent public prosecutor, after receiving the criminal complaint for a crime for which a prison sentence of up to five years is provided, or the competent court in cases where court proceedings have been initiated, to direct the parties to the mediation procedure (Only for cases related to crimes against gender freedom and gender morality and forms of gender-based violence against women, the Law on Justice for Children excludes the possibility of developing the mediation procedure, in accordance with ratified international agreements).

Within three days of the written consent, the parties to the agreement appoint a mediator from the list of mediators in the competent children's court and notify the public prosecutor or the children's court or, in case the parties do not reach an agreement, the court or the Public Prosecutor within three days determines a mediator from the list of mediators.The deadline for completion of the mediation procedure is expected to last up to 45 days from the day of submission of the written consent to the competent authority. If the mediation procedure is not completed within this period, the case will be returned to the public prosecutor or the court procedure will continue from where it had been interrupted.

In Tables 4 and 5, the number of children who were referred to the mediation procedure and the number of successful cases of mediation are recorded. In 2020, there are 100% successful cases referred to mediation by the Public Prosecutor's Offices. Of the 11 children referred to mediation in 2020, nine children were referred by the Public Prosecutor's Office Tetovo and two were referred by the Public Prosecutor's Office Strumica (see Tables 5 and 6).

Table 5: *Application of mediation by the court and by the Basic Public Prosecutor's Office*

	By Court	**By the Basic Public Prosecutor's Office**
2018	0	3
2019	4	11
2020	0	11

Source: *State Council for Child Delinquency Prevention: Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020, 2021, Skopje, p.42*

According to the data displayed in Table 5, in 2020, the courts did not refer a single child to mediation. In 2019, the courts referred four children to mediation. In 2018, the courts did not refer a single child to mediation. *In 2019, the Public Prosecutor's Offices referred 11 children to mediation, of which the mediation was successfully completed in seven of those children. This is a small progress compared to 2017 and 2018 when the courts did not refer a single child to mediation* (Draft Law on Justice for Children 2022: 2). And in 2018, the Public Prosecutor's Offices referred three children to mediation, of which the mediation was successfully completed for only one child. (See Table 6)

Table 6: *Number of children referred to mediation by the Basic Public Prosecutor's Office and the successfulness of the mediation*

	2014	2015	2016	2017	2018	2019	2020
Sent to mediation by the Basic Public Prosecutor's Offices	15	8	2	0	3	11	11
Successful mediation	12	5	2	0	1	7	11

Source*: State Council for Child Delinquency Prevention: Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020, 2021, Skopje, p.42*

2.7. The procedure for implementing deterrence measures

The extrajuridicial procedure for the implementation of measures of deterrence against the child is carried out by the public prosecutor, under the conditions prescribed by the Law on Justice for Children (Article 75), as an opportunity to avoid the court procedure and to give priority to the elements of restorative justice. In this regard, the law foresees the possibility, after reporting a crime committed by a child over 14 years of age, for which a monetary fine or a prison sentence of up to three years has been determined, the competent Public Prosecutor may:

- not initiate court proceedings even though there is evidence that the child committed the criminal offence, if he considers that it would not be expedient for the proceedings to be conducted considering the nature of the crime and the circumstances under which it was committed, the child's previous life conditions and his personal properties, as well as when the execution of the sentence or the educational measure is in progress; conditionally postpone the initiation of the procedure before the court for a period of six months, provided that within that period he does not commit another criminal offense and compensates the damage or in another way corrects the harmful consequences caused by the commission of the offense; and not initiate a procedure if, based on the report from the center, it is determined that an agreement has been reached between the child and his family and the injured party for the return of the property benefit, the compensation of the damage or the repair of the harmful consequences of the crime.

It is important to emphasize that the Law on Justice for Children excludes the possibility of applying the procedure for mediation and settlement (as a type of these preventive measures), if the crime resulted in the death of a person.

In 2019, the country recorded little application of deterrence measures. Thus, in 2019, the number of children against whom the Basic Public Prosecutor's Office applied deterrence measures decreased, and unlike 83 children in 2018, such measures were applied to 52 children in 2019; In 2020, the Public Prosecutors applied measures of deterrence against 23 children, 20 from the male gender and three from the female gender.*The measures were*

applied in the Basic Public Prosecutor's Office Skopje to 15 children, and in the Basic Public Prosecutor's Office Struga to eight children (Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020, 2021: 43-44). (See Table 7)

*T***able 7:** *Number of children against whom the Basic Public Prosecutor's Office applied deterrence measures*

Year	2018	2019	2020
Total	83	52	23

Source: *State Council for Child Delinquency Prevention: Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020, 2021, Skopje, p.44*

2.8. Non-initiation court proceedings for crimes punishable by up to five years in prison

The Law on Justice for Children provides for the possibility of not initiating court proceedings against a child who is reported as a suspect for a crime punishable by law up to five years of prison and for which there is sufficient evidence that the child is the perpetrator of such crime. This authority is given to the Public Prosecutor, who after receiving the notification or the criminal complaint, within 30 days, can decide not to initiate the procedure against the child (Article 76). *Here we, once again, observe the broad authorities that the Public Prosecutor has during the criminal proceedings against the child, giving priority to the principle of opportunity. The victim is given a sole opportunity within 8 days of receiving the notification from the Prosecutor regarding such a decision, to ask the Children's Council within the competent court to make a final decision whether to initiate court proceedings or not* (Buzharovska et al., 2016: 13).

2.9. The procedure for acceptance of responsibility and agreement on the amount of the penalty

The Law on Justice for Children (Article 108) forsees the possibility of developing a special procedure against the child for acceptance of responsibility and an agreement on the amount of the penalty in those cases where the legal conditions for punishing the child are met (A child over the age of 16 can be punished with criminal responsibility only if due to the serious consequences of the crime committed and the high degree of criminal responsibility, it would not be reasonable to impose an educational measure). In this case, the public prosecutor can propose to the parties to initiate a special procedure for acceptance of responsibility and an agreement on the amount of the penalty when there is sufficient evidence that proves the factuality of the child's guilt, that is, his responsibility for the

committed crime, as well as when the conditions stipulated by the Law on Justice for Children for sentencing the child are met (in Article 50). *After reaching an agreement, the public prosecutor submits such an agreement to the Children's Council, which therefore must pass a judgment that will impose an appropriate sanction on the child. From the analysis of the data related to the implemented special procedures, this form of procedure is conducted less often, when regarding mediation and the procedure for the implementation of deterrence measures* (Buzharovska et al., 2016:14).

During the past three years, only in 2019 the Basic Public Prosecutor's Offices undertook a procedure for acknowledging responsibility and agreeing on the amount of the penalty as a form of intervention/diversion in the court proceedings against one child, while in 2018 and 2020, this procedure was not applied at all (Annual report on the work of the State Council for the prevention of child delinquency and on the situations in the field of children's rights and child delinquency in 2020, 2021: 44).

2.10. Restorative character of alternative measures for children

*Elements of restorative justice also are included within the court procedure itself, in cases of giving the opportunity for imposing alternative measures instead of punishments. The Children's Council has the possibility to impose alternative measures for children over 16 years of age, which in actualluty contain elements of restorative justice (*Buzharovskaat al., 2016:19). These measures (Conditional sentence with enhanced supervision; Conditional termination of the procedure and Community Service) are discussed in the first part of the paper in relation to criminal sanctions for children, but we only mention them here to emphasize the *restorative character that they have, despite the fact of them being an integral part of the types of criminal sanctions that, as repressive measures provided by law, contain the retributive character as well* (Buzharovska et al., 2016:19).

CONCLUSION

Even though the forms of implementation of restorative justice against child offenders are insufficiently applied in the country, it can be concluded that justice for children in the Republic of North Macedonia is characterized by the restorative approach to criminal proceedings against the phenomenon of child delinquency. According to the Law on Justice for Children, courts, when choosing criminal sanctions for children, give priority to educational measures (as mild sanctions for children), which proves that they implement the principle proclaimed in the Law on Justice for Children, according to which the sentence for children with deprivation of liberty should be imposed only for serious crimes and should be considered as a last resort in addition to other repressive measures for children, only when the legal conditions for its pronouncement will be met. The repressive policy towards the phenomenon of child delinquency is characterized by a wide range of criminal sanctions for

children, which are aimed at protecting the interest of the child, education, re-education, as well as his proper development.

These are some features of retributive justice for child delinquency in RNM:

The variety of criminal sanctions for children (especially educational measures), which are provided by the positive penal legislation, gives the courts the space to impose an appropriate sanction in relation to the needs of the child in order to achieve the goal of these repressive measures; Courts in the country clearly give priority to educational measures in addition to punishments for children, the penalty of deprivation of liberty is imposed in a very small number of cases. In the criminal legislation for children, the Republic of North Macedonia has not incorporated new educational measures for children; During the last two years (2019 and 2020), not a single security measure was imposed on a child (according to the data published in the Annual Report of the State Council for Child Delinquency Prevention for 2020, 15-16); The two educational measures: Referral to a Disciplinary Center and Intensified supervision by a foster family remain very rarely imposed in relation to all other educational measures, and this is due to the lack of conditions for their implementation. Therefore, there is a need to work toward this direction, that is, it is necessary to indicate legal amendments to the Law on Justice for Children, which would specify the conditions for facilitating implementation of these measures, and which would enable their more frequent imposition; Alternative measures are imposed on children and this trend should continue in the future.

In addition, it is worth highlighting some key conclusions related to restorative justice: Although justice for children is characterized by a restorative spirit and the tendency of the competent institutions in the country is to apply the forms of such justice to children, this is not shown as sufficient enough in practice. Although the implementation of a mediation procedure in the Center for Social Work and a significant number of assistance and protection measures are applied to children at risk, however, in recent years, unsatisfactory application of the following restorative measures was found: deterrence measures, mediation conducted by the courts and referral of children to mediation by the Public Prosecutor's Offices, the procedure for recognition of responsibility and agreement on the type of punishment. For greater efficiency of restorative justice in the country, greater commitment is needed from all competent entities for the implementation of forms of restorative justice when dealing with child perpetrators of crimes in all cases where the legal conditions for the possibility of conducting extrajudicial procedures are met, in order to protect the best interest of the child. Regarding such direction, it is necessary for the competent entities to take into account and implement the recommendations given by the State Council for Child Delinquency Prevention.

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ORIGINAL RESEARCH PAPER

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PERFORMANCE MANAGEMENT OF THE EMPLOYEES IN THE MUNICIPALITIES OF NORTH MACEDONIA

Abstract:

The main goal of this paper is to identify the current state and efficiency of performance management processes, including evaluation systems in the local self-government organizations in the Republic of North Macedonia and possible improvements that can be incorporated in the future. There is a clear indication of limitations in the applicability of appropriate performance appraisal and management systems in the local government sector of North Macedonia. The primary research in this study include a quantitative research of data collected through a questionnaire and interviews with the local public sector officials in North Macedonia. Findings suggest that mostly Macedonian municipalities areemploying public servants based on political party affiliation instead of skills, knowledge and competence. Corruption is well spread and the system is not nurturing the hardworking employees neither punishing the non-workers. Proposed solutions are; de-partization, digitalization and higher transparency. The creation of the performance management scheme in Macedonian municipalities could ultimately improve the productivity of public sector management and significantly improve the functionality of the entire system and quality of national living.

Keywords: Performance management, Governance, Municipalities, Local government, Public sector

INTRODUCTION

Performance management systems, which typically include performance appraisal and employee development, are the "Achilles' heel" of human resource management. They are lacking in many organizations, with employees and managers regularly lamenting their ineffectiveness[1].Despite the difficulties, performance management is an essential tool for high-performing organizations and it is one of the most important responsibilities of a manager, if not the most important responsibility. Furthermore, done right performance management can result in a number of important outcomes for the organization, its managers and employees.

Managing employee performance in organizations is not a new concept, but what is new is that approaches to it have continued to change to keep pace with changing workforce composition and global competitiveness driven by innovation and technological breakthroughs. Therefore, performance management has become imperative for the part of management that deals with issues related to the welfare and performance of workers. As Nwachukwu (2009) states, "all those who deal with employee performance in an organization must be emotionally intelligent and be willing to show commitment to employee well-being to improve job satisfaction and motivation"[2]. According to him, it is the only way an organization can achieve the desired level of productivity and competitive advantage. Employees of organizations especially starts-up are the lifeline of such organizations, regardless of the level of technology within it. According to Idemobi (2010), employee performance is a direct function of their relationship with the management of the organization[3]. This observation of Idemobi is widely accepted in the literature. For example, Eramafures (2010) while supporting the above views notes that organizations need strong cooperation of employees to succeed in achieving the set goals[4]. He reiterates that success in managing employee performance means recognizing that human resources are the most critical of all resources in an organization. Also, Ukeye (1992) argues that Taylor's theory of scientific management sees the worker as an economic agent who can be induced or manipulated to work to ensure that he conforms to specific standards through rewards or sanctions[5].

In light of the above, this research analyzes the concept of performance management, all with the aim of making the content and meaning accessible to many who have yet to understand what it is all about. By doing so, literature would improve and knowledge will expand. Also, from the perspective of empirical significance, many categories of people would benefit from the results of the conducted empirical research at the level of

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the municipalities of North Macedonia, which will follow the findings. This research is interested in finding out the individual as well as the overall contributions of variables to employee productivity in an organization. Therefore, among other things, the purpose of this paper is to provide (HR) professionals with useful guidelines for developing and implementing effective employee performance management system, with an emphasis on local government organizations across the country.

The four main areas that have been identified as very critical factors in the discussion of employee performance management. These are: the organization's evaluation process, employee recognition, labor-management relations, and the feedback mechanism. Furthermore, it should be noted that managing the capacity, ability, attitudes and behavior of employees to achieve good results cannot be an ordinary routine activity, but would rather involve a strategic approach.

CHAPTER I: LITERATURE REVIEW

1.1. Conceptual definition of perfor3mance management

Before designing a performance management system, there should be a clear definition of performance management.

Over the past decade or so, the term "performance management" has come to replace the phrase "performance appraisal" in many organizations. Whereas performance appraisal emphasizes the (usually annual) evaluation of an employee's performance, performance management refers to an ongoing process that includes setting (and aligning) goals, training and developing employees, providing informal feedback, formally evaluating of performance and linking performance to recognition and rewards. The goal of that ongoing process is to improve employee performance (as well as job satisfaction and organizational commitment) and organizational performance.

Wurim (2012) defines performance management as a process used to identify, encourage, measure, evaluate, improve and of course reward the performance of employees in an organization. Also, Idemobi and Onyeizugbe (2011) defined it as a tool that focuses on managing the individual and the work environment in such a way that the individual or team can achieve the set organizational goals.

According to Aguinis (2009), performance management is "a continuous process of identifying, measuring and developing the performance of individuals and teams and aligning performance with the strategic goals of the organization". Key components of this definition are that this is a continuous process and that there is alignment with strategic objectives. If a manager fills out a form once a year because it's a management request, then this is certainly not a continuous process.

Likewise, evaluating employee performance (i.e. performance appraisal) without clear considerations of the extent to which the individual is contributing to unit and organizational

performance and how performance will improve in the future is also inconsistent with this definition of performance management.[6]

According to Amaratunga et al. (2001), the performance management system implies the use of performance measurement information in effecting positive changes in organizational systems, processes and cultures, through setting performance goals, prioritizing and allocating resources, confirming or changing managers' policies towards organizational goals and sharing performance results from achieving goals[7]. Additionally, some studies (e.g. Alan, 1997[8]; Armstrong, 1992[9]; De Waal, 2003[10]) see performance management as a set of activities designed to develop and manage people in order to improve the achievement of specific short-term goals.

Performance management is a systematic approach to identifying, collecting and using performance data, all with the aim of raising standards in service delivery. This approach is particularly focused on defining key performance indicators in priority areas, thus establishing minimum standards for performance, by applying an annual planning process that is oriented towards determine and monitoring the achievement of goals in order to improve performance.

1.2. Components of a performance management system

Performance management also includes the need for many features, such as measuring effectiveness (long-term), measuring (short-term), managing important stakeholders (Davila, 2012[11]; Verbeeten, 2008[12]; Verbeeeten and Speklé, 2011[13]), managing organizational culture and motivation (Bernold and AbouRizk[14], 2010; Halachmi, 2005[15]; Meadows and Pike, 2010[16]), use of financial and non-financial information for pre-determining goals and

6 http://www.untag-smd.ac.id/files/Perpustakaan_Digital_2/PERFORMANCE%20MANAGEMENT%20Performance%20management%20%20putting%20research%20into%20action.pdf str.39-40

7 Amaratunga, D., Baldry, D. and Sarshar, M. (2001), "Process improvement through performance measurement: the balanced scorecard methodology", Work Study, Vol. 50 No. 5, pp. 179-189.

8 Alan, P. (1997), Human Resource Management in a Business Context, International Thomson Business Press, London.

9 Armstrong, M. (1992), Human Resource Management: Strategy and Action, Kogan Page, London

10 De Waal, A.A. (2003), "Behavioral factors important for the successful implementation and use of performance management systems", Management Decision, Vol. 41 No. 8, pp. 688-697

11 Davila, A. (2012), "Performance measurement and management control: global issues", in Davila, A., Epstein, M.J. and Manzoni, J.-F. (Eds), Performance Measurement and Management Control: Global Issues (Studies in Managerial and Financial Accounting), Vol. 25, Emerald Group Publishing, p. i.

12 Verbeeten, F. (2008), "Performance management practices in public sector organizations impact on performance", Educational and Psychological Measuring, Vol. 57, pp. 297-301.

13 Verbeeeten, F. and Speklé, R.F. (2011), "Management control systems, results oriented culture and performance: evidence from Dutch municipalities", working paper, Erasmus University, Rotterdam

14 Bernold, L.E. and AbouRizk, S.M. (2010), Managing Performance in Construction, John Wiley & Sons, Hoboken, NJ.

15 Halachmi, A. (2005), "Performance measurement is only one way of managing performance", International Journal of Productivity and Performance Management, Vol. 54 No. 7, pp. 502-516.

16 Meadows, M. and Pike, M. (2010), "Performance management for social enterprises", Systemic Practice and

making decisions about organizational activities (De Waal, 2003[17], 2010[18]; Elzinga et al., 2009[19]; Yuliansyah et al., 2016[20]).

The Commonwealth Secretariat (2002) identified the components of a performance management system which include capabilities, strategy, planning, structure, training, review process, succession planning and performance recognition[21]. Also Karen et al. (2009) after their systematic review concluded that for a performance management system to be successful, it is necessary: "(i) Alignment of the performance management system with all institutional systems and strategies, (ii) committed leadership, (iii) improvement a performance culture that focuses on evaluating good performance and not punishing poor performance, (iv) active involvement of stakeholders, (v) continuous monitoring and providing feedback to stakeholders"[22].

Based on discussions and conclusions above, it can be said that the attributes of a performance management system are: a collective set of strategic activities; includes setting goals for achieving organizational performance, which should be understood by all employees; includes prioritization and identification of resources to achieve goals and ideas; developing and managing employees to achieve goals; using financial and non-financial performance measurement information for positive change to organizational processes, culture and systems; providing timely feedback on the level of achieving goals to the necessary parties; making a transparent decision after identifying challenges and weaknesses; and taking corrective action where deviation occurs.

1.3. The importance of effective performance management system

While research and experienced practitioners have identified several characteristics that are prerequisites for effective performance management systems, there are also many decisions that need to be made to design a system ideally suited to the needs of a particular organization. One such decision is what purpose(s) the system will serve. For example, performance management system can support pay decisions, promotion decisions, employee development and downsizing. A performance management system that tries to achieve too many goals will likely die of its own lack of focus and gravity. There is no one type of system or set of goals that works best for all organizations. The objectives for a given performance management system should be determined by considering business needs,

Action Research, Vol. 23 No. 2, pp. 127-141.

17 De Waal, A.A. (2003), op.cit.

18 De Waal, A.A. (2010), "Performance-driven behavior as the key to improved organizational performance", Measuring Business Excellence, Vol. 14 No. 1, pp. 79-95.

19 Elzinga, T., Albronda, B. and Kluijtmans, F. (2009), "Behavioral factors influencing performance management systems' use", International Journal of Productivity and Performance Management, Vol. 58 No. 6, pp. 508-522.

20 Yuliansyah, Y.U., Bui, B. and Mohamed, N. (2016), "How managers use PMS to induce behavioural change in enhancing governance", International Journal of Economics and Management, Vol. 10 No. S2, pp. 501-522.

21 Commonwealth Secretariat (2002), Current Good Practices and New Developments in Public Sector Service Management, Commonwealth Secretariat, London

22 Karen, F., Jiju, A. and Ogden, S. (2009), "Performance management in the public sector", International Journal of Public Sector Management, Vol. 22 No. 6, pp. 478-498.

organizational culture and the system's integration with other human resource management systems[23].

Effective performance management system have a well-articulated process for carrying our evaluation activities, with defined roles and timelines for both managers and employees. Especially in organizations that use performance management as a basis for pay and other HR decisions, it is important to ensure that all employees are treated fairly and equitably. Based on an examination of performance management processes in several organizations, most contain some variation of the process shown below:

Determining the organization's strategy and goals

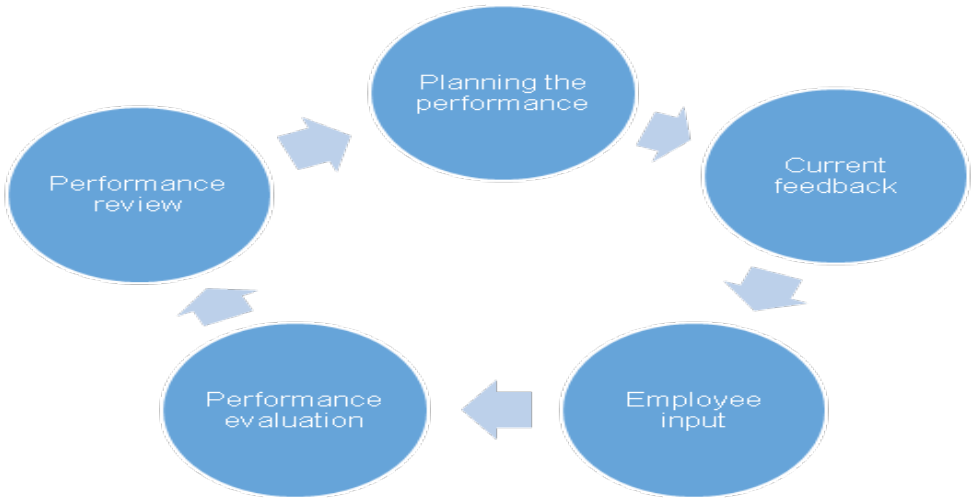


Figure 1: *A typical performance management process*

Adjusted according to: Pulakos D. E. (2004)

An organization that performs poorly will eventually fail; consequently, the way an organization pursues its goals will affect its performance[24]. Thus, it is reasonable for organizations to concentrate on implementing an effective and efficient performance management system, as they can remain highly competitive only through an effective system[25]. Effective performance management ensures high quality customer service, as all employees would work effectively towards achieving organizational and personal goals[26].

23 Greguras, G. J., Robie, C., Schleicher, D. J., & Goff, M. (2003). A field study of the effects of rating purpose on the quality of multisource ratings. Personnel Psychology, 56, 1-21.

24 Flapper, S., Fortuin, L. and Stoop, P.H. (1996), "Towards consistent performance management systems", International Journal of Operations & Production Management, Vol. 16 No. 7, pp. 27-37.

25 Artley, W., Ellison, D.J. and Kennedy, B. (2001), "The performance-based management handbook: a sixvolume compilation of techniques and tools for implementing the government performance and results act of 1993", Performance-Based Management Special Interest Group.

26 Macaulay, S. and Cook, S. (1994), "Performance management as the key to customer service", Industrial and Commercial Training, Vol. 26 No. 11, pp. 3-8.

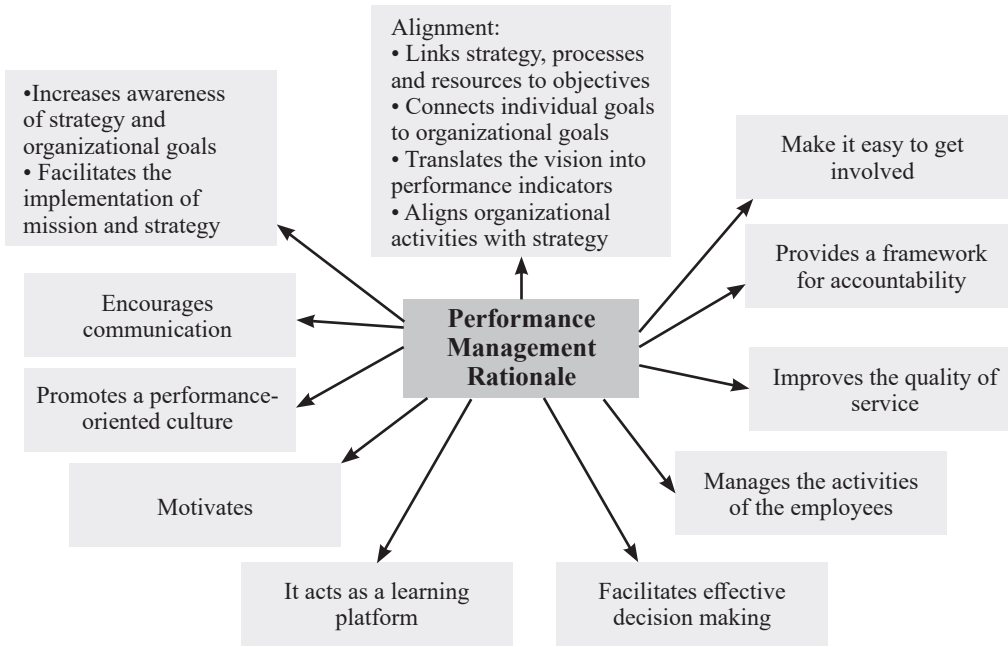


Figure 2. *The importance and rationale of performance management*

Adjusted according to: Nambi Karuhanga and Werner (2013)[27]

Performance management serves as an accountability instrument that assists managers in effectively managing functional operations and the decision-making process. By implementing performance management in management system, the organization's focus on achieving strategy and performance can be easily determined because performance management system link organizational strategy, processes, and resources to organizational goals[28]. In this regard, Karuhanga (2012)[29] developed a diagram of the importance and rationale of performance management based on the conclusions of past studies. This gives a better understanding and a clear illustration of why performance management is important for any-organization, and this is shown in Figure 2. This figure shows that performance management system is important for any organization because it works as alignment in the organization, improves service quality, motivates, encourages communication, acts as a learning platform, increases awareness of strategy

27 Nambi Karuhanga, B. and Werner, A. (2013), "Challenges impacting performance management implementation in public universities: a case of Uganda", African Journal of Economic and Management Studies, Vol. 4 No. 2, pp. 223-243

28 Kaplan, R.S. and Norton, D.P. (2005), Creating the Office of Strategy Management, Division of Research, Harvard Business School, Boston, MA and Verweire, K. and Van Den Berghe, L. (2003), "Integrated performance management: adding a new dimension", Management Decision, Vol. 41 No. 8, pp. 782-790.

29 Karuhanga, B.N. (2012), "A performance management model for universities in Uganda", doctoral dissertation, Nelson Mandela Metropolitan University, Port Elizabeth.

and organizational goals, directs the activities of employees, promotes a performance-oriented culture, facilities involvement, facilities effective decision-making and provides a framework for accountability.

1.4. Performance management within local government

As I mentioned, performance management is a modern approach that national and local authorities in Europe are increasingly applying in order to raise standards in the field of service provision. The Council of Europe promotes the development of performance management within local self-government as an instrument to support the improvement of public services.

In the countries of Western Balkans, a holistic approach to the management of competencies has not yet been introduced. In addition, horizontal integration is still neglected. North Macedonia is considered a country that only formally introduced the Competency Framework system, which is a model that broadly describes the excellence of performance in an organization[30]. Formally as early as 2014, of the Western Balkan countries, only North Macedonia introduced a performance evaluation system that is linked to CF in an integral way, and thus to other horizontal HR functions, such as recruitment, promotion and professional training of civil servants, were improved and professionalized. Individual competences have been determined in four categories of employees, and the evaluation form has been adjusted accordingly since April 2018. The purpose of the UK is to define, strengthen and establish minimum standards for various professions within the administration.

In terms of performance management, in all countries of the Western Balkans, civil servants are required to undergo regular performance evaluations. If employee evaluation is not implemented, in some countries, including R. North Macedonia, there are appropriate regulations that prescribe sanctions in the form of disciplinary measures for non-fulfilment of obligations. According to a survey conducted in 2008, in the Western Balkans, the frequency of formal performance evaluation corresponds to the standard of conducting one evaluation process per year (70% of EU member states have introduced such a frequency, others more often). In fact, Macedonia is considered to be a country that more frequently conducts formal evaluation, including Albania, Serbia, BIH and Montenegro for DSP. This is, civil servants in office since 2008 even twice a year they conduct a formal performance assessment. Furthermore, the survey among the heads of personnel services shows that the obligation for half-yearly evaluation is very poorly respected, so that in North Macedonia, half-yearly evaluation is carried out only in 15% of cases, which shows that half-yearly interviews are not conducted. Also, North Macedonia has an employee evaluation process that relies on multiple sources, there is a much larger number of people who are really involved in the process: there are 4 internal evaluators, 2

30 In general, OK is considered a generic set of established competencies for the entire administration, i.e. a framework that allows institutional flexibility.

from the same level and 2 from a lower level. There are also 2 external evaluators, and in some cases even a union representative (where there is a functional union).

Also, when considering the measures to ensure a continuous process of communication and feedback, so that the performance evaluation does not happen only formally and once a year, North Macedonia is expected to conduct a semi-annual interview[31] with each employee, and then the degree of task realization, the degree of contribution to institutional goals and the degree of learning are determined.However, as in the previous aspects of the interaction between rater and ratee, quantitative evidence shows that performance interviews are formal and/or not conducted. In addition, all Western Balkan countries are obliged to submit the results of the employee evaluation procedure to civil servants, but they are not always accompanied by an explanation, but are submitted in numerical form (and not in text form), such as the example with North Macedonia, only the final numerical grade from 1-5 is given to the evaluator in a fixed form of employee evaluation. The results are not discussed, nor is an explanation given for the evaluation. According to this research, there is the impression that Macedonia lags behind in the implementation of performance evaluation, primarily due to the excessively complex system.

1.5. Evaluation of the work of officials in public administration in Republic of North Macedonia

The first evaluation of the work of the officials in the administration was introduced in 2005. Civil servants were evaluated on the basis of data on professional knowledge and skills at work, commitment, achieved results, creativity and conscientiousness in the performance of official tasks that are significant for the performance of work.

In 2015, a modified 360° model (not including self-assessment) was introduced as a replacement for one-way evaluation. In fact, North Macedonia is the only country from Western Balkan that already in 2015 introduced a mandatory 360-degree evaluation of work for all categories of civil servants, with a small change that excluded self-evaluation. The move is quite surprising for a country that does not have a long tradition of performance appraisal, without proper testing of such a complex system before its full implementation. So it's not surprising that there is a general feeling that 360-degree performance appraisal are a paperwork burden, a mere formally with no real impact. In addition, the manipulation of the system is clearly visible, and the goal is not to collect information, but to get better grades. Employees are asked to provide the names of 2 or 3 people outside of management who should evaluate the employee. In practice, employees often provide the names of their friends, the HR manager sends the form to an external contact, and the feedback is of course always positive. It does not reflect reality.

31 The performance interview is now seen as a routine mechanism for establishing a dialogue-where performance information is analyzed in a targeted manner-rather than just one-way communication. A performance interview is one that allows a dialogue between the civil servants and the evaluator to examine their thinking and create a shared understanding.

Since 2016, this system has become mandatory for all public authorities. This system was amended in April 2018 by abolishing forced quotas for the best and worst performing officers for not achieving the expected goal but creating pressure, a sense of insecurity and disrupting interpersonal relations among employees. The new Strategy for Public Administration 2018-22 envisages another change in the approach to employee evaluation, with the possible simplification of the process and the introduction of performance-based payments.

The system connects the evaluation of work with the competencies of civil servants, which represent a great potential for the future development of the effective process of evaluating employees. However, the Competency Framework is still in its infancy, lacks operationalization and greater flexibility for application in individual institutions, although it provides a certain level of flexibility in different categories of civil servants. Thus, the Competency Framework theoretically provides a good basis for the preparation of individual plans for professional development, but in practice it is not used in its entirety, which was already discussed earlier.

CHAPTER II: METHODOLOGY

2.1. Subject of the research

The subject of research is management of employee performance, and in the specific case at the level of the municipalities in the Republic of North Macedonia. The focus will be on employees and their professional ethical duties as a factor that affects the efficiency and success of the organization as a whole.

2.2. Objectives of the research

The main objective of this paper is to identify the current state and effectiveness of performance management processes, including evaluation systems in the local self-government organizations of the Republic of North Macedonia and possible improvements that can be incorporated in the future.

In order to complement the general objectives of the research, the following appear as special, more specific objectives of the research:

- To identify the current state and effectiveness of performance management processes;
- To identify the current state and efficiency of the evaluation systems in the local self-government organizations of Republic of North Macedonia;

- To identify limitations in the applicability of appropriate performance appraisal and management system in government sector and private sector organizations.
- To identify recommendations for possible improvements in promotion and better use of knowledge in the management of human resource of the state.

The scientific goal of the research is through the use of description, conceptual determination, empirical research and analysis, to determine the system of evaluating the performance of employees, that is, how it affects the overall performance of the organization of local governments. The scientific objective is expressed in the contribution of theoretical knowledge from the field of human resource management science, with special reference to employee performance management.

The social goal is to establish an adequate system for evaluating the performance of employees, as a challenge of modern society and organizations in local government.

The practical purpose of the research is reflected in the application of the obtained results in practice, with the aim of correcting negative practices and improving positive practice through adequate management of human resources. The application in practice of adequate principals for the dissemination and exchange of knowledge would increase the satisfaction of employees in organizations.

2.3. Research materials and methods

During the preparation of this paper, the predominantly chosen methodology is the quantitative method of research. Secondary data from empirical evidence and a systematic literature review were used. The data were collected by the research methods and processed through the method of description, analysis and compilation. The primary research in this study will include a quantitative research of data collected through a questionnaire and interviews from public sector officials in North Macedonia.

Theoretical-empirical research was used to study the research subject. From the theoretical general-scientific methods will be used: comparative method, statistical method and from the special ones: method of analysis and synthesis, including deductive method.

2.4. Research expectation

It is expected that the results of the research will provide recommendations and opportunities for advancement and better utilization of knowledge in the management of human resources of the state. Such results will be a benefit not only for the organizations in which employee performance evaluation is carried out, but also for the wider social community.

CHAPTER III: ANALYSIS AND EVALUATION OF THE RESULTS FROM THE SURVEY

This part of the paper deals with results of the conducted questionnaires related to the research topic of this paper.

Therefore, this study was conducted to examine the performance appraisal system in private and public organizations in N. Macedonia. In order for this paper and research to have an analytical, educational and objective character, a survey was conducted among the citizens employed in the municipalities of the Republic of North Macedonia in order to determine the system for evaluating the perforations and possibly identifying limitations and recommendations. That is, the surveyed questionnaire was composed of a questionnaire that was completely anonymous and was conducted on a sample of a total of 182 citizens of the Republic of North Macedonia, who had the opportunity to comment on the questions. After surveying a sample of citizens, an analysis of the obtained data was made, based on which several essential and very relevant conclusions were made that will be considered and analyzed step by step, question through method, method by method. The collected and processed data are presented in tables and graphs.

Out of a total of 182 respondents, most are women (61.5% (n=112)) aged 41-50 years old (30.8%), employed indefinitely (93.4%) in a non-management position (61%), with work experience over 35 years (23.2%) in an urban municipality (63.2%) (Table1).

Table 1 provides information on the demographic characteristics of the respondents employed in the municipalities in Republic of North Macedonia (N=182).

Table 1: *Characteristics of the respondents – employees (n=182)*

	CHARECTERISTICS	N	%
gender	men	70	38,5
	women	112	61.5
age	25-30	6	3.3
	31-35	29	15.9
	36-40	40	22
	41-50	56	30.8
	51-55	28	15.4
	56-60	15	8.2
	>61	8	4.4
Work position	Non-managerial	111	61
	Managerial	71	39
Employment status	Permanent	170	93,4
	Temporary	12	6,6
Category of municipality	Urban	115	63,2
	Rural	67	36,8
Work experience	0-4 years	34	18.6
	5-9 years	34	18.6
	10-14 years	40	21.9
	15-19 years	42	23.1
	20-24 years	18	9.8
	25-29 years	13	7.1
	30-34 years	1	0.5
	> 35 years	0	/

That is, most of the respondents employed in the municipalities were women (61,5%, and 38,5% (n = 70) were men. The age ranged from 31 to 55 years, with mostly respondents, 30.8%, aged 41-50 (n=56), 22% were aged 36-40 (n=40), while only 8 aged over 61 (4,4%). Almost all respondents (93,4%) have an undetermined employment status (only 6,6% are engage through agencies on temporary contracts), most of them on non-managerial position (61%; n=111), and the rest, 39% (n=71) of managerial. Two thirds (62,3%, n=115) are employed in an urban municipality, and the rest, 36,8% in a rural one. Approximately the same percentage 21.9% and 23,1% had those respondents with working experience in the municipality from 10-14 years, that is from 15-19, while the same percentage, 18.6% had

0-4 years and 5-9 years of experience. From 20-29 years of work experience, they had a total of 16.9%, and only 1 had over 30 years of experience in the municipality. Regarding the category of the municipality in which they work, it is mostly about urban municipalities, that is approximately two-thirds (62,3%, n=115) are employed in an urban municipality and the rest, 36,8% in a rural one.

Furthermore, respondents were asked to express their degree of agreement with each of the statements, namely:

1. Completely disagree; 2. Partially disagree; 3. Neutral; 4. Partially agree; 5. Completely agree

Table 5: *Results of the degree of agreement for each of the statements*

A claim	**1**		**2**		**3**		**4**		**5**		**Average value**
	N	%	N	%	N	%	N	%	N	%	
The budget affects the performance management of employees in Macedonian municipalities	13	7,1	5	2,7	50	27,5	56	30,8	58	31,9	**3.77**
Your municipality has a website and updates it regularly	2	1,1	6	3,3	18	9,9	34	18,7	122	65,9	**4,47**
The work goals in your municipality are set reasonably and are realistically achievable within the stipulated time frame	12	6,6	14	7,7	31	17	76	41,8	49	26,9	**3.42**
Your municipality is currently transparent enough	5	2,7	8	4,4	31	17	60	33	78	42,8	**3,76**
Digitalization in the municipality can improve the efficiency of the local government	3	1,6	1	0,5	9	4,9	49	26,9	120	65,9	**4,55**
The municipality uses advanced GPS digital technologies for monitoring and household use of official vehicles	81	44,5	25	13,7	46	25,3	13	7,1	17	9,3	**2,23**

Your municipality is currently digitalized enough and offers services in line with the modern way of life	22	12,1	30	16,5	60	33	51	28	19	10,4	**3,08**
The manager/ supervisor should recognize and reward the loyalty and commitment of employees	3	1,6	4	2,2	4	2,2	27	14,8	144	79,1	**4,68**
In your municipality, the performance of employees is properly assessed and valued	30	16,5	21	11,5	64	35,2	48	26,4	19	10,4	**3,29**
Theemployees/ supervisors in the municipality possess the necessary skills and knowledge to carry out work tasks professionally, efficiently and with quality	18	9,9	18	9,9	50	27,5	66	36,3	30	16,5	**3,39**
Your work is properly valued and you are satisfied with the amount of financial compensation (salary) that you receive	56	30,8	38	20,9	44	24,2	28	15,4	16	8,8	**2,56**
You are ready and believe that you can put in extra effort if you are properly financially motivated	2	1,1	2	1,1	3	1,7	32	17,6	143	78,6	**4,71**
The existing communication between the employee and the superior helps in higher productivity	2	1,1	2	1,1	12	6,6	31	17	135	74,2	**4,62**

In your municipality, it is strictly recorded electronically who comes and goes from their workplace	27	14,8	15	8,2	14	7,7	43	23,6	83	45,6	**3,77**
Any unclear problem or challenge should be shared with the manager/ mayor	/	/	2	1,1	13	7,1	42	23	125	68,7	**4,59**
Constant evaluation and trainings help to improve and perfect the work	1	0,5	4	2,2	17	9,3	44	24,2	116	63,7	**4,48**
Extensive evaluation of employees causes job dissatisfaction	16	8,8	13	7,1	59	32,4	53	29,1	41	22,5	**3,49**
I work better when my performance is being evaluated	41	22,5	30	16,5	57	31,3	36	19,8	18	9,9	**2,78**
Employee performance evaluation should be done regularly in a pre-defined period of time	3	1,6	4	2,2	57	31,3	55	30,2	63	34,6	**3,94**
Weekly/monthly reports on the work done can help to motivate employees more	28	15,4	19	10,4	40	22	53	29,1	42	23,1	**3,34**
Increasing the budget of the municipalities improves the service at the local level to the citizens of N.Macedonia	2	1,1	5	2,7	11	6	39	21,4	125	68,7	**4,54**
Good training and communication is the key to greater operational efficiency	/	/	1	0,5	9	4,9	48	26,4	124	68,1	**4,49**

The transparency of the municipality affects the service provided by the employees to the citizens	/	/	6	3,3	15	8,2	47	25,8	114	62,6	**2,56**
Constant evaluation of work causes stress and anxiety	18	9,9	26	14,3	56	30,8	50	27,5	32	17,6	**3,29**
Digitalization accelerates the efficiency of employees in providing services	/	/	2	1,1	13	7,1	50	27,5	117	64,3	**4,55**
When evaluating performance, the employee's personal characteristics, behavior and results should be taken into account	/	/	1	0,5	18	9,9	51	28	112	61,5	**4,51**
Job performance should be used as the basis for rewards and punishments	2	1,1	3	1,6	20	11	52	28,6	105	57,7	**4,40**
Innovative solutions should be organized by the mayor for greater motivation and rewards for employees	/	/	/	/	3	1,7	39	21,4	139	76,4	**4,73**
It is necessary to discuss with the employee the reasons for the poor evaluation results and advice and guidance to improve them	/	/	/	/	8	4,4	41	22,5	133	73,1	**4,67**

Frequent holding of trainings and lectures helps to improve the performance of employees	1	0,5	4	2,2	12	6,7	57	31,3	108	59,3	**4,47**
Digitalization has a wide impact on the budgeting of Macedonian municipalities	2	1,1	4	2,2	46	25,3	56	30,8	74	40,7	**4,07**
Digitalization is directly related to and affects the municipality's transparency, behavior and results	3	1,6	/	/	23	12,6	60	33	96	52,7	**4,35**
People are employed in the municipality based on political party affiliation	11	6	8	1,1	37	20,3	36	19,8	88	48,4	**3,97**
There are employees in the municipality who receive a salary that they do not work and they should be fired	18	9,9	5	2,7	43	23,6	33	18,1	83	45,6	**3,87**
The municipality has a shortage of staff and more people need to be employed	28	15,4	14	7,7	39	21,4	34	18,7	67	36,9	**3,73**
Privileged persons by supervisors work in the municipality	16	8,8	11	6	52	28,6	36	19,8	67	36,9	**3,7**

In the last part of the survey, two *open ended* questions were included and the respondents were asked to answer descriptively. After summarizing the answers, the following results were obtained :

A total of 99 respondents answered the question "Have you ever worked overtime for successful implementation of a certain project and were you paid extra for that extra work by the Municipality?", with the majority (82.8%, n=82) stating that he worked overtime and most of the time without being paid extra. Of these 82 employees in the municipality, a total of 12 respondents received a certain compensation, out of 6 (7.3%)

in the form of using days off 6, and the rest were paid additionally while half of them, or 3.66% were partly or hardly paid. It is interesting to note that one respondent was paid according to the Overtime Payment Regulations, while another respondent whose overtime was paid added that no one officially announced whether the additional working time can be compensated with days off or hours. In addition, a respondent who worked overtime even believes that it is not paid according to the Law. Two respondents rarely worked overtime and were also not paid extra, while 15.2% of respondents never worked overtime.

Table 2: *Results of the question about overtime and additional payment*

	Working overtime to implement a project		**Compensation for additional work**					
			No		**Day off**		**Additionally paid**	
	N	**%**	**N**	**%**	**N**	**%**	**N**	**%**
Yes	82	82,8	70	85,4	6	7,3	6	7,3
No	15	15,2	/	/	/	/	/	/

And to the last question "Is there anything you would like to add that you think would help in promoting and improving the status of the employees and the services they provide to the citizens?", all respondents answered, while 20.3% (n=37) did not what to add. Among the answers, recommendations prevailed:

- Better working conditions (office, technical, etc.), digital transformation and higher monthly incomes including trainings and additional education.
- Competence and/or reorganization of employees in terms of reduction of unnecessary and/or ineffective staff, with appropriate qualifications, appropriately placed with clearly defined work tasks and scope of tasks within the level of the official, including evaluation of the work done.
- Proportionality of salary according to obligations and responsibilities, especially salary increase prevailed as one of the factors for motivation and more successful work
- Respect hierarchical subordination and horizontal cooperation, i.e. more teamwork, constant communication and confidentiality between the officer, the team and the head of the department and more frequent controls from competent inspections and towards managers.
- One of the most significant recommendations and in the direction of the research topic referred to human resource management, where it was suggested to give

more opportunity to the Human Resource Management Department to manage employees in order to have greater efficiency in working in Sectors/Departments in the Municipality.

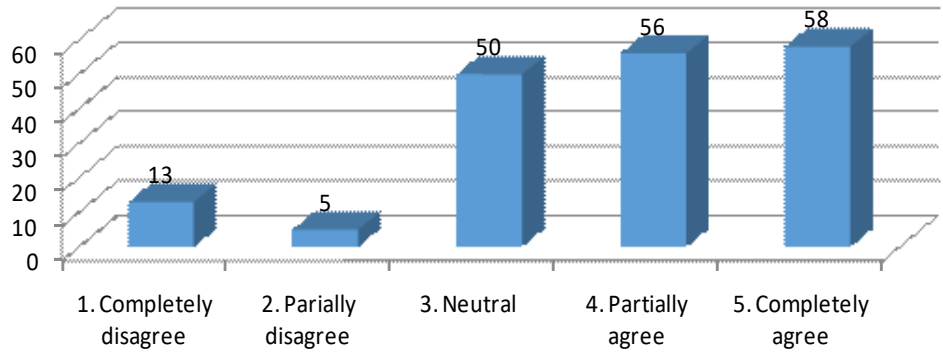
» It is especially important that the majority of them recommended evaluation and rewarding according to quality and work, in terms of introducing MERIT system with defined qualitative indicators, considering that most of them consider that the evaluation so far is dysfunctional and inappropriate.

FINDINGS

Out of a total of 182 respondents, most are women (61.5%) aged 41-50 years (30.8%), employed on permanent contracts (93.4%) at a non-managerial position (61%), with work experience over 35 years (23.2%) in an urban municipality (63.2%), of which 83% agreed that the municipality in which they are employed conducts employee performance evaluation, while there is an opposing view (almost the same number gave affirmative and negative answers) about the implementation of self-evaluation of performance of employees, half confirmed that the live broadcast of the council session is carried out, that there is transparency when it comes to the Budget, reports and final accounts, but not for the publishing of the results of the evaluation of employees in the municipality. The fact that the majority (82.8%) not only worked overtime, but most of the time without being paid extra, is discouraging.

Also, according to the results, respondents tend to agree with the matters about management and performance evaluation, although according to their answers, they leave the impression that work should be done on the systematization and professionalism of municipal employees, which views they confirmed with the descriptive answers.

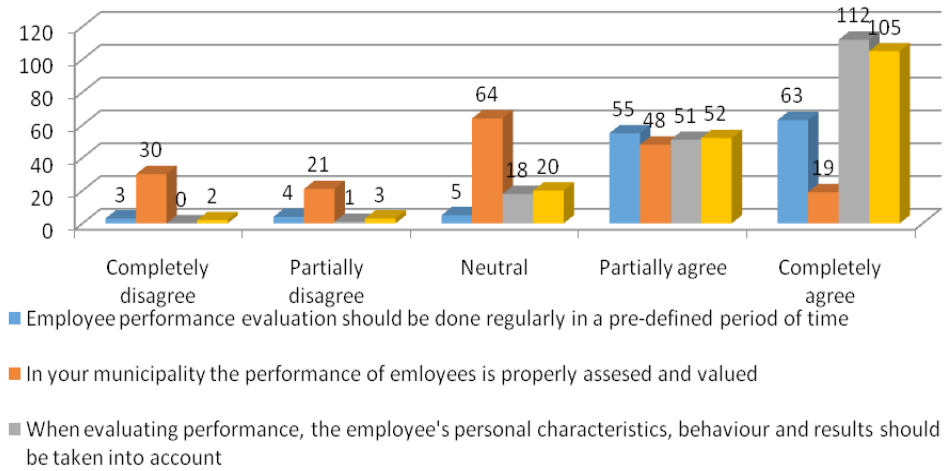
Chart 13: *The budget as a factor of influence on the performance management on Macedonian municipalities*



For some of these claims, a sublimation was made that refers to the performance of the employees, that is, to their evaluation as employees in Macedonian municipalities. That is, I sublimated a factor that affects the performance management of Macedonian municipalities (Chart 13) and some aspects of employee performance evaluation (Chart 14) in terms of whether and how often it should be implemented and finally, what is the effect of its implementation (Chart 15), in terms of whether it has a negative impact and is further reflected in work results and identifying ways to improve employee performance.

According to the Chart 13, the respondents recognized the budget as a factor that affects their performance management, expressing agreement with 62.7% (31.9% fully and 30.8% partially agree). The fact that 27.5% were neutral is not to be overlooked.

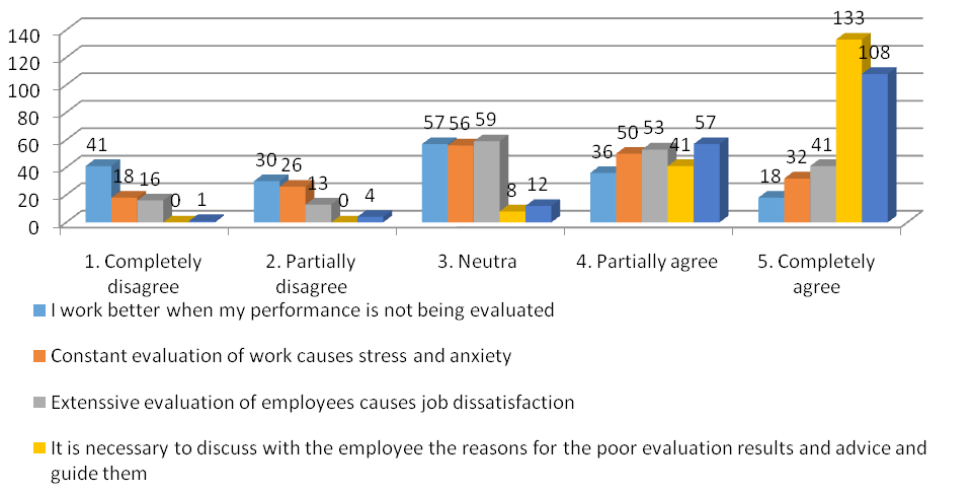
Chart 14: *Aspects of employee performance evaluation*



Regarding, the aspects of employee performance evaluation, the majority of respondents employed in a municipality express their agreement (either fully or partially), especially when it comes to regular and pre-defined evaluation, taking into account personal characteristics, behavior and results, and especially that work performance should be used as the basis for rewards and punishments (Chart 14).

Regarding the effect of the evaluation of the employees in the municipalities, there is a neutral attitude of the respondents when they are asked to determine whether the existing evaluation has a negative effect in terms of causing stress and anxiety (30.8%) or job dissatisfaction (32.4%) and simply, non-evaluation as a factor for better work (31.3%), accompanied by partial agreement, to final culminate in a positive attitude, i.e. full agreement when it comes to determining the reasons for bad evaluation results (73.1%), i.e. improvement of performance (59.3%) through trainings, lectures and advice and guidance (Chart 15).

Chart 15: *The effect of performance evaluation*



One of the strongest factors that negatively affects perceptions of performance appraisal is the formality and non-observance of obligations within the employee evaluation process. Employee perceptions of the fairness of job performance appraisals are critical to the success of the appraisal system. Employees should be fully aware of the performance appraisal system and that the process itself is clear and transparent. It is critical that senior management take serious steps to ensure that the employee evaluation process fulfills its purpose and provides support in making key personal decisions in an organization. This will develop a perception among employees that the system is being used to achieve a specific goal and more importantly, that the focus of employee evaluation is on the developmental aspect. This can be achieved by strengthening the role of human resource management in the whole process, which ensure that personnel services organize relevant trainings and information sessions for the needs of the employee evaluation system.

CONCLUSION:

Managing employee performance every day is very important in any organization, whether for-profit or non-profit, public or private, large or small. Many organizations agree that the principle of performance management is important for success.

In doing so, many factors will affect the effectiveness of an organization's performance management system, but three are the most important. First, the system should align with and support the organization's direction and critical success factors. Second, well-developed, efficiently administered tools and processes are needed to make the system user-friendly and well-accepted by organizational members. Third, and the most important, is that both managers and employees must use the system in a way that brings visible value-

added benefits in the areas of performance planning, performance development, feedback and achieving results.

Taking into consideration the data processed from the survey reflecting the various aspects of the effectiveness of the performance management in the administrative departments in the North Macedonian local government we may assess the overall process as relatively low effective based on considerable disruptions of the process caused by widespread situations of employ discrimination where the privileged persons by supervisors work in the municipality, where in many cases municipality employees receive their salaries without performance of their professional duties and the prevailing lack of motivation due to the circumstances where the work of the administrative employees is not properly valued and they are not satisfied with the amount of their financial compensation or salaries.

Last, but not the least, the recommendations coming from the respondents involved in the research, who are employees of the local self-government organizations in North Macedonia, should also be taken into consideration. One of the most significant recommendations in the direction of the topic of research referred to the management of human resources, where it was proposed to give more opportunities to the Department of Human Resource Management to manage employees in order to have greater efficiency in the work in Sectors/Departments in the Municipality. And it is especially important that the majority of them recommended evaluation and rewarding according to quality and work in terms introducing MERIT system with defined qualitative and quantitative indicators.

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REVIEW PAPER

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PREVENTION AND COUNTERING OF VIOLENT EXTREMISM AND RADICALIZATION IN THE EUROPEAN CONTEXT

Abstract

Over the last two decades, especially following 9/11, radicalization has gained strength and prominence, especially in Europe. Among the many manifestations of radicalization, the right-wing extremism and Islamist radicalization stand out as its most prominent forms in Europe. The immensely destructive power of this phenomenon has been a major concern of most European countries and has resulted in a number of publications and policies that attempt to treat this issue. This paper first lays out the varying definitions regarding radicalizationand looks into the factors and mechanisms that couldlead to it. This is achieved through a thorough desk research and overview of various policies, European initiatives, actions, and documents working on countering radicalization. It then discusses the most prominent and potentspacefor radicalization this being the on-line space. In doing so, the paper looks into the great potential of youth work for countering radicalisation as well as of good educational practices that address the phenomenon.

Keywords: Radicalisation, counter radicalisation, far-left extremism, far-rights extremism, terrorism, interculturality, youth work

RADICALISATION

Definition and factors of radicalisation

There are numerous definitions of radicalization which makes it difficult to enwrap the concept in one single explanation. A well formulated and frequently cited definition comes from Schmid, according to whom radicalization is:

> *An individual or collective (group) process whereby, usually in a situation of political polarisation, normal practices of dialogue, compromise and tolerance between political actors and groups with diverging interests are abandoned by one or both sides in a conflict dyad in favourof a growing commitment to engage in confrontational tactics of conflict waging. These can include either (i) the use of (non-violent) pressure and coercion, (ii) various forms of political violence other than terrorism or (iii) acts of violent extremism in the form of terrorism and war crimes*. (Schmid, 2011: 678-9)

What is noticeable from it is that radicalisation is a process, in which the dominant political order, dialogue, and tolerance are rejected, thus leading towards either non-violent or violent tactics that may sometimes, but not always potentially lead to terrorist acts.This definition brings into focus a very important distinction between violent and non-violent manifestations of radicalization. According to Bartlett and Miller (2011) radicalization is not always violent, but it is merely a refusal of the *status quo.*The transitioning towards violent tactics and terrorist acts is absolutely not a straightforward line of events and should not be considered as such. Radical are not *per se* violent, and while radicals might share some of the characteristics of the above-mentioned definition, some also have willingness to engage in critical thinking (Bartlett and Miller 2012: 2). It must be noted that this is a prevalent definition of radicalisation in mainstream political debates but is also highly criticized for not offering solid explanation on the mechanism that lead to political violence (Dzhekova et al., 2016).Although the radicals do not always have to be violent, the focus of this paper is violent radicalisation that gains prevalence through the online platforms, and the possible means of countering it primarily through youth work.

Many studies regarding the factors of radicalization agree thatthere is no single cause of terrorism or a standard path of radicalisation towards terrorism. There is a general believe that the underlying motive for radicalisation is the desire for belonging and the quest for collective identity. One of the crucial factors influencing radicalisation that leads to an aggressive act is the loss of identity and search for it due to social rejection, that is, the sentiment that something is missing in one's life. This is especially true for the second/third generation of migrants who are unsuccessfully integrated in the society (mainly in one of the EU countries).The factor of lack of integration of second/third generation of migrants in Europe is usually tied to the riseof Islamist terrorism mainly referred to as home grown terrorism in this context (Precht, 2007). Islamist terrorism is by no means the only home grown form of this phenomenon, and as Precht explains, the hallmarks of this kind of terrorism can already be recognized throughout the 1970-1980s where "small groups of left-wing, nationalist or separatist groups were responsible for several terrorist attacks in Europe" (22). As he explains, such were the cases of Rote ArmeeFraktion in

Germany (RAF), Action Directe in France, Belgium's Cellules CommunistesCombattants (CCC), Greece's Revolutionary Organisation 17 November (17N) and the Red Brigades in Italy as well as separatist movements like Irish Republican Army (IRA) and the Basque Separatist Group (ETA) in Spain. The difference though is that those former left-wing terrorist actions were mainly ideologically motivated while the home grown terrorism today is predominantly religiously inspired.

Furthermore, according to Precht (2007) these youngsters are socially isolated, disenchanted, alienated, unemployed and most importantly non-integrated members of a society that they feel distant from. The sentiments of alienation, inability to find acceptance, identity and purpose denied to them in the real, offline world, pushes these young people to go to social networks and the cyber space in a pursuit of sense, belonging and reduction of anxieties. The most vulnerable of them are those who are at a stage of life where they are seeking an identity, while looking for approval and validation. In this context, "home grown terrorism can be viewed as a sociological phenomenon where issues such as belonging, identity, group dynamics, and values are important elements in the transformation process […] (Precht, 2007)

The common denominator in the process of individual radicalisation is the search for identity, be it religious, ethnic, and/or political accompanied by the lack of integration and socialization. This line of thinking is supported by current research according to which, "radicalisation is a process of individual depluralization of political concepts and values (e.g. justice, freedom, honour, violence, democracy." (Koehler 2014) The result of such de-pluralization is the belief that no other alternative interpretations of political concepts and the world exist. The more individuals have internalized the notion "that no other alternative interpretations of their (prioritized) political concepts exist (or are relevant), the more we can speak of (and show) a degree of radicalisation."(Koehler 2014)In such environments, where there is no cultural diversity and/or plurality of ideas, it is really a challenge to create individualized senses of plurality within the youngsters. This sense is necessary in order to develop a strong feeling of openness towards the other and thus ensure minimum or no degree of radicalisation.

ON-LINE RADICALISATION

Reasons, processes and means

While the internet may not be the key instrument of radicalisation, it can definitely accelerate the radicalisation and the occurrence of manifest forms of aggression and extremism. Long exposure to images depicting various atrocities committed by any institution or a state accompanied by evaluative, judging, and hate spreading language by charismatic leaders may push 'silent' individuals into fully fledged radicals.The question at stake is why is the internet such an appealing and effective platform for radicalisation? One way of looking at it is to say that it creates more opportunities to become radicalized by: providing an 'echo chamber' (a place where individuals find their ideas supported and

echoed by other like-minded individuals); allowing radicalisation to occur without physical contact; and increasing opportunities for self-radicalisation (Von Behr, I. et al., 2013).

It is easily accessible, offers great networking opportunities with like-minded individuals, in addition to being cheap, unregulated, and it offers anonymity which motivates individuals to speak or act out more radical online as they would normally do offline. As Kohler points out:

> *The Internet provides a space to share crucial information connected to the chosen lifestyle, such as banned literature, music, clothes and manuals, as well as the possibility to directly shape the ideology* (Kohler 2014: 119)

The internet also offers the possibility to research or post information in degrees of anonymity, and under little government surveillance or control, a sense of anonymity that allows people to believe they can hide their realidentities and avoid responsibility for their actions. Vulnerabilities for online radicalisation are present in any society. Therefore, it could be assumed that online radicalisation could happen within any geographical region with Internet access. Muslims have proven to be particular targets of radicalisation online. With a growing population in Europe due to the young age of Muslims on the continent, migration and the recent refugee situation, it is imperative to consider the influence of Islamophobia and the political environment in Europe as possible influences for these individuals to be radicalised (Ferraguto et al., 2018).

Far-right violent extremism is now becoming a serious threat to European communities. Some governments in Europe recognize this threat more than others, and carve policies that address this phenomenon popularly called the alt-right, that is, alternative-right movement. Germany has for example established a specialist centre focused on far-right and far-left extremism, the GemeinsameExtremismus- und Terrorismusabwehrzentrum (GETZ). Far-right violent extremists believe to have the correct and most 'pure' interpretation of the 'true identity', thus justifying acts of violence or hate speech against anyone not fitting within that interpretation.

Left-wing extremists aims at challenging the existing state and social order by replacing democracy with a communist or anarchist system. To achieve this, these groups or individuals participate in social protests and actions, which can range from open agitations to some serious acts of violence. A single issue, rather than a social, political or religious cause in the gravitational center of this extremism. The themes range from animal rights to environment, abortion and nuclear technology. The main motivation behind those actions is the urge to force the society to change its attitudes towards a certain cause.

YOUTH WORK

Europe needs its young people, just as young people need Europe. Young people will contribute actively to Europe's democratic values and its economic prosperity. Young people have a responsibility to make this contribution but, in order to do so countries have a responsibility to establish the conditions, opportunities and experiences for young people to

flourish. The package needed is a mosaic of enabling and formative experiences in addition to formal schooling, such as mobility, exchanges, advice and information, counselling, guidance and coaching, engagement with new technologies and social media, and social and political participation. Youth work is quintessentially a social practice, working with young people and the societies in which they live, facilitating young people's active participation and inclusion in their communities and in decision making. Young people learn through a variety of means, across a spectrum of formality, but the learning needs of young people, particularly around the acquisition of what are often called 'life skills' (such as critical thinking, teamwork, communication, problem solving and decision making), can often be met through youth work. That is, through planned and purposeful out-of-school learning that is aligned with the idea of 'non-formal learning'.

According to the European Agenda on Security (2015), the OSCE report "Working with youth and for youth" (2015) and the EU Radicalisation Awareness Network (2016), nowadays young people are increasingly confronted with the threat of radicalisation. The process of radicalisation affects the European youth equally encompassing political, social, or religious affiliations and leads to the same outcome: militancy based on a radical ideology of hate and exclusion, on which for instance both young neo-Nazis and young Muslim extremists draw. Budget cuts have left youth work and young people particularly vulnerable.

Within the core values of youth work is to provide safe and participatory space, to experience different situations and learn from them, learn how to behave in different situations, and empower young people to participate, no matter of their background. Thanks to innovative ITC tools, the participants engaging in youth work processes can enjoy a more open-access approach to non-formal education, facilitating the inclusion of young people with fewer opportunities. The learning activities within youth work are created to attend the young people's interests, on a voluntary basis and learner-centered, thanks to a holistic approach based on intercultural, safe environments of trust and sharing experiences.

TOOLS, PRACTICES AND APPROACHES

Countering on-line radicalisation-European initiatives

There are many initiatives and attempts to combat on-line radicalisation and extremism. Governments can play a key role in this initiative by creating awareness and build capacity to ensure alternative voices. This can be done by equipping groups with the skills and knowledge to design messages and disseminate them among those most susceptible to online radicalisation. Counter-messaging is a process in which people are exposed to messages specifically designed to counter the appeal of extremism. In the cyberspace, these messages can be delivered through websites, blogs, videos, Facebook groups, Tweets, and other types of online media. Another way of counteracting on-line radicalisation is by visiting virtual places where extremist messages are being produced and engage actual and potential violent extremists in dialogue and discussion (Neuman 2013).One of the most

important and efficient mechanisms to combat on-line extremism is by fostering media literacy.

This may be carried out in different forms, through awareness raising campaigns warning about grooming behavior, spreading information about the likely consequences of becoming involved in violent extremist activity, and reminders to always question people's online identities. This can also take more institutional forms like "being embedded in the wider curriculum on media literacy that teaches young people how to use media critically, to evaluate and question sources, and to distinguish information that is plausible and trustworthy from information that is not" (Neuman 2013:448). Many governments are making efforts to invest in the education of the public through different Media and Information Literacy (MIL) initiatives and programs. In the past few years there have been attempts to formalize such initiatives and institutionalize them in many European countries.[1] The identification and prediction of online radicalisation and civil unrest events is possible through the use of different algorithms, techniques and tools to counter and combat cyber-extremism and predicting protest related events in much advance.[2]

There have also been few private initiatives in several European countries such as the British online hash tag based initiative "Not in My Name" (voicing the attitude of young Muslims who do not support radicalism; initiated by young British Muslims in order to "show their solidarity against ISIS and their actions.), and *Exit Germany*providing alternative exits for members of extreme ideologies, particularly right wing, and other measures undertaken by SNS. In 2018, Twitter partnered with academics to apply new measures regarding hate speech, and changing the metrics of the social media application. Facebook also went on to prohibit hate speech on the website.

COUNTERING RADICALISATION THROUGH EDUCATION

The policies listed and discussed above together with the numerous security responses are important yet insufficient in the treatment of the underlying conditions or radicalisation and the formation of violent extremist youth groups. Macaluso(2016) points to the ambivalent relationship between radicalisation and education and the dangers of intervening at the level of primary and secondary education when attempting to identify early signs of radicalisation. Her argument that instead of reinforcing counter radicalisation measures,

1 The 2014 Paris Declaration on "Media and Information Literacy in the Digital Era" states that it is high time to place MIL at the core of instruction at all levels of formal education, and it needs to be promoted in non-formal and informal educational setting as well. In this context, UNESCO has launched the timely Media and Information Literacy and Intercultural Dialogue (MILID) Yearbook 2016, entitled *Reinforcing Human Rights, Countering Radicalisation and Extremism*, "highlighting the need for such literacy to be carried out in schools and outside schools, including families (Alava et al., 2017).

2 Some of the techniques include Clustering, Logistic Regression and Dynamic Query Expansion, graph modeling, Classification KNN, Naive Bayes, Support Vector Ma-chine, Rule Based Classi_er, Decision Tree, Cluster-ing (Blog Spider), Exploratory Data Analysis (EDA), Topical Crawler/Link Analysis (Breadth First Search, Depth First Search, Best First Search) and Keyword Based Flagging (KBF) Text classification (automatic and semi-supervised learning), clustering (unsupervised learning).

"schools should be a forum in which values are questioned and openly discussed, in which critical thinking and the exchange of different ideas and perspectives are encouraged" (2016: 1) should seriously be taken into consideration when discussing good educational activities addressing radicalisation.

The European Commission Department for Immigration and Home Affairs has launched the Radicalisation Awareness Network focusing on the need to better equip teachers so they can play a crucial role in preventing radicalisation. The Education Working Group RAN EDU[3]is the one focused on bringing together first-line education practitioners throughout Europe to empower them to counter radicalisation. RAN research and policy papers emphasize the fact that extremist ideologies are most often based on unchallenged leadership and absolute authority. Among others methods, the authors list "teaching about immigration as a regular social phenomenon, exploring biographical work on diverse family histories, and comparing representations of diversity in contemporary literature, film and arts." (RAN EDU Policy Paper 2018: 13)[4]. The Finish National Agency for Education on the *Prevention of Violent Radicalisation*emphasizes the fact that the key point for addressing this issue within education is to enhance empathy and interaction skills and to do things collectively.

The UNESCO's *Teacher's Guide on the Prevention of Violent Extremism* (2016) lists a number of useful aspects to be taken into account when trying to constructively address radicalisation in the classroom. Discussions are often a very productive way of engaging young people in channeling out their ideas and opinions yet they must be carried out under a set of guidelines in order to be more successful when treating this highly volatile issue. Among the suggestions listed are preparing well before the class discussion in order to reduce the fear of discussing controversial topics (2016: 21). Among the topics that can open a constructive discussion and touch the basis of violent extremism the UNESCO's guide lists citizenship, history, religious beliefs, languages, freedom of expression and the internet, gender equality and gender-based violence, and art. The debate on citizenship can engage students in a discussion on belonging, identity, justice. The history topic is indeed a volatile one but can engage the students in critical thinking about political violence, prejudice, hate propaganda, and racism. Such topics including the ones from the sphere of religion, gender and art can be brought into any class, and adjusted to the needs of that particular class, while still engaging the students in a critical thinking process and paving the way towards a constructive curriculum transformation.

CONCLUSION

The paper analysed the rapidly growing phenomenon of radicalisation. It did so by first defining it and then looking into the factors, mechanism, and various forms of radicalisaton. The most prominent forms, right-wing and religious based radicalisation have

3 More detailed information on the Radicalisation Awareness Network can be found athttps://ec.europa.eu/home-affairs/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-edu_en

4 https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-edu/docs/ran_edu_transforming_schools_into_labs_for_democracy_2018_en.pdf

been analyzed into more details together with the providing a detailed list of the numerous EU initiatives, actions and policies taken to counter it. This has been achieved through a thorough desk research and overview of various policies, European initiatives, actions, and documents working on countering radicalization. The axes of the paper was placed on the most prominent and potentspacefor radicalization this being the on-line space. A possible set of strategies that governments can employ intrying to combat on-line radicalisationcould be by exploiting the cyberspace in order to gain strategic intelligence about terrorist groups' intentions and networks. This could also help them gain tactical intelligence on terrorist operations and collect evidence useful in prosecutions. What can help in this respect, beside cooperation with the citizens are the achievements of the Social Informatics and Intelligence and Security informatics (Agarwal and Sureka,2015).

The paper also analysed the great potential of youth work for countering radicalisation as well as of good educational practices that address the phenomenon. Although this requires a much more detailed research, it should be emphasized that Youth work provides tools and practices where young people are and feel active and involved, tools that valorise young people in their multiple and diverse identity. With the fast pace of events taking place today in term of youth extremism and ''radicalisation'' there is an urgent need to harmonise initiatives at both national and European level. One of the main roles of youth work, in the context of prevention work, is to support and promote youth participation through different youth work activities. This is done through stimulating continuous, meaningful participation of young people as a main condition for inclusiveness, sustainability and peace. One of the most commonly used approaches in youth work is directly developing professional and social skills by steering young people towards different learning opportunities with different organisations, movements and/or institutions. Through this youth work is creating opportunities for young people to share goals and aspirations with adults in addition to one another; capitalize on their experiences and assets; and engage in multiple areas, including social, emotional, moral, spiritual, civic, vocational, physical, cognitive, personal and cultural development. In the field of prevention, youth work has the responsibility to recognize the specific grievances or vulnerabilities that young people may have, acknowledge the inequalities in the society and develop violence-prevention strategies that go beyond simple security responses and encompass prevention of violence in the family, school and community.

Finally, in addition to the numerous policies and strategies for countering radicalization, this paper discussed the crucial role that education plays in the process. A set of policies papers have been looked at, and the overall conclusion is that schools must be the environment which cultivates the democratic school ethos. On the long run, this approach should encourage the freedom of opinion, discussion and respect of minority rights, equality before the law, and the right to life as core principles of democracy. One example is the Finish National Agency for Education brochure on the Prevention of violent radicalisation in schools and educational institutions. The authors of this brochure emphasizethat the key point for addressing this issue within education is to enhance empathy and interaction skills and to do things collectively. As the authors specify, "the young person about whose situation there are concerns must be included in everything and an attempt must be made to include the person in the community instead of, for example, excluding the person because

of the threat he or she may pose." (2018, 13).[5] Some of the cornerstones of successfully addressing radicalisation in education is, according to the authors of this work, tied to several aspects, which we believe can be solid concluding remarks of this paper. Firstly, teachers must have basic knowledge of violent extremism. In addition to this, they need to be well informed and possibly trained on the possible signs and reasons of radicalisation as well as the influence of the media, given the proliferation of on-line radicalisation. Finally, they must have some practical tools and the confidence to have a discussionwith children and young people about a number of controversial topics.

The issue of radicalization, especially its prominent right-wing and religious based forms pose a serious challenge today. Clearly, preventing violent extremism and radicalization in Europe is a complex and ongoing challenge that requires a multi-faceted approach. It involves addressing the underlying social, economic, and political factors that can lead to radicalization, as well as working to counter extremist ideologies through education, media, youth work, and other means. Effective prevention efforts also require close collaboration between government agencies, civil society organizations, and communities, as well as a commitment to human rights, equality, and inclusiveness. While progress has been made in addressing this issue, much work remains to be done to fully address the threat of extremism and ensure the safety and security of people.

The set of European initiatives, strategies, educational practices and highly important youth work activities can hopefully serve an important role in the prevention of radicatilzation and violent extremism as well as pave the way towards future practices and actions that governments, NGOs, and educational institutions should undertake.

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REVIEW PAPER

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PANDEMIC OF PERSECUTION: COVID-19 AND THE PERSECUTION OF RELIGIOUS MINORITIES

Abstract

The ongoing COVID-19 pandemic has laid bare some of the structural weaknesses of states and societies and the systemic inequalities within them. In this paper we discuss the effects of large scale disasters such as pandemics on marginalized religious minorities. Our aim is to see how pandemics have been used through history as a cover for persecuting religious minorities. In order to better understand the correlation between pandemics and scapegoating, in the first half of the paper we will look into ancient and medieval experiences, while in the second part we will focus on the Covid-19 pandemic and its impact on current religious persecution. We argue that the effects of the pandemic are twofold. On one hand, it diverts the attention of governments in the global north from addressing persecution against marginalized religious minorities in the global south and in some cases it is even a cover for their unwillingness to resolve these issues. On the other hand, it enables some state and non-state actors in the global south to reinforce discrimination against undesirable minorities in their midst.

Keywords: pandemics, Covid-19, persecution, scapegoating, freedom of religion or belief.

1. INTRODUCTION

In this paper we examine the correlation between pandemics and scapegoating of religious minorities through history. We first lay down the theoretical background by looking into the interpretation and instrumentalization of pandemics. Using the scapegoat theory of intergroup conflict, we will see how pandemics can build upon social vulnerabilities and pre-existing anti-minority prejudices and trigger stigmatization, scapegoating and persecution of undesirables. Through the paper we focus on the case of Christianity for two reasons: First, although Christianity is the most numerous religion worldwide, large segments of Christians live in predominantly non-Christian countries. Second, through history Christians have been on both sides of the religious persecution spectrum.

We will begin our journey in antiquity, when plagues and other natural disasters were used as a pretext for several waves of severe persecution against the Christian minority. In Late Antiquity and the Middle Ages, however, when Christianity became legal and then official religion, the pendulum of persecution shifted. Selective approach to the writings of Augustine of Hippo gave way to persecutions of religious minorities, such as the Jews, in periods of severe crisis like the Bubonic Plague.

In the next section we will provide a bird's-eye view of the modern attitudes to religion, starting from the Reformation, the Counter-Reformation, the Wars of religion and the subsequent challenges to Christianity from Rationalism, the Enlightenment movement, Romanticism, but also Marxism, the First World War and Postmodernism. We will briefly outline how these challenges converged in the late 20 century concepts of privatized faith in a neutral or even secularized state. In parallel, we will see how the Reformation re-discovered the concept of freedom of conscience as a foundation upon which the corpus of human rights and freedoms would later be built.

Shifting our focus from the past to the present, we will look into religious persecution in the age of human rights, especially during the COVID-19 pandemic. We argue that the effects of the ongoing pandemic on vulnerable religious minorities are twofold. On one hand, it enabled some state and non-state actors in the Global South to reinforce existing discrimination against undesirable minorities in their midst. On the other hand, it diverted the attention of governments in the Global North from addressing persecution against marginalized religious minorities in the Global South and in some cases it is even a cover for their unwillingness to resolve these issues. One of the enablers of this global persecution of religious minorities is the so-called 'need not creed' mantra adopted that by many Western governments, the end-result of the converging challenges against Christianity in the modern era. We examine how this 'religion-blind' policy approach hinders national and international efforts for protection of human rights. In the final section we will see the initiatives and efforts to prevent scapegoating and persecution of marginalized religious communities by protecting the freedom of religion or belief.

2. THEORETICAL BACKGROUND: INTERPRETATION AND INSTRUMENTALIZATION OF PANDEMICS

In his latest book "Epidemics and Society: From the Black Death to the Present" (2019) Yale Professor of History and History of Medicine Frank M. Snowden argues that "every society produces its own specific vulnerabilities" to epidemic diseases. Understanding these vulnerabilities helps us understand a "society's structure, its standard of living, and its political priorities" (Snowden 2019, 7). Under certain circumstances epidemic disease can trigger "stigmatization and scapegoating, flight and mass hysteria, riots, and upsurges in religiosity" (Snowden 2019, 5). These circumstances can depend on a number of factors. One of these factors is the interpretation of the origin of the disease that can be classified as supernatural and natural. While naturalistic interpretations view disease as a result of purely physical factors, supernatural interpretations see non-physical forces at work. The supernatural view can be further divided into a divine and demonic interpretation. The divine theory presupposes that the illness is a "punishment sent by an angry god as chastisement for disobedience or sin". The demonic theory sees disease as a diabolical plot by evil spirits or people (Snowden 2019, 9-14). Under certain circumstances, both supernatural interpretations can lead to scapegoating of undesirables and, in particular, marginalized religious minorities. Furthermore, both supernatural and natural interpretations of a disease can be further instrumentalized for the purpose of persecuting religious minorities.

The scapegoat theory of intergroup conflict is helpful in understanding these circumstances. According to this theory, a pandemic can cause a number of prolonged negative experiences, including increasing stress and insecurity over economic decline and income decrease, fear from infection and grief over deceased relatives and friends. In order to deal with the emotional stress caused by this vortex of collective and individual crisis, members of a majority group can seek someone to blame for the calamity. According to Remi Jedwab et al (2020) "by blaming a minority group, members of a majority group may experience emotional relief, because there is now an "explanation" for the shock. They feel that their lack of control over the situation is not their fault, but the fault of the minority" (Jedwab et al. 2020, 3-4). Pre-existing anti-minority prejudices and concentration of power within a majority group can further magnify this effect. In other words, high virulence and mortality rates, distressing symptoms, insufficient understanding of the disease, pre-existing societal tensions and prejudices against minorities as well as active or passive support of authorities can lead to scapegoating and persecution of minorities.

As mentioned, we will examine how natural disasters such as pandemics can kindle scapegoating and persecution of religious minorities using the case of Christianity. We will begin with a brief overview the first three centuries when Christians, then a novel and small monotheistic minority within the polytheistic Roman Empire, were often persecuted under the pretext of pandemics and other natural hazards and disasters.

3. RELIGIOUS PERSECUTION IN ANTIQUITY

The Roman Empire was not tolerant in its essence. However, in terms of religion, the Romans were flexible. They did not hesitate to include the deities of conquered peoples in their pantheon. However, the claim of the Christians that there is only one true God as well as their unwavering rejection to take part in Roman religious rituals, including offering incense to the Emperor, made them victims of persecution. The Great Fire of Rome (64 AD) sparked a wildfire of persecution of Christians in the second and third centuries.[1] Namely, pandemics and other natural hazards and disasters were often used as pretext for blaming and persecuting the Christian minority. In the second and third century there was a general perception that natural hazards and disasters were a divine punishment for Christians' disrespect for the Roman pantheon (Lukashenko and Biletska 2021, 49). Christians were blamed for the 152 AD earthquake, the 165 AD plague, as well as the earthquakes in the 230s. According to Craig de Vos, even the infamous Decian persecutions of Christians in 250 were instigated by popular wrath due to a series of natural disasters (de Vos 2000, 878). Finally, the Plague of Cyprian that afflicted the Empire from 249 until 262 led to a new wave of anti-Christian persecution. Tertullian (115-220), who is regarded as the founder of western Christian theology, protested against Roman authorities' tendency to scapegoat Christians. In his Apology (written in 197 AD), he writes that:

> *"... they consider that the Christians are the cause of every public calamity and every misfortune of the people. If the Tiber rises as high as the city walls, if the Nile does not rise to the fields, if the weather will not change, if there is an earthquake, a famine, a plague—straightway the cry is heard: "Toss the Christians to the lion!"" (Tertullian 40.1,2)*

4. RELIGIOUS PERSECUTION IN LATE ANTIQUITY AND THE MIDDLE AGES

Following the Edict of Milan issued by emperors Constantine and Licinius in 313 AD the tide of persecution slowly started to change. From an illegal and persecuted religion, Christianity became a legally recognized religion. By the end of the same century, Christianity became the dominant religion of Rome, while paganism was formally limited. These events coincided with the Vandal invasion and the beginning of the decline of the western part of the empire, inspiring pagan authors to argue that these calamities were a divine punishment by the old Roman deities. Augustine of Hippo responded to these accusations by claiming that the decline of Rome has nothing to do with the spread of Christianity. According to him, all those who remained loyal to the pagan Roman deities simply followed their immoral example and have renounced the virtues. However, Augustine never tried to "sacralize" political life and did not develop a consistent theory about how a political community should look like. His goal was to show that none of the

1 The claims that Christians started the fire of Rome were of later dates and were made after the events.

temporal forms of government are definitive. The temporal city of man will always be a mixture of good and bad things. Only the City of God has lasting value. However, this City is not here and now in its entirety. The Church is called to bear witness about it, but not to forcefully try to implement it. In his initial correspondence with the bishops of the schismatic Donatist movement in Northern Africa, Augustine opposed any form of pressure in terms of belief. In his letters to the Donatist bishop Maximin (Ep.23.7) and Eusebius (Ep.34.1) Augustin insists that no "one should against his will be coerced into the Catholic communion" (Ep.93.17, v., Ep. 185.25-6). However, few years later he approved coercion in terms of belief. The Donatists were not only a schismatic Christian movement, but the radical members were extremely violent and committed atrocities. Augustine reluctantly approved coercive repression of these and similar movements. However, he did not change his mind in terms of the politics and persisted in his belief that public life must be neutral. He called upon Christians to actively engage with non-Christians in creating social welfare for everyone, since all people share a common desire to live in peace and security. The idea of a Christian state would be totally unacceptable for Augustine. Unfortunately, although medieval Christianity was heavily influenced by Augustine's ideas, it failed to follow his council on this issue.[2]

With the spread of Christianity through Europe, this inconsistency gave way to future persecutions of religious minorities, such as the Jews, in periods of deep crisis. The disaster that overshadowed other crisis was the Bubonic Plague.

Following a period of economic expansion, population growth and rapid urbanization in the 13 century, 14 century Europe was suddenly exposed to major environmental, socio-economic, and health crisis. Extreme weather events affected food production and resulted with a seven-year famine (lasting from 1315 until 1322). An animal disease wiped out 60% of the cattle and reduced meat and milk production. The fatal combination of factors made European populations extremely vulnerable to the forthcoming bubonic plague. The first wave of the pandemic, known as Black Death or Black Plague, ravaged Europe from 1347 until 1352. The impoverished, starved and malnourished populations could not withstand its impact.

With its extraordinary virulence (its capacity to cause harm and pathological symptoms), rapid progression of its deadly symptoms and the high fatality rate, targeting people regardless of their sex, age and social status, the plague decimated entire communities, killing up to 40% of Europe's population in only few years. Transforming European demography and affecting every aspect of society, the bubonic plague produced

> *"mass hysteria, violence, and religious revivals as people sought to assuage an angry god. They also looked anxiously within their midst to find the guilty parties responsible for so terrible a disaster. For people who regarded the disease as divine retribution, those responsible were sinners. Plague thus repeatedly gave rise to scapegoating and witch-hunting. Alternatively, for those inclined to the demonic interpretation of disease, those responsible were the agents of a homicidal human conspiracy. Frequently,*

2 Stroumsa rightly points out, the transformation of Christianity from an illegal and persecuted religion seeking recognition and toleration, to an established state religion denying others that same right "would be rooted in human nature, rather than in some implicit aspects of Christian theology" (Stroumsa 1998, 173).

vigilantes hunted down foreigners and Jews and sought out witches and poisoners." (Snowden 2019, 29)

Snowden points that these grave consequences combined with the supernatural understanding of the origins of the disease resulted with scapegoating and violent cleansing of communities. Regardless whether they believed that the plague was a divine punishment or a demonic plot, the culprits had to be found and punished in order to stop the plague. This resulted with violent cleansing of communities from the undesirables. In medieval Europe the Jews were a marginalized religious minority deprived of legal status and fully depended on the benevolence of the authorities, which made them quite vulnerable. Snowden writes:

"Jews were ... repeatedly targeted amidst waves of anti-Semitic violence. Religious dissenters, foreigners, and witches were also attacked. All of them were guilty of offending God and bringing disaster on the faithful […] Thus towns across Europe closed themselves to outsiders during plague years while within their walls undesirables were hunted down, beaten, and cast out. In many places, people were stoned, lynched, and burned at the stake, and full-scale pogroms were also launched—what one might today call ethnic cleansing." (Snowden 2019, 63-64)

However, there is another side of the persecution coin. In his recent analysis of the Black Death, Cohn (2018) points that in many cases, anti-Jewish persecution was driven not so much by supernatural interpretations but by financial interests. The case of the Strasbourg massacre of 1349 points that the real instigators were not the commoners but the nobility. The Holy Roman Emperor Charles IV of Bohemia "encouraged leading burghers, bishops, and knights at Nuremberg, Regensburg, Augsburg, and Frankfurt to murder Jews, granting them immunity from punishment and afterwards cancelling their debts to Jews." (Cohn 2018, 49). Jedwab *et al*, find that up to 235 Jewish communities across Europe faced ferocious persecution, including with pogroms. There were only few reported calls for protection of the Jews. For example, Pope Clement VI issued a papal bull (*Quamvis Perfidiam*) forbidding the persecution of Jews, in which he argues that the plague was equally deadly for Jews as for Christians. However, many of the city and town authorities not only tolerated the persecution, but organized them themselves, because they feared the reactions of the populations (Habicht *et al* 2020, 13-14; Jedwab *et al* 2020, 11-12, 32).

5. RELIGIOUS PERSECUTION IN THE MODERN ERA

Religious persecution in the modern era was marked by disruptive events and processes, such as the Reformation, the Counter-reformation and the subsequent Thirty Years' War (1618-1648). The Peace of Westphalia (1648) inaugurated a new political order in Europe that substantially limited the influence of organized religion on state policy by separating church and state. On a philosophical level, Cartesian Rationalism and English Deism gave way to the Enlightenment movement that perceived organized religion as a source of conflict. Seeking a way to discard the supernatural dimension of Christianity as

irrational, the Enlightenment philosophers questioned key elements of the Christian faith[3]. The challenge culminated with a suppression of the Church during the French Revolution and the transformation of many church buildings into secular temples of reason. In the 19 century, however, the Romantic movement emerged as a reaction to the Enlightenment. Although rejecting the rigidness of rationalism, many Romantic authors were ambivalent toward traditional Christianity.[4] As a response to this crisis of faith, some Liberal Protestant authors initiated a process of discarding some, and reinterpreting other Christian beliefs in line with modern cultural norms, paving a more optimistic view of human nature.

In the mid 19 century Marxism emerged as an intellectual rival to Christianity, arguing that religion is nothing more than a product of social and economic alienation that serves as an opium to the masses, enabling them to live with their economic alienation. The Russian Revolution of 1917 and the Bolsheviks' attempt to remodel society and silence alternative worldviews, set in motion the most ferocious persecution of Christians in modern times. At the same time, the First World War discredited what remained of the liberal theology's optimism and paved the way for Postmodernism's deconstruction of key concepts such as truth and meaning that resulted with further marginalization of religion in public life. (McGrath 2011, ch.4) Many of these processes of modernity converged in the late 20 century concepts of privatized faith in a neutral or even secularized state. In parallel, the Reformation, especially through the Anabaptist movement, re-discovered the concept of freedom of conscience as a foundation upon which the corpus of human rights and freedoms would later be built. Concluding this bird's-eye view of the modern era attitudes towards religion, we now return to the religious persecution in the age of human rights.

6. RELIGIOUS PERSECUTION IN THE AGE OF HUMAN RIGHTS

Covid-19 (SARS-CoV-2) is just the latest disease in a long pandemic sequence that has given rise to persecution of religious minorities. However, unlike past pandemics, Covid-19 occurs in a world with an international human rights system in place. The Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief (1981), have been formally adopted and ratified in most countries in the world in order to guarantee fundamental human rights, including the freedom of thought, conscience and religion (or, briefly, freedom of religion or belief). Article 18 of the UDHR underlines that

> *"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." (UDHR, Article 18)*

3 These include the notion of divine revelation, the status and interpretation of the Bible, the identity and significance of Jesus Christ, the doctrines of the Trinity and original sin.

4 George Eliot, for example, believed that "the moral aspects of faith can be maintained without the metaphysical basis of Christianity", and that subsequently, "we can be good without God." (McGrath 2011, ch.4).

However, even though we live in what many have hailed as the "age of human rights", the ongoing Covid-19 pandemic shows just how vulnerable religious minorities can be. With is rapid spread, symptoms that puzzled the medical community, authorities and populations, Covid-19 has exposed some of the structural weaknesses of states and societies and the systemic inequalities within them. The economic recession has hit hard on the most vulnerable and marginalized segments of society, especially in the Global South, many of which are Christians.

Having this in mind, we argue that the effects of the ongoing pandemic are twofold. On one hand, it enables some state and non-state actors in the Global South to reinforce existing discrimination against undesirable minorities in their midst. On the other hand, it diverts the attention of governments in the Global North from addressing persecution against marginalized religious minorities in the Global South and in some cases it is even a cover for their unwillingness to resolve these issues.

Prior to the pandemic, in 2018 then UK Foreign Secretary Jeremy Hunt commissioned Philip Mounstephen, Bishop of Truro, to prepare an independent review that would "map levels of persecution of and other discrimination against Christians in key countries around the world" as well as "provide an objective assessment of the impact and levels of FCO support and make recommendations in this regard" (FCO 8 February 2019). The Truro Review was launched on 8 July 2019, confirming the "inconvenient truth... that the overwhelming majority (estimated at 80%) of persecuted religious believers are Christians". (Truro 2019,) The authors of the Review find that "in some regions, the level and nature of persecution is arguably coming close to meeting the international definition of genocide, according to that adopted by the UN." (Truro 2019, 16-17).

This level of pre-pandemic persecution is related to the shifting religious and socio-economic demographics of Christianity. In 1900, only 18% of Christians lived in the regions of the Global South, compared to 82% living in the Global North. Since then, the numbers have dramatically shifted. By 2020, over two thirds of Christians live in the countries of the Global South. It is expected that by 2050 "77 percent of all Christians will live in the Global South." (Zurlo, Johnson and Crossing 2019, 10).[5] However, Christians are still a minority in the Global South and represent 23% of the population in that region (PewResearchCenter 2011). As a phenomenon of the Global South, Christianity is also a phenomenon of the global poor. Their socioeconomic position is marked by "poverty and low or no technology, political instability, low life expectancy, and scarcity of educational opportunity. Their economy is largely based on export of raw material, manufactured goods, and manual labor" (Wan 2018, 733). For example, Christians represent between 1.59-2.5% of the total population of Pakistan and yet occupy 75-80% of low-paid, sanitation jobs. (Tadros, Kanwer and Mirza 2021, 141). In Egypt, over 60.000 Coptic Christians are members of the so-called Zaballeen community (Arabic term for 'garbage people') who survive by recycling Cairo's waste. Along with the decline of religious liberty, these socioeconomic

5 Similarly, in its 2011 report on Global Christianity, the Pew Research Center estimates that the Global North-South distribution of Christianity has significantly shifted from 1910 until 2010. In 1910, 82.2% of Christians lived in the Global North while 17.8% lived in the Global South, while a century later, in 2010, 39.2% of Christians lived in the Global North, while 60.8% in the Global South. (PewResearchCenter 2011).

settings of Christian communities in the Global South made them particularly vulnerable to effects of the Covid-19 pandemic.

Having in mind the already high level of persecution, what difference did the pandemic made? Luke Kelly (2020) finds that the Covid-19 pandemic has not only intensified the already existing discriminatory practices by both state and non-state actors against marginalized religious minorities, but can potentially "undermine their position in the longer-term." Kelly concludes that policies and measures against Covid-19 have "disproportionately affected structurally disadvantaged religious and belief minorities, and have been used to justify illiberal control measures." (Kelly 2020, 2). Similarly, in its 2021 Annual Report, the United States Commission on International Religious Freedom (USCIRF) find that "in some countries, already marginalized religious minorities faced official and/or societal stigmatization, harassment, and discrimination for allegedly causing or spreading the virus." (USCIRF Annual Report 2021, 1). These findings correspond to the conclusions of the UN Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed. In his interim report "Elimination of all forms of religious intolerance", he points that the exclusion of persons belonging to religious or belief minorities:

> *"is often beset by systemic and systematic denial of both their existence and their identities. Their marginalization is reinforced by the resulting challenges in accessing essential services, resources and opportunities that they face at the hands of majorities, official State structures and even from members in their own communities. Increasingly, evidence suggests that if left unchecked, such discrimination and inequality can precipitate poverty, conflict, violence and displacement. In the most egregious cases, the very survival of some minority religious or belief groups can be placed at risk. The consequences of leaving such populations behind are stark." (OHCHR A/75/385, para. 4)*

In the same report Shaheed warns that religious and ethnic minorities are "particularly vulnerable to higher rates of COVID-19 infection and mortality, to harsh treatment by law enforcement in the context of emergency measures and to unequal access to adequate medical care." (OHCHR A/75/385 para. 47). It is no wonder that in countries with embedded structural weaknesses and social injustices "religious marginalization increases the vulnerability to Covid-19 much like gender, ethnicity and class marginalization", and, as such, is a important vulnerability qualifier (Tadros, Kanwer and Mirza 2021, 133).[6]

Despite worldwide lockdowns, reports show that the persecution of religious minorities has not become victim of the coronavirus. On the contrary, evidence point that extremist groups take advantage of the pandemic to intensify scapegoating and persecution of undesirable religious minorities. For instance, Kruglanski et al (2020) find that by "exploiting gaps in security, and the general burdens on societies that the pandemic imposes" terror groups and violent extremists (such as Boko Haram in Nigeria and ISIS in Iraq) "are using

6 By 'religious marginalization' we do not imply marginalization of a given religion and its doctrines, but the marginalization of the people who are vulnerable precisely because of their religious affiliation. Freedom of religion or belief and its free expression and practice is a fundamental human right of believers, not beliefs, and implies protection of people, not their ideas.

the pandemic as an opportunity to grow stronger." (Kruglanski *et al* 2020, 121). They instrumentalize the pandemic by using

> *"diverse, and, often internally inconsistent, blend of communications including conspiracy theories, claims of the God's vengeance against its enemies, exhortation to weaponise the virus, and taking advantage of society's weakness by launching widespread attacks wherever and whenever possible." (Kruglanski et al 2020, 122).*

7. RELIGION-BLIND APPROACH

Apart from enabling authoritarian governments and extremist groups to scale up persecution against religious minorities, the Covid-19 pandemic also diverts the attention of governments in the Global North from addressing persecution against marginalized religious minorities in the Global South and in some cases it is even a cover for their unwillingness to resolve these issues. One of the major findings of the previously mentioned Truro Review is that the lack of western response to persecution

> *"has no doubt too been tinged by a certain post-Christian bewilderment, if not embarrassment, about matters of faith, and a consequent failure to grasp how for the vast majority of the world's inhabitants faith is not only a primary marker of identity, but also a primary motivation for action (both for good or ill)." (Truro 2019, 12)*

Both in the Review and in successive statements, the Bishop of Truro points out that one of the enablers of this global persecution of religious minorities is the so-called 'need not creed' mantra adopted by many Western governments. This mantra "simply fails to recognize how creed, or indeed, not having a creed, creates very significant need. Being faith-blind means we can simply be blind to injustice, and that is not good enough." (Bishop of Truro, 8 July 2021). Lord David Alton of Liverpool[7] illustrates the negative effects of this approach commenting the situation of religious minorities in post-Daesh Iraq:

> *"A policy of "religion-blind" aid has meant that the UK is unwilling to rebuild a Christian town, or a Yazidi village, unable to grasp that the Nineveh Plains were always a patchwork of settlements belonging to different religious groups – who lived in harmony with their near neighbours of another creed." (Truro 2019, 58)*

Where does this mantra originate from? Authors such as Sandel (2009), Maclure and Taylor (2011) and Wolterstorff (2018) provide a clue that can help us trace this mantra back to the Rawlsian concept of privatized faith that individuals are to keep for themselves and circulate strictly within the their religious and moral associations, thus practically silencing religious and moral convictions in the public square (Milkov and Gjorgon 2020). Put in practice, this concept of privatized faith in a neutral state gives way to the 'religion-blind' approach and the 'need no creed' mantra that prevents liberal democracies to consider creed as a vulnerability qualifier and treat the global phenomenon of persecution of religious

7 Lord Alton is Co-Chair of the UK All Party Parliamentary Group on religious minorities.

minorities as a human rights issue. As a result, "western politicians until now have been reluctant to speak out in support of Christians in peril." The authors of the Review call the UK government "to recognize religious affiliation as a key vulnerability marker for members of religious minorities" and reject the privatized faith mantra in foreign policy contexts entirely (Truro 2019, 129).

The 'religion-blind' policy approach is not limited to national level. The Truro Review finds that UN and other agencies also "fail to ensure that those whose need has been specifically generated by their creed, through the suffering of persecution, receive their fair share of aid" and recommends the Government to review the channeling of its international aid through UN and other agencies (Truro 2019, 59). In this context Marshall (2021) finds that

> "religious measures are strikingly missing in methodologies and indices that assess human development progress. The most widely used approaches to assess and compare development and humanitarian programmes and performance rarely devote more than marginal attention to religious dimensions, including FoRB. This includes the indicators for the 17 SDGs and 167 targets and human rights reviews." (Marshall 2021, 29)

It should come to no surprise that the UN Special Rapporteur on freedom of religion or belief, Ahmed Shaheed calls upon states, civil society and UN entities to extend the scope of sustainable development by promoting "freedom of religion or belief, in particular in the context of religious or belief minorities who may experience unequal access to essential services such as health care, quality education and housing, inter alia." (OHCHR A/75/385, para. 3). Taking religious marginalization seriously is indispensable for implementing the core, transformative promise of the UN Agenda 2030 to "leave no one behind".

9. POSITIVE TRENDS

The Truro Review have given way to some positive trends. The International Religious Freedom or Belief Alliance (IRFBA) was established in February 2020 as a "network of likeminded countries fully committed to advancing freedom of religion or belief around the world." [8] In its "COVID-19 and Religious Minorities Pandemic Statement" IRFBA addresses its concern

> *"about the impact of COVID-19 on religious minorities. As a shared and important principle, we hold that governments should never limit or penalize an individual's right to believe or not believe and any decision to change one's belief. Members of religious minority groups are among the most vulnerable, and they have been subjected at times to verbal abuse, death threats, physical attacks, and discrimination in attempting to*

8 Currently 35 countries have joined the Alliance: Albania, Armenia, Austria, Australia, Bosnia and Herzegovina, Brazil, Bulgaria, Cameroon, Colombia, Costa Rica, Croatia, Czech Republic, The Democratic Republic of Congo, Denmark, Estonia, The Gambia, Georgia, Greece, Hungary, Israel, Kosovo, Latvia, Lithuania, Malta, the Netherlands, Norway, Poland, Senegal, Sierra Leone, Slovakia, Slovenia, Togo, Ukraine, the United Kingdom, and the United States.

access public services, and in all too many cases, vital health services have been denied entirely." (IRFBA August 20 2020).

In November 2020 Poland hosted a Ministerial to advance freedom of religion or belief that supported "religious and faith-based organizations and leaders in tracking and identifying gaps in the COVID-19 response (2020 Ministerial to Advance Freedom of Religion or Belief).

Another important step in addressing this issue was made with the G7. Namely, for the first time the Group of Seven (G7)[9] included freedom of religion or belief in its official documents. In the Corbis Bay G7 Summit Communiqué "Our Shared Agenda for Global Action to Build Back Better", the G7 leaders commit to "support freedom of religion or belief" (Corbis Bay G7 Summit Communiqué, para. 48), while in the "Open Societies Statement" they commit to cooperate together and with partners to "Strengthen open societies globally by protecting civic space and media freedom, promoting freedom of expression, freedom of assembly and association, and freedom of religion or belief, and by tackling all forms of discrimination, including racism" (2021 Open Societies Statement, 2).

CONCLUSION

In this paper we examined the correlation between pandemics and scapegoating of religious minorities through history. Using the scapegoat theory of intergroup conflict, we saw how pandemics can build upon social vulnerabilities and pre-existing anti-minority prejudices and trigger stigmatization, scapegoating and persecution of undesirables. The case of Christianity helped us see the dynamics of scapegoating from both ends. In fact, Christianity made a full circle, from a persecuted minority in the Roman Empire, then a persecuting majority in Late Antiquity and the Middle Ages, and finally facing persecution in the Global South in the late 20th and early 21st century. Despite occurring in the 'era of human rights', the COVID-19 pandemic negatively affected religious minorities worldwide. We argued that the effects of the ongoing pandemic on vulnerable religious minorities are twofold. On one hand, it enabled some state and non-state actors in the Global South to reinforce existing discrimination against undesirable minorities in their midst. On the other hand, it diverted the attention of governments in the Global North from addressing persecution against marginalized religious minorities in the Global South and in some cases it is even a cover for their unwillingness to resolve these issues. One of the enablers of this global persecution of religious minorities is the so-called 'need not creed' mantra adopted by many Western governments that "simply fails to recognize how creed, or indeed, not having a creed, creates very significant need. Being faith-blind means we can simply be blind to injustice, and that is not good enough." (Bishop of Truro, 8 July 2021). Its origins can be traced back to the Rawlsian concept of privatized faith in a neutral state, that, in its turn, is a result of the converging challenges against Christianity in the modern era.

9 The Group of Seven (G7) is an inter-governmental political forum consisting of Canada, France, Germany, Italy, Japan, the United Kingdom and the United States and attended by the EU.

This 'religion-blind' policy approach is present on both national and international level, in organizations such as the UN and other agencies, undermining the very efforts for the implementation of major policies and agendas.

We noted, however, that there are exceptions from this rule, such as the efforts of the International Religious Freedom or Belief Alliance, and the growing awareness among key nations about the need to prevent scapegoating and persecution of marginalized religious communities by protecting the freedom of religion or belief. If applied non-discriminatory and consistently, such efforts could stop the cycle of stigmatization, scapegoating and persecution of marginalized religious groups, even in times of crisis.

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PROFESSIONAL PAPER

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PROPERTY RELATIONS OF SPOUSES

Abstract

The common property of the spouses is created under the conditions and in the manner determined by law. The common property of the spouses is considered the property that the spouses acquire during the duration of the marital union and from the moment of marriage, each of the spouses contributes to meet the common needs of the marital union and the children.

The legal norms that regulate the property relations of the married couple are called the matrimonial property regime where this property regime must be in accordance with these legal norms

Property created in marriage is considered common property if two conditions are met: property that is earned through work, and property that is earned during the duration of the marital union.

The main characteristic of the legal nature of the common property of the spouses is that all the items and rights that make up the property in the marital community belong jointly to both spouses.

The spouses, are authorized to manage their common property jointly and by agreement, they can also contract the way of management of their property, in whole or in part of it.

Keywords: property, common property of spouses, separate property of spouses

INTRODUCTION

This paper focuses on the property relations of spouses by analyzing the laws in force in national and comparative countries as well as international human rights instruments.

The central aim of this paper is to dissect the property relations of the spouses, such as the common property of the spouses, as well as the individual property of the spouses.

The common property of the spouses is considered the property that the spouses acquire during the duration of the marital union and from the moment of the stipulation of the marriage, each of the spouses contributes to meeting the common needs of the marital union and the children. Common property is considered the property that is acquired during the duration of the marital union and the main characteristic of the legal nature of the joint property of the spouses is that all the items and rights that make up the property in the marital union belong jointly to both spouses and that by agreement and manage and dispose of the common property.

In this regard, based on Article 19 of the European Charter for the equality of Women and Men in local life, equal rights of women and men to rent, own, or any other form of ownership are ensured and promoted their housing and also, to this end, use their powers and influence to ensure that women have equal access to mortgage loans and other forms of financial assistance and credit for housing purposes.

Different methods were used for the preparation of this paper, such as; the historical method, comparative method, normative method, statistical method, etc. Of all the above-mentioned methods, the comparative method is mostly used, since through this method it is possible to get a greater knowledge of the legal property relations between spouses in the positive rights of different countries, such as regional states, as well as more broadly.

The comparison between the positive legislation of our country and other states of the region or EU states has helped us to gain a wider legal knowledge of the property relations of spouses.

1. THE HISTORICAL ASPECT OF THE REGULATION OF LEGAL PROPERTY RELATIONS

The complexity of property relations that are created between subjects in family law takes a very important place in the corpus of relations in general (Ristov, 2020).

The history of humanity shows that changes in economic-social relations have always caused changes in property relations, degrees, and intensity with which these relations have changed, respectively the change that has occurred in property relations, is a reflection of the corresponding changes in economic-social relations of a certain society (Statovci, 1983).

In the sphere of family and marital relations, the relics of primitive society have been preserved for a long time, marriage was monogamous and related to the expressed consent of the future spouses and their parents (Sejdiu, 2000).

The family could freely dispose of the acquired property, while the inherited property could not be alienated without the consent of the wider kinship community. Parallel to these forms of land ownership, there is also individual private ownership (Sejdiu, 2000).

Marriage in Roman law was monogamous, the permanent life union of a man and a woman. Men could marry at the age of 14 and women at the age of 12. The condition for the marriage was the consent of the spouses and their heads of the family (for personsalieniiuris) (Mickovic, 2007). It was forbidden to tie marriages between relatives in the first line and the side line up to the fourth degree. The degree of kinship as an obstacle to marriage is one of the characteristics of Roman law, which significantly differentiates it from canon law (Mickovic, 2007).

Sharia law considered marriage as a contract that belongs to legal-binding contracts, the marriage contract was concluded in written form in the presence of two qualified witnesses to give evidence in written form before the official body, most often the evidence was given before the qadi (Muslim judge) (Popovska, 2007).

In marriage, each of the spouses retained the right of ownership of his/her property, as well as the right to manage it (Popovska, 2007). The husband paid for the household expenses himself and had the obligation to maintain the wife, otherwise, the wife had the right to ask for a divorce. On the other hand, the husband had the right to ask the wife to fulfil her marital obligations and obedience, otherwise, he had the right to even punish her (Popovska, 2007).

In Yugoslavia, the form of common property that is not co-property was provided by the Law on Marriage of April 9, 1946 (Gams, 1978). According to Article 10 of this Law, there is a rule which states that the property acquired by the spouses through work during the marriage is their common property. This provision is complemented by the provisions of the Law on the Property Relations of Spouses of the Criminal Code of Serbia dated February 18, 1950, where in Article 4 of this law it is seen that the spouse cannot dispose of his or her share of the indivisible joint property nor encumber it with legal action among the living. It can be seen that this is not co-ownership, the spouse's shares are not determined and divided in advance, and ownership is therefore indivisible, the spouses have the right under special conditions only to ask for the division, and only then will their shares be determined.

Civil marriage was foreseen in all socialist countries (Mladenovic, 1984). In the Soviet Union after the revolution of 1917, civil marriage was compulsory, the creation of which required registration with the competent authorities. However, with the reform of 1926, in addition to registered marriages, de facto marriage was also foreseen, which was abolished in the Soviet Union with the reforms of 1944 (Mladenovic, 1984).

2. SEPARATE PROPERTY OF SPOUSES

The property that one spouse owned at the time of marriage is his separate property, also, the property that the spouse will receive based on inheritance, gifts, and items acquired in marriage and which exclusively serve to supplement the personal needs of one of the spouses will be considered separate property (Права, 2002). Each of the spouses manages

and disposes of the separate property independently unless the spouses decide otherwise in a written form. The property and the right that the spouses will acquire through inheritance, gifts, and items acquired in the marriage that exclusively serve to meet the personal needs of one of the spouses if they do not present a disproportionately large value in comparison to the value of the common property will be considered as a separate property (Права, 2002).

The matrimonial property regime by law in the RNM consists of a combination of the regime of common ownership and the regime of separate ownership of the spouses. The common ownership of the spouses includes the ownership of movable (money, furniture, motor vehicles, etc.) and immovable (land, buildings, etc.) things that were acquired during the duration of the common marital life and serve to supplement the needs of spouses and family life (Stojanova, 2019). The separate property of the spouses is considered the property that was brought into the marriage and the property that was not acquired by work during the marriage, but according to other legal bases, e.g. by inheritance, gift, legacy, etc. Spouses manage and dispose of their separate property independently, however, the principle of solidarity, the community of life and work, as well as the joint obligation to maintain and educate children, obliges the spouses to engage the separate property, when the means from common ownership are not enough to achieve these goals (Stojanova, 2019).

The spouse with separate ownership has the right to conclude all contracts and other legal affairs with which the owner can be used, exploited, and disposed of, but the possibility of allowing the administration of the separate ownership to the other spouse is not excluded, but for this, an agreement between the spouses must be reached (Aliu, 2004). If by chance the separate property is mixed with the common property, then the part of the separate property will be divided as the spouses have agreed, but the possibility is not excluded that this property value of the common property is also considered a special contribution of one of the spouses of joint ownership (Aliu, 2004). In this regard, the decision of the Supreme Court of Macedonia C.880/76, ZB, II/74, that states: *even though the joint property acquired during the marriage between the parties has the same legal treatment, which means that in each part of it, the same aliquot share must be accepted in harmony with the contribution of the spouses, in the case when for the acquisition of certain items one of the spouses also participated with means that were not acquired during the marriage, then the aliquot share in the ownership of those items may be different from the aliquot share of the parties in other items that were acquired during the marriage*.

3. THE COMMON PROPERTY OF SPOUSES IN THE MACEDONIAN LEGISLATURE

The issue related to the property relations of married spouses, respectively the way of regulating these relations has been and is present in the theory of family law and law-making practice (Ristov, 2020).

The specifics of the spouses' property relations are closely related to the legal nature of the institution of marriage within which they are created (Ristov, 2020). In the provisions of the Family Law of the Republic of North Macedonia (1992), the institution of marriage

is defined as "marriage is a living community of a man and a woman regulated by law, by which the interests of the spouses, the family and, the society is being realized".

Personal-property rights and obligations are of a property nature, but related to the specific subject. These rights and duties are closely related to the personality of each spouse and therefore cannot be transferred to any other person by any legal action, neither for the life of the subjects (inter vivos) nor in case of death (mortis causa) (Aliu, 2007).

According to the positive legislation, the common property of spouses is considered that property, which the spouses acquire through work in the course of the marriage.

According to the Law on ownership and other real rights (Article 67): the property which spouses acquire during marriage represents their joint property, respectively to the common marriage life (Prava, 2002). According to the Law on ownership and other real rights, for the property created in marriage to be considered the common property of the spouses, two conditions must be met: the property must be earned through work, as well as the property must be earned throughout the duration of the marriage. According to the Law on ownership and other real rights "Joint property of spouses is the property which spouses acquire during the marriage" (Prava, 2002). Both spouses can work together in the same activity, or work in different jobs (e.g. the husband is in a working relationship, while the wife is a housewife, etc.).

Until the issuance of the Law on ownership and other real rights (2001), the property relations of marital and extramarital spouses, as well as their relations with third parties in the positive right of the RNM, are regulated by the provisions of the Law on Family of 1992, while these relationships in 2001 were regulated by the law on property and other real rights. (Angel, 2020). The law on ownership and property rights is based on the imperative character of the legal property regime and in this dispute, the property regime of the spouses defined by this law is a legal regime and cannot be changed based on the will of the spouses, so their relationships are obliged to regulate them based on the law and they cannot regulate them by contract. (Angel, 2020,).

Regarding the common property of spouses, the law on ownership and other property rights proclaims indeterminacy as a general principle, so that the common property of spouses still maintains the character of a joint property - the right of ownership over parts that determined neither realistically nor ideally, but definable.

The administration and disposal of joint property of the spouses depend on the property legal regime to which they are subject (Ristov, 2020). Spouses, as owners of the common property, jointly and by agreement undertake the actions of administration (regular) and disposition (extraordinary administration) of the common property. This stems from the legal nature of the joint property, where the spouses' shares are neither realistically nor ideally defined.

The set of legal norms that regulate the property relations of spouses is called the property regime (Podvorica, 2006). By the property regime of the property of cohabiting spouses, we understand the whole of legal norms that regulate on one hand the property relations between the spouses and on the other hand the property relations of the spouses with other persons.

Property relations represent an essential part of family relations, they are closely connected and intertwined with personal relations that occur between family members

themselves (Trpenovska, 2013). Property relations of a family nature, unlike other property relations, arise only between family members: married spouses, extramarital spouses, and between parents and children.

The legal-family theory and legislation from comparative law recognize several models of regulating the regime of marital property relations (Trpenovska, 2013). In certain legislations dominate systems such as:

- legal regulation of property relations of spouses as well as
- the property regime with contract (Trpenovska, 2013), (spouses agree with a contract to regulate marital property relations).

3.1. Liability of spouses

According to Article 185 of the Family Law of the RNM, the spouse who does not have enough means of subsistence and is incapable of work or does not have work without his/her fault is entitled to subsistence by his/her spouse proportional to his/her abilities. The court, taking into consideration all the circumstances of the case, may reject the request for sustenance if the spouse, who maliciously or without justified reasons has left his/her spouse, is requesting the sustenance.

Meanwhile, in Article 216 of the Family Law of the RNM, it is foreseen that the other spouse is not accountable for the responsibilities that one of the spouses had before stipulating the marriage, as well as the responsibilities that he/she will take after stipulating the marriage. The spouses are untidily accountable for the responsibilities that one spouse has taken towards the third person for sustaining the current needs of the marriage community, as well as the responsibilities, which according to the general provisions charge both spouses.

4. PROPERTY RELATIONS IN THE COMPARATIVE PLAN

In comparative law, there are different solutions regarding the regulation of property relations of spouses.

Property relations in marriage are specific, due to the special ties that exist between the spouses (Trpenovska, 2013). In all European countries, there is a legal property regime and property relations are regulated by law, but in contemporary legislation, the marriage contract (which can also be presented as a prenuptial contract if it is concluded before marriage) increasingly (gains) meaning with which the marital partners individually and independently regulate the property relations between them (Trpenovska, 2013).

The legal property regimes that regulate property relations in marriage are not identical in all European countries, but on the contrary, there are differences between them that are regulated by certain historical, legal, economic, and cultural conditions as well as other characteristics for certain countries (Trpenovska, 2013).

The legal property regime can be; a) Common and b) specific, the first is characteristic of countries such as the countries of the former Yugoslavia as well as the countries of Eastern and Central Europe such as Russia, Bulgaria, the Czech Republic, Slovakia, Hungary, but also in Western European countries, such as France, Belgium, and Italy, while the special property regime is characteristic of the law of Great Britain (Trpenovska, 2013).

Italian legislation allows spouses to change the legal regime, which is that of co-ownership of material goods through the marriage agreement, which allows them to choose the regime of separate material goods or "spouses can also apply non-typical property regimes, which do not are provided by law.

In the field of matrimonial property relations, the French law was significantly changed only in 1965, when a major reform was carried out that is also based on the idea of family solidarity and the legislator decided to define the property acquired in the community as a legal regime.

Marriage is a social and legal institution present in all cultures, although understandings of what constitutes a marriage and its legal and social consequences vary from country to country (Gashi, 2022).

In the French law, the marriage contract must be in written form and notarized KovačekStanić, 2002). The specificity of French law is that the contract must be approved by the competent state body - the court (tribunal de grande instance).

According to the Croatian legislation, marital property is the property that the spouses have acquired during the marriage or derived from this property. The Croatian legislation also foresees the marriage contract which can be concluded both during the marriage and before the marriage, but in the latter case its legal effects arise only from the day of the marriage and if the marriage was actually concluded (Majstorovic, 2005).

CONCLUSIONS AND RECOMMENDATIONS

Property legal relations are regulated by special laws and provisions. The division of the common property can be done by agreement and by court decision at the request of one of the spouses.

The condition for the existence of the joint ownership of the spouses is the marital union, and in cases of separation of the marriage, the joint ownership of the spouses also ceases to exist.

The joint property of the spouses is considered the joint contribution of both spouses, whether through continuous income, i.e. through work, but also through other forms of earning wealth or even by giving help to the other spouse, such as by guiding housework, taking care of children, etc.

The recommendation would be that in the case of legal divorce proceedings, the common property of the spouses should be properly identified in the court, the common property of the spouses should be divided properly, and above all the contributions of the spouses in the increase of the common property should be correctly assessed.

The property of the spouses can be both shared and separate. The property that one of the spouses owns at the time of marriage, the property that the spouse will receive based on inheritance, in the form of a gift, etc. is considered a separate property. As for the gifts that the spouses gave to each other before the marriage or during the marriage, they are not returned, except for gifts of great value.

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ORIGINAL RESEARCH PAPER

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EUTHANASIA – THE MACEDONIAN VIS-À-VIS THE CANADIAN LEGAL CONCEPT IN LIGHT OF THE POST-COVID ERA: ARE WE REDEFINING THE VALUE OF LIFE?

Abstract

If the right to live is a fundamental human right, should the state grant the individual a right to die? If yes, to what extent should the government let people have free will over the termination of their own lives? Society nowadays, is far from reaching a consensus regarding these moral, ethical and legal dilemmas. This also explains the variety of legal solutions regarding euthanasia (generally defined as deliberately ending one's life, usually to relieve suffering) around the globe, ranging from ultra-liberal, to absolutely strict which do not differentiate an act of euthanasia from murder. Bearing in mind that, on one hand, the most widely-practiced religions in the world strongly condemn the voluntary termination of one's own life, and on the other, the modern fundamental human rights jurisprudence is oriented towards widening the scope of "right to private life", states are still very careful in regulating highly sensitive matters like the "right to die". However, few countries, such as Canada, are pioneering in liberalization of their euthanasia legislation in the past couple of years. This work concentrates on the comparative analysis on two different legal approaches towards this question – the Macedonian restrictive legal solution, vis-à-vis the wide positioning of Canada's euthanasia legal framework which is currently receiving a lot of public notice, while simultaneously shedding a light on the challenges which were imposed on countries by the COVID-19 outbreak, in attempt to answer the question: are the latest liberalization trends trivializing human life?

Keywords: Euthanasia, Physician Assisted Dying, Canada, Covid-19, Crisis, Right to Die, Mental Health

INTRODUCTION

The progressive development of human rights, together with medical science, establishes a continuous discussion on the question of euthanasia. Progress in modern medicine allows us a longer and healthier life expectancy. However, prolonging life in this way does not necessarily provide a better or more acceptable death. (LawTeacher, 2013)

On the other hand, the COVID-19 health and economic crisis that struck the world, shed a new light on the concepts of healthcare, access to healthcare, healthcare costs, mental health, as well as death and value of life itself. Governments were put in a position to manage the gap between decreasing hospital capacities and the increasing number of patients. Serious ethical questions arose: should the COVID-19 hospital treatments be free of charge or should patients be left to die if they cannot afford the treatment, should hospitals stop admitting elderly patients if they become overwhelmed, etc. Simultaneously, countries like the Netherlands[1], Belgium, Canada, Switzerland[2], which pioneered in legalizing euthanasia, are nowadays loosening the euthanasia legal framework, especially Canada. But are these debates suitable for the post-covid era when countries are still recovering?

In order to determine a position towards these issues, the first chapter of this article gathers general definitions of euthanasia. The second chapter analyses the latest reforms in the Canadian euthanasia law while the third contains a summary of the Macedonian legal provisions prohibiting euthanasia. The fourth chapter draws attention to the most challenging issues that occurred during the pandemic, in context of the wide positioning of euthanasia law.

1 Netherlands was the first country to legalize euthanasia (Wise, 2001). A legal case has defined the limits within which doctors in the Netherlands can agree to a patient's request for mercy killing (Sheldon, 2001, p. 1384). That was the Brongersma case, which posed the question of whether euthanasia is lawful in the absence of a clinical illness that causes the patient to suffer hopelessly and unbearably (Vries, 2004, p. 384). The case involving Dr Sutorius began in 1998 when he gave 86-year-old former Dutch senate member Edward Brongersma a lethal cocktail of drugs, which the patient administered to himself. Mr Brongersma, although physically well, had said he did not want to go on living. The Dutch Supreme Court has ruled that a doctor who helped an elderly man "tired of living" to die was guilty of assisted suicide (BBC NEWS, 2002). However, the court imposed no punishment, recognizing that he had acted out of great concern for his patient (Sheldon, 2003, p. 71)

2 Switzerland's assisted suicide laws have allowed it to become very prominent in recent years due to what has affectionately been termed "death tourism," led by the company Dignitas (Perper & Cina 2010, 164-165 as cited in Hoffman, 2013). The company helps terminally-ill foreign nationals travel to Zurich (Perper & Cina 2010, 164-165 as cited in Hoffman, 2013). Despite terminally ill patients, patients with diseases such as incurable bipolar disorder or schizophrenia may use the company's services as well (Perper & Cina 2010, 165 as cited in Hoffman, 2013).

CHAPTER I
DEFINITION AND TYPES OF EUTHANASIA

The term "euthanasia" derives from the Greek words "eu" meaning "good" or "well" and "Thanatos" meaning "death". The single term translates as "good death", "mild death" or "mercy death" (Tupancheski, et al., 2012, p. 94).

According to Tupancheski et al. (2012) in theory there are various types of euthanasia. It may be classified as active, passive euthanasia and assisted suicide. The active euthanasia may be further divided into two subtypes: active direct euthanasia and active indirect euthanasia. The first occurs when a terminally ill patient whose suffering is perceived as "unbearable" or "hopeless" is given a certain substance which causes his or her death (e.g. lethal injection). This type of euthanasia is the most controversial and forbidden in most countries. The second, active indirect euthanasia, occurs when the patients are given medications which relieve their pain (e.g. Morphine) but at the same time, hasten their death (Tupancheski, et al., 2012, p. 97). This so called "double effect" usually occurs in situations where the patient is in so much pain that an effective dose of pain-relieving medication exceeds what his/her physical condition will allow. (Hoffman, 2013)

In contrast, "passive euthanasia" occurs when the physician allows or does not prevent death by refusing to act or by withholding life-sustaining treatment. This includes denying medically necessary or useful medications, artificial nutrition and hydration ("ANH"), or refusing to perform cardiopulmonary resuscitation ("CPR"). (Hoffman, 2013).

And while most countries prohibit the active euthanasia, the passive euthanasia is widely spread in the legal systems, as well as in the medical communities. This approach has its justification mostly in ethical sense - it is more wrong, from a moral aspect, to kill someone rather than to let someone die. (Tupancheski, et al., 2012, p. 98)

CHAPTER II
MEDICAL ASSISTANCE IN DYING (MAID) LEGISLATION IN CANADA

The vague and open-ended nature of the terms "medically hopeless situation" as well as a very subjective interpretation of the term "constant and unbearable physical or mental suffering" have clearly opened the door to many instances of euthanasia that are controversial if not outright problematic (Lemmens, 2018, p. 296). Canada, with its latest legal solutions and debates in regards the euthanasia, legally defined as Medical Assistance in Dying (MAiD) in the federal legislation, is an apt example of that.

MAiD is legal throughout Canada from June 17, 2016. Amendments to the MAiD legislation came into force on March 17, 2021 (Health Law Institute, Dalhousie University, 2022).

There are 2 types of medical assistance in dying available to Canadians. They each include a physician or nurse practitioner who: directly administers a substance that causes death or provides/prescribes a drug that the person takes themselves, in order to cause

their own death (Government of Canada, 2022b). The key differences between Canada and other places that allow MAiD are:

- unlike anywhere else, nurse practitioners are allowed to provide MAiD
- unlike the American states, provider-administered MAiD is allowed
- unlike the American states, access to MAiD is not limited to those who are terminally ill
- unlike the European countries, whether suffering is intolerable is assessed entirely by the person (Health Law Institute, Dalhousie University, 2022)

The revised law modifies MAiD eligibility criteria in response to the Superior Court of Québec's 2019 *Truchon* decision (Government of Canada, 2022b). That decision declared that the Criminal Code requirement that a person could be eligible for MAiD only if natural death was "reasonably foreseeable" was contrary to the Canadian Charter of Rights and Freedoms (Nicol & Tiedemann, 2020) meaning that the law no longer requires the individual to have a fatal or terminal condition (reasonably foreseeable death) (Government of Canada, 2022b).

As of March 17, 2021, persons who wish to receive MAiD must satisfy the following eligibility criteria:

- be 18 years of age or older and have decision-making capacity;
- be eligible for publicly funded health care services; (generally, visitors to Canada are not eligible for MAiD)
- make a voluntary request that is not the result of external pressure
- give informed consent to receive MAID (Government of Canada, 2022a);
- have a grievous and irremediable medical condition (Government of Canada, 2022b)

To be considered as having a grievous and irremediable medical condition, the individual must meet all of the following criteria:

- have a serious illness, disease or disability (excluding a mental illness until March 17, 2023);
- be in an advanced state of decline that cannot be reversed;
- to experience unbearable physical or mental suffering from his/her illness, disease, disability or state of decline that cannot be relieved under conditions that the individual considers acceptable;

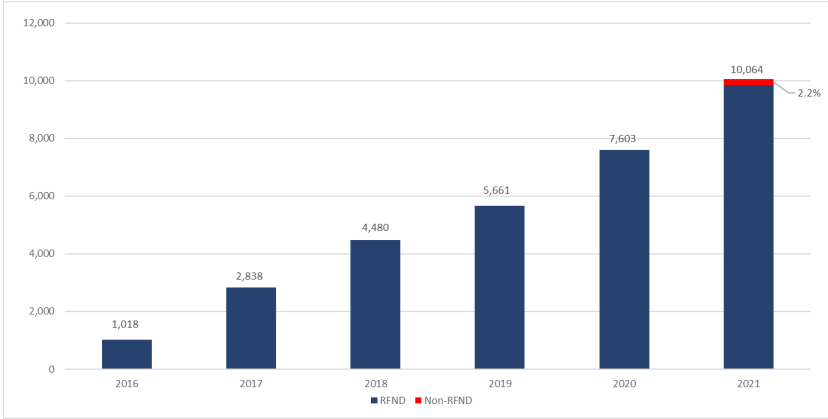
ELIGIBILITY FOR PERSONS SUFFERING FROM MENTAL ILLNESS

Canadians whose only medical condition is a mental illness (this includes conditions that are primarily within the domain of psychiatry, such as depression and personality disorders), and who otherwise meet all eligibility criteria, will not be eligible for MAID until March 17, 2023 (Government of Canada, 2022a).

STATISTICS

In 2021, there were 10,064 medically assisted deaths in Canada, a significant increase from 1,018 medically assisted deaths in 2016 (Elflein, 2022) (see: G-1) The total number of medically assisted deaths reported in Canada since the Parliament passed federal legislation in 2016 is 31,664 (Health Canada, 2022).

G-1: *Total MAID Deaths in Canada, 2016 to 2021*



Cancer (65.6%) is the most commonly cited medical condition in the majority of MAID provisions during 2021 (Health Canada, 2022).

As the new legislation removes the requirement for a person's natural death to be reasonably foreseeable (RFND) in order to be eligible for MAID, in 2021, 2.2% of the total number of MAID provisions (219 individuals), were individuals whose natural deaths were not reasonably foreseeable (non-RFND). The most commonly cited medical condition for this population was neurological (45.7%). Examples of some of the conditions cited under non-RFND provisions included Parkinson's disease, multiple sclerosis, and chronic pain (Health Canada, 2022).

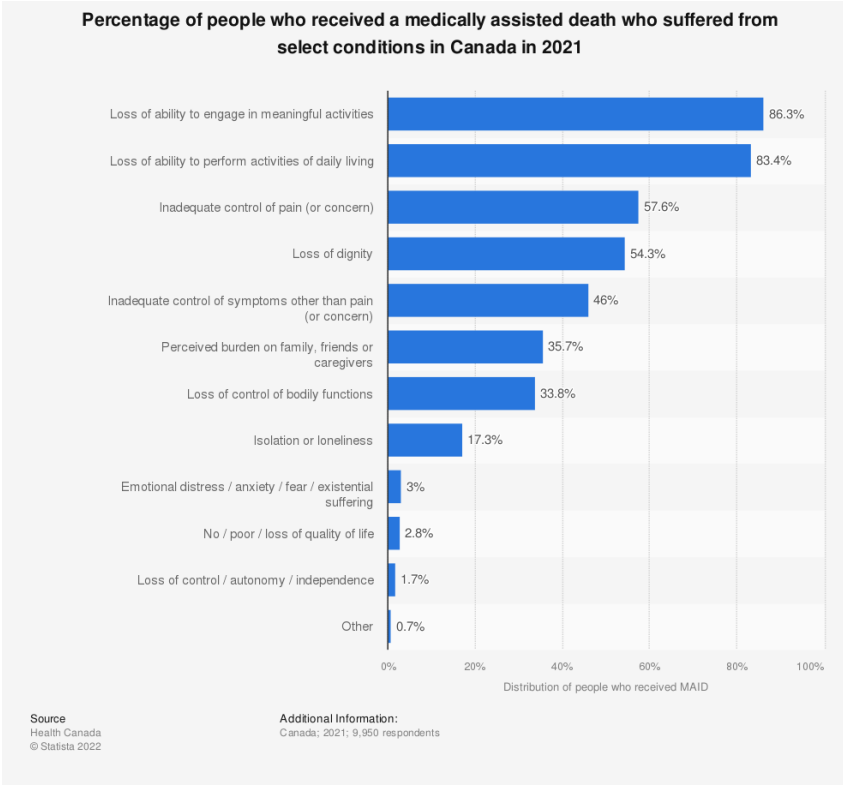
These statistics show concerningly rapid growth of the number of medically assisted deaths since the loosening of the euthanasia legal provisions in Canada. Consequently, they raise the question whether it is the number of cancer patients (the most commonly

cited medical condition in the majority of MAID provisions during 2021) that is alarmingly increasing, or simply it is the number of MAiD applicants, due to the latest amendments in the eligibility criteria, which made the MAID program available even for patients who are not in intolerable pain or whose death is not reasonably foreseeable.

NATURE OF SUFFERING AMONG MAID RECIPIENTS

The most commonly cited intolerable physical or psychological suffering reported by individuals receiving MAID in 2021 was the loss of ability to engage in meaningful activities (86.3%) (Health Canada, 2022). A significant percentage (54.3%) of individuals have stated loss of dignity as their main reason for suffering. Also, worth mentioning is the fact that 17.3% of the individuals were deeply affected by isolation or loneliness that they decided to apply for MAiD (see: G-2).

G-2: *Percentage of people who received a medically assisted death who suffered from select conditions in Canada in 2021*



(Statista, 2022)

As the previous section pointed out the rapid increase in MAID recipients, this section sheds a light on the nature of suffering that those recipients experienced, revealing that it extends far beyond the most widely accepted criteria for euthanasia in different legislations - that is to have a terminally ill patient whose suffering (mainly physical pain) is perceived as "unbearable" or "hopeless". The fact that applicants have stated reasons as inability to engage in meaningful activities, loss of dignity, and even isolation and loneliness, is the ultimate representation of the extremely wide positioning of Canada's legal framework. It surpasses the traditional eligibility criteria for euthanasia, making it immensely easy for patients to enroll in the program, which eventually raises serious moral and ethical dilemmas.

CONTROVERSIAL CASES

Shortly after the adoption of Canada's revised euthanasia law, controversial MAiD cases started to emerge. Christine Gauthier, a paraplegic former member of the Canadian military who competed for Canada at the 2016 Rio de Janeiro Paralympics testified before the House of Commons veterans committee that the Department of Veterans Affairs offered her, in writing, the opportunity for a medically assisted death as a response to her requests for a home wheelchair ramp that she had been making for five years (CBC News, 2022). Around five cases of military veterans being offered assisted euthanasia have been referred to Canadian police (Mail Online, 2022).

Alan Nichols had a history of depression and other medical issues, but none were life-threatening. The 61-year-old was hospitalized in June 2019 over fears he might be suicidal. Within a month, submitted a request to be euthanized stating only one health condition as the reason for his request: hearing loss. Nichols' family reported the case to police and health authorities, arguing that he lacked the capacity to understand the process and was not suffering unbearably. According to them, he was not taking needed medication, nor was using the cochlear implant that helped him hear, and that hospital staffers improperly helped him request euthanasia (NZ Herald, 2022). Another infamous case worth noting is the story of Amir Farsoud, who applied for euthanasia because of his fear of becoming homeless (Cook, 2022b). Human rights experts in Canada are alarming that some disabled people are successfully asking to die merely because they can't afford their medical bills, while others have reported pressure from health authorities to accept MAiD because their health care would cost too much[3].

These are just a few examples that justify the concern of human rights experts. Gerard Quinn, Claudia Mahler and Olivier De Schutter, in their Human Rights Council report, expressed a great concern about the expansion of the right to MAiD for persons with disabilities who are not themselves close to death, stating that:

"There is a real risk that those without adequate support networks of friends and family, in older age, living in poverty or who may be further marginalized by their racialized,

3 In an on-going case in Ontario, a severely disabled man is suing the Canadian government and local health authorities for pushing him to accept assisted dying (Cook, 2022c)

indigenous, gender identity or other status, will be more vulnerable to being included to access MAiD." (Quinn, et al., 2021).

Similarly, author Tim Stainton expresses concerns that any safeguards can fully protect disabled persons from an unwanted death as a result of subtle pressure, despair at living in a world where their daily existence is seen as one of inevitable suffering or, exhaustion from fighting for the accommodations required to live a life of dignity (Stainton, 2019). He even draws a parallel between the use of euthanasia in Nazi Germany[4], and the Canadian MAiD program describing it as "probably the biggest existential threat to disabled people since the Nazis' program in Germany in the 1930s." (Cook, 2022d)

COST ANALYSIS OF MEDICAL ASSISTANCE IN DYING IN CANADA

Recent studies show that providing MAiD in Canada could reduce annual health care spending across the country by between $34.7 million and $138.8 million, exceeding the $1.5–$14.8 million in direct costs associated with its implementation (Trachtenberg & Manns, 2017). These estimations, in correlation with the implications that the COVID-19 pandemic had upon health systems, as well as impact of the current energy crisis, inevitably pose the questions: how can we be sure that governments are not misusing euthanasia laws to save money in times of crisis? Are the latest trends of loosening the euthanasia rules sending a message that patients are burden to the society and dying is a "cost-effective alternative"?

CHAPTER III
EUTHANASIA LAW IN THE REPUBLIC OF NORTH MACEDONIA

Opposite from Canada, euthanasia in the Republic of North Macedonia is illegal, as it is in the majority of the jurisdictions worldwide. The legal provisions which prohibit euthanasia are placed in Chapter 14 of the Criminal Code - Crimes against the life and body, in Article 124, named "mercy killing", and defined as taking another person's life out of noble motives. The imposed sentence for this criminal offense is imprisonment from six months to five years (Criminal Code, 1996, art. 124). As seen from the imposed sentence, the mercy killing which covers cases of euthanasia, is considered a priviliged form of the crime murder, for which the imposed sentence is imprisonment of at least 5 years (Criminal Code, 1996, art.123).

4 During World War II, the term euthanasia had been used as euphemism for covering murders of people, whose lives were considered worthless by the Nazis in order to achieve "racial hygiene". In 1939, Hitler signed a decree approving the killing of people declared as incurably ill. The purpose was not put an end to people's suffering, but rather to kill those who were considered inferior to the "Aryan" race (Tupancheski, et al., 2012, p. 96).

CHAPTER IV

The COVID-19 impact on society and individuals

The recent COVID-19 pandemic gravely affected the functioning of the entire healthcare systems, but also, the mental health, as well as the overall well-being of the people.

Although Canada is the world's ninth-largest economy (Silver, 2022), each wave has challenged its health systems to find the balance between caring for COVID-19 patients and patients with other health issues. From March 2020 to June 2021, approximately 560,000 fewer surgeries were performed, and hospitals admitted 11% fewer inpatients, compared with the pre-pandemic. (Canadian Institute for Health Information, 2021)

In North Macedonia, COVID-19 has had a relatively high health impact. As of 26 May 2021, the economy counted the second highest number of COVID-19 deaths in the region with 5 337 registered deaths (or 2 570 per million inhabitants) (OECD, 2021). Prior to the crisis, social assistance programs were small in scale, poorly targeted and only reduced the risk of poverty by 3.7% in 2016 (OECD, 2021). As regards the quality of life and well-being, even before the COVID-19 pandemic, life satisfaction was much lower in North Macedonia than in the average OECD country. (World Bank, 2018 as cited in OECD, 2021).

Apropos the impact on individuals, the COVID-19 widespread outbreaks triggered adverse mental health consequences. Anxiety, depression and stress were common psychological reactions to the pandemic (Rajkumar, 2020). Furthermore, the pandemic provided perfect conditions for exacerbating emotional and social loneliness. Individuals were feeling aimlessness and boredom, as well as anxiety of loneliness because of solitary living, or loss of loved ones (Ash & Huang , 2022, p. 99). Authors like Laura I Appleman even argue that there was a hidden eugenic thinking supporting the mistreatment of disabled, captive, and vulnerable individuals during the pandemic (Appleman, 2021). According to her, long-term adult care facilities, psychiatric hospitals, as well as group care homes for people with developmental or intellectual disabilities have been notoriously deadly hubs during the pandemic (Appleman, 2021, pp. 132, 142, 144).

CONCLUSION

The COVID-19 pandemic severely damaged national economies and health systems, spearing neither developed nor poor countries. It diminished the quality of life, pushed people into poverty, loneliness and isolation, while causing various mental health problems such as depression and anxiety, and exposed the most vulnerable individuals to additional risks of marginalization. In this regard, Canada's new approach towards loosening the euthanasia law legitimately raises concerns because it primarily targets the exact groups of vulnerable individuals which were most affected by the COVID-19 pandemic. The drastically increased number of MAiD recipients, the widening of the eligibility criteria for those how are not terminally ill, and eventually for mentally ill patients, the significant percent of applicants who have stated loneliness or poverty as a main reason for suffering,

draws the conclusion that profoundly vulnerable patients are being offered the cheapest, but most dramatic and irreversible final solution to their suffering: death.

In the Republic of North Macedonia there are no current debates on loosening the euthanasia law. However, we must carefully observe the global tendencies on this topic because if we decide to follow the pattern, the country risks facing devastating consequences. That is mainly because its recovery from the pandemic is slow and insufficient, the health system is disrupted, social policies are substandard, the steady income flow is endangered and population's mental health is gravely affected. Thus, legalizing euthanasia shall become a slippery slope towards the debasement of human life. In times of ongoing energy crisis and inflation, the last thing society needs is a moral inflation diminishing the value of human life.

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ORIGINAL RESEARSH PAPER

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FUNCTIONAL NON-INTEGRATION OF PUBLIC HEALTH SYSTEMS AND THE CREATION OF EXTRA INCOME IN A COVID-19 PANDEMIC CIRCUMSTANCES[1]

Abstract

It is completely impermissible and no justifications can be found at all for the non-integration of a state health system in a crisis situation in which it must function completely optimally-a crisis situation like the conditions of a declared epidemic and pandemic situation. State health system defined as the totality, networking and harmonization of work and the level of real functionality of absolutely all health facilities that exist within the state community. In such conditions, health systems must be fully integrated, including in relation to differences in the ownership status of separate health facilities that exist and operate within the health system. The state, the executive power must take over the management of the health system of the state defined in this way. Thus, the entire health system, regardless of the ownership status of individual health facilities, must be transformed and function as a public health system. The state must not, at any cost, must not allow the epidemic and pandemic crisis to be used by individual health facilities, by definition commercial ones, those that are private or shareholding owned, to obtaining extra income and extra profit. And if that still happens, then those health facilities must be subjected to socially appropriate and fair extra taxation.

Keywords: Public health system; epidemic and pandemic crisis situation; extra income and extra profit; extra taxation; state interventionism and state regulation.

1 This text was written based on the insights obtained from the project "Comparative analysis of social conditions and challenges in the Balkans", Institute for Sociological, Political and Juridical Research, "Ss. Cyril and Methodius" University, Skopje, 2022.

INTRODUCTION

The national, including the Macedonian, public health system faced the COVID-19 pandemic burdened with several distinctly negative and limiting conditions. Several such limiting conditions can be listed and analyzed that had a distinctly negative impact on the demonstrated functional performance of the national public health systems, including, of course, and the Macedonian public health system. One of those limiting conditions is the determination, or the impotence as a political determinant, of the Macedonian government to establish full integration of the national public health system. In particular, it means to integrate and merge them into one optimally functional public health system of all health facilities regardless of their ownership status. In this sense, the Macedonian pandemic experience is only one of many of the same or similar national pandemic experiences. In this way, the governments, including the Macedonian government, allowed private health institutions to realize extra income and extra profit during their commercial operations, to the detriment of the integration and functionality of the national public health systems and in general to the detriment of the overall social integration and cohesion. Something that is quite normally subject to some kind of extra taxation. This is the topic of this text, which is a sociological text, that is, in terms of the special sociological disciplines, this text is a text from the special sociological areas of medical and economic sociology.

THE PANDEMIC NON-INTEGRATION OF THE PUBLIC HEALTH SYSTEM AND THE TOTAL SOCIETAL DISINTEGRATION

We are very precisely and clearly talking about a specific integration and functionality of the Macedonian public health system, we emphasize, that system is defined strictly medically-sociologically, we are talking about the integration of the entire system of health care, that is, of public health, integration of all health facilities, of all levels and of all types(Сасајковски, 2021). And with a special emphasis on providing a really necessary and mandatory level of integration and functionality in circumstances and conditions of a declared pandemic, regardless of the ownership status and ownership structure of the individual health facilities. At the same time, by focusing on several essentially and fundamentally important policies, measures and activities as the competences of state interventionism in such pandemic circumstances and conditions (Sasajkovski, 2020), and which primarily should and must move along the line of taking over management from on the part of state interventionism, with the introduction of work obligations that also implies the impossibility of arbitrarily leaving the workplace or moving from one health facility to another, with the division of more specific health procedures, operations as the primary activity of certain health facilities, of course while leading account for their specialization and for the more specific medical profile of the employed staff (for example, whether it is a general or specialist hospital and what kind of specialist health facility), price control of separate health procedures and operations, that is, of, conditional speaking, health services, through the unification of prices for the same such procedures, operations and services.

The non-establishment of the really necessary level of quality of integration and functionality of the health care system, that is, the public health system defined medical-sociological as Helath Care, certainly contributed to the emergence of excess mortality, for example, through the inaccessibility and impassability of the health care system for timely and adequate prevention, diagnosis, control and treatment of a whole range of diseases that are unequivocally life-threatening.

Thus, full integration of the health system has not been carried out in conditions of a pandemic, the health system has not been integrated in its entirety-institutions from primary, secondary and tertiary activities, as well as other health organizations, for example laboratories which, of great importance in this the context is to point out that they, and not only private hospitals, they achieved high incomes in conditions when public, state laboratories did not have the capacity or did not have the managerial ability to respond to the needs of their activity and determination of positive cases of the virus, as well as a range of other necessary laboratory activities in the existing epidemic circumstances.

The importance of the phenomenon and theory of social capital cannot be omitted here, even though in the history of sociology, in the history of sociological theories, there is a certain reservation, or contradiction, regarding its theoretical and methodological use value and usefulness in sociological research. We specifically define the term social capital as the level of integration and cohesion of the social community that means, should mean one of the set of factors that have the strongest and most decisive influence on the functionality of the social community and thereby influence the level of satisfaction of interests, needs and goals of both the social community as a collective and the members of the community as individuals, as persons, as citizens. The non-integration and completely problematic functionality of the public health care system, in a very direct, brutal and destructive way emphasized, strengthened and even deepened the economic-sociological differences that quite realistically and objectively exist within the Macedonian society. After all, the Gini coefficient is unacceptably high, as a coefficient that demonstrates and measures the inequality of the distribution of the Macedonian national wealth.[2] Through the existing arrangement, integration and functionality, i.e. dysfunctionality, of the Macedonian public health care system in the specific epidemiological conditions, unfortunately, it has to be underlined practically countless times extremely significantly, the economic-sociological differences and oppositions, or the social differences as commonly spoken, those differences in the current epidemiological circumstances and conditions dramatically manifest, flare up, expand, deepen and in various ways, forms and contents even multiply, which is of particularly important social negativity and perniciousness precisely in the field of the specific social area, the area of public health care, an area which in the most direct, most essential and most fundamental way and with the same power refers to elementary humanism, to elementary philanthropy, to the existing level of historical-civilizational and historical-cultural progressive growth and development , refers to the basic value principles, standards and measures of such civilizational growth and development. And in favor of the brutal, inhuman commercialism and predatory profitability that has permeated the field of public health care. In this context, the non-integration of the public health care system, especially

2 World Bank, Gini index-North Macedonia, www. data.worldbank.org/indicator/SI.POV.GINI?locations=MK

in the conditions of a declared pandemic, in an extremely precise and clear way, in a way of complete significance, reflected and almost brought to the extreme limits, to the extreme consequences, the basic contradiction and the basic conflict of modern society, practically of modern capitalist society-the unequal distribution of the national wealth. In the face of such social destruction, dramatically and traumatically manifested and negatively "upgraded", the health system in its entirety, the public health care system, all the various individual facilities, which are included in that system regardless of their ownership status and their ownership structure, those facilities essentially, fundamentally, inevitably, should, even must, be treated by the social community, that is, by state interventionism, as an instrument of the social community and of the total social interest, as resources and as capital, as parts, elements and structures of the national wealth, that is, its distribution (Bhandari, 2009).

THE FUNCTION AND POWER OF STATE INTERVENTIONISM

The role of the market and the role of state interventionism in the distribution and redistribution of national wealth, including the role of the market and state interventionism in the distribution and redistribution of income in the social area of the health care system, specifically in the part of that system in which private initiative, entrepreneurship and investments are legally regulated and allowed, they are not controversial in themselves. It is not disputed that a market of health activities can be formed, but it is also not disputed that state interventionism must have serious regulatory competences in accordance with the nature of the activity, that is, by the very fact that in that market there should be an activity related to of human health, both as individual health and as public health, national health, health of the social community as a collective. A system that by its very nature and structure as a system of public interest, a system of the widest public interest as a system that takes care of the health of individual members, of the citizens of the social community and the health of the overall social community as public health, as national health , in their dialectical unity, essential and thoroughly inherent, consistent and convergent must be subject to the most developed, drastic state interventionism, including appropriate supervision. Interventionism that refers to all individual segments and stages from the establishment of the institutions to their final activity as organizations, as institutions that are included in the health care system, i.e. in the overall system for public health care, something that practically means a complex of the issuance of appropriate permits, licenses, concessions, etc. for the initial registration of work, until the prices of their services and their income and their profit. A finding which, as a content and as a meaning, of course, essentially refers to private initiative and entrepreneurship in the field of health care, that is initiative and entrepreneurship which by their essence and nature are commercial activities, in contrast to the activity of public, state facilities which by definition are not commercial facilities, but which, nevertheless, as far as possible, must be managed and operated in accordance with the best principles, postulates and practices. Clearly, until the commercial and profit interest penetrates into the social-humanistic untouchable zone of their nature as public facilities of the most essential and broadest social interest, which is actually the interest of protection

and care for the public, for the people's health. That is why, for example, these subjects, by rule and by definition, are not subject to bankruptcy proceedings. (Mwachofi, 2011).

When talking about private initiative and private investments in the field of health care, it must be emphasized that it is directed in a race for profit, which means that it is directed only in those medical specializations that at the given moment are really commercial, that are really profitable , with an emphasis that in the Macedonian legislation, private initiative is not allowed in those medical specializations that enter into a somewhat broader definition of the term public health. This is generally the field of activity of the Institute of Public Health, as a state professional body whose competence is the management of the care and protection of public health, and that primarily in relation to diseases that are infectious diseases and that have the treatment of collective diseases, in a certain narrower definition of the term collective disease. So, a definition that is not primarily medical-sociological, but is primarily biological-medical with a certain narrower meaning. And this is so even in the USA where the field of health care is to the greatest extent commercialized and generally market-oriented, practically it is completely commercialized on the basis of private and shareholder initiative and entrepreneurship, including health insurance, except for the two health insurance plans-for the young and for the elderly. The fact is that until the emergence of the current epidemic and pandemic in Macedonia, the private initiative in infectious medicine practically did not exist. And, in general, globally, as a specialization within medical activity and science, it was in a certain way marginalized as a specialization that does not have a bright, i.e. highly profitable, actuality and future, because, obviously superficially and wrongly, it was considered that infectious diseases, with a clear an allusion, of course to the spaces of the global, economically-sociologically developed, West, or the global North, to a large extent are diseases of the past, that these are diseases that have been overcome and diseases that appear only after longer periods of their non-existence (Gubb, 2009). But the completely negative Macedonian experience shows that after the declaration of the epidemic and when it became clear that infectious medicine as a specialization can be commercial and be a profitable specialization, and a very profitable one at that, almost in an instant the private initiative turned to infectious medicine as well. And at the same time by taking over the scarce infectious disease specialist staff from the public, from the state healthcare, something that the state authorities simply could not allow at practically any cost. A takeover that certainly took place on the basis of better, probably much better, material and financial conditions and benefits. But in order to achieve this, to prevent precisely such recruitment, the management of the entire health care system, that is, the entire public health care system within its wider scope as Helath Care, had to be undertaken, and at the same time, and as an inevitable, essential and turning measure, among other things, to introduce a work obligation in the field of health protection, the field of public health care. Speaking in this context, it can also be underlined that our Macedonian experience is, to a large extent, negative in the sense that it is set on the foundations of commercialism and profitability in an extremely radical way, even with dimensions of unscrupulousness and inhumanity, emphasizes the reality of a general lack of interest in investing in medical scientific research. Even in public health, state health, that is, in the field of higher education and scientific activity and research in our country, apart from a medical faculty or faculties, there never existed and now there are no institutes for medical research with a general

medical setting. So, not institutes within the Faculty of Medicine of the University of Ss. Cyril and Methodius with their specialist placement, as they exist. For example, in the post-Yugoslav areas, such institutes are the Institute for Medical Research at the University of Belgrade, the Institute for Medical Research at the MMA in Belgrade, the Institute for Medical Research and Occupational Medicine at the University of Zagreb. At this point, let's dwell only on them.

EXTRA INCOME, EXTRA PROFIT, EXTRA TAXATION

Realization of extra income and extra profit, in conditions of declared epidemic and pandemic by health facilities in their wider determination, with the very important inclusion of biochemical laboratories, by health facilities in private ownership and placed on the basis of commerciality and profitability as the true meaning, as the true interest and as the true purpose of their establishment and operation, must be treated by the state interventionism in the same way as the treatment of all other commercial and profitable market entities that made extra income and extra profit during the epidemic and pandemic period. It should be emphasized once again: this was a practice in the conditions of an epidemic and a pandemic, it is an area, the area of health care, the area of public health care as defined in this text in a medical-sociological context, an area that cares about human and individual and collective, national, public health as one of the greatest values of a truly humane human life, public health, as a fundamental value and as a fundamental pillar on which human welfare is founded and built, and on which human life is confirmed as truly human life in accordance with the current understandings of the highest reaches of historical-civilizational and cultural-civilizational growth and development, but it is an area that through privately owned health facilities in the specific epidemiological and pandemic circumstances and conditions was and still is exclusively available, only to those citizens who belong to the social classes or strata with material-financial ability and power to do so. Or, for citizens to sell movable or immovable property, or to take on debt in different ways, so that they can be treated in privately owned health facilities, including in cases where public, state health facilities, due to capacity insufficient for real needs, were not available for all latent patients. Thus, the lowest possible bottom, or, perhaps, the highest peak, of dehumanization of the health care system, that is, of the public health care system, has been reached. In this way, precisely in the social field of health care, i.e. in the social field of public health care, the most drastic and radical possible relativization, compromise and disparagement of the fundamental historical-civilizational and cultural-civilizational values and principles took place. These are the values and principles of the modern humanism, on which modern society and its historical-civilizational and cultural-civilizational axis rest theoretically, conceptually and ideologically (Merone, 2021). Or, perhaps, something completely expected and normal happened from the point of view of the real and true foundations and rules on which the modern capitalist society is established and functions. Probably, that's exactly what happened: a direct clash and conflict of exposing and significantly marking the

real social relations, those (neo) liberal capitalist relations, of their real nature and structure, and not of their declared or ideologized nature and structure, took place (Eliason, 2015).

This empirical knowledge, that is, this dehumanization, made possible through the failure of state interventionism to establish an integrated and functional system of health care in circumstances and conditions of epidemic and pandemic, system available under equal conditions to members of all social strata in accordance with the real needs to satisfy and fulfillment of the social function of health care in strict accordance with humanitarian values, principles, postulates, standards and criteria, the realization of extra income and extra profit, essentially on non-market bases and in epidemic and pandemic circumstances and conditions that decisively enabled the realization, and not only to private healthcare facilities but also to all other economic entities affected that benefit from these non-market circumstances and conditions, in an extremely strong and essential way they imposed the need that cannot be deviated from with any real reasoning, the need for extra taxation of that extra income and extra profit achieved in those circumstances and conditions. Something that is already undertaken and implemented precisely in countries with a developed, stabilized and long tradition of capitalist, (neo)liberal market economy (Deaton, 2021).

For the taxation of extra income and extra profit, the existing tax legislation can be used, if it is really possible, that is, if it contains one or more specific provisions that regulate exactly this case. But it is very important to point out something that is probably of crucial importance for the legality and even more so for the social legitimacy of this conditionally called extraordinary, extra taxation. It is the emphasis of the necessity to avoid some so-called creative interpretations of the existing tax regulation. An interpretation that can later be challenged in administrative and judicial proceedings, and perhaps even in international arbitration proceedings. This emphasis refers, very clearly, to the legality of the procedure for the possible adoption of a special law on extraordinary taxation, if a completely realistic and objective conclusion is reached on an expert and scientific level that the existing tax legislation does not allow it. It is certain that in the governmental phase of drafting such an extraordinary law and then in the parliamentary procedure, there will be strong "side" involvements and influences from interested commercial entities, including, quite clearly and naturally, also from privately owned health facilities, whose interests will certainly be negatively affected by such extra, extraordinary taxation. So, if possibly the application of the existing tax legislation can actually have certain legal problem, then, of course, it is possible to adopt a special law for taxation of the extra income and extra profit. That special law, depending on the specific circumstances and the reality of the achievement of the set goal, can be one-time, but it can also be applied multiple times. In any case, the adoption and application of such a law or the application of existing tax legislation can be quite successfully rationalized and defended both in political and in any legal procedure by strongly emphasizing, arguing and proving unscrupulous use for the realization of extra income and extra profit, i.e. excessive income and excessive profit, to the extraordinary market circumstances caused by the emerging epidemic and pandemic. That means in conditions in which some market entities in a (neo)liberal non-market way and in (neo) liberal non-market conditions, that is, in conditions of a certain heteronomous suspension of regular market legalities, achieved excessive, extra, income and excessive, extra, profit, and, on the other hand, in the same degraded and compromised market conditions and in

the same markets, some other market entities realized an excessive loss of both income and profit (Rosembuj, 2020).

CONCLUSION

In the circumstances and conditions of an epidemic and pandemic, one of the most primary and essential duties of state interventionism is to establish a fully integrated system of health care, i.e. care for public health, generally through appropriate policies, activities and measures to undertake the management of the entire system of health protection, which means, literally with all health facilities regardless of their ownership status and character. Only in this way will the commercialism of privately owned health facilities be tamed. In the conditions of an epidemic and pandemic, privately owned healthcare facilities, as strictly for-profit facilities, due to not taking the necessary policies, activities and measures of state interventionism in the direction of taking over the management of all health facilities, regardless of their ownership status, achieved extra income and extra profits. Because of that, their extra income and extra profits must be extra taxed, through progressive taxation with more progressive tax rates and with a low capital value, a low capital limit from which those progressive tax rates will be applied.

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