

CIDSS



MMXIX

Vol.: II, No.: 1

ISSN: 2545-4854



GIF[®]
GLOBAL IMPACT FACTOR

ROOTINDEXING
JOURNAL ABSTRACTING AND INDEXING SERVICE

EUROPEAN & BALKAN PERSPECTIVES

JOURNAL OF EUROPEAN AND BALKAN PERSPECTIVES

Scientific Journal of Contemporary European and Balkan Politics:

Law, Economics, Security Issues, Cultural and Ethnic Studies and Environmental Policies

Volume: **II**
Number: **1**
Skopje **Spring**
2019

For the Publisher:

Center for International and Development Studies – Skopje

Центар за меѓународни и развојни студии – Скопје

Contact:

Address: “Anton Popov” Str. 35/3, 1000 Skopje

Web: www.cids.org.mk

Email: cids.skopje@gmail.com

For the Journal:

JEBP: **ISSN: 2545-4854**

Web: <https://cids.org.mk/index.php/en/publications/journal>

Indexed: **GIF Global Impact Factor – 0.198**

(<http://globalimpactfactor.com/journal-of-european-and-balkan-perspectives/>)

ROOT Indexing – Journal Abstracting and Indexing Service –

<http://rootindexing.com/journal/european-balkan-perspectives-JEBP/>

EDITORIAL BOARD:

Editor-in-Chief:

Professor Mitko Kotovchevski PhD, Ss. Cyril and Methodius University of Skopje

Deputy Editor-in-Chief:

Assistant Professor Jana Kukeska PhD, University of Tourism and Management Skopje

Editors:

Professor Oscar Afonso PhD, University of Porto

Professor Rudolf Kucharčík PhD, University of Economics in Bratislava

Professor Milan Milanov PhD, South-West University Neofit Rilski of Blagoevgrad

Professor Anton Parvanov PhD, University of National and World Economy of Sofia

Professor Goran Bandov, PhD, Dag Hammarskjöld University College of International Relations and Diplomacy in Zagreb

Professor Slavica Singer PhD, Josip Juraj Strossmayer University of Osijek

Professor Boris Angelkov PhD, St. Clement of Ohrid University of Bitola

Associate Professor Haris Halilović PhD, University of Sarajevo

Assistant Professor Michael Dimitrov PhD, New Bulgarian University in Sofia

Assistant Professor Drenusha Kamberi PhD, Mother Theresa University of Skopje

Assistant Professor Driton Muharremi PhD, AAB College of Prishtine (Judge in the Kosovo Court of Appeals, Serious Crime Department)

ADVISORY BOARD:

Blagoj Conev PhD (European and Balkan Politics)

Biljana Buzlevski PhD (Economics)

Aleksandra Cibreva – Jovanovska PhD (Economics)

Liljana Pushova PhD Candidate (Economics)

Kire Babanoski PhD (Security Issues)

Blagica M. Kotovchevska PhD (Security Issues)

Milica Denkovska PhD Candidate (Cultural and Ethnic Studies)

Anita Dimitrijevska – Jankulovska PhD Candidate (Cultural and Ethnic Studies)

Bojan Mitrovski PhD (Environmental Policies)

Petar Petrov PhD Candidate (Environmental Policies)

*As Editor-in-Chief of **Journal of European and Balkan Perspectives** I am delighted to announce the issuing of the first number in the second year of our scientific journal. The focus of this number is the Balkan region in the contemporary world. Namely, the scientific fields in this number as such are part not only from the international security, but also are factor in every state's domestic policies, law and humanities. Besides the Balkans the topics of the articles in this issue are related to the economics, development and business policies in the Balkan states. I honestly hope that this number of the Journal will become a new perspective for the young generation of researchers and academia members.*

Prof. Mitko Kotovchevski PhD,
Editor-in-chief of the
Journal of European & Balkan Perspectives

CONTENTS

Security & Foreign Policy	7
THE IMPACT OF MIGRATION ON EUROPE Bozhidar Milanski.....	8
COUNTERING VIOLENT EXTREMISM THAT LEAD TO TERRORISM: SITUATION, POLICIES AND CONCEPTS Kire Babanoski, Ice Ilijevski, Zlate Dimovski	17
Balkans Law & Criminology: Review.....	28
HUMAN TRAFFICKING: FACTORS AND TRENDS Aguš Demirovski, David Berat	29
INTERLOCUTORY PROCEDURE - COMPARATIVE ANALYSIS BETWEEN MACEDONIA AND SERBIA Bozhidar Milanski.....	38
PRISON LIFE: LIVING IN AND LEAVING PRISON: REHABILITATION AS THE LEADING GOAL AND IDEA OF THE CRIMINAL SANCTION Daniela Trajkovska	49
CRIMINAL AND LEGAL ANALYSIS OF THE CRIME HEAVY THEFT(ART. 236 OF THE CRIMINAL CODE) Toshe Panov	57
Business & Economics	62
CONDUCTIVE FACTORS FOR DEVELOPMENT AND PROMOTION OF SOCIAL ENTREPRENEURSHIP IN NORTH MACEDONIA Stefan Chichevaliev	63
Europe & the Balkans: A Humanities Review	75
EUROPEAN KUNDERA’S NOVEL GIVEN THROUGH THE DETERMINATION OF THE EXISTENTIAL CODE Anita Dimitrijovska – Jankulovska, Slavica Gadzova – Sviderska.....	75
PSYCHOLOGY OF COMMUNICATION REGARDING JUVENILE DELINQUENTS: ANALYSIS OF FREUD'S PSYCHOANALYTIC THEORY AND THE FORMAL OPERATIONAL STAGE OF PIAGET'S THEORY Liljana Siljanovska, Stefani Stoychevska	82
THE GERMAN VERBAL PREFIXES AND VERBAL PARTICLES AND THE HUNGARIAN CO-VERBS: A CONTRASTIVE STUDY Viktorija Blazheska.....	93
BUILDING A SOCIETY OF EQUAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES USING DIGITAL MEDIA Zeljka Buric.....	100

BETWEEN THE REMAINS OF YUGOSLAVIZATION AND THE NEW CULTURAL
CONDITIONS AND POLICIES: THE NEED FOR MODERNIZATION OF THE
TEACHING PROGRAMS ACCORDING TO THE ACTUAL HISTORICAL AND SOCIAL
CONDITIONS Slavica Gadzova – Sviderska, Anita Dimitrijevska - Jankulovska 105

Security
&
Foreign Policy

THE IMPACT OF MIGRATION ON EUROPE

Bozhidar Milanski, PhD

Ministry of Interior of the Republic of North Macedonia

Abstract

This article deals with the very delicate problem of the contemporary civilization - the problem of migration, which for many years now, is a topic of interest not only to the European but also to the world public. However, migrations came to the spotlight during the European migration crisis in 2015, when a large wave of refugees headed to countries and territories of the European Union - a territory that, for several years now, represents the most desirable but also the easiest achievable destination. To understand the current migration crisis, which flows from Africa, the Middle East and Asia to Europe, as a complex and more dimensional phenomenon, its causes need to be perceived. This migrant pressure was an exam for countries that have found themselves on the migration route, for the destination countries, but also for the European Union as a whole, threatening some of its basic principles. In this context, the European migrant crisis has opened up some new issues and problems, pointing to new dimensions of this problem. It is evident that the EU states and institutions later recognized or more accurately underestimated the migration problem. The difficulty in resolving the crisis was an aggravating circumstance, as well as the lack of a common approach of the European countries, but also the various concrete political views on the issue.

Keywords: migrants, migrant crisis, international relations, security risks, demographic challenges, European Union.

INTRODUCTION

Migration as a phenomenon is as old as humanity. It has played an essential role in shaping the world as we know it today. Migration is the movement of people from one place to another, from one continent to another, in order to temporarily or permanently changes the place of residence. Depending on the reasons for migration, economic and political migration (refugees) can be mentioned. Economic migration implies the resettlement of people for better living conditions, better quality of life and employment, while in the case of political migration people are fleeing wars, regimes, conflicts, and in doing so seek asylum in another country. People migrating are called migrants. In literature and everyday speech, in terms of international migration, the terms emigrant and immigrant are often heard. People who are migrating from a country are called emigrants for that country, while in the countries in which they migrate, they are called immigrants. The reasons for migration are usually analyzed through the so-called push and pull factors, ie factors of pressure and factors that attract. Factors that push people to migrate can be wars and clashes, repressive regimes, systemic threats to human rights and freedoms, poverty, unemployment, racial, religious, ethnic hatred and intolerance, climate change and natural disasters, and the demographic explosion in some parts of the world.¹ As pull-factors, one may determine the better living conditions, greater security, improvement of social status, political freedoms, religious tolerance etc.² Migrant Crises are the most important demographic, economic and political problem of European society. The European Union's population in 2015 faced more than a million people who mainly escaped from war-affected areas (Syria, Afghanistan, and Iraq) and sought asylum in some of the European countries. The great migrant crisis in Europe has produced serious political, economic, social, security, environmental and other consequences in the countries through which migrants have either passed or temporarily or permanently stayed.

As for the number of the migrants in the world, according to the United Nations Report (UNESCO Department of Economic and Social Affairs)³ in 2015, the number of migrants in the world was 244 million. In addition, most migrants are deployed and live in 20 countries. Majority of them are deployed in the United States (47 million), which presents almost a fifth of the world's migrants or 19% of the total number of migrants. Next comes Germany (12 million), Russia (12 million) and Saudi Arabia (10 million). European countries with the highest number of migrants are Germany (12 million), Great Britain (9 million), France (8 million), Spain (6 million), Italy (6 million), Ukraine (5 million) and Turkey (3 million) .Looking at the demographic characteristics, in 2015, women make 48% of the world's migrants. The number of migrant women exceeds the male migrant population in Europe and North America, while in Africa and Asia the number is more numerous. In Europe in 2015, 52.4% of the migrant population is women. The average age of migrants in the 2015 world is 39 years, and in Europe for 43 years. 72% of world immigrants aged 20 to 64, 15% are under 20, and 13% over 65.

REASONS FOR THE EUROPEAN MIGRANT CRISIS

¹ Vulević S. (2018), "Migrantska kriza kao izazov socijetalnoj bezbednosti u evropskoj uniji", *Vojno delo*, 3, 55

² Ninčić Ž., "Migrantska kriza kao bezbednosna pretnja", *Bezbednost–policija–građani*, godina XII, broj 3-4/16, str. 86.

³ For further details see: https://population.un.org/wpp/Publications/Files/Key_Findings_WPP_2015.pdf

The reasons that led to the mass exodus of the population and the migrant wave in 2015 are diametrically diverse and overall: war crimes escape, a quest for a better life, a departure from dysfunctional states, and the fear of various types of extremism and terrorism.⁴ With the Libyan Revolution of 2011, the rule of Muammar Gaddafi was destroyed, followed by a supremacy struggle that in 2014 was transformed into a civil war in which the state split into two parts. This caused the "opening of the door" and the release of a large number of migrants in Europe. Namely, in the time of Gaddafi, Libya was considered a country "dam" that contained a large number of migrants from sub-Saharan Africa. With the fall of Gaddafi's regime, the system of retaining migrants from Africa simply no longer functioned in the new and non-functional Libya, separated by the civil war. The main reason for the migrant crisis of 2015 can be considered military developments in Syria and Iraq, where from majority of refugees and migrants came. According to an analysis of UNHCR published in 2015, there are seven basic reasons for a migrant wave from Syria:⁵

1. The loss of hope that something in the country will go for the better;
2. Increase of poverty;
3. Limited employment opportunities;
4. Insufficient assistance and health care;
5. Barriers to restore refugee status in Lebanon and Jordan;
6. Poor opportunities for education and
7. Uncertainty in countries around the region of Syria.

The causes of the migrant crisis can be filled up by the long-standing or new wars in Afghanistan and some African countries whose population has joined the migrant wave.

According to the FRONTEX Reports, to Western Europe as the preferred destination for migrants and refugees Asia and northwest and sub-Saharan Africa, five major migration routes are taking place: West African, Western Mediterranean, Central Mediterranean, Eastern Mediterranean and Western Balkan routes. The sixth migration route is considered to be the eastern route of migration from Georgia, but the flow of people along this route is negligible. After the West African route, migrants from Morocco, Guinea, Senegal and Ivory Coast are migrating, who by sea, via the Canary Islands, are trying to reach the shores of Spain and Portugal.⁶ The West Mediterranean route implies a seafront route linking North Africa with the Iberian Peninsula - a route used by migrants from Libya, Algeria, Mali, Nigeria, and Cameroon.⁷ Most migrants from Tunisia, Nigeria, Somalia and Eritrea are trying to enter Europe through Malta and Sicily to France and Italy (the central Mediterranean route).⁸ The eastern Mediterranean route is "reserved" for migrants from Syria, Somalia, Afghanistan, Pakistan, as well as sub-Saharan Africa. This route is divided into two "branches", one of which runs through

⁴ Tadić, J., Dragović, F., Tadić, T. (2016). "Migracijska i izbeglička kriza – Unapređivanje sigurnosne uloge policije primjenom novih tehnologija i metoda". Peta međunarodna znanstveno-stručna konferencija „Istraživački dani“, Zagreb: Visoka policijska škola.

⁵ For further information, see: <http://data.unhcr.org/syrianrefugees/regional.php>

⁶ Lipovac M., Đurić S. (2015). Migrantska kriza u EU i Zapadnobalkanska ruta, Godišnjak Fakulteta bezbednosti, 2015: 67–89.

⁷ Ibid

⁸ Ibid

Greece and Bulgaria, and the second one through Turkey and Cyprus.⁹ The route to the western Balkan route is most often used by migrants coming from the Middle East, Africa and Afghanistan.¹⁰ It is estimated that, by sea, from Turkey to Greece and from North Africa in Italy and Spain, about 1,015,078 people entered, with 3,771 people missing or drowning. Most refugees and migrants, some 856,700, entered the Aegean Sea from Turkey to Greece, and continued to move along the Balkan route, 153,800 people entered Italy and 15,400 in Spain. Almost 25% of migrants and migrants arrived were unaccompanied or separated from the families, 17% were women and 58% were men. In Europe in 2015, of the total number of refugees, 50% were from Syria, 21% from Afghanistan, 9% from Iraq, 4% from Eritrea, 3% from Pakistan, 2% from Iran, 2% from Nigeria, 2% from Somalia, 1% of Morocco and 1% of Sudan. According to statistics from the European governments, most of the asylum seekers are from Sierra (675,700), Afghanistan (406,300) and Iraq (253,600). Almost 50% of the submissions are in Germany and Sweden.¹¹ Eurostat provides data for over 1.2 million people seeking asylum for the first time in the European Union. Among them is mostly Syria (362,800), of whom almost half (158,700) applied for asylum in Germany. In the second place, Afghans (172,800), of whom nearly half sought asylum in Hungary (45,600) and Sweden (41,200). Third in number are Iraqi (121,500) asylum applications in Germany (29,800), Finland (20,400) and Sweden (20,200). The largest number of first applications for asylum in relation to the number of inhabitants is Hungary (17,699 eligible million inhabitants) and at least Croatia (34 requests per million inhabitants). It is interesting to mention the Eurostat data, the number of asylum seekers in EU member states from Republic of Kosovo (RKS) was 66,885 citizens during 2015, ranking Kosovo as the fourth highest in the world¹² (following Syria, Afghanistan and Iraq) which together with Albania (65,935), account for 10% of the total demand.

THE RESPONSE OF EUROPE TO THE MIGRANT WAVE

Captured by a potential influx of more than a million asylum seekers and illegal migrants who want to permanently settle in the territory of its most developed members, the European Union was crucified between the humane attitude towards migrants and the imperative to "protect" their own living space. Namely, the European Union failed to offer a comprehensive response to the given situation. In accordance with the 1951 Geneva Convention Relating to the Status of Refugees¹³, the European Union Member States were obliged to offer shelter for the migrants fleeing from war or prosecution in their country of origin. There are two competitive visions in the European Union regarding the migrant crisis. The first vision is of the German Chancellor Merkel, who stands for respect for international humanitarian commitments, opposes the borders and the walls. She urged the Germans to turn their backs on growing Muslim-protests, calling for support that the largest economy in Europe should greet people escaping from conflict and war. Supporters of this policy are opponents of the ill-treatment of migrants in order to deter their way to Europe. One of the appeals of this vision is that the illegality should

⁹ Ibid

¹⁰ Ibid

¹¹ For further information, see: <https://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf>

¹² Halili, X and Ibrahim A In Causes for the Irregular Migration Crises: Case of Kosovo. Scientific Review 1, Strategos, 1(2), 2017, 79-98

¹³ Full text of the Convention: <https://www.unhcr.org/1951-refugee-convention.html>

be replaced by legality. In contrast to the first vision, the second is the so-called Orban's vision. According to this vision the migrant crisis is a massive invasion by people who are raised in another faith and a radically different culture. In the opinion of Hungarian Prime Minister Viktor Orban, the situation with migrants and their receipt by European countries is contrary to the identity of the European Union rooted in Christianity. He declared: "Unless we protect our Christian culture we will lose Europe and Europe will no longer belong to Europeans."¹⁴ For his political vision, this is an opportunity to renew the prestigious attraction of Christian identity, as opposed to the liberal identity. Upon the Merkel's call, Turkey "opened the doors" and many migrants headed primarily to Germany and Sweden - countries that offer the best social benefits, while a small number of migrants go, for example, to Ireland - a country with a high demand for labor, but almost no social charges to migrants. The dimension of the migration crisis can be seen from the increased number of human resources involved in this crisis. Thus, in Germany, the number of employees at the Federal Office for Migration and Refugees of 2,500 employees increased to 6,300 people who deal only with asylum applications. Each migrant costs Germany 30,000 Euros. This amount covers the costs of administration, language course, etc. There are 20,000 German-language teachers who try to teach migrants German in order to overcome the communication gap.

At the beginning of September 2015, the crisis peaked following a decision by the Hungarian prime minister to close the border crossings to Serbia, fencing the state in order to prevent the entry of migrants. The initial open attitude towards migrants in Europe began to change. There arose growing discontent in some countries, and additional fears and mistrust of migrants has been further triggered by smaller incidents involving migrants. The uncontrolled flow of migrants, the increasing number of illegal migrants, the increasing number of deaths caused by illegal border crossings as well as the increasing number of terrorist attacks and threats, represented a serious security problem for all EU countries. The open door policy, which first advocated Germany, started facing increasing criticism, primarily from the neighboring countries. The European Commission has tried to solve the migration crisis mainly with money and that became evident with the significant increase of the EU resources dedicated for that purpose. Thus, from May to September 2015, the resources grew from 4.6 to 9.5 billion Euros. At the end of January 2016, Austria introduced additional restrictions on the reception of migrants from Slovenia, which caused a domino effect. Slovenia, Croatia, Serbia and the paradise Macedonia tightened the criteria. The goal was for economic migrants not to cross the border. The European Union tried to find solutions to alleviate the consequences of the migrant crisis, such as:

- The EU interior ministers, despite the opposition of four countries (Romania, the Czech Republic, Slovakia and Hungary), approved a controversial quota plan concerning the allocation of 120,000 migrants across the 28 member states.

- Agreement with Turkey in 2016, the European Union signed the so-called "one-on-one" controversial deal with Turkey to stop the huge influx of migrants fleeing the Middle East. Between Europe and Turkey, six principles have been adopted to further develop co-operation to resolve the migrant crisis:

The EU and Turkey agreed that:¹⁵

¹⁴ <https://hungarytoday.hu/march-15-orban-calls-for-fight-to-protect-europes-christian-culture/>

¹⁵ For full text of the EU-Turkey Agreement, see: [http://europa.eu/rapid/press-release MEMO-16-963_en.htm](http://europa.eu/rapid/press-release_MEMO-16-963_en.htm)

- 1) All new irregular migrants crossing from Turkey to the Greek islands as of 20 March 2016 will be returned to Turkey;
 - 2) For every Syrian being returned to Turkey from the Greek islands, another Syrian will be resettled to the EU;
 - 3) Turkey will take any necessary measures to prevent new sea or land routes for irregular migration opening from Turkey to the EU;
 - 4) Once irregular crossings between Turkey and the EU are ending or have been substantially reduced, a Voluntary Humanitarian Admission Scheme will be activated;
 - 5) The fulfillment of the visa liberalization roadmap will be accelerated with a view to lifting the visa requirements for Turkish citizens at the latest by the end of June 2016. Turkey will take all the necessary steps to fulfill the remaining requirements;
 - 6) The EU will, in close cooperation with Turkey, further speed up the disbursement of the initially allocated €3 billion under the Facility for Refugees in Turkey. Once these resources are about to be used in full, the EU will mobilize additional funding for the Facility up to an additional €3 billion to the end of 2018;
 - 7) The EU and Turkey welcomed the ongoing work on the upgrading of the Customs Union.
 - 8) The accession process will be re-energized, with Chapter 33 to be opened during the Dutch Presidency of the Council of the European Union and preparatory work on the opening of other chapters to continue at an accelerated pace;
 - 9) The EU and Turkey will work to improve humanitarian conditions inside Syria.
- In an effort to stop and control the overflow of migrants, many of the EU member states, in the absence of a general and binding attitude, began to take independent state measures in that regard.

MIGRATION CRISIS AND SAFETY ISSUES

Modern migration is a global problem that is often associated with transnational organized crime and terrorism. If we take into account the features of contemporary migration (globalization, organization and massiveness), it is clear that the risks and consequences of human, national and international security are multiplying. It should also be noted that the security challenges are not the same for all countries; they differ depending on whether it is a country that is merely a transit zone for migrants or a state that is their ultimate goal. Lastly, the reaction of states to the migration crisis is different.

The personal and collective security of migrants is threatened from the moment they embark on the road. It is not necessary to speak of their endangered physical as well as mental health. Unfortunately, some of them face mortal sufferings. The largest number of victims of illegal migration to Europe from Africa, the Middle East and the Middle East are along the Mediterranean route. Thus, during 2016, 5100 migrants were killed by drowning in seawater, out of a total of about 390,000 migrants who arrived in Europe that year. Migrant groups are often victims and organized criminal groups seek to involve them in various engagements.

The migration crisis has also contributed to the development of corruption among civil servants in migrant services that decide on the legal fate of migrants, according to the international organization Amnesty International. Migrants carry with themselves danger to the domestic population from infectious diseases and crime. They can also cause destabilization of

the country because they represent an influx of cheap labor, but also an outflow of social benefits.

From the aspect of national security, the migration crisis has contributed to disorganization in critical areas, traffic crashes, blocking of border crossings, disturbance of public order and peace on a larger scale, clashes between police and migrants. The illegal crossing of migrants across state borders was a blow to state sovereignty of the countries, because in that way the state's ability to establish control over its territory was questioned. In addition to the large number of migrants looking for better and safer living conditions, a number of false asylum seekers have been heading to Europe. Namely, with the arrival of a large number of migrants from countries in which wars are waged and operated by various terrorist groups, there is a growing risk of terrorism for transit countries, but especially for those who are their ultimate destination. According to Europol, there is no concrete evidence that terrorists systematically use the migration wave of people to infiltrate into the European Union countries¹⁶. There are views that migrants almost never deal with terrorist actions in countries they transit, and rarely in countries - their destinations. But the longer the migrants stay in the country, the risk of terrorism is getting bigger and the biggest risk is reserved for country of destination. The risk is even greater if that country participated in the military operations in the country from which the migrants arrive. Some data suggest that thousands of terrorists have entered Europe (some sources cite 4000) that put Europe in front of an unprecedented security challenge that cannot be easily overcome. The terrorist attack in Paris in 2015 is also a proof - an attack involving a Syrian citizen who entered France through the Balkan route. If the migrant crisis is being considered in the context of international security, it must be noted that it was the cause of several diplomatic conflicts and disagreements between the countries. Thus, Hungary protested against Serbia, Slovenia against Croatia, Austria against Croatia and Slovenia, Macedonia against Greece. The reason for the protest was allowing migrants to reach their borders for entry into Europe. But the reason for harsh words was the decision on the quota of migrants that were to be distributed in European countries.

CONCLUSION

The migrant crisis is an important social process of today. It is a multidimensional phenomenon that has its own demographic, social, political, economic, cultural and even security dimension. The great migration crisis in Europe began in 2015 when many refugees, mainly from the war-torn areas of the Middle East and poorly developed African countries, that came to the European soil. The profiles and origin of migrants, as well as their arrival motives, are different, and most of them come to Europe in order to permanently settle in the host country. The final destination of the overwhelming majority of refugees and migrants were the most developed EU countries, such as Germany, Sweden, Austria and others. This is particularly the case with Germany, which received over one million refugees / migrants, and in which the Chancellor Angela Merkel advocated and maintained a policy of open borders and acceptance of refugees. The migration crisis has greatly shaken the fundamental principles of the European Union that relate to the free flow of people, goods and services. Numerous terrorist attacks and

¹⁶ Đurđević, Z., Vuković, S., (2016). Migrantska kriza i teroristička pretnja, Srpska politička misao, 54 (4), str. 224-225.

threats from one side and ultra-right-wing parties on the other side has increasingly created pressure on the open policies towards migrants. Due to its location, the Republic of Macedonia not by its fault was at the center of the migrant crisis. Throughout its territory in 2015 and by mid 2016, around 800,000 migrants were tracked, which is more than one third of the total population of the country, and at some times, there transited over 10,000 migrants per day, which is a challenge for many larger countries as well. Just because a large number of migrants will remain in Europe for many years, for most of them the only real solution is to quickly and more successfully integrate into the European labor market and adapt to the new society. In the long run, by allocating large funds and investing in human resources can positively affect economic performance especially for those countries with labor shortages and integration of migrants can help them solve the general problem of society aging. Finally, it is necessary to keep in mind that migrants often come from cultures that are very different from European. Of course, it is necessary to implement not only linguistic but also social and legal education of these people, who must primarily adapt to the laws of the countries in which they come, but also to understand the culture of these countries.

References

- Đurđević, Z., Vuković, S., (2016). Migrantska kriza i teroristička pretnja, Srpska politička misao, 54 (4), str. 224-225.
- Europska komisija (2016): Šest načela za daljni razvoj suradnje EU i Turske u rješavanju migrantske krize, Bruxelles, 1.
- Halili, X and Ibrahim A In Causes for the Irregular Migration Crises: Case of Kosovo. Scientific Review 1, Strategos, 1(2), 2017, 79-98
- Lipovac M., Đurić S. (2015). Migrantska kriza u EU i Zapadnobalkanska ruta, Godišnjak Fakulteta bezbednosti, 2015: 67–89.
- Ninčić Ž. (2016)“Migrantska kriza kao bezbednosna pretnja”. Bezbjednost–policija–građani, godina XII, broj 3-4/16, 86.
- Schick N., No European solution on the migration crisis in sight, Open Europe, <http://openeurope.org.uk/today/blog/no-european-solution-on-the-migration-crisis-in-sight/>
- Simeunović, D., (2017). Migrantska kriza kao bezbednosni izazov za zemlje zapadnog Balkanastanje u 2017. i perspektiva, Kultura polisa, 14 (posebno izdanje), 32-35.
- Tadić, J., Dragović, F., Tadić, T. (2016). “Migracijska i izbeglička kriza – Unapređivanje sigurnosne uloge policije primjenom novih tehnologija i metoda”. Peta međunarodna znanstveno-stručna konferencija „Istraživački dani“, Zagreb: Visoka policijska škola
- Vulević, S. (2018) “Migrantska kriza kao izazov socijalnoj bezbednosti u Evropskoj uniji”, Vojno delo, 3, 55
- <http://data.unhcr.org/syrianrefugees/regional.php>
- http://europa.eu/rapid/press-release_MEMO-16-963_en.htm
- <https://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf><https://www.reuters.com/article/us-germany-merkel/welcome-refugees-and-reject-racism-merkel-says-after-rallies-idUSKBN0K90GL20141231>
- <https://netpress.com.mk/orban-bez-hristijanstvoto-ja-gubime-slobodna-evropa/>

- <https://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf>
- <https://hungarytoday.hu/march-15-orban-calls-for-fight-to-protect-europes-christian-culture/>
- https://population.un.org/wpp/Publications/Files/Key_Findings_WPP_2015.pdf

**COUNTERING VIOLENT EXTREMISM THAT LEAD TO TERRORISM:
SITUATION, POLICIES AND CONCEPTS**

Kire Babanoski, PhD

Faculty of Security Studies
MIT University – Skopje, Republic of North Macedonia

Ice Ilijevski, PhD

Law Faculty – Kichevo
University “St. Clement of Ohrid” – Bitola, Republic of North Macedonia

Zlate Dimovski, PhD

Faculty of Security – Skopje
University “St. Clement of Ohrid” – Bitola, Republic of North Macedonia

Abstract

In today’s world it is evident increase of asymmetric risks and threats, such as extremism, radicalism, terrorism, propaganda, fake news etc., so countries and international security organizations have to be dedicated on searching for new methods and tools to counter these types of negative phenomena. But, even today, there is no single generally accepted definition of terrorism and extremism, which includes different factors, especially political, religious, national, cultural factor etc.

Extremism can be regarded as a type of radical negation and opposition of the prevailing social norms, values and rules of the country by individuals or groups. In most cases, it assumes the use of propaganda and illegal means, including terror, to meet certain goals, such as recruiting more supporters.

The main subject of this paper is the extremism, in its forms, that can lead to terrorism, especially, in the Balkan region. That’s why it is given the analysis of ideas, concepts, methods, measures and activities in order to fight against it, suppress its mitigating factors and prevent further violent activities, such as terrorist acts. Authors recommend the use of soft power in countering extremism and terrorism to be a field of study in the near future, because it has not yet been enough researched. It should be cleared what types of soft power measures and activities need to be employed in the societies in order to prevent development of extremist’s attitudes and values.

Key words: extremism, terrorism, factors, violence, values

INTRODUCTION

Even today, there is no single generally accepted definition of terrorism and extremism, which includes the religious factor as a whole, especially the Islamic factor. Generally, terrorism is often described as: conscious, attributable act with an intentional use of violence by organized groups or individuals against non-military targets to put pressure on the population through fear and intimidation and infusion or for the organs of state to achieve the objectives that cannot be met through legal means. The concept of terrorism is the same - taking action with political goals against a foreign state, international organization or certain officials in times of peace or war, which is detrimental to international relations and global peace and order.

Extremism, however, can be regarded as a kind of radical negation of the prevailing social norms and rules of the country by individuals or groups. Also, in most cases, it assumes the use of illegal means, including terror, to meet certain goals. It is interesting to note that, although the nature of extremism meant that it was originally aimed at the country of the terrorists, more recently it extended to the external dimension - beyond the terrorist's homeland.

Throughout history, the region of Southeast Europe proved to be the most unstable area in Europe, with variable security situation. Western Balkans is often referred to as the source and center of many conflicts of inter-ethnic tensions through armed attacks with its inter-state conflicts. Although recent years have shown serious incidents that occurred on a large scale, risk factors are still present. In Bosnia and Herzegovina the ties between the Federal Republic of Srpska and the Bosnian-Croat Federation are increasingly weakening and both sides are strengthening their political authority, and the whole process is fueled by ethnic tensions and nationalism. Macedonia introduces the national inter-ethnic integration model, which is still hampered by inter-ethnic dialogue at political level.¹⁷

Extremism, organized crime and corruption are threats to the construction, establishment and maintenance of peace in the Balkans. Emerging political situation in the proclamation and recognition of the independence of Kosovo has amended the current conditions in this area. Organized crime groups are deeply embedded in social and political trends in this region that using the Balkan route, raised it as a profitable smuggling business. Human trafficking, drugs and weapons, along with money laundering are the most common sources of financing of the terrorist organizations in the region. All these factors are destabilizing to peace building and peace process in many post-conflict areas, in particular contribute for Kosovo to become a suitable ground for expansion of all forms of terrorism by terrorist groups.

EXTREMISM - GENERAL NOTES

Even today, there is no single generally accepted definition of terrorism and extremism, which includes different factors, especially political, religious, national, cultural factor etc. Literally, according to Merriam Webster Dictionary "extremism" means the "belief in and

¹⁷ Prezelj, I. (ed.). The fight against terrorism and crisis management in the Western Balkans. Proceedings of the NATO Advanced Research Workshop on Crisis Management and Counter-Terrorism in the Western Balkans, Ljubljana, Slovenia, 20-21 April 2007. NATO Science for Peace and Security Series, E: Human and Societal Dynamics – vol. 32. IOS Press, Amsterdam, 2008, p. VI

support for ideas that are very far from what most people consider correct or reasonable”. “Extremism”¹⁸ thus refers to attitudes or behaviours that are deemed outside the norm.

The term extremism generates its own difficulties, however. Political philosophers like Roger Scruton¹⁹ have shown that extremism can have multiple meanings. It may describe *ideas* that are diametrically opposed to a society’s core values, which could be various forms of racial or religious supremacy, or any ideology that systematically denies basic human rights. Or it can refer to the ruthless *methods* by which political ideas are realized, namely by “show[ing] disregard for the life, liberty, and human rights of others”.²⁰

Extremism can be regarded as a type of radical negation and opposition of the prevailing social norms, values and rules of the country by individuals or groups. In most cases, it assumes the use of propaganda and illegal means, including terror, to meet certain goals, such as recruiting more supporters.

Religious extremists fanatics and radical secular extremists form a political and ideological clash by adopting the war of liberty, freedom and free will. Contemporary law and order situation in shape of terrorism is dragging many countries in the world towards instability which is a very blatant state of affairs.²¹

GEOSTRATEGIC POSITION OF NORTH MACEDONIA AS A MITIGATING FACTOR FOR EXTREMISM AND TERRORISM

The Balkan region as part of the European continent has always played an important role in the events that had historical significance as the region and its surroundings, and the world as a whole. The stormy history of the peoples living in these areas was initiated to myriad conflicts that often began on political grounds, and ended by military conflicts and huge casualties. Also, it is evident that most of the crisis ended with the mediation of the major world powers in the form of negotiation or through direct intervention with the use of various military and diplomatic relations. Over time and after the Second World War, the distribution of nations within the borders of the Balkans remains disproportionate in relation to the situation that prevailed before and during the war. Many people who were previously inhabited on a particular territory, following the schedule of the new limits were fragmented, and the adjustment processes have been misdirected, so that some degree of dissatisfaction appear anywhere on the territory of the Balkans. Over the last few decades, the international policy established sufficient influence on the Balkan region in order to prevent a possible change of borders through military conventional methods, so all those factors that had or have some ideas, ideas and impulses had to adjust and to

¹⁸ This basic dictionary understanding highlights the inherently subjective nature of the term, which can take on different meanings depending on who defines the norm and decides what is acceptable or not accordingly. UNESCO, Preventing violent extremism through education, A guide for policy-makers, United Nations Educational, Scientific and Cultural Organization, Paris, 2017, p. 19

¹⁹ Scruton, R., The Palgrave Macmillan Dictionary of Political Thought, 3rd ed., Basingstoke, 2007

²⁰ By adding the adjective “violent“, the term violent extremism resolves this ambiguity, but still leaves important questions about the relationship between violent and non-violent forms of extremism unanswered. Neumann, P., “The Trouble with Radicalization“, International Affairs, 89(4) (2013), p. 875-6.

²¹ This will bring the long term instability which has the potential of creating a clash between secular and religious ideologies in the near future especially among our youth in shape of creating a dual nature or ideological confusion. Two extremes such as religious extremism and secular extremism are imposing their ideas on multiple sections of society through different channels. Haroon, M., Intellectual Terrorism, May 3, 2017 <http://dailyiht.com/story/29025>

choose new ways of acting. Republic of North Macedonia as an ethnic and living space of the Macedonian people throughout its history has been and still is exposed to various political games and other content geopolitical manipulation, which had in the past, and today has a significant impact on the viability and safety of the Macedonian people.

In the past decade, the Balkans, more precisely the territory of the former Yugoslav Federation was under constant threat of the emergence and development, and in some cases of flare military situation, which was the only addition to the political disagreements of the emerging countries of the former federation. Some indicators suggest that in addition to accumulated hatred of coexistence of the 50-year long influence on the occurrence of military conflict in almost all newly created states had external factor through different modes of action created successive crises or interrupted. Examples of this are the arms of Croatian forces with weapons of some Western countries, support of the Albanian terrorist organizations and activities in Kosovo, and in some cases and the crisis in North Macedonia. However, the international community had probably foreseen the consequences of such developments, because thanks to the chaos that arose due to military conflicts in Bosnia and Herzegovina, Kosovo and North Macedonia, some terrorist organizations operating worldwide, found favorable ground for development, training, training camps and equip their branches, which were intentional and early thrown on the territories of the above countries.

Examples of this are the emergence and operation of units of the mujahedeen group al-Qaeda in Bosnia and Herzegovina, Kosovo and Albania. In this context we may mention the nationwide crisis which emerged in the Republic of Albania in 1997, when thanks to the people's disobedience, demonstrations and protests, some guerrilla or criminal factors failed to arm the myriad light and medium conventional weapons, which mysteriously disappeared from the military and police warehouses and facilities of the military and police of the Republic of Albania. One can easily conclude that North Macedonia is surrounded by conflict regions which represent an immediate danger to peace and stability in the country. Geopolitical content of political behavior of our immediate neighbors to the Macedonian state is expressed in ethnic mixture of population and space discrepancy with the ethnic national state borders, as a result and consequence of conflict of interests of great powers for the presence, influence and control of the Balkans.²²

The tendency of almost all our immediate neighbors, a relatively small space to create large national states with territorially spread to foreign lands and other peoples in the past, and to this day makes it a very unstable Balkan region. It should also be noted that the extent of illicit activities that are inevitably associated with terrorism are the most developed near the northwestern boundary of the Republic of North Macedonia.

The efforts of the Republic of North Macedonia (which since its independence until today develop good neighborly relations, which has shown through numerous examples), to permanently regulate contentious issues encountered resistance as a consequence of the past and constantly found some old, but the newly "acquired" motives about the "Macedonian issue" continues to hold "open" for some future manipulation and speculation related to the state's ambitions in terms of our country. In this context we should mention the geographical distribution of the peacekeeping forces of the world community who were deployed on the territory of crisis spots in the republics of the former Yugoslav federation. The mandates of

²² Димовски, З., Тероризам, Графотранс, Скопје, 2007, р. 128

UNPROFOR, SFOR, KFOR and UNPREDEP represent a factor of stability, especially the mission in North Macedonia, which had a task to keep the northern border to prevent spillover of the Kosovo conflict. However, with the completion of the mission of UNPREDEP, the northern Macedonian border remains open to a number of smuggling and criminal channels that are used to transfer drugs, weapons, people and other assets that terrorist groups in Kosovo were necessary. The suspension of actions in Kosovo was clearly inevitable emergence of armed groups in the territory of the Republic of North Macedonia, which had different motives, though later as official reasons were cited minority rights of the ethnic Albanian population and the real reasons were, in fact, related to freedom criminal clans to operate freely in northern border areas of North Macedonia and other incentives from the economic sphere realized through criminal activity. It should be noted that in addition to their walk and the fact that the northern border of the Republic of North Macedonia was less guarded primarily due to the large number of inaccessible areas.

After the Kosovo conflict began the preparations of conflict in North Macedonia, and they were secretly supported by many criminal organizations that operated at the European and world level.

At the end of this section it can be stated that the geographical position of North Macedonia is a danger and causes more terrorism to occur within the country, because it is surrounded by countries where crime is highly developed or near a military hot spots, allowing them to function and still goes to the large number of criminal and terrorist groups in the territory of the Balkan region have found a good logistical support.

COUNTERING EXTREMISM: IDEAS, CONCEPTS, MEASURES AND ACTIVITIES

Many transnational military approaches to combating terrorist activities, violent extremism, radicalism and terrorist propaganda have shown that they are ineffective and don't give to us expected results. These are so called 'hard power' measures. They can actually damage efforts to roll back the appeal and participation in violent extremism and radicalism that can lead to terrorism.

This means that the recent rise in global terrorism reaffirms the failure of our purely hard military approach to counter the phenomenon.²³

David Blose²⁴, political analyst at LANDCOM, stated that defining the fight against terrorism should have priority. Otherwise the instruments used in combating terrorism cannot achieve their goals. It is necessary to have good command of the cultures of the societies providing a base for the terrorist organizations and in this way local actors can be incorporated into the efforts.

As was stated before, in today's world it is evident increase of asymmetric risks and threats, such as extremism, radicalism, terrorism, propaganda, fake news etc., so countries and

²³ Bakare, I. A., Soft power as a means of fighting international terrorism: A case study of Nigeria's "Boko Haram", p. 285

²⁴ Pointing out to the fact that terrorist organizations have developed their sphere of influence and activity areas at a great pace, Blose expressed that these organizations deployed in different regions of the world spread their ideology thanks to the educational programs developed especially towards the youth. Workshop Report, The Role of Diplomacy and Soft Power in Combating Terrorism - Concepts, Fighting Methods and Case Studies, Republic of Turkey Ministry of Foreign Affairs, Center for Strategic Research, Ankara, p. 7

international security organizations have to be dedicated on searching for new methods and tools to counter these types of negative phenomena.

As countries try to find more effective means of preventing terrorism²⁵, greater efforts are made to determine why and how individuals turn to terrorism in the first place, and how this can be avoided early on.²⁶

There are several OSCE researches and reports dealing with countering violent extremism. One of them²⁷ illustrates the areas of programmatic activities are: national action plans, prison, policing, youth, education, religion, the internet, women, refugees, good practices on interventions (early warning) and returnees (exit and re-integration).

While use of hard power may be justified in domestic contexts where threats are critical or imminent, failure to accompany these with robust ‘soft power’²⁸ initiatives will prove fatal in the longer-term. If we are to succeed in countering violent extremism, Grossman²⁹ proposes some key strategies to invest in: target recruiters; demystify the ‘special nature’ of violent extremism; community, community, community; women are emerging as key players; help researchers by sharing key data; develop cognitive and emotional skills to deconstruct extremist ideology.

Governments and societies should use wide range of methods, measures and activities, successfully tried before and applied in different areas and sciences (such as PR, IT, security, business, sociology and psychology), to fight against the terrorists and discover their planned future actions. They should draw attention to the latest developed techniques used in various fields of human activity. New “soft” approaches can be used as separate forms of counter-terrorism. They can improve the effectiveness of military operations aimed in suppression of terrorist activities. Methods and techniques of soft power and diplomacy today are seen as important elements of the fight against extremism and terrorism, isolating of terrorist groups by them and preventing their spread in future.

Nye³⁰ considers the resources of soft power to be a country’s values and culture, its domestic practices, and its foreign policies (when seen by others as legitimate). In fact, he places a country’s foreign policies in the “it depends” category, even more clearly than he does its economic resources. Essentially, foreign policies can either enhance or take away from US soft power (since Nye is mostly considered with American power) in the eyes of others.³¹

²⁵ It is known that from all forms of terrorism, the most dangerous one is international terrorism, because it represents a complex, well organized, global extremist underground. In today’s world, terrorists in order to achieve their goals may try to use weapons of mass destruction or only to possess them which is equal to use.

²⁶ OSCE, Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism, Organization for Security and Co-operation in Europe Vienna, February 2014, p. 34

²⁷ Neumann, P., Countering Violent Extremism and Radicalization that Lead to Terrorism: Ideas, Recommendations, and Good Practices from the OSCE Region, 28 September 2017, p. 44

²⁸ On terrorism Harvard Kennedy School Professor Joseph Nye in an interview on “Bloomberg Surveillance”, defined Soft Power as the ability to attract and persuade revolutionary group and to prevent them from recruiting.

²⁹ Grossman, M., Combating Terrorism: Soft Power Approaches, 27 July 2015, <https://isnblog.ethz.ch/diplomacy/combating-terrorism-soft-power-approaches>

³⁰ Joseph, N., S., Jr., Soft Power: The Means to Success in World Politics. Public Affairs, New York, 2004

³¹ Saleh, L., So Power, NGOs, and the US War on Terror, Theses and Dissertations, December 2012, p. 13

Abdulhadi³² recommends the use of soft power strategy as an alternative to hard power.³³ The alternative must be worked out, because it's about correcting a perceived injustice. The nations' leaders must be responsive. The key stone of this is the true causes of conflict must be addressed and the people/citizens must be heard. Leaders should address the educational reform and utilize the media.

Soft power lies in the ability to attract and persuade rather than coerce. Soft power is about influence, example, credibility, and reputation. Hard power, the ability to coerce, grows out of a country's military and economic might³⁴. Soft power arises from the attractiveness of a country's culture, political ideals, and policies³⁵.

Identifying individuals at risk of becoming involved in violent extremism and radicalization that lead to terrorism is extremely challenging and sensitive.³⁶

We all are responsible to awaken youth in the world towards realization and raise their consciousness to enable them to correct the flaws should they resort to extremist tendencies in speeches, interpretations, actions, articulations, sermons, references, writings and teachings, either consciously or unconsciously, whether in academic, religious, social or political discourses. Highlighting the role of religions in tolerance, moderation and coexistence, how to strengthen the role of youth in maximizing national and religious values and how to immunize young people against extremist ideology should be topics for discussion today.³⁷

It is clear that education plays a very significant role in a country's development and stability, and equitable access to quality education is in and of itself a valuable goal for most governments. It is also clear that governments must go beyond focusing only on access to education – they must also focus on quality and relevance of their education systems in order to generate real impact. As described previously there is mounting evidence that frustrated educated youth who have no access to jobs or who do not have the relevant skills to get suitable jobs are far more inclined to support violent extremism.³⁸

To the question of what higher education institutions can do to counter radicalization and violent extremism, according to Wille³⁹, there are more answers on what *not* to do than concrete inputs on measures that could help provide the required results. An important consideration in

³² Alshehri, A., *Soft power as an alternative to hard power in counterterrorism in Saudi Arabia*, U.S. Army War College, Philadelphia, 2010, p. 27

³³ This will include different factors: culture, religion, available local resources, local people cooperation and indigenous people grievances to make sure that strategy characterized of suitability, acceptability, feasibility, and assure of harmonizing the ends, ways and means of the strategy.

³⁴ U.S. Terror Strategy: Hard and Soft Power. CBS NEWS, May 11th, 2014. Available at: <http://www.cbsnews.com/news/us-terror-strategy-hard-and-soft-power> (date of access: 02.02.2019)

³⁵ Nye Joseph S., Jr., *Soft Power: The Means to Success in World Politics*. Public Affairs, New York, 2004

³⁶ OSCE, *Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism*, Organization for Security and Co-operation in Europe Vienna, February 2014, p. 47

³⁷ Workshop on 'The phenomenon of the intellectual and religious extremism in the Muslim communities and its impact on the unity and development', January 25 - 26, 2017 in Irbid, Jordan <https://jordan.hss.de/news/detail/realurlnewsidentifier/workshop-on-the-phenomenon-of-the-intellectual-and-religious-extremism-in-the-muslim-communities-a/>

³⁸ Silva, S., *Role of Education in the Prevention of Violent Extremism*, p. 21-22

³⁹ According to the findings in her thesis, this applies particularly to measures that imply sanctions, student monitoring and suppression of radical voices. Wille, M., *Countering radicalisation and violent extremism, The role of Norwegian higher education institutions*, University of Oslo, 2017, p. 45

this policy development process, is the information pointing to counter-radicalization measures in higher education being counterproductive – that they may serve to increase the very problem they are intended to reduce.

Education cannot prevent an individual from committing a violent act in the name of a violent extremist ideology but the provision of relevant education of good quality can help create the conditions that make it difficult for violent extremist ideologies and acts to proliferate. More specifically, education policies can ensure that places of learning do not become a breeding ground for violent extremism. They can also ensure that educational contents and teaching/learning approaches develop learners' resilience to violent extremism.⁴⁰

Social media constitutes a facilitating environment rather than a driving force for violent radicalization or the actual commission of violence. Thus, there is no clear evidence that social media's influence can act independently of other offline factors, though online and offline dimensions are becoming increasingly porous.⁴¹

NATIONAL COMMITTEE AND NATIONAL STRATEGIES FOR PREVENTION OF VIOLENT EXTREMISM AND FIGHT AGAINST TERRORISM IN THE REPUBLIC OF NORTH MACEDONIA

The complexity of the problem of violent extremism and terrorism exceeds the competences of the authorized institutions and requires the need for coordinated and synchronized action. For that reason, with the decision of the Government of the Republic of Macedonia, on July 25, 2017, a National Committee for the Prevention of Violent Extremism and the Fight against Terrorism was formed. The Committee has a coordinating role in recognizing and opposing all forms of extremism leading to terrorism. Presented by the National Coordinator and its two thematic deputies, the role of the Committee consists of collecting, analyzing and timely exchange of information with the competent institutions, but also those from other spheres, outside the security (education, social, civil sector, religious communities, local self-government and others). In the process of coordination, the National Coordinator participates in the proper and adequate allocation of resources, strategic and counter-strategic planning and synchronization of the cooperation with the relevant international institutions within its competence. Among other things, the National coordinator, through the preparation and implementation of action plans, scientific research, conducting trainings for recognition of radicalization, is a key factor in the creation of national strategies for the prevention of violent extremism and the fight against terrorism.

The National Strategies (2018-2022) for the Prevention of Violent Extremism and the Fight against Terrorism are a general framework for the action of the Republic of North

⁴⁰ The role of education is, therefore, not to intercept violent extremists or identify individuals who may potentially become violent extremists, but to create the conditions that build the defenses, within learners, against violent extremism and strengthen their commitment to non-violence and peace. UNESCO, Preventing violent extremism through education, A guide for policy-makers, United Nations Educational, Scientific and Cultural Organization, Paris, 2017, p. 22

⁴¹ In this sense, Internet and social media can act as reinforcement because young extremists can then actively seek and find material in social media to feed their interests, and in doing become prey to enrolment in violent actions. Alava, S., Frau-Meigs, D., Hassan, G., Youth and violent extremism on social media: mapping the research, United Nations Educational, Scientific and Cultural Organization, Paris, 2017, p. 46

Macedonia in the prevention of violent extremism and the fight against terrorism, the promotion of existing measures, the establishment of new mechanisms and instruments for prevention and suppression on the same. The Strategies describe all forms of terrorist threats, as well as the more frequent manifestations of violent extremism, presented as a suitable basis for radicalization leading to terrorism. Measures for suppression of violent extremism and terrorism are also defined in terms of prevention, defense, protection of citizens and property, criminal legal processing, rehabilitation of consequences from a terrorist attack, coordination, national and international cooperation.

With the stated strategic documents, among other things, the Republic of North Macedonia strives to coordinate the ministries, government and non-governmental entities in their activities, in order to counter the contemporary security phenomena, preserving the stability and sovereignty of the state. In line with the foreseen strategic activities in the documents, concrete action plans have been prepared which on the basis of priorities should be realized in the following period.

CONCLUDING REMARKS

Today's world is characterized by rapid and dynamic changes that carry new and often unpredictable risks and hazards to the security of states. Although the danger of classical military threat in the long run is not expected, non-military threats were not only of diversity but rose after intensity, space and time. The trend of globalization of the world, despite the advantages brought threats, caused mostly by widening the gap between rich and poor and the internationalization of certain hazards, the most extreme of which are international terrorism and organized crime. In addition, there is an expansion of the illegal migration and trafficking in drugs, weapons, people and strategic materials. Also, the increased threat is coming from the use of weapons of mass destruction which is prohibited under international law.

The stability of a country is of particular importance for the strengthening of individual and collective consciousness of the existence and importance of the state and its ability to improve the quality of life of citizens in every respect. The achievement of stability in a society provides legal and democratic functioning of state and other institutions in society with fully respect the national and international law in order to successfully achieve the shaping and functioning of civil society, rule of law and actually operating in the legal state. The state is obliged to facilitate the smooth operation of all institutions in society, through the defense establishment and preservation of security, because only thus can effectively avoid the consequences of destructive activity that would have happened if they would not be functioned.

In order to achieve the main goal of the counter-terrorist operations, it is important to be well established close cooperation of the armed forces and intelligence agencies with representatives of different sectors of civil society (non-governmental organizations, media, religious groups, etc), as well as political parties. Only coordinated and cooperative action of these subjects can create real barriers to the spread of terrorism, extremism and radicalism. As Klachkov⁴² stated, a detailed program of action, providing a possibility of combat and special

⁴² Klachkov, P., "Soft Power" and "Smart Power" in the Process of Counter-Terrorist Operation, Journal of Siberian Federal University. Humanities and Social Sciences, 2012, 5(2), p. 222-230

operations, and various methods of “non-violent” resistance, should be developed and adopted to perform for the most effective counter-terrorism.

Finally, many authors and experts in this field recommend the use of soft power in countering extremism and terrorism to be a field of study in the near future, because it has not yet been enough researched. So far, there has not been conducting any scientific researches in the topic of extremism.

References

- Alava, S., Frau-Meigs, D., Hassan, G., Youth and violent extremism on social media: mapping the research, United Nations Educational, Scientific and Cultural Organization, Paris, 2017
- Alshehri, A., Soft power as an alternative to hard power in counterterrorism in Saudi Arabia, U.S. Army War College, Philadelphia, 2010
- Bakare, I. A., Soft power as a means of fighting international terrorism: A case study of Nigeria’s “Boko Haram”
- Димовски, З., Тероризам, Графотранс, Скопје, 2007
- Grossman, M., Combating Terrorism: Soft Power Approaches, 27 July 2015, <https://isnblog.ethz.ch/diplomacy/combating-terrorism-soft-power-approaches>
- Haroon, M., Intellectual Terrorism, May 3, 2017 <http://dailynt.com/story/29025>
- Klachkov, P., “Soft Power” and “Smart Power” in the Process of Counter-Terrorist Operation, Journal of Siberian Federal University. Humanities and Social Sciences, 2012, 5(2)
- Neumann, P., Countering Violent Extremism and Radicalization that Lead to Terrorism: Ideas, Recommendations, and Good Practices from the OSCE Region, 28 September 2017
- Neumann, P., “The Trouble with Radicalization“, International Affairs, 89(4) (2013)
- Prezelj, I. (ed.). The fight against terrorism and crisis management in the Western Balkans. Proceedings of the NATO Advanced Research Workshop on Crisis Management and Counter-Terrorism in the Western Balkans, Ljubljana, Slovenia, 20-21 April 2007. NATO Science for Peace and Security Series, E: Human and Societal Dynamics – vol. 32. IOS Press, Amsterdam, 2008
- Nye, J. S., Jr., Soft Power: The Means to Success in World Politics. Public Affairs, New York, 2004
- OSCE, Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism, Organization for Security and Co-operation in Europe Vienna, February 2014
- Scruton, R., The Palgrave Macmillan Dictionary of Political Thought, 3rd ed., Basingstoke, 2007
- UNESCO, Preventing violent extremism through education, A guide for policy-makers, United Nations Educational, Scientific and Cultural Organization, Paris, 2017
- Workshop Report, The Role of Diplomacy and Soft Power in Combating Terrorism - Concepts, Fighting Methods and Case Studies, Republic of Turkey Ministry of Foreign Affairs, Center for Strategic Research, Ankara
- Saleh, L., So Power, NGOs, and the US War on Terror, Theses and Dissertations, December 2012

- Silva, S., Role of Education in the Prevention of Violent Extremism
- UNESCO, Preventing violent extremism through education, A guide for policy-makers, United Nations Educational, Scientific and Cultural Organization, Paris, 2017
- U.S. Terror Strategy: Hard and Soft Power. CBS NEWS, May 11th, 2014. Available at: <http://www.cbsnews.com/news/us-terror-strategy-hard-and-soft-power> (date of access: 02.02.2019)
- Wille, M., Countering radicalisation and violent extremism, The role of Norwegian higher education institutions, University of Oslo, 2017
- Workshop on 'The phenomenon of the intellectual and religious extremism in the Muslim communities and its impact on the unity and development', January 25 - 26, 2017 in Irbid, Jordan <https://jordan.hss.de/news/detail/realurlnewsidentifier/workshop-on-the-phenomenon-of-the-intellectual-and-religious-extremism-in-the-muslim-communities-a/>

Balkans Law
&
Criminology
Review

HUMAN TRAFFICKING: FACTORS AND TRENDS

Aguš Demirovski, MSc

PhD Candidate at Faculty of Security – Skopje
University “St. Clement of Ohrid” - Bitola

David Berat, MSc

PhD Candidate at Faculty for Philosophy
University “Ss. Cyril and Methodius” – Skopje

Abstract

The scientific goal of the analysis in this paper is to obtain a complete picture of the state of human trafficking in the world in the last few years, as well as getting acquainted with trafficking in human beings, ie its phenomenology, in order to influence one phenomenon, it is necessary beforehand to get acquainted with it from all possible aspects. The social goal is to exploit the results for increasing the level of public awareness of this phenomenon and the predispositions that its victims have, and to improve the work of the police and other competent authorities in the prevention and suppression of this type of crime, as well as showing the government institutions that this problem is not about neglect, and that there is a need to increase public information campaigns for it, not that the campaigns are just part of what NGOs are doing. That is exactly why human trafficking will be of interest to our research, and its phenomenological characteristics, i.e. its scope, appearance patterns, structure and dynamics. And all this is shown globally. The development of contemporary criminological science shows that the successful creation of methods for the discovery of various types of criminality is closely related to criminal phenomenology. So, thinking and respecting this possible benefit for criminological science, the starting positions of this paper are also defined.

Key words: human trafficking, phenomenology, human rights, factors, trends

INTRODUCTION

Although the Universal Declaration of Human Rights of 1948⁴³ states that "no one should be held in slavery or slavery relation...", today we are witnessing the emergence and spread of the heir of slavery, the new, modern slavery - human trafficking.

Kevin Bales says that if we make a parallel between slavery from the past and today's modern slavery, the latter is characterized by very low costs for slaves, very high profits for traders, a time-bound relationship between a robot and a merchant, a large mass of potential slaves (because there are no separate layers of slaves, but everyone can become part of the chain) and the irrelevance of ethnic differences.⁴⁴

As a result of the characteristics that facilitate the trafficking process, today, it slowly but surely becomes the third industry in terms of power and financial profit and is right behind the trafficking of drugs and weapons. Thus, for example, the total amount of money that came from trafficking for any kind of exploitation in 2007 was approximately \$ 152.3 billion, with a profit of \$ 91.2 billion⁴⁵. This situation is due to the fact that drugs and weapons are wasteful, they can be sold by a person once, but people can be sold countless times.

As a result of the fact that criminality is an extremely heterogeneous phenomenon, the phenomenological characteristics are an important part of its explanation and description. Namely, in more details, the phenomenology of individual crimes is their description, which can be seen from the very meaning of the word *phenomenon* (a word of Greek origin) which means what it sees, what appears.⁴⁶

We live in a time full of challenges, a time of rapid change, uncertainties, with us and the world. Contemporary living brings many problems, criminal activities, such as the various types of trafficking, which leave different consequences, of which the phenomenon of trafficking in human beings causes serious consequences for the lives, safety and rights of the victims. Human trafficking has become a global phenomenon. It is an increasingly common topic in the public and most often it is talked about from two aspects: from the aspect of violation of human rights and from the aspect of the fight against organized crime. Human trafficking is taken over and controlled by organized transnational criminal networks, which is due to the realization of large profits, that is, human trafficking is a highly profitable and at the same time a low-risk form of criminality. Europol argues that globally trafficking is a business with a value of 8.5 to 12 billion EUR.⁴⁷

The huge profits have created a global network organized by transnational criminal gangs that trade people in the same way as with weapons, drugs or money. Although most countries in the world have eliminated slavery long ago, human trafficking has become one of the activities of organized crime groups, which have proven to be highly effective in engaging in war-affected countries and regions, armed conflicts or poorly-managed transitions. When organized human

⁴³ <http://www.un.org/en/documents/udhr/index.shtml> [07.12.2018]

⁴⁴ Kevin Bales, *Disposable people: New slavery in the global economy* (Berkeley and Los Angeles: University of California Press, 2004), 15

⁴⁵ Siddharth Kara, *Sex trafficking: Inside the business of modern slavery* (New York: Columbia University Press, 2009), 19

⁴⁶ Зоран Сулејманов, *Македонска криминалогија* (Скопје: Графохартија, 2000), 427

⁴⁷ www.europol.eu.int [10.11.2018]

trafficking is found on a suitable soil within a country or region, it rapidly grows and sets strategic risks to the stability and the future of the state. Once established, the trafficking network links with other existing criminal organizations that hold other spheres of influence in the criminal market, such as terrorism, drugs, arms trafficking, and so on.

TERM, CONCEPT, TERMINOLOGY AND DEFINITION OF HUMAN TRAFFICKING

According to the UN definition, trafficking in human beings is "recruiting, transporting, transferring, accepting or receiving persons through the use of blackmail or force, or other ways and forms of violence, fraud, misconception, or by using power or utilizing a state of vulnerability, or the giving or taking of money or benefits in order to achieve the goal, to have control over the person, so that the person is exploited.

The International Organization for Migration (IOM) defines "trafficking in human beings" as: recruiting, kidnapping or other means of abducting a person to be transmitted across international borders where during this process a trafficker receives economic or other profits by means of fraud or other forms of exploitation under conditions that violate fundamental human rights."⁴⁸

Profits from trafficking have a negative impact on national security by encouraging money laundering, fraud, tax crimes, document counterfeiting, narcotics trafficking, weapons and stolen vehicles, human organs sales and other criminal activities.

Based on the previous presentation of the problem of human trafficking, certain elements can be derived which would serve us in defining this term⁴⁹:

- The trade object is male and female persons, children and minors;
- Trade involves bringing (transfer) a person to another, foreign country (outside of) in any way and by any means of transportation;
- The way in which the person has acquired this activity is essentially irrelevant: false promises, fraud, blackmail, coercion, abduction, kidnapping or otherwise;
- the consent of the person to engage in this activity and to introduce into prostitution, the existence of a criminal act is not important;
- The criminal activity includes all those who, in any way, in any capacity, with an idea, advice, encouragement, aid or other complicity participated in the accomplishment of the criminal act;
- The whole activity (human trafficking) is done for the purpose of acquiring material benefits in money or other values (if this element is not present it would not be trade)

Trafficking is becoming a source of large financial gains that motivate criminal groups to further strengthen this business, expand and further improve it. In essence, trafficking in human beings is a veiled form of trade related to illegal migration, attracting convincing promises to work in other countries, using time or seasonal workers, engaging in risky activities such as drug trafficking, smuggling, prostitution and all forms of violent crime.

This criminal activity consists of three stages: recruitment, transport and exploitation. The first phase is the recruitment where victims are usually selected from rural areas, they do not have opportunities for some future, they are dealing with agricultural work or other poorly paid

⁴⁸ Андева, М., *Италија и трговијата со луѓе*, Збирка есеи на тема трговија со луѓе, (Скопје: ИОМ), 15

⁴⁹ Стојановски, Т., Арнаудовски, Љ., *Трговија со луѓе - Криминалитет*, Скопје 2002, стр. 90.

work. At this stage, the significance is reflected in the fact that it is necessary to approach the victims and gain their trust. Also, recruiting can be done through attractive job offers abroad. Once the trust is won and the victims are deceived, the next phase follows. Transport is carried out through transit countries in which victims are sometimes held. These are those countries that enter the road from the country of origin to the country of exploitation. The last stage is the exploitation phase that can be different from sexual services to forced physical work that violates enormously human rights. Much humiliating is the act of "selling" or "reselling" the victims.

The new methods of trafficking in human beings are increasingly hidden and more difficult to disclose. Criminal organizations adapt the methods of operation according to changes occurring in the middle in order to avoid detection and increase profits.

FACTORS THAT DETERMINE TRAFFICKING IN HUMAN BEINGS

The process of globalization has aggravated and exacerbated many of the old problems of international security and caused new risks and challenges. They are terrorism and separatism, national, religious and other forms of extremism, human trafficking, drug trafficking and organized crime, regional conflicts, the threat of proliferation of weapons of mass destruction, financial and economic crises, ecological disasters and epidemics. All these problems existed before, but in the era of globalization when the world became more connected and interdependent, they quickly gained universal character and became a real threat to regional and international security.⁵⁰

Once organized trafficking in human beings will find suitable land within a country or region, it grows rapidly and poses strategic risks to the stability and future of the state. Once established, the trafficking network links with other existing criminal organizations that hold other spheres of influence in the criminal market, such as terrorism, drugs, and arms trading.⁵¹

Although many countries in the world have eliminated slavery long ago, human trafficking has become one of the activities of organized criminal groups that have proven to be highly effective in penetrating countries and regions that are impoverished by wars, armed conflicts and poorly managed transitions.

It is surprising that traffickers make choices about which countries will serve as a source of trafficking by three main factors⁵²:

1. poor economic opportunities and chances for employment of people;
2. Well-defined and organized criminal networks;
3. a culture that emphasizes the subordinated role of people in society, that is, the hope for a better economic life, a well paid job, etc.

When it comes to issues that affect the security and democratization of the democracies in transition, then organized crime and corruption are central. Numerous experts recognize the increasing link between trafficking in human beings and organized crime. Even in situations where criminal groups are not directly responsible for trafficking people abroad, they often provide and protect operations. The inclusion of the "Mafia" dramatically increases the dangers

⁵⁰ More of this in: Милошевска, Т., Безбедносни аспекти на трговијата со луѓе во Југоисточна Европа

⁵¹ Stability Pact for South Eastern Europe, Development of Anti-Trafficking training module for Judges and Prosecutors, International Center for Migration Police Development, April 2003

⁵² Лајман, М., Потер, Г., Организиран криминал, 4 издание, Магор, Скопје, 2009, p. 209-210

and challenges for those who are ready to catch up with trafficking, but also increases the price that society should pay for if it allows such a practice to continue.

The second very important issue in the field of security concerns the emergence of trafficking in the post-conflict areas. Political, social and economic dislocations, as previously said, complemented by numerous international presence have contributed to creating conditions in Bosnia and Herzegovina in the context of human trafficking. Kosovo presents a similar danger and challenge. Several member states and NGOs, in order not to "repeat Bosnia," have called on the OSCE, as part of its wider role in the Stability Pact, to face trafficking in Kosovo.⁵³

The issue of human trafficking takes enormous proportions in the part of Southeast Europe (the Balkans). Among the reasons why the Balkans is a reference case for trafficking in human beings is the progression from a state of conflict in a post-conflict state and the transition to these countries.⁵⁴ The following factors have been identified as the most common causes of human trafficking in Southeast Europe:

1. transition from transition to a free market economy
2. Opening the borders
3. the existence of a developed "black market"
4. Wars in the former Yugoslavia

Trafficking in human beings is an extremely important phenomenon and this should be taken into account in particular, since it has the potential to undermine and destroy the process of democratization, the country's value system and the concept of human rights, to weaken efforts to reform institutions, to encourage corruption and threaten the process of peace and stabilization, the rule of law and the smooth functioning of the rule of law.

GENERAL TRENDS IN HUMAN TRAFFICKING IN THE WORLD

Criminal organizations that deal with trafficking for crossing borders and transportation of their victims in many countries, for further exploitation often use a combination of legal and illegal channels and strategies. The line between legal and illegal entry is often blurred because traffickers use more roads to transport the victims by using travelling stations, safe houses, special vehicles and so on.

In situations when a victim wants to be transported in a given country and thereby to use the legal channel, retailers need any documents, whether forged or genuine that will enable safe crossing. The ability to obtain documents that appear genuine exploitation has always been by all types of criminal organizations. Passports that meet the needs can be made in four ways⁵⁵:

1. Parts of the original passport physical change (usually by replacing the photograph, by inserting a page with a visa or biographical data) to correspond with the desired passenger requirements.
2. Whole passports or visa pages falsify.
3. Obtained original passports using stolen or illegally obtained identity documents.

⁵³ ОБСЕ, Трговија со човечки суштества: импликации за ОБСЕ, Оценувачка конференција, Варшава, Полска, 1999, p. 33

⁵⁴ More of this in: Неткова, Б., Превенција на трговијата со жени и градење на мирот во Македонија, Фридрих Еберт, Скопје, 2004

⁵⁵ Шелдон, Џ., Шверц и трговија со луѓе - сите патишта водат кон Америка, Академски печат, Скопје 2009, стр. 58 / Sheldon, J., Human trafficking and smuggling, 4th edition, Magor, Skopje, 2009, p. 210

4. Original passports, stolen or obtained on the black market are used by criminal organizations that take identity in the passport.

In making these fake passports, they need a quality paper, latest printers and modern, sophisticated computers for graphic design, laminating machinery which results in excellent passports that can rarely be detected at first glance.

Besides the use of legal channels for transportation of victims, criminal organizations very often exploit illegal actions and they achieve their goals. Frequently used strategies are those that are going on by land, water and air. By road crossing the borders are illegal crossings that are poorly secured, hardly accessible, but still useful for traders. They also persuade drivers and are taking advantage of their transportation services. If necessary transportation to perform by sea takes more preparation and planning, because it is necessary to ensure that ships will be ready to travel the high seas. Often traders put their offerings in large cargo ships or in containers carrying certain goods subject to weaker control. Poorly used, but not worthless to mention is that transport is carried by air, which is quite expensive and requires the involvement of large preparations and procedures for its implementation.

Traffickers often use a combination of these methods depending on their needs and ultimate destination. Relying on well-made networks and corrupt officials in various countries, transport is proving to be quite successful.

Human trafficking, sometimes primarily concentrated in certain regions of the world, and today under the pressure of globalization, is linking many remote regions. In that sense, it is evident that human trafficking has become a concern as in the national and international systems of control.⁵⁶

According to the UN estimates, human trafficking has become the "third largest business in the world, which creates a profit of about approximately \$ 9.5 billion annually. It is closely linked to money laundering; drug trafficking, document forgery and smuggling of people."⁵⁷

The true scale of trafficking, however, is not known. Due to the underground and illegal nature of the activity reliable statistical data could not be obtained. Obstacles are the lack of data collection and their research, as well as numerous and varied definitions of the term "human trafficking" who use different sources. In addition, the number of victims of trafficking who are willing and able to tell its experience to the police is very small. Estimations of the NGO, as a result of all this, are significantly higher than those coming from official sources.⁵⁸

Despite the lack of precise and specific data, most sources agree on some basic trends⁵⁹:

- Women and girls who are targets of traffickers often come from different developing countries of Latin America (Colombia, Brazil, and Dominican Republic), Asia (China, Thailand, Vietnam and Philippines) and Africa (Nigeria, Morocco). From the developed

⁵⁶ Albrecht, H., Trafficking in Humans-Theory, Phenomenon and Criminal Law based responses, Max Planck Institute for Foreign and International Criminal Law, Freiburg, available at:

<http://www.umn.edu/humanrts/svaw/trafficking/law/index.htm> [retrieved on the 20.11.2018]

⁵⁷ U.S. State Department, Trafficking in Persons Report, June 2005, available at: www.state.gov/g/tip/rls/tiprpt/2005 [retrieved on the 15.12.2018]

⁵⁸ ОБСЕ, Трговија со човечки суштества: импликации за ОБСЕ, Оценувачка конференција, Варшава, Полска, 1999, стр. 18 / OSCE, Human trafficking: OSCE implications, Assessing conference, Warsaw, Poland, 1999, p. 18

⁵⁹ ОБСЕ, Трговија со човечки суштества: импликации за ОБСЕ, Оценувачка конференција, Варшава, Полска, 1999, стр. 18-21/ OSCE, Human trafficking: OSCE implications, Assessing conference, Warsaw, Poland, 1999, p. 18-21

countries, trafficking is mostly present in the Netherlands, Belgium, Germany, Austria, Switzerland, Italy, Spain, Greece, Turkey, United Kingdom, Sweden, Denmark, Finland, Norway, Canada, and USA.

- Since the early 90s, a growing number of victims of trafficking come from Central and Eastern Europe and newly independent countries: the Russian Federation, Ukraine, Poland, the Baltic states, Albania, Czech Republic, Hungary, Slovakia, Romania, Bulgaria, countries of former Yugoslavia, Moldova, Georgia, Armenia and Azerbaijan.
- A new trend in human trafficking is that as the destination of the victims more and more appear the Western states, but also Turkey, Israel, United Arab Emirates, Thailand, Japan and North America.
- Member resources for victims of trafficking are increasingly becoming transit countries, and countries and purposes. Many Western countries are also transit countries. For example, the Schengen Agreement, which provides free movement, allows traffickers once they are found within the European Union, the relative freedom to transport people to other destinations in the EU. Canada is a destination and transit country on the way to the United States.
- Most women and girls from Central and Eastern Europe and newly independent states traded, are under the age of 25 years, and many of them have between 12 and 18.

As a special trend in human trafficking to be emphasized is child trafficking for sexual exploitation. It is a phenomenon that is increasingly becoming a growing international problem. There has been significant and dramatic increase of U.S. citizens abroad for there to have sex with children. These children are often caught in the networks of human trafficking and one has repaid the expenses incurred for them. Sometimes it happens for one to be kidnapped and sold into prostitution, but the most disturbing fact is that most children who are forced into prostitution, in fact, are sold to traffickers by their parents.

Human trafficking in the world in the future is expected to be a booming industry of organized crime, especially because it is a highly profitable business, little risk of detection and relatively small number of terminations in criminal court proceedings.

Regarding the current trend of the spectrum can be summarized as follows⁶⁰:

1. the distance needed to cover and how many countries need to cross from the country of origin to final destination, the more sophisticated and better organized criminal groups involved;
2. trafficking for purposes of exploitation of labor require a greater number of actors and a higher level of expertise than for their purpose. As a consequence, criminal organizations involved in trafficking for purposes of exploitation of labor are typically more sophisticated and complex;
3. not so strong networks are increasingly common in this area of criminal groups. They consist of networks of individuals or criminal groups that show significant dynamism and fluidity. Any attempt to give a static definition is in danger of distortion of reality. Those who were called individual, small and medium-sized and multinational criminal groups can work together for specific purposes, where each group performs its specific expertise and act as a node of a large network;

⁶⁰ Рајкел, Ф., Прирачник за транснационален криминал и правда, Датапонс, Скопје, 2009, стр. 207 / Rikel, F., Manual for transnational criminal and justice, Datapons, Skopje, 2009, p. 207

4. criminal groups that perform trafficking specialize is not opportunistic. That means they tend to switch from one to another illegal activity, spreading their operational sectors, on the basis of certain opportunism.

Human trafficking became a major source of financial gains that motivate criminal groups, the business continues to strengthen, expand and further improve it.

CONCLUDING REMARKS AND RECOMMENDATIONS

From the above stated material may be concluded that human trafficking is a sophisticated crime and victims need the necessary assistance to restore their freedom. Also human trafficking is a serious problem that many countries in the world are faced with. It is therefore the multidisciplinary approach which is necessary for solving this problem that would allow easy identification of this problem, and thus able to react promptly.

It is necessary to establish an efficient system of cooperation and coordination at the international level, which necessarily entails a need for assistance and support of the international community, both in terms of training of professional staff through education and exchange of experiences at home and abroad, and in the form of financial assistance in terms of creating conditions for building adequate institutional capacity or databases for easier communication and information exchange in the field of human trafficking.

Trafficking and exploitation has already become one of the main sources of financing of terrorism since the end of the last century. Taking the swing in states with severe and complex conditions, the deficit of jobs, unemployment, low income and low standard of living in certain strata of society, international terrorist and extremist organizations form networks of trafficking and their exploitation. They trade in women and children for prostitution and forced work for profit, and involvement of adults in their activities as mercenaries.

Human trafficking is a transnational criminal phenomenon that is taken and controlled by global organized crime-networks for the realization of large profits. Authorities in the countries and international organizations are taking measures and activities to prevent human trafficking, and criminal organizations are a step ahead of them and always adapt their methods of operation of the existing conditions in the country and find new ones. Besides being dangerous and worrisome phenomena, which includes diverse range of victims' exploitation that violate the universal human rights, it also represents a dangerous challenge for the national and the international security.

Scientific approach in considering the security aspects of contemporary trends, should contribute in detection, prevention and involvement of all competent authorities to combat this evil.

Finally we can say that in the fight against human trafficking the repressive and preventive actions that will achieve successful identification are needed, and also confrontation and destruction of this international scourge.

References

- Albrecht, H., Trafficking in Humans-Theory, Phenomenom and Criminal Law based responses, Max Planck Institute for Foreign and International Criminal Law, Freiburg, достапно на:

- <http://www.umn.edu/humanrts/svaw/trafficking/law/index.htm> [retrieved on the 20.11.2018]
- Арнаудовски, Љупчо. "Криминалитетот "Трговија со луѓе" – проблеми во дефинирањето" *Родова перспектива на трговијата со луѓе* (2004): 45 – 70;
- Арнаудовски, Љупчо, и Трпе Стојановски. *Трговија со луѓе – Криминалитет*. Скопје: Скенпоинт, 2002;
- Bales, Kevin. *Disposable people: New slavery in the global economy*. Berkeley and Los Angeles: University of California Press, 2004;
- ИОМ, Практикум за борба против трговија со луѓе и нелегалната миграција, Скопје, 2005
- ИОМ, Казнено-правна регулатива и анализа на случаи на трговија со луѓе и криумчарење на мигранти од Македонија, Србија, Албанија, Црна Гора и Босна и Херцеговина, Скопје, 2007
- International Labour Office. *Globalization and the illicit market for human trafficking: an empirical analysis of supply and demand*. Geneva: ILO, 2006;
- International Organization for Migration. *Data and research on human trafficking: A global survey*. Geneva: IOM, 2005, available at <http://gigapedia.com/items/66537/data-and-research-on-human-trafficking--a-global-survey> [28.11.2018];
- Лајман, Мајкл Д., и Гари В. Потер. *Организиран криминал*. Скопје: Магор, 2009;
- Милошевска, Т., Безбедносни аспекти на трговијата со луѓе во Југоисточна Европа
- Неткова, Б., Превенција на трговијата со жени и градење на мирот во Македонија, Фридрих Еберт, Скопје, 2004
- ОБСЕ, Трговија со човечки суштества: импликации за ОБСЕ, Оценувачка конференција, Варшава, Полска, 1999
- Рајкел, Ф., Прирачник за транснационален криминал и правда, Датапонс, Скопје, 2009
- Stability Pact for South Eastern Europe, Development of Anti-Trafficking training module for Judges and Prosecutors, International Center for Migration Police Development, April 2003
- U.S. State Department, Trafficking in Persons Report, June 2005, достапно на: www.state.gov/g/tip/rls/tiprpt/2005 [retrieved on the 15.12.2018]
- Шелдон, Џ., Шверц и трговија со луѓе – сите патишта водат кон Америка, Академски печат, Скопје, 2009
- www.europol.eu.int [retrieved on the 10.01.2018]

**INTERLOCUTORY PROCEDURE - COMPARATIVE ANALYSIS
BETWEEN MACEDONIA AND SERBIA**

Bozhidar Milanski, PhD

Ministry of Interior of the Republic of North Macedonia

Abstract

The criminal proceedings area under the influence of the current social circumstances and developments in the Republic of Macedonia is continuously transforming and improving, both through the implementation of the effectiveness in the cooperation between the state bodies, and through the aspiration to create a satisfactory legal framework for objective determination of the criminal responsibility. The continuing legal reforms were necessary first of all because of the separation of the Macedonian criminal legislation from that of the former federation community - SFRY, i.e. as a need occurred with the process of independence of the Republic of Macedonia and the change in the economic and political system of the country. Further changes were made in the direction of harmonization of the country's criminal legislation with those of the EU member states. In this paper a comparative analysis of the interlocutory procedure in Macedonia and Serbia was conducted. Overall, such an analysis facilitates to a certain extent the detection of problems and shortcomings in the domestic legislation or gives directions for improvements due to the experiences in other countries.

Keywords: interlocutory procedure, reforms, Republic of Macedonia, comparative analysis, legislation, state bodies.

INTRODUCTION

The dynamic process of continuous legal reforms still takes place after almost three decades after the independence of the Republic of Macedonia. The Republic of Macedonia belongs to several European countries that not long ago implemented a new Code of Criminal Procedure adopted on November 18, 2010 (Official Gazette of the Republic of Macedonia, No. 150/2010), which fully and fundamentally changes the concept of an inquisitorial procedure designed as an official court investigation. It is a fundamental change of the basic postulates on the basis of which the existing procedure of the so-called mixed type has been built, which implies completely new goals of the procedure and completely changed the role of the main actors in it.

INTERLOCUTARY PROCEDURE

The interlocutory procedure is conducted with one goal - the public prosecutor can provide sufficient material for establishing whether the doubts received as initial findings (grounds of suspicion) can be classified as a reasonable doubt based on evidence already obtained. This knowledge may lead to the conclusion that a certain person or persons are perpetrators of a criminal act, which can trigger a formal criminal investigation in the form of an investigative procedure. Namely, this procedure, if considered from a formal and legislative aspect, is itself a kind of necessary predecessor of the criminal procedure, and the basic aim of the same is to determine the character of the crime, or to define it as a crime or an accident. Therefore, the purpose of the interlocutory procedure is to determine the character of the crime, i.e. whether there are elements to classify the act as a criminal offence with the further aim of finding its perpetrator, which would initiate a criminal procedure. In order to initiate the criminal procedure, it is first necessary to initiate it. However, in order to initiate it, it is necessary to determine the existence of traces and evidence that indicate the existence of reasonable suspicions for a committed crime, which, in addition to being based on the obtained knowledge, should also be materially backed up.

The interlocutory procedure is not part of the criminal procedure, but it is the forerunner of the criminal procedure, and as such is aimed at determining the event as a criminal offence. It is initiated when there are grounds for suspicion that a crime has been committed and the ultimate goal is to find the perpetrator, to provide traces and objects from the scene that will be used as evidence for the committed crime, finding the possible witnesses, etc. According to Professor V. Pavisic, the actions undertaken in this phase, the filing of the criminal charges, the surveys, the gathering of notices and the decision of the public prosecutor for the initiative, are not acts of the criminal procedure. The criminal procedure occurs at the moment of the reasonable doubt.⁶¹

According to certain authors, the interlocutory procedure is defined as "an activity that precedes the criminal procedure".⁶² Additionally, prof. Mirjan Damaska talks about "crime

61 Pavisic, B. (2000). "Kazneni postupak u Republici Hrvatskoj", Hrvatski ljetopis za kazneno pravo i praksu, vol.7, br. 2, 572.

62 Vasiljevic, T. (1971) Sistem krivicnog procesnog prava, Beograd, 446.

criminal procedure", prof. Mladen Grubiša uses the term "informal procedure",⁶³ while according to prof. Vladimir Bayer it presents "an activity of the internal affairs bodies before the start of the regular criminal procedure".⁶⁴ The interlocutory procedure is conducted in order to provide the public prosecutor with a material to be able to assess whether the grounds of suspicion, as preliminary findings, present a reasonable suspicion as a higher degree of suspicion. This, based on the collected evidence pointing to the conclusion that a certain person committed a criminal offence, so that he could file a request to the court to conduct an investigation.⁶⁵ The interlocutory procedure has an important role in the process of proper conduct of the criminal procedure in its entirety, and with the changes of the Law on Criminal Procedure in 2010, it places the same focus on the public prosecutor.

THE INTERLOCUTORY PROCEDURE IN ACCORDANCE WITH THE PREVIOUS LAW ON CRIMINAL PROCEDURE (LCP) AND PROCEDURAL CHANGES IN 2010

The pre-trial procedure under the old LCP included an interlocutory procedure, which involves criminal charges and authorisation of the authorities in the pre-trial procedure, the special investigative measures but also the investigation, while the course of the criminal procedure was prescribed in the second part of the old LCP. The pre-trial procedure covers most of the normative text of the LCP, which can in some way be considered an indicator of the inquisitorial character of this procedure (more specifically called "mixed"). The decision on the criminal charges and the interlocutory procedure were aimed at clarifying whether the initial suspicion in the criminal case was founded, for which the prosecution and the police collect evidence in a rather informal manner. State organs and citizens were obliged to report crimes that were subject to criminal prosecution to the competent public prosecutor.

The police initiated self-initiated activities for detecting crimes that are prosecuted *ex officio*, if there are "grounds for suspicion" that such an act has been committed. "Grounds for suspicion" appear in the LCP as an evidence standard at the beginning of the state repressive organs procedure with a single function, i.e. it guarantees the citizens that the police (or some other crime prosecution organ) will be able to take their actions and measures after the suspicions that a crime has been committed, will be supported by certain force, specificity and articulability. Apart from that standard there are other standards that appear in the later stages of the procedure and which are formulated in the law in such a way that the state authorities are given the request for even greater power. In practice, little attention is given to the articulation and elaboration of those standards when making decisions of the criminal procedure body. Therefore, it is the task of the legislator in the adoption of the new LCP to consider carefully and adequately prescribe the standards related to certain types of procedural measures that limit the rights and freedoms of citizens, with certain actions of collecting and producing evidence such as and in connection with the transfer of the criminal procedure from the initial to the higher stages.

66

63 Grubisa, M. (1968) *Prirucnik za primenu noveliranog Zakona o krivicnom postupku*, Zagreb, 32.

64 Bayer, V. (1977), *Jugoslovensko krivicno procesno pravo*, Knjiga prva, Uvod u teoriju krivicnog procesnog prava, Zagreb, 111.

65 Matovski, N., Buzarovska L. G., Kalajdziev G (2011) *Krivicno procesno pravo*, second edition, Skopje

66 Krapac D., Kambovski V., Lazhetic G., Kalajdziev G. (2007), *Strategija za reforma na kaznenoto pravo na Republika Makedonija*, Skopje: Ministry of Justice

The police procedure was not regulated in detail, but the evidence collected by the crime police in the investigations can not be used in court, except the material evidence, for example, the results of the inspection, the seized items, etc., but not the results of the informative conversations with the citizens.

The negative attitude towards the evidentiary value of the statements given to the police was based on mistrust in the police bodies and in the state security in general, in a sense that they can not guarantee the legality of the actions and the voluntarism and reliability of the statements given to the police. It is quite interesting that this negative approach to the evidence value of the police interrogations i.e. the so called informative conversations, in the worldwide practice and in certain circumstances can be used, but in Macedonia it is not the case.

The systemic problem of regulation of the previous procedure according to prof. Krapac refers to three main issues: a) the separation of the procedural functions of the indictment, the defence and the conduct of proceedings by various procedural entities; b) the differentiation and integration of matters in the pre-trial procedure; and c) the usability of its results as evidence of the trial.⁶⁷ As is known, the contemporary type of criminal procedure of a mixed type can be instituted and conducted only at the request of the authorized prosecutor (PP). This means that the court is the one who raises and conducts criminal proceedings at the request of the authorized prosecutor. Therefore, the investigation is conducted at the request of the authorized prosecutor. But when the plaintiff submits his claim and a judicial inquiry is initiated, the judge is the one who takes the initiative *proprio motu*, takes what he considers necessary for the successful conduct of the proceedings.⁶⁸ Therefore, the basic idea of the law is to initiate and enforce the criminal procedure and that the judicial investigation is the first phase. This separates the functions of criminal prosecution and investigation: the plaintiff (mainly the public prosecutor) has the task of making the initial step and requesting the court proceedings (the function of prosecution) and the investigation is led by a court and is directed against the identified suspect i.e. accused.

The legal response to the challenge of organized crime is the most difficult to reconcile with the original model introduced recently. Here, the court has been entrusted with authorizing a number of measures of secret surveillance of citizens and infiltration in criminal groups, which are entitled to temporarily restrict certain constitutional rights of citizens. Further, it must be noted that the position of the investigating judge in relation to the prosecutor has deteriorated. More judges are accustomed to meeting the demands of public prosecutors and enforcing what they are required to do. And the public prosecutors are adapted to play the decisive, and not only the preparatory role in the pre-trial procedure: the LCP assigns the task of detecting crimes to the perpetrator and for the investigation of crimes. In accordance with this approach, the LCP requires all criminal charges to be submitted to the competent public prosecutor and the police immediately submit it to the competent prosecutor. Furthermore, the law allows the public prosecutor to order the police to carry out certain actions only if they themselves can not carry out those actions. In the case of such an extraordinary order, the police shall be restricted to actions in accordance with the request of the public prosecutor, for whose performance they must inform him within 30 days. The public prosecutor is the means, *dominus litis* of the pre-trial procedure. But, on the other hand, in the pre-trial procedure, the police are very powerful. This is

⁶⁷ Ibid.

⁶⁸ Ibid.

reflected in the provisions Law on Police and LCP that give the police the task of detecting criminal offenses and perpetrators. Whenever there is a reason to suspect that the crime has been committed, the police are required to disclose the perpetrator, provide all the evidence and collect all relevant information. The police are obliged to notify the competent prosecutor (within 24 hours for all measures taken) - but this does not represent the end of the police investigations that are continuing ex officio and which in practice does not cause any reaction to the prosecutors. It is very unclear in which cases there is a need for the prosecutor to take over the investigation from the police. Even the provisions of the LCP entitle the police extensive powers, including an extensive authorization to take "other necessary measures and actions", thus it is obvious that the law openly addresses the police as to a state body responsible for conducting an investigation.⁶⁹

The initially deliberated division of the preliminary procedure (in first stage into the hands of the state executive, entrusted with the task of detecting and apprehending the perpetrator of the crime and finding and providing evidence), and in the second stage (in the hands of the judicial authority in which the evidences were produced legally usable at the trial_, in practice was broken and became unnecessary. In one hand, the police work for detecting and providing evidence was extended to the entire preliminary procedure, and on the other hand, the public prosecutor reduced his work to the technical role of someone, to say so, "assessor" of the police results and neglected others, essential works pertaining to the criminal prosecution. Therefore, it can be said that the existing system of the previous procedure in the Republic of Macedonia, in which all entities similarly perform the work of investigation and criminal prosecution, fail to clearly and explicitly separate the tasks of the police, prosecutors and judges.

Even after the changes, the two components of the previous procedure have not been changed, i.e. even today, the previous procedure consists of pre-trial procedure and investigation. The new Law on Criminal Procedure introduced the so-called. "Judicial police", i.e. it is a crime police that works closely with the public prosecutor's office, and a small part of it will be directly assigned to the team of the public prosecutor's office in the investigative centers. What was foreseen by the changes in the new Law is that most of the judicial police is composed of the MoI inspectors, the Financial Police and the Customs Administration, who remain in their ministries and work almost the same as before, but having a clearer link between them and the public prosecutor's office. It should be noted that the amendments to the Law on Criminal Procedure fully and in essence change the concept of the procedure that was foreseen by the old Law on Criminal Procedure. Namely, the amendments rejected the previous practice of judicial paternalism, which in some way was intrusively placed. Naturally, during the pre-trial procedure, the changes anticipate greater coordination between the public prosecutor's office and the police. But while legally assuming a well-conceived way of fusing of the work of these two institutions, it still appears in practice that the level of cooperation is not too much altered from what has previously been a practice. The obsolescence and diligence of the old concept that was envisaged before the adoption of the new Law was a kind of reason for a longer-term debate that resulted in substantial changes. That is, with the pre-investigative actions the public prosecutor's office reduced itself to a formal handover of the police management, while the investigative judges, although supposed to conduct the procedure independently, still inclined to the proposals coming from the public prosecutor's office.

⁶⁹ Ibid.

NEW CONCEPT OF THE PRELIMINARY PROCEDURE

The wave of more radical reform of the criminal procedure followed at the beginning of the new millennium with the trend of reforming most European actions in terms of abandoning the inquisitorial model and accepting a new European model of an accusatory procedure. The greatest impact in that sense is the reform of the Italian criminal procedure since 1988. Most lawmakers in the region have opted for abolition of judicial paternalism and introduction of a country-wide procedure, referring to the Italian practice. This means that the reforms have affected the main hearing, but significantly less the legal remedies procedure. Moreover, there are increasing talks about some new model of European "adversarial" procedure.

More seriously, from the aspect of the system of investigation and the previous procedure in general, two or three of its systems are present in the literature. Their main difference is reflected in the type of entity that is undertaking the investigative activities, ie, whether in the capacity of these entities there is a judicial authority or a body of the executive power. In terms of this criterion, these are: judicial concept of investigation (pre-trial), prosecution and prosecution-police concept of investigation. The purely police concept of inquiry seems to be an isolated (fourth) model present only in England and the states that follow its legal tradition, where the public prosecution has yet to appear as a new subject of the criminal proceedings. The first, judicial concept of inquiry, which is dominant in the continental legal system, increasingly loses its presence and relinquishes the place of prosecution and prosecution-police concept of inquiry. The prosecution, that is, the prosecution-police concept of inquiry, loses its Anglo-Saxon character as its source and gets the character of universality. Moreover, even in the criminal procedural legislation of the countries with the judicial concept of inquiry, it is increasingly present in taking of a small number of solutions inherent in the prosecution-police concept of investigation. Such is the case with France as the cradle of the investigative judge's institute, where the powers of the investigating judge are significantly reduced by introduction of a judge for freedom and detention who is hierarchically above the investigating judge and is competent to decide on detention, entry into the apartment, seizure of objects as well as some issues outside the criminal procedure. As is well-known, one of the first countries of the continental legal system in Europe that abandoned the judicial concept of inquiry and switched to the plaintiff concept is Germany. By adopting the first law on reform of the criminal procedural law of 09.12.1974, in order to create normative grounds for accelerating the criminal procedure, which at that time, according to the only position and the theory and practice, was not at the desired level, Germany brought the most significant novelty in the contemporary criminal procedure within the European framework.

PRELIMINARY PROCEDURE IN SERBIA

The 2011 Code of Criminal Procedure of the Republic of Serbia introduced a number of new procedural solutions, which were not primarily characteristic of the countries belonging to the European-Continental legal tradition, and therefore unclear for Serbia as well. One of the goals with the adoption of the new Criminal Procedure Code was the change of the judicial concept of investigation and the introduction of prosecutorial investigation. The point is that one of the basic characteristics of the prosecution investigation is that during its implementation, as

with the conduct of the judicial investigation, several entities take part, but the public prosecutor is the basic subject due to the fact that it adopts an investigation enforcement order, conducts the investigation and gives the police the authority to make certain evidence activities.

According to the Law on Criminal Procedure, certain elements of a lateral investigation have been introduced, prescribing that the suspect and his lawyer can independently collect evidence and materials in their own favor. In addition to the introduction of the lateral investigation, the new concept of the pre-trial procedure in the Republic of Serbia has a number of disadvantages and debatable solutions. The regular criminal procedure begins with the adoption of an investigation order i.e. by confirming the indictment which was not preceded by an investigation. From this legal determination it follows that the investigation is part of the criminal procedure, which is confirmed by the provision from article 2 paragraph 1 item 14 of the Law on Criminal Procedure, according to which, there is a pre-trial procedure and a criminal procedure. It can be said that the basic stages of the procedure in accordance with the Law on Criminal Procedure are the pre-trial procedure (investigation, indictment) and the main procedure (preparation for a main trial, main trial and adjudication). According to this legal determination it follows that the pre-trial procedure is not part of the criminal procedure and that the law replaces the former pre-trial procedure, which means that it is guided by the existence of reasonable suspicions for a committed crime. It is managed by the public prosecutor and, in cooperation with the police, undertakes certain actions for detecting criminal offenses and finding suspects.

Unlike the pre-trial procedure, the investigation according to the systematisation of the Law is the first phase of the preliminary criminal procedure and it can be launched in two cases: first, against a certain person for whom there is a reasonable suspicion that he committed a criminal offense, and secondly against an unknown perpetrator when there is a reasonable suspicion that a crime has been committed. The investigation begins with an order from the public prosecutor, who is authorised and leads the investigation. In the investigation process evidences and data are gathered necessary to make a decision or to raise an indictment or to cease the procedure, evidence that is necessary for determining the identity of the perpetrator, evidence for which there is a danger that they will not be repeated at the main hearing or their performance will be difficult, as well as other evidences that may be of use to the proceedings, and whose performance, given the circumstances of the case, proved to be expedient. By analyzing the above, a number of reasons can be stated indicating the inadequacy and illogicality of such a legal solution by the Serbian legislator. First, this division of pre-trial proceedings and investigation is completely unnecessary and there is not much justification. Such a division may make sense in the judicial concept of inquiry, because it clearly separates the pre-trial proceedings, which is a non-judicial activity, as well as the investigation conducted by an investigative judge as functionally competent in court. However, in the prosecution-police concept of inquiry as introduced by the new Law, the pre-trial procedure and the investigation are activities of the public prosecutor and the police, and thus the two phases have the same legal nature, and therefore there is no need to separate themselves in this way. This legal provision is especially illogical because in an artificial manner it separates the pre-trial procedure and the investigation, so that the pre-trial procedure does not consider a part of the criminal procedure.

It is known that the initiated criminal proceedings entails a large number of consequences, and it can be noted that the basic material condition for conducting the pre-trial procedure and the investigation is completely the same, but the legal consequences are not

identical. In that sense, the pre-trial procedure is undertaken when there are reasonable suspicions for committing a crime, and the investigation can be initiated against a certain person for whom there are reasonable suspicions that he committed a crime and against an unknown perpetrator when there are reasonable suspicions for committing a crime. This makes it possible for the investigation to be conducted with the same degree of suspicion as the pre-trial procedure, both against a known perpetrator and against an unknown perpetrator. The only difference between the pre-trial procedure and the investigation is one formal element - the order of the public prosecutor to start the investigation, which at the same time marks the initiation of the criminal procedure. However, when the essence of the matter is perceived, it can be noted that the public prosecutor's order for initiating investigation does not create any difference in terms of the legal nature with regard to the pre-trial procedure, because they are managed by the same organs, i.e. the public prosecutor and the police, while the material condition is the same; the degree of reasonable doubt. Also, the term "suspect" is also used for a person in the pre-trial procedure and for the person against whom the investigation is being conducted, so in both phases of the procedure the suspect has the same rights, which means the division of the pre-trial procedure and the investigation becomes even less important.

The very fact that the new Law introduces an prosecution concept of the investigation instead of the previous judicial concept implies that the commencement and conduct of the investigation under the jurisdiction of the public prosecutor and the police commences with the order of the public prosecutor without the possibility of judicial control over such a decision. In this way, the investigation completely changes its legal nature and from the court it becomes an administrative activity. There is no legal remedy by which the suspect and his counsel can contest such an order by the public prosecutor to initiate the investigation, i.e. no appeal can be submitted to the court that would consider such a decision by the public prosecutor, and it is also not possible to submit an objection to the higher Public Prosecutor. In fact, there is neither a court, nor any other type of control over the decision of the public prosecutor for the initiation of the criminal procedure.⁷⁰

Having in mind this legal provision, according to which the investigation is opened by the public prosecutor, without the possibility of judicial control, a question can also be raised about the constitutionality of such a decision from two aspects.⁷¹

First of all, the Consitution of Serbia⁷² guarantees every citizen the right to an appeal or other remedy against the act that decides on his rights, obligations or interests based on the law.⁷³ Therefore, the decision to initiate the criminal procedure must be subject to judicial review.⁷⁴ On the other hand, the Constitution of the Republic of Serbia regulates the right to a fair trial i.e. it is guaranteed that everyone has the right to impartial and by Law established court that will decide on the merits of the suspicion which is the reason for initiating the procedure.⁷⁵

⁷⁰ Grubač, M. (2010), *Odredbe o organizaciji prethodnog krivičnog postupka Nacrta ZKP Srbije iz aprila 2010. godine upoređene sa odgovarajućim odredbama italijanskog ZKP*, Glasnik Advokatske komore Vojvodine, 82(12), 563.

⁷¹ Pavlović, Z. (2015), *Krivično procesno pravo II*, Novi Sad, op. cit., 48-57.

⁷² „Official Gazette of the Republic of Serbia“, No. 98/2006.

⁷³ Article 36, paragrah 2 of the Serbian Contitution

⁷⁴ Grubač, M. (2014), *Otvaranje istrage prema novom Zakoniku o krivičnom postupku Srbije*, Pravni zapisi, 5(1), 222.

⁷⁵ Article 36, paragrah 2 of the Sebian Contitutione

Such legal solutions constitute the abandonment of the generally accepted determination of the notion of criminal proceedings as a threefold legal relationship between the court, the authorized prosecutor and the suspect. Thus, for example, the criminal procedure is defined as by law regulated taking of crime procedural actions by crime procedural entities, for the purpose of making a decision of the court for the criminal act, the responsibility of the perpetrator, criminal sanction and other procedural relations that are connected with the criminal act, and they require participation and a decision of the court.⁷⁶ It is also noted that in order to create a procedural relation, it is necessary to have three main procedural subjects: the court, the prosecutor and the suspect.⁷⁷ Regardless of the many different definitions of the criminal procedure, the view that the criminal procedure is essentially a procedural relationship that arises, runs and ends between the court and the parties in order to properly apply the criminal law on criminal activity that is the subject of the procedure, is widely accepted.⁷⁸ In this sense, "the basic criminal procedural entities are persons without which the criminal procedure could not be conducted, which means that they appear in every criminal procedure: the court, the authorized prosecutor and the suspect".⁷⁹ Simply, at the beginning of the procedure, a court decision must be preceded by which it is determined that the conditions determined by the law on conducting procedure are met.⁸⁰

However, such designed investigation ordered and led by the public prosecutor in cooperation with the police does not fulfill the previously stated conditions for the existence of a three-pronged criminal procedural relationship because the order of the public prosecutor for conducting the investigation can not be appealed. Therefore, there is no court decision that would determine the existence of the necessary legally prescribed conditions for conducting the investigation. In this way, the investigation does not result in establishment of a three-pronged criminal process relationship because there is no court, thus only a relationship between the public prosecutor and the suspect is formed..

One of the most significant reasons for the inadequacy of the legal regulation of the criminal procedure is that the "ne bis in idem" rule does not apply in the preliminary procedure.⁸¹ Namely, if the public prosecutor orders an interruption of the investigation (for example, if there is insufficient evidence of an indictment), that is not the reason why it will not be possible to open an investigation again against a person for the same crime, i.e. in the particular case, the "res iudicata" complaint can not be raised. In fact, if the legislator's position is accepted that the investigation phase is part of the criminal procedure, this would mean that a person can be repeatedly investigated, even though the public prosecutor repeatedly issued an order to stop the investigation.

Based on the previously analyzed, it can be concluded that such a designed non-judicial investigation ceases to be part of the criminal procedure in the true sense of the word. It remains part of the criminal procedure, but in another, broader sense, apart from the main proceedings, as

⁷⁶ Bejatović, S. (2014), *Krivično procesno pravo*, Beograd:Službeni glasnik, 48-49.

⁷⁷ Simović, M. (2009), *Krivično procesno pravo – uvod i opšti deo*, Bihać: Pravni fakultet, 30.

⁷⁸ Đurđić, V. (2010), *op. cit.*, 3-22

⁷⁹ Tomašević, G. (2009), *Kazneno procesno pravo – opći dio: temeljni pojmovi*, Split: Pravni fakultet u Splitu i Zavod za kaznenopravna i kriminološka istraživanja „Ivan Vučetić“, 19.

⁸⁰ Grubač, M. (2008), *Krivično procesno pravo*, Beograd: Pravni fakultet Univerziteta Union i Službeni glasnik, 29

⁸¹ Ilić, G., Majić, M., Beljanski, S., Trešnjev, A. (2013), *Komentar Zakonika o krivičnom postupku*, Beograd: Službeni glasnik, 714.

a criminal proceeding in the true sense of the word.⁸² In this way, the investigation, together with the interlocutory procedure and the prosecution procedure, would be part of the preliminary procedure, but not in the sense as it was foreseen in the former concept of a judicial investigation. They are deemed a prosecution part of the investigation, and with the confirmation of the indictment, the procedure will enter in court phase.⁸³

CONCLUSION

The new trends of living besides the offering benefits in the social life also lead to the emergence of a series of negative criminal trends and the emergence of new crimes that on the other hand disrupt the normal course of social life and the normal functioning of man. Following the emergence of the new trends in the modern way of life, each state, in order to maintain the normal course of living and preserve the state order, must undertake a series of protective measures and mechanisms.

In the Republic of Macedonia, with minor changes, the former Yugoslav Law on Penal Procedure was applied for a very long time. With the latest Law on Criminal Procedure of the Republic of Macedonia passed in 2010 a completely new model of criminal procedure was introduced based on the Western human rights ideology and the Anglo-American ideology for a fair trial according to the so-called model of adversarial (accusatory) procedure. In this light, the international standards for protection and guarantee of the human rights legally mandatory for the states today are embodied.

Through a comparative analysis of the interlocutory procedure in Serbia, certain problems and shortcomings in the domestic legislation were detected. The reforms in Serbia are not actually completed. In that sense, as claimed by prof. Bejatovic, the new laws on criminal proceedings in countries in the region (including Serbia) are not the end of the reform but only one important step in the reform process, which is not over! Namely, even the legal texts themselves are not consistently and conceptually completed, and numerous legal and practical issues have yet to be answered.

References

- Bayer, V. (1977), *Jugoslovensko krivično procesno pravo*, Knjiga prva, Uvod u teoriju krivičnog procesnog prava, Zagreb, 111.
- Bejatović, S. (2014), *Krivično procesno pravo*, Beograd: Službeni glasnik, 48-49.
- Grubač, M. (2008), *Krivično procesno pravo*, Beograd: Pravni fakultet Univerziteta Union i Službeni glasnik, 29
- Grubač, M. (2010), *Odredbe o organizaciji prethodnog krivičnog postupka Nacrta ZKP Srbije iz aprila 2010. godine upoređene sa odgovarajućim odredbama italijanskog ZKP*, *Glasnik Advokatske komore Vojvodine*, 82(12), 563.
- Grubač, M. (2014), *Otvoranje istrage prema novom Zakoniku o krivičnom postupku Srbije*, *Pravni zapisi*, 5(1), 222.

⁸² Grubač, M. (2010), op. cit., 562-563

⁸³ Ilić, G. (2011), *Odnos javnog tužilaštva i policije u svetlu novog Zakonika o krivičnom postupku*, *Revija za kriminologiju i krivično pravo*, 49(2-3), 318.

- Grubisa, M. (1968) Prirucnik za primenu noveliranog Zakona o krivicnom postupku, Zagreb, 32.
- Ilić, G. (2011), Odnos javnog tužilaštva i policije u svetlu novog Zakonika o krivičnom postupku, Revija za kriminologiju i krivično pravo, 49(2-3), 318.
- Ilić, G., Majić, M., Beljanski, S., Trešnjev, A. (2013), Komentar Zakonika o krivičnom postupku, Beograd: Službeni glasnik, 714.
- Krapac, D., Kambovski V., Lazhetic G., Kalajdziev G. (2007), Strategija za reforma na kaznenoto pravo na Republika Makedonija, Skopje: Ministry of Justice
- Pavisic, B. (2000). “Kazneni postupak u Republici Hrvatskoj”, Hrvatski ljetopis za kazneno pravo i praksu, vol.7, br. 2, 572.
- Pavlović, V. Z. (2014), Constitutionalization of the Criminal Procedure Law, In (Milašinović, S., Simović, D., Simeunović Patić, B. eds) A. Reiss Days, Tom III, Vol. III (pp. 199-211), Belgrade & Bonn, KPA-IRZ.
- Matovski, N., Buzarovska L G., Kalajdziev G (2011) Krivicno procesno pravo, second edition, Skopje
- Pavlović, Z. (2015), Krivično procesno pravo II, Novi Sad, op. cit., 48-57.
- Simović, M. (2009), Krivično procesno pravo – uvod i opšti deo, Bihać: Pravni fakultet, 30.
- Official Gazzete of the Republic of Serbia No. 98/2006.
- Tomašević, G. (2009), Kazneno procesno pravo – opći dio: temeljni pojmovi, Split:Pravni fakultet u Splitu i Zavod za kaznenopravna i kriminološka istraživanja „Ivan Vučetić“, 19.
- Constitution of Serbia
- Vasiljevic, T. (1971) Sistem krivicnog procesnog prava, Beograd, 446.

**PRISON LIFE: LIVING IN AND LEAVING PRISON: REHABILITATION
AS THE LEADING GOAL AND IDEA OF THE CRIMINAL SANCTION**

Daniela Trajkovska PhD Candidate
MIT University Skopje

Abstract

The purpose of the prison sentence is the re-education of the convicted person, rehabilitation and re-socialization, and at the same time the person to understand the consequence of the committed crime, and to become a better person. Getting out of jail, especially for convicts of longer prison sentences, may be a shock to the prisoner.

In the penal institutions, there are a large number of convicts of different age, convicts for various committed crimes, different life stories, different educational profiles, etc.

Re-socialization is a long-lasting and dynamic process in achieving and enduring human influences, and it is a complex, complex and comprehensive phenomenon that aims to achieve a lasting change in the perpetrator's personality.

In this work I want to encompass and explain the ways, patterns of re-socialization and the principles of re-socialization, from studying the personality of the convicted person, to the approach to him, working with the convict, the appropriate manner according to the personality, etc., and to conduct a conversation with a person who serving a prison sentence and his change after exiting the prison. At the same time, to give my conclusions, attitudes, criticisms, everything I have found in the literature, which I have explored, and so forth.

Mainly my work will deal with the ways of re-socialization and preparation of the convict to come out as a new, reassuring, re-socialized person.

Keywords: rehabilitation, convicted person, re-education, penal institutions, resocialized person;

BENEFITS OF RESOCIALIZATION

Providing rehabilitation for inmates offers countless benefits to the individual inmate as well as the community that inmate will re-enter upon his or her release.

The options for rehabilitation for inmates vary by facility, offense, and sentence length. Just like the cause of incarceration varies by inmate, the type of rehabilitation an inmate might respond to can also vary.

Some inmates may benefit from multiple kinds of rehabilitation. We put together a list of five of the most rewarding types of rehabilitation for inmates below.

1. Education resocialization for inmates

It has been proven time and time again that education programs in prison help to give inmates a second chance. In fact, inmates who participated in educational programs were 43% less likely to commit a crime and return to incarceration within three years than those who did not.

The statistics proving the value behind providing education programs in prison have helped change the landscape of educational offerings for inmates.

Positive outcomes for inmates who leave prison more educated than when they entered filter down into the community.

The extended family benefits, the local economy benefits when the ex-offender returns to work, and the taxpayers benefit when less people are incarcerated.

This, among other data, prompted President Obama to institute The Second Chance Pell Pilot which will open up the opportunity for about 12,000 inmates to apply for Pell grants for the first time in nearly 24 years.

Often these inmate education programs cover functional skills (above and beyond traditional academic programs).

For example, inmates who haven't had access to a computer or the internet in many years are at a disadvantage when attempting to return to the workforce. Computer training programs have become a crucial piece of re-entry educational programs.

Education programs in prison are helping give the power of knowledge to inmates. With this power, overcoming the past and enjoying a better quality of life are two very achievable goals.

2. Employment resocialization for inmates

Inmates who have the opportunity to engage in prison work programs while incarcerated have an easier time getting work once they are released.

The inability to find and maintain work is a main factor in recidivism across the nation. When former inmates re-enter society without marketable skills, a domino effect occurs that often times leads to new offenses.

Breaking the cycle relies on becoming a productive member of society through gainful employment. Being able to support oneself is beneficial financially and mentally.

For a person newly re-entering society, the self-esteem and fulfillment that can come from working hard plays a big role in lessening criminal behavior.

During prison, many inmates are given an opportunity to participate in work programs. These programs offer a consistent way to prepare for work in society. Punctuality, responsibility, deadlines, accountability and other skills are learned through taking part.

The benefits of prison work programs go much deeper than just job training.

3. Counseling resocialization for inmates

Prison Counselors play a significant role in rehabilitation for inmates. These criminal justice and mental health professionals provide guidance to inmates throughout the duration of their sentence.

The support a Prison Counselor provides will range by inmate. Most counselors can offer hands on counseling covering the following topics:

- vocational
- academic
- social
- personal

The goal is to provide rehabilitation for inmates that will help them consider new skills and new insight into their goals and motivations.

Additionally, inmates can seek counseling on issues like depression, stress or substance abuse. Sometimes this may come in a group form, or one on one.

In addition to the support provided by the staff, counseling for inmates can be obtained through many non-profit organizations.

For example, The Lionheart Foundation program offers prison inmates “encouragement and the necessary support to take stock of the life experiences that have propelled them into criminal activity, take responsibility for their criminal behavior, change lifelong patterns of violence and addiction, and build productive lives.”

This organization trains counselors, chaplains, volunteers and others to visit prisons and provide counseling services. Their work extends into youth prisons and the community as well.

Taking advantage of the counseling offered during prison is a positive step towards rehabilitation.

4. WELLNESS resocialization for Inmates

Physical and mental wellness bring clarity and purpose to many inmates during their sentence.

Depending on the offerings in an individual facility, an inmate may be able to participate in programs like yoga, tai chi, or meditation. Practicing these kinds of mental and physical exercises are proven to provide long term benefits including stress/anger management among others.

Positivity can be a difficult trait to maintain during a prison sentence, but some prisons are offering programs to help bring a positive light into an inmate’s life. Programs like dog training, culinary classes, gardening and more offer inmates’ opportunities to practice fulfilling skills that make a measurable difference.

Making good nutrition choices with meals in prison can also be difficult. But with effort, a healthy diet can also be maintained.

5. Community resocialization for inmates

Rehabilitation for inmates continues throughout an inmate’s life, even after they have left the system. Re-entering society and taking steps to join the community is a necessary piece of the rehabilitation process.

Adjusting to life after prison successfully has many variables. Having a support system within the community helps an ex-offender stay an ex-offender.

Getting involved in the community creates accountability in the form of communal obligations. Feeling a sense of belonging is invaluable, whether it be through:

- church
- volunteering
- social groups
- or another form.

The newly built support system relies on the ex-offender as he/she relies on it. This leads to more positive interactions and less opportunity for criminal behavior.

Additionally, the relationships built within these community groups can lead to job opportunities—a crucial step for reentry to society and elimination of recidivism.

EIGHT SIGNIFICANT CRIMINAL RISK FACTORS

- *Antisocial Behavior.* Inability to avoid criminal activity when placed in high-risk situations.
- *Antisocial Personality.* Displays impulsive, exploitative, aggressive, or manipulative behavior.
- *Criminal Thinking.* Attitudes, values, and beliefs that can lead to crime.
- *Antisocial Relationships.* Association with other criminal actors and isolation from noncriminal actors.
- *Family and Marital Status.* Poor relationships with family and/or spouse.
- *School and Work Status.* Low performance, involvement, and satisfaction with school and/or work.
- *Leisure and Recreational Activities.* Low involvement or satisfaction with activities that are not associated with criminal involvement.
- *Substance Use.* Problems with alcohol and/or other drugs.

Research shows that rehabilitation programs can be designed to address these factors. For example, substance use disorder treatment programs can help reduce or eliminate the criminal risk resulting from an offender's problems with alcohol and/or other drugs.

Various Fiscal Benefits From Reducing Recidivism. If rehabilitation programs are successful at reducing recidivism, they not only can reduce crime but also can result in both direct and indirect fiscal benefits to the state. Direct fiscal benefits include reduced incarceration costs—as offenders will not return to prison—as well as reduced crime victim assistance costs. Indirect benefits could include reduced costs for public assistance, as some offenders may receive job training that leads to employment, thereby reducing the level of public assistance needed. If rehabilitation programs are operated effectively, these benefits can exceed the costs of providing the programs and result in net fiscal benefits to the state.

Other Program Goals. In addition to reducing recidivism, rehabilitation programs can also serve other related goals, such as making it easier to safely manage the inmate population, improving overall inmate wellbeing, and improving inmate educational attainment. These secondary goals can also result in direct and indirect fiscal benefits. For example, an

easier-to-manage inmate population could result in fewer inmates needing to be housed in higher security units, which could minimize the need and costs for additional security staff.

STATE FUNDS VARIOUS IN-PRISON RESOCIALIZATION PROGRAMS

Upon admission to prison, CDCR assesses inmates' rehabilitative needs and assigns them to programs. The state funds six categories of in-prison rehabilitation programs within CDCR. These programs can be operated by CDCR employees, other governmental employees, private entities, or nonprofits. These categories are:

- *Academic Education.* Academic education programs include adult basic education, General Education Development (GED) certification, the high school diploma program, and various college programs. State law requires inmates with low literacy scores to attend adult basic education programs.
- *Career Technical Education (CTE).* CTE programs provide job training for various career sectors, including masonry, carpentry, and auto repair.
- *Cognitive Behavioral Therapy (CBT).* CBT programs are designed to help offenders change the patterns of behavior that led to criminal activity. Specifically, these programs provide various forms of therapy to address rehabilitative needs—such as criminal thinking and anger management—that, if left unaddressed, can increase the likelihood of recidivism.
- *Employment Preparation.* Employment preparation programs provide employment skills, such as job readiness and job search techniques, for inmates up to six months prior to their release in order to aid their transition back into society.
- *Substance Use Disorder Treatment (SUDT).* SUDT programs focus on helping inmates treat their substance use disorders, avoid relapse, and successfully reintegrate into society. Unlike for other rehabilitation programs which inmates generally attend on a voluntary basis, CDCR requires certain inmates who are caught using alcohol or illegal substances while in prison to attend SUDT programs.
- *Arts-in-Corrections.* Arts-in-Corrections programs focus on providing inmates with arts programs ranging from theatre to creative writing.
- *Innovative Programming Grants.* Innovative programming grants provide limited-term funding to support various volunteer-run programs—such as prison gardening programs and mentorship projects—at certain prisons.

RESOCIALIZATION INSTITUTIONS

A total institution refers to an institution in which one is totally immersed and that controls all the day-to-day life. All activity will occur in a single place under a single authority. Examples of a total institution can include prisons, fraternity houses, and the military.

The goal of total institutions is resocialization which radically alters residents' personalities through deliberate manipulation of their environment. Resocialization is a two-part process. First, the institutional staff tries to erode the residents' identities and independence.

Strategies to erode identities include forcing individuals to surrender all personal possessions, get uniform haircuts and wear standardized clothing. Independence is eroded by

subjecting residents to humiliating and degrading procedures. Examples are strip searches, fingerprinting and assigning serial numbers or code names to replace the residents' given names.

The second part of resocialization process involves the systematic attempt to build a different personality or self. This is generally done through a system of rewards and punishments. The privilege of being allowed to read a book, watch television or make a phone call can be a powerful motivator for conformity. Conformity occurs when individuals change their behavior to fit in with the expectations of an authority figure or the expectations of the larger group.

No two people respond to resocialization programs in the same manner. While some residents are found to be "rehabilitated", others might become bitter and hostile. As well, over a long period of time, a strictly controlled environment can destroy a person's ability to make decisions and live independently. This is known as institutionalisation, a negative outcome of total institution that prevents an individual from ever functioning effectively in the outside world again.

Resocialization is also evident in individuals who have never been "socialized" in the first place, or who have not been required to behave socially for an extended period of time. Examples include feral children (never socialized) or inmates who have been in solitary confinement.

Socialization is a lifelong process. Adult socialization often includes learning new norms and values that are very different from those associated with the culture in which the person was raised. This process can be voluntary. Currently, joining a volunteer military qualifies as an example of voluntary resocialization. The norms and values associated with military life are different from those associated with civilian life.

Sociologist Erving Goffman studied resocialization in mental institutions. He characterized the mental institution as a total institution - one in which virtually every aspect of the inmates' lives was controlled by the institution and calculated to serve the institution's goals. For example, the institution requires that patients comply with certain regulations, even when compliance is not necessarily in the best interest of the individual

RESOCIALIZING IN PRISONS

Prisons have two different types of resocialization. The first type is when the prisoner has to learn the new normal behaviors that apply to their new environment. The second type is if the prisoner has to partake in rehabilitation measures to help fix their deviant ways. When the individual violates the dominant society's norms, the criminology system subjects them to a form of resocialization called criminal rehabilitation.

Rehabilitation aims to bring an inmate's real behavior closer to that of the majority of the individuals' behaviour that make up the dominant society. This 'ideal' societal behaviour is highly valued in many societies, mainly because it serves to protect and promote the well being of the majority of that society's members. In rehabilitation, the system will strip the criminal of his prior socialization of criminal behavior including the techniques of committing a crime and the specific motives, drives, rationalizations and attitudes. Criminal behavior is learned behavior and can therefore be unlearned.

The first step towards rehabilitation is the choice of Milieu. This is the type of interactions the deviant will have with the people around him while in custody. Usually this is

determined after psychological and sociological screenings are performed on the criminal. The second step is Diagnosis. The diagnosis is a continual process influenced by feedback from the individual's behavior. The next stage is treatment. Treatment is dependent on the diagnosis. Whether it is treating an addiction or redefining the values of a person, the treatment is what will resocialize the criminal back to societal norms.

References

- Allen. Report on Crime. 2013.
- Jekel JF, Allen DF, Podlewski H, et al. Epidemic, free-base cocaine abuse: Case study from The Bahamas. *Lancet*. 1986;1(8479):459–462.
- Goffman E. Characteristics of total institutions. USA: Holt, Rinehart and Winston; 1961. p. 312–338.
- Allen DF, Mayo M, Allen Carroll M, et al. Cultivating Gratitude Contemplative Discovery Pathway Theory Applied to Group Theory in The Bahamas. *Journal of Trauma & Treatment*. 2014;7.
- Institute for Criminal Policy Research. World Prison Brief. UK: Birkbeck University of London; 2016.
- Allen DF, Allen Carroll M, Bethell KY, et al. An Instrument for Assessment of Longitudinal Community Resocialization Through a Group Process Intervention. *J Trauma and Treat*. 2017;6:355.
- Frankl VE. Man's Search for Meaning. USA: Beacon Press; 1946.
- Allen DF. Shame: The Human Nemesis. USA: Eleuthera Publications; 2010.
- David Foster Wallace's. Commencement address at Kenyon College published in *The Economist Magazine* in September 19th 2008. USA; 2005.
- Allen D, Bethell K, Allen Carroll M. Anger and Social Fragmentation: Evil Violence Tunnel. *Journal of Psychotherapy Integration*. 2017;27(1):79–92.
- Allen DF. The war for Peace Within Ourselves: By André Chappelle. *EC Psychology and Psychiatry*. 2017;1.6(2017):226–232.

**CRIMINAL AND LEGAL ANALYSIS OF THE CRIME HEAVY THEFT
(ART. 236 OF THE CRIMINAL CODE)**

Toshe Panov PhD
MIT University - Skopje

Abstract

The subject of this paper is from a criminal-legal point of view to analyze and clarify the criminal act of heavy theft as one of the forms of property delicts. As part of the criminal justice aspect, the focus will be transferred to the criminal justice dimension of the issue of this criminal act, that is, the legal regulation of the criminal act of heavy theft in Macedonia. According to the reported crimes against property in 2008 / 16.207 /, 2009 / 20.205 / and 2017 / 12.816 / d. it is obvious that most of the reported crimes belong to property deeds, so the emphasis on this work will also be given to the criminal act of heavy theft provided for in Article 236 of the CC of the Republic of Macedonia. In this paper, the sociological, economic and urban factors will not be analyzed, and the phenomenological and aetiological characteristics of the criminal act of heavy theft will not be pointed out, bearing in mind the limitations of space, which will be explained in some other work.

Keywords: heavy theft, property, intent.

INTRODUCTION

The old Romans have already given a definition of theft (*furtum*), describing it as a deliberate misappropriation of alien movable objects, committed by self-interest.

At the outset, the theft was a delinquent civil law, however. At the end of the Roman Republic, violent thefts with the use of weapons were more frequent, and the robbery of the robberies occurred as a delict of public law / *delikta publica*.

And today, just like in the Roman period, the intention of unlawful appropriation of property benefits is most often accompanied by covetousness, but within the group of criminal acts against property there are also such crimes that characterize the intent of the perpetrator of another to inflict some damage / such as fraud, damage to foreign objects /.

All crimes against property are carried out with direct intent and their main characteristic is the acquisition of unlawful property gain. These crimes include: theft, robbery, fraud, blackmail and others. And today, just like in the Roman period, the intention of unlawful appropriation of property benefits is most often accompanied by covetousness, but within the group of criminal acts against property there are also such crimes that characterize the intent of the perpetrator of another to inflict some damage / such as fraud, damage to foreign objects /.

All crimes against property are carried out with direct intent and their main characteristic is the acquisition of unlawful property gain. These crimes include: theft, robbery, fraud, blackmail and others. By developing the criminal law as a separate branch of law, the notion of criminal act of theft and heavy theft has developed. To be able to talk about the criminal act of heavy theft, as one of the forms of criminal acts against property, we first need to define what is property, and the property can most simply be determined as the totality of rights belonging to one person / The property **Goals and tasks of the labor**

In order to confirm the hypothesis that crime in crime makes the bulk of the criminality in Macedonia, and that the criminal act of heavy theft is one of the most common form of property delinquencies, we set aside the following goals of this paper: Theoretically and practically present and explain the criminal case heavy theft as one of the most common forms of property delict; to perceive and analyze the legal regulation of the criminal act of heavy theft in comparative law and to compare them with our theoretical and practical standards in a comparative analysis in order to identify key problems, similarities and differences; to present the important elements that apply implies ownership and can be movable and immovable. of the act and the person of the perpetrator of the crime, the objective and the subjective circumstances that lead to the execution of the actions of this crime.

LEGAL REGULATION OF THE CRIME OF HEAVY THEFT ACCORDING TO THE CRIMINAL CODE OF THE REPUBLIC OF NORTH MACEDONIA

From a criminal aspect, the theft of movable objects does not qualify in any case in the same way, that is, as one and the same criminal act.

In our CC, the distinction between plain theft from heavy theft is done by different features that represent the legal elements of the being of these works. Namely, the heavy theft in addition to the basic features of objective and subjective character on the basis of which the basic form of theft was built, contains additional qualifying features. For severe or qualified types of

theft / heavy theft, more stringent / more severe / penalties are prescribed in relation to the basic form of theft.

When the seizure of alien movable objects is in order with their seizure-acquisition the perpetrator to acquire an unlawful property gain for himself or another. If the execution of the theft is sent with some other special circumstances, such as a greater or lesser value of the objects that are the subject of theft, the manner in which the theft is carried out, the circumstances under which it is carried out, the time of execution of the offense, etc., then we can say that it is a serious theft. Accordingly, plain theft is the seizure of alien movable objects in order to obtain for himself or for another unlawful property gain which is not followed by any special circumstance that affects the work to qualify as a heavy theft.

Article 236 of the Criminal Code provides for heavy forms of theft, which are qualified with the special way of committing the criminal act of theft, the time of the execution of the criminal offense, the special danger of the perpetrator and the value of the stolen objects. The Law provides for 5 groups of qualified circumstances under which ordinary theft passes into heavy theft. The first group of those circumstances is provided for in the provisions of paragraph 1 items 1,2,3,4,5 and 6, the other in the provisions of paragraph 2, the third group in the provisions of paragraph 3, the fourth in the provisions of paragraph 4 and the fifth in the provisions of paragraph 5 of Article 236.

According to the provisions of paragraph 1 item 1 of the CC of the Republic of Macedonia a qualifying circumstance that ordinary theft makes it difficult is when the theft is committed by breaking or breaking in indoors, by breaking obstacles or otherwise overcoming major obstacles. The main characteristic of this work is that the object is taken away from a closed space with a specified method of execution by mastering the closeness of the space. Indoors, rooms, crates, closets or other enclosed premises are considered closed spaces. From the legal formulation itself, it is clear that the said enclosed spaces represent only the most often enclosed spaces, but not all enclosed spaces.

Therefore, the question of defining the enclosed space arises. Enclosed space means any space in which it can not be entered without the prior removal of the obstacles which are placed in order to prevent the unauthorized entry into that space. In the criminal-legal sense in the theory, the enclosed space is defined as a space that at the time of execution of the theft is closed in such a way to clearly see the intention of the user of the space to make a certain space closed so that in this space it can not be at all enter without breaking or breaking, that is, it is closed so it can be entered only in a certain place in a regular manner.

In this form of heavy theft, the qualifying circumstance consists of two elements cumulatively: 1. The seizure of the moving movable objects is to be carried out from a closed space; and 2. it is done by breaking, by breaking into those spaces or by mastering larger obstacles to get to objects in the enclosure. Under the provision of paragraph 1 item 2, heavy theft exists when the theft is committed by several persons associated with theft. There should be an association for the pursuit of more, at least two thefts. The form of the association and the internal relations between the members are not important, it is important that its aim is to address more thefts.

According to the provision of paragraph 1 point 3 of the Criminal Code of the Republic of Macedonia, heavy theft exists in the case when the ordinary theft was carried out in a particularly blatant manner. It is a form of severe theft which, after the degree of the created danger and the pronounced impudence or the risk that the perpetrator enters in the commission of

the crime, significantly exceed the insubordination of the perpetrator and the insolence that is regularly manifested during the execution of the theft. The drill way sublimates two components: the objective-reflection of the perpetrator's action on the environment, it is such that it astonishes, intimidates, surpasses and subjective-as regards the special courage, determination, readiness of the perpetrator to present himself at greater risk, fall, Surprise and so forth.

THEFT BY A PERSON WHO POSSESSED SOME WEAPON OR DANGEROUS WEAPON FOR ATTACK OR DEFENSE

According to the provisions of paragraph 1, item 4. theft becomes severe if it is committed by a person who has had some weapons or dangerous weapons for attack or defense. In this case, the assumption is that the weapon was not used / otherwise there is robbery or robbery theft, and a specific subjective element is the intention to use the weapon if it is required for an attack or defense.

THEFT DURING A FIRE, A FLOOD, OR A SIMILAR ACCIDENT

According to the provision of paragraph 1.t.5, heavy theft exists in the case where the ordinary penalty is committed by using a condition caused by a fire, a flood, or a similar condition. Similar conditions can be eg earthquake, epidemic, war, etc. The described conditions are objective and do not depend on the perpetrator or the victim of the the delict.

Although this skilled form of burglary is a matter of objective circumstances, however, they also reflect a subjective circumstance, which is the unsafety of the perpetrator who uses a difficult situation to perform the work. The curse is performed during the events or immediately after They dress in conditions when people have a fear and lead a dramatic struggle for survival carries in themselves the character of the gravity and passionlessness of the perpetrator.

SEVERE THEFT BY HARNESSING THE POWERLESSNESS OR CRASH OF ANOTHER

Pursuant to the provision of paragraph 1 item 6, heavy theft is a theft that has been committed by exploiting the helplessness or other particularly difficult situation of another person, and these conditions are qualifying circumstances of this type of deeds. It is about conditions in which the passive subject of theft after which that entity has no physical or psychological opportunity to prevent the execution of the crime, or after which it is unable to defend its objects or property. Ex. When the perpetrator uses a car accident and steals an object from the car of the victim. The intention must also include awareness of the state of helplessness or other particularly difficult situation of another person, that is, the victim.

This type of heavy theft is characterized by two circumstances: helplessness / helplessness / other difficult state / trouble / of another person. The perpetrator of all forms of offenses referred to in paragraph 1 of Article 236 of the Criminal Code may be any person. Criminal liability requires intent, which includes the awareness of the special way of committing the offense under which the crime was committed. For all the mentioned types of heavy theft, a prison sentence of one to ten years is foreseen.

According to the provisions of paragraph 2 of Article 236 of the Criminal Code, heavy theft exists if the stolen object is of significant value, and the perpetrator acted in order to obtain a property benefit of such value. According to the provisions of paragraph 3 of Article 236 of the Criminal Code, heavy theft exists if the stolen object is of large scale and the offender acted in order to obtain a large-scale property gain. According to the provisions of paragraph 4 of Article 236, heavy theft exists if the stolen object is well under temporary protection, cultural heritage, natural rarity, or device or other object of special importance for the safety of people or property and the safety of public transport or object of public installations or an object in general use. Ratio of incrimination is the protection of cultural heritage and cultural wealth in which includes archaeological material of a nation. Qualified circumstances that make this type of theft a serious theft are the type of stolen objects, their meaning, and the place where the objects were stolen. Criminal liability requires an intent which covers the awareness of the designated qualification elements.

With the provision of paragraph 5 of Article 236, a lighter form of the criminal act of heavy theft is prescribed in case the stolen object is of small value, and the perpetrator acted in order to assign a small value gain, thus theft itself to be carried out in a manner and under the circumstances of ordinary theft, otherwise they make it difficult to steal.

CONCLUSION

Considering the overall situation in Macedonia, we come to the conclusion that crime of crime is widely represented and that it is a major part of criminality.

It is important to point out that, as far as the legal regulation of the criminal act of heavy theft is concerned, our Macedonian legislation does not lag behind the modern criminal legislation and analyzes the comparative legislation of the neighboring countries, that is, considering the regulation of the criminal act of heavy theft, the circumstances that give the crime of stealing the quality of heavy theft are the same as in the comparative law, which in turn indicates that in many countries, when it comes to heavy theft, they are protected relative same social values. We can conclude that our legislation, when it comes to heavy theft as the most common form of property delicts, should be changed only in some segments, for example in terms of the penal policy of the courts, while in other parts this form of property delicts, ie its legislation does not lag behind the modern criminal legislation.

References

- Vlado Kambovski. (2015), Commentary on the Criminal Code of the Republic of Macedonia
- Atanackovic D. (1981), Criminal law - special part, Belgrade
- Babić M., Marković I. (2005), Criminal law special part, Faculty of Law, Banja Luka-Suncica Hajdarovic-Criminal work of heavy theft-Law Faculty-Tuzla

Business
&
Economics

CONDUCTIVE FACTORS FOR DEVELOPMENT AND PROMOTION OF SOCIAL ENTREPRENEURSHIP IN NORTH MACEDONIA

Stefan Chichevaliev PhD candidate

University American College Skopje, Sustainable Development Center – Skopje

Abstract

Social entrepreneurship is a nascent field that uses business models to create social value. One of its objectives is to influence transformative change in the policy and decision-making to apply innovative approaches, and creative and sustainable solutions to social issues, providing for the opportunity for everybody to be a change-maker.

A prerequisite for creating a more conducive political, legal, social, cultural and institutional foundation for social enterprises are evidence-based and outcome-oriented people-centred policies that work, through a whole-of-society and a whole-of-government approaches. Such a foundation should provide for scaling up of the social enterprises and maximizing their impact and contribution on creating solutions for various social issues such as poverty, unemployment and social exclusion, among others. Thus, development of an eco-system for the growth of social enterprises is of utmost importance for any country development and for the attainment of the SDGs.

This paper builds on the global evidence on the impact of social entrepreneurship and aims to contribute to the fast development of the social entrepreneurship in Macedonia, putting it in the driving seat of social change needed to support the attainment of the SDGs. For that purpose, qualitative methodology is used since it builds on the critical analyses of the contemporary eco-system, taking into consideration all the critical factors and the views of social entrepreneurs and civil society, and suggests a possible way forward. Evidence gathered indicates that the eco-system for development and promotion of social entrepreneurship in Macedonia is not enabling due to political instability, lack of legislation, institutional support and available sources of funding.

Keywords: Social entrepreneurship, social enterprise, development, factors, eco-system

INTRODUCTION

Sustainable development is a global objective. The adoption of the Sustainable Development Goals (SDGs) has intensified the search for sustainable solutions to economic, social and environmental challenges globally with an aim to improve the wellbeing of the people and future generations.

Social entrepreneurship (SE) is a promising approach to this end. It is a nascent field that uses business models to create social value through innovation and the creation of solutions for social issues such as poverty, unemployment, and social exclusion. Building an enabling eco-system for growth of social enterprises (SEs) is a prerequisite for them to fulfil their role. Such a system drives social innovation, scales up SEs, and maximizes their impact and contribution to transformational change on the road to significantly improving the wellbeing of people.

A prerequisite for creating such eco-system and conducive political, legal, financial and institutional foundation for SEs are evidence-based and outcome-oriented policies that work, through a whole-of-society and whole-of-government approaches. At the same time such policies should explicitly frame the expected and measurable outcomes, and mainstream the SEs into the overall development and growth as one of the strong contributors.

In Macedonia, the concept of SE has entered public life debate in the last several years. This concept has low institutional and public recognition, and policy and legal framework are weak. A policy change is needed that would recognise the SEs based on the sound assessment of their impact, as a foundation for creating an eco-system conducive to further strengthening of SE.

This paper builds on the global evidence on the impact of SE on providing innovative solutions to the contemporary economic, social and environmental challenges. It aims to contribute to the development of the SE in Macedonia and putting it in the driving seat of social change needed to support the attainment of the SDGs. It builds on the critical analyses of the policy environment for SE at the national and local level, taking into consideration all the critical factors such as enabling legal/regulatory environment, effective collaboration with public and private sector and support infrastructure. In addition, it also considers the views of social entrepreneurs and civil society and suggests a possible way forward.

FACTORS OF DEVELOPMENT OF SOCIAL ENTREPRENEURSHIP

The wide array of definitions, models and forms for SE, as well as the absence of understanding of the concept, have alleviated many questions affecting its growth (Dees, 1998; Boschee, 1998; Dees and Anderson, 2003; Austin et al., 2006). Such developments are making it difficult to compare SE practices (Kerlin, 2009). In the literature, there are many attempts to detect the enabling determinants for promotion and growth of SE (Mair and Noboa, 2003; Mair and Marti, 2006; Spear, 2006; Peredo and Chrisman, 2006; Austin et al, 2006; Dees, 2007; Katzenstein and Chrispin, 2011). The challenges pertaining SE are numerous and all features should be considered (Mair and Noboa, 2003; Mair and Marti, 2006; Spear, 2006; Dees, 2007).

Still, the broad focus is comprised of political, legal, institutional and financial factors that shape the growth of SE (Mair and Noboa, 2003; Mair and Marti, 2006; Spear, 2006; Austin

et al, 2006; Dees, 2007; Katzenstein and Chrispin, 2011; Poon, 2011; Austin et al, 2012; Stephen et al., 2014; Fici, 2015).

This research focuses on the political environment (stability and will), legal environment (regulation and definition), financial environment (available sources of funding and access), and institutional determinants (voids and support) as part of the eco-system for development and promotion of SE.

Political environment

Enabling political environment is crucial for SE growth (Poon, 2011; Austin et al., 2012). Political stability and will are highlighted in the literature as factors that significantly impact the economy and economic growth (Alesinas et al., 1996; Perren, 2000; Grant, 2008; Poon, 2011; Aisen and Veiga, 2013; Chowdhury et al., 2013; Medina and Belanger, 2017). Political stability impacts economic stability and climate for business development globally (Chowdhury et al., 2013). Political will is of utmost importance for SE growth which can be provided by leaving a void to be exploited by SEs or providing support for its development. Changes in the policies, political agenda and regulation would be considered as an expression of political will and possibly will enhance the growth of SE (UNDP, 2012; Wronka, 2013).

Enabling political context comprised of stability and expression of will are key political factors for providing enabling eco-system for SE. The absence of political stability and will affect the economic environment, obstructs the economic access and operations and add to the business risk of the enterprises.

Legal environment

The legal setting for SE is still indefinite (Fici, 2015; Light, 2006). The definition is still unclear and is one of the challenges for SE growth (Dees & Anderson, 2006; Light, 2006). Other concerns are considered and related to its identity and regulation (Fici, 2015; Lasprogata and Cotten, 2003).

Legal identity provision for SEs allows development of targeted policies for the growth of the sector (Fici, 2015), it would shield the stakeholders from “false” SEs (Yunus, 2008) and provide for clarification of SE and separation from other concepts (Fici, 2015). The legal discrepancies in the sector contribute to the difficulties for national and international comparisons focused on SE (Haugh, 2005).

Another point of view is that a wide understanding for SE would provide for more freedom in and improved policy making (Pharoah, 2007; Westall & Chakley, 2007). The evidence for this can be found in the core of SE – achieving social goals while undertaking entrepreneurial activities (Pharoah, 2007; Westall & Chakley, 2007). According to Russell and Scott, the variations of definitions for SE are more due to external factors rather than SE practices (2007).

The indication is that enabling regulation is a prerequisite for SE growth. It gives space and a way for SEs to grow. It also gives clarity to other sectors about SE and protection in joined business activities. Providing legal identity for SEs could pave the way to business partnerships and collaboration with the business sector, which is essential for SE development.

Institutional environment

One of the conducive factors for development and promotion of SE is the institutional environment since the opportunities are reliant on it (Baker et al., 2005; Mair and Marty, 2006). The rise of SE is closely related to institutional gaps and support for the sector. The communication and practices between state authorities create the institutional gaps which create

space for social entrepreneurs to become agents of change (Baker et al, 2005; Mair & Marti, 2006; Stephan et al, 2014). On the other hand, institutional support is seen as more important than finding institutional gaps (Stephan et al., 20014). Sud et al. state that one of the approaches for supporting the field is organizational acceptability which could provide for tailored funding prospects (2009).

The evidence indicates that institutional support is key for SE growth. Institutional support for SE is a sign of commitment for the development of the sector and sparks interest from the business community. It also provides for increasing the trust in collaboration between the sectors which contributes to SE development, promotion and organizational acceptability.

Financial environment

SEs are connected to economic outcomes and undertake entrepreneurial practices to achieve their social mission and reach social impact (Dacin et al., 2010; Lasprogata & Cotten, 2003). There are many available funding sources described in the literature, but SEs' access to them is limited (European Commission, 2011; OECD, 2013). Since the difficulties of funding the SEs are one of the crucial challenges for their development, many have turned to the hybrid organizational model – blending social and economic entities (Pache and Santos, 2013). While this organizational form contributes to the eligibility of SEs related to funding opportunities, it also presents challenges such as losing their identity, estranging them from their primary objective (Dees, 1998; Foster and Bradach, 2005; Bruck, 2006).

The need for improved access of SEs to various funds is recognized by both the institutions and researchers. The challenge of alienating social entrepreneurs and SEs from their social objectives is on the rise, especially with the increase of hybrid organizations. There are great showcases, but the access to funds is still considered as one of the biggest challenges for SE development.

Methodology

Method

For the purpose of this research, qualitative methodology is used, with document analysis and round-table discussions as data gathering tools. The latter was focused on personal experiences and stances; challenges faced and needs for development of SE (DiCicco-Bloom and Crabtree, 2006). The direct contact with the discussants provides for easy shaping of the discussion in a particular subject, underlining the challenges and needs of the SE sector.

The topic of the round table discussion was “What are the challenges and needs for the development of a conducive environment for social entrepreneurship in Macedonia”.

Sample

For the purpose of this research, snowball sampling was applied. It helped the researcher to make initial contact with a small group of people who are relevant to the research topic and then to use these to establish contacts with others (Bryman, 2004).

Two round-table discussions were organized with six participants-discussants each who encompassed representatives of the civil society sector, in particular, support and umbrella organizations relevant to the research topic, social entrepreneurs and consultants from the private sector, as well as representatives from international organizations. All of them were from the two regions – Pelagonia and Skopje region, and two cities - from Skopje and Bitola.

Analysis

The primary sources of data were gathered through the tools from the qualitative methodological approach – round-table discussion. The discussion was audio recorded and

transcribed. The transcript was analysed by separating the paragraphs in different sections and then included in an index of central themes and sub-themes. The index was presented in a matrix, with a display of cases and variables in order to emphasize, pinpoint, examine, and record patterns (or "themes") within data. Triangulation was used to corroborate the findings.

For the drafting of the results, a narrative analysis was applied. In particular, a thematic analysis was used since the research puts an emphasis on what was said rather than on how it was said. The themes are comprised of political, legal, institutional and financial determinants, and sub-themes are related to the state-of-the-art analysis, challenges and needs in the encompassing themes. State of the art data was gathered through both document analysis and the round-table discussions; and challenges and needs were pinpointed from the perception and views of the participants at the round-table discussions.

Limitations

Limitations are comprised of the criticism of qualitative research, such as subjectivism and issues with generalization. In the research society, it is known that there is a criticism towards qualitative research as being too subjective and the findings rely too much on the researcher's views. Regarding the question of generalization issue, some researchers argue that it is impossible to know how the findings can be generalized to other settings. Both limitations were overcome with saturation of data and triangulation of the document analysis and round-table data (Bowen, 2009).

Macedonia's Eco System for Social Entrepreneurship

SE in Macedonia is a nascent field. In the last decade SE has become a subject for discussion for institutions, researchers and civil society organizations. The concept is still in development, although there are several positive examples which provide evidence for the enormous potential of SE. On a national level, there are various approximations, some estimate 40 to 70 SEs in the country, while others around 150 SEs (Yes We Care, 2017; Phillips et al., 2016). Such estimations are hard to be exact due to lack of data. SEs offer various services including employment, vocational training, palliative care, rehabilitation programs, protection of the disabled, social protection and inclusion, environment protection, sports and recreation and other (Yes We Care, 2017; Phillips et al., 2016). Their size varies, but most of them are micro or small enterprises working on a local level.

POLITICAL DETERMINANTS

Situation analysis

Macedonia is a parliamentary democracy with a population of 2.1 million (World Bank, 2018; State Statistical Office, 2018). The country's political situation is unstable. Freedom House's Freedom in the World Index classifies Macedonia as partly free with no change in the freedom rating, political rights and civil liberties in the last three years. The Heritage Foundation's Index of Economic Freedom puts Macedonia on the 33rd place and 18th in Europe (2019). Country's GDP per capita is 5.442 US\$ with a GINI index of 32.5 (State Statistical Office, 2018). According to Transparency International's Corruption Perception Index, the country is positioned on the 93rd place (2018). The Global Innovation Index puts Macedonia on 84th place and 33rd in Europe (2018). The business environment, especially the ease of starting a business and resolving insolvency, as well as the ease of getting credit and protecting minority investors can motivate entrepreneurs to start their entrepreneurial activities.

On the other hand, the internal political crisis has hindered economic performance. A lax fiscal policy with unproductive public expenses, including subsidies and pension increases, and increasing guarantees for the debt of state-owned enterprises has been obstructing economic prosperity. The extensive grey market is estimated to be between 20 per cent and 45 per cent of GDP (Garvanlieva et al., 2012; Mickovska-Raleva and Shurkov, 2014). Immediate structural reforms are needed to address high levels of corruption and extensive public administration and bureaucracy. The enforcement of the legal framework is slow and weak (European Commission, 2018).

Challenges

The main challenge is the lack of policies for development, support and promotion of SE in the country. National and local strategies and development plans to promote this nascent field are non-existent. SE is a low priority on the political agenda in spite of political assurances for growth. There is also a lack of inter-sectoral collaboration and support between national and local institutions related to strategic planning and regional development of SE.

Needs

- Development of a national and local strategy for development and promotion of SE in the country;
- Expression of political will for development of the field and raising SE on the political agenda;
- Promotion of inter-sectoral collaboration and support;
- Strengthened support for SEs;
- Increased awareness-raising activities for the SE potential.

LEGAL DETERMINANTS

Situation analysis

There is no specific legal framework and definition for SE. The SEs work under the Law on Trading Companies and Law on Associations and Foundations (Srbijanko et al., 2016; National Agency for European Educational Programmes and Mobility, 2017). They can be found mostly registered as trading companies, associations and foundation and cooperatives. Trading companies are for-profit ventures mainly classified as public trade companies, unlimited and limited companies with or without stocks. Associations and foundations are not-for-profit organizations. Cooperatives are for-profit ventures that operate cooperatively to share risk. SEs in Macedonia are mostly formed as associations and foundations (Srbijanko et al., 2016), however, the number of hybrid organizations is rising. Blending two legal forms – commercial and not-for-profit give SEs improved access to the already scarce resources and opportunities for practicing SE.

The Ministry of Labour and Social Policy, in 2015, attempted to regulate the sector and produced a draft law for SE, but the process stagnated due to various reasons. In the last two years, the process was rejuvenated and the public debate has been invigorating.

Regarding the definition, it is still indefinite. The draft law on SE gives the following definition:

“Social Entrepreneurship, represents an organized activity with a goal of creating opportunities, forms, organizations and measures that result in sustainable social values and

benefits, the employment of persons in the production and sale of products or services where profit is not the sole or main purpose of activity i.e. profits are used for employment of certain socially excluded or vulnerable social groups and to address needs and concerns in the community”.

Still, the definition remains indefinite since the public debate and the process of regulating the field is ongoing. At this point, the provided definition only gives an insight into the government views on SE. The most recent information is that this point of view will be widened including the provision of social services besides the employment of people at social risk (Ministry of Labour and Social Policy, 2017).

Challenges

The main legal challenges are the lack of regulation of the field and a non-applicable definition. The current definition expresses the government’s view, scope and interest on SE without including the civil society and experienced SEs. The lack of regulation adds to the challenges related to access to financing and support, social enterprise criteria, legal and organizational form, tax policy, public procurement procedures and trust among the stakeholders.

Needs

- Broadening the definition to provide for innovation, economic growth and mitigation of social issues;
- Provision of legal identity, criteria and operational standards and norms;
- Shape public procurement procedures around partnerships for achieving social goals.

INSTITUTIONAL DETERMINANTS

Situation analysis

Currently, there is non-existent institutional support for SEs due to low institutional and public recognition of the sector (National Agency for European Educational Programmes and Mobility, 2017). The SEs are demanding support to continue and scale-up their activities since there are many institutional gaps presented by the high rates of unemployment (European Commission, 2018), shadow economy (Garvanlieva et al., 2012; Mickovska-Raleva and Shurkov, 2014; Index of Economic Freedom, 2018), risk at poverty (World Bank, 2018; State Statistical Office, 2018), low investment in education and innovation (European Commission, 2018) and other just waiting to be exploited, if the institutions allow it.

Still, there is no specialized institution or government body in charge of development and promotion of the sector (Regional Cooperation Council, 2015). The Ministry of Labour and Social Policy is taking the lead in the development of the sector as one of the government institutions that play a crucial role in creating social programs and strategies. There is no department specialized for SE yet, however, there are plans for the establishment of a Unit for SE. Moreover, the Employment Service Agency is among the main institutions that should promote employability through SE, but it still lacks operational and strategic vigour.

The Ministry of Economy is still not included appropriately in the development and promotion of the field despite the affirmation of the South East Europe Strategy 2020 in which the social economy is highlighted as an independent field (Regional Cooperation Council, 2015).

Challenges

The institutional factors present one of the most challenging areas for the development and promotion of this field. There is almost non-existent direct and indirect institutional support

encompassing technical support and assistance, consultation and advice, as well as training for both social entrepreneurs, staff members of SEs and public officials. Weak business support and miscommunication with and between the authorities are on the top of the pile of challenges for social entrepreneurs since they need to be economically viable businesses to attain their social goal.

On a local level, the situation is similar if not less developed. The local authorities do not recognize the potential of the sector which is evident by their policies and local development action plans.

Needs

- Capacity building for social entrepreneurs and public officials;
- Provision of institutional support in terms of technical support and assistance, consultation and advice;
- Raising awareness about the possibility and potential of institutional funding for SEs;
- Development of a platform for inter-sectoral collaboration on all levels;
- Development of a model for measuring social impact;
- Inclusion of SE in education.

FINANCIAL DETERMINANTS

Situation analysis

There is almost non-existent financial support for the development and promotion of SE. Most of SEs are project-dependent with grants from foundations and donors. Other sources of funding are angel investors, cooperative association, donations and personal savings. Public support for SEs is comprised of small grants from the MLSP, the Employment Service Agency or other social contracts with the Government (Yada Foundation, 2017). Another source of funding is a bank loan, which is easy to access; however, it is by the commercial rate (Phillips et al., 2016).

The Employment Service Agency provides a non-refundable grant up to 5,000 – 10,000 EUR for self-employment, to unemployed people with a sustainable business idea, which can be used for materials and equipment. The program is jointly implemented by MLSP, ESA, and in cooperation with UNDP (Employment Service Agency, 2018).

Additionally, there are a few international organizations that support SE such as USAID and Swiss Agency for Development and Cooperation.

Challenges

The size of the available financial instruments remains relatively small. The lack of available sources of funding is hindering the SEs' attainment of their social goals, scaling-up and provide for a counter-effect in the interest of the young social entrepreneurs. Most of the SEs are project funded which also provides for the uncertain existence of the SEs. Low interest from the private companies for SE present a major obstacle for the development of the field. The access to funding is weak since there is little information about the calls and the instruments for funding.

Needs

- An increase of the public sources of funding;
- Involve the private sector as one of the available sources of funding;
- Tailored funding policies, platforms, networks and support for SE and innovation;

- Ease of the access to diversified funding possibilities for SE.

DISCUSSION AND CONCLUSION

Conducive environment is crucial for the development and promotion of SE. A conducive eco-system is comprised of many factors such as political, legal, institutional, financial, social, cultural, organizational and others. This paper addresses the first four since they are the most important for the development of the field and the county's context, according to the participants of the round-table discussion. The findings show that the latter are second-tier factors, more important for scaling up rather than the start-up phase. The pivotal question posed in this paper is "Does Macedonia has enabling eco-system for SE and what are the challenges and needs for the development of a conducive environment for SE in the country?"

The perception of the round table participants is that there is an insufficient political will to develop and promote SE in spite of government assurances. The public debate has been in process for almost a decade with no significant progress. Non-applicable definition of SE, and lack of regulation and provision of a clear legal and organizational form is hindering the growth of the sector. SEs have to be registered as trade companies, cooperatives, associations or foundations which are contributing to the development of the hybrid model blending commercial and not-for-profit organizational form and making it more difficult for start-ups. The institutional support is non-existent which adds to slowing down the development pace of the field instead of enhancing it. There are a small number of available sources of funding and the access to them is hindered. SEs are still dependent on project-based funding which contributes to their uncertain future.

In conclusion, the evidence show that the eco-system for development and promotion of SE in Macedonia is weak and thus not enabling. Even so, the number of SEs is growing, in spite of them not able to be registered as such, but already creating complex benefits for the economy and especially the vulnerable populations. This situation requests adequate response that would anticipate current trends and challenges. The county's political instability is hindering the economic development and growth. The political will to develop the sector is not evident since SE is still low on the political agenda. The SE model is still not clear to public officials, young entrepreneurs and the general population. There is no specific legislation for SEs and that presents an obstacle for the development of the sector. Changes in regulation to provide a legal identity for SEs could be one of the solutions to end the confusion about the sector. There is a pressing need for inter-sectoral collaboration and capacity building for social entrepreneurs and public officials. There is frail funding from the public sector and no support from the private sector. Thus, the SEs are dependent on project funding and have to shape their ideas according to the donor interests. The findings support the need for urgent review and change of the policy environment and introducing strong policy tools and instruments, including a legislative change for the development of SE.

References

- Austin, J., Stevenson, H., and Wei-Skillern, J. (2006). Social and Commercial Entrepreneurship: Same, Different, or Both?. *Entrepreneurship Theory and Practice*, 30(1), 1–22.
- Austin, J., Stevenson, H., Wei-Skillern, J. (2012). Social and commercial entrepreneurship: same, different, or both? *Revista de Administração*, 47(3), 370–384.
- Baker, T., Gedajilovic, T., and Lubatkin, M. (2005). A framework for comparing entrepreneurship processes across nations. *Journal of International Business Studies* 36 (5), 492–504.
- Boschee, J. (1998) *Merging mission and money: A board member’s guide to social entrepreneurship*.
- Bryman, A. (2004). *Social Research Methods*. Oxford University Press, 2004.
- Chowdhury, S.M., Alam, Z., and Arif, I. (2013). Success Factors of Entrepreneurs of Small and Medium Sized Enterprises: Evidence from Bangladesh, *Business and Economic Research*, Vol.3, No.2.
- Dacin, A.P., Dacin, T.M., and Matear M. (2010). Social Entrepreneurship: Why We Don’t Need a New Theory How We Move Forward From Here. *Academy of Management Perspectives*, Vol.24, No.3, pp. 37-57.
- Dees, J.G. (1998). The meaning of “social entrepreneurship.” Comments and suggestions contributed from the Social Entrepreneurship Founders Working Group. Durham, NC: Centre for the Advancement of Social Entrepreneurship, Fuqua School of Business, Duke University.
- Dees, J.G. (1998). Enterprising Non-profits. What do you do when traditional sources of funding fall short?. *Harvard Business Review*, January-February 1998: 55-67.
- Dees, J. G. (2007). Taking social entrepreneurship seriously. *Society*, 44(3), 24–31.
- Dees, J. G., and Anderson, B. B. (2006). Framing a Theory of Social Entrepreneurship: Building on Two Schools of Practice and Thought, In *Research on Social Entrepreneurship: Understanding and Contributing to an Emerging Field*, Association for Research on Nonprofit Organizations and Voluntary Action (ARNOVA), 2006.
- DiCicco-Bloom, B., Crabtree, F. B. (2006). The qualitative research interview. *Medical Education* 2006; 40: 314–321.
- Employment Service Agency of the Republic of Macedonia. (2018). *Operational Plan for Active Programs and Measures for Employment and Services on the Labour Market For 2018*.
- European Commission. (2011). *Social Business Initiative*.
- European Commission. (2018). *Key findings of the 2018 Report on the Former Yugoslav Republic of Macedonia*.
- Fici, A. (2015). Recognition and legal Forms of Social Enterprise in Europe: A Critical Analysis from a Comparative Law Perspective. *Euricse Working Papers*, 82|15.
- Foster, W., Bradach, L. J. (2005). Should Nonprofits Seek Profits?, *Harvard Business Review*, Issue: February 2005.
- Garvanlieva, V., Andonov, V., and Nikolov, M. (2012). *Shadow Economy in Macedonia*. Center for Economic Analyses.

- Grant, S. (2008). Contextualising social enterprise in New Zealand. *Social Enterprise Journal*, 4(1), 9-23, In: Medina M. M., & Belanger, C. (2017). Analyzing external environment factors affecting social enterprise development. *Social Enterprise Journal*, 13(1), 38–52.
- Haugh, H. (2005). A Research Agenda for Social Entrepreneurship, *Social Enterprise Journal*, 1(1), 1–12.
- Katzenstein, J., Chrispin, R. B. (2011). Social entrepreneurship and a new model for international development in the 21st century. *Journal of Developmental Entrepreneurship*, No.16(01):87-102.
- Kerlin, J. A. (2009). *Social Enterprise: A Global Comparison*. Medford: Tufts University Press.
- Lasprogata, G. A., & Cotten, M. N. (2003). Contemplating “Enterprise”: The Business And Legal Challenges Of Social Entrepreneurship. *American Business Law Journal*, 41(1), 67–114.
- Light, C.P., (2006). *Searching For Social Entrepreneurs: Who They Might Be, Where They Might Be Found, What They Do*, Robert F. Wagner School of Public Service, New York University.
- Mair, J., & Martí, I. (2006). Social entrepreneurship research: A source of explanation, prediction, and delight. *Journal of World Business*, 41(1), 36–44.
- Mair, J., & Noboa, E. (2006). Social Entrepreneurship: How Intentions to Create a Social Venture are Formed. *Social Entrepreneurship*, 121–135.
- Medina Munro, M., & Belanger, C. (2017). Analyzing external environment factors affecting social enterprise development. *Social Enterprise Journal*, 13(1), 38–52.
- Mickovska-Raleva, A., and Shurkov, E. (2014). *Background Analysis on the Spread and Trends of the Hidden Economy in Macedonia*.
- Ministry of Labour and Social Policy. (2017). *Carovska: MLSP is preparing Law on Social Entrepreneurship*.
- National Agency for European Educational Programmes and Mobility. (2017). *Social Entrepreneurship as an Alternative for Young Unemployed*.
- OECD. (2013). *Policy Brief on Social Entrepreneurship, Entrepreneurial Activities in Europe*.
- Pache, A.C. and Santos, F. (2013). Inside the hybrid organization: Selective coupling as a response to conflicting institutional logics. *Academy of Management Journal*, 56, 972–1001.
- Peredo, A.M. and Chrisman J.J. (2006). Toward a Theory of Community-Based Enterprise. *The Academy of Management Review*, Vol.31, No.2 pp. 309-328.
- Perren, L. (2000). Factors in the growth of micro-enterprises (Part 2): exploring the implications. *Journal of Small Business and Enterprise Development*, 7(1), 58–68.
- Pharoah, C. (2007). *Sources of Strength*. The Baring Foundation, Working paper No.2.
- Phillips, J., De Amicis, L., and Lipparini, F. (2016) *Social Entrepreneurship in the Western Balkans: State of Play, Plus Value*.
- Poon, D. (2011). "The Emergence and Development of Social Enterprise Sectors". *Social Impact Research Experience (SIRE)*.
- Regional Cooperation Council. (2015). *Strategic Study on Social Economy Development in the Context of the South East Europe 2020 Strategy*. 2015 Review.

- Russell, L., and Scott, D. (2007) Social enterprise in practice. Charities Aid Foundation, West Malling: Kent.
- Spear, R. (2006). Social entrepreneurship: a different model? *International Journal of Social Economics*, 33(5/6), 399–410.
- Srbijanko, K. J., Korunovska, N., and Bashevska, M. (2016). Social Enterprises and Work Integration of Vulnerable Groups in Macedonia, Albania and Kosovo. *Reactor – Research in Action*.
- State Statistical Office. (2018). Estimation of population.
- State Statistical Office. (2018). Laeken poverty indicators in 2017.
- Stephan, U., Uhlaner, L. M., and Stride, C. (2014). Institutions and social entrepreneurship: The role of institutional voids, institutional support, and institutional configurations. *Journal of International Business Studies*, 46(3), 308–331.
- Stojcheska, B., Topuzovska-Latkovikj, M., Nikolikj, S., and Petreski, B. (2016). Analysis of the Situation and Challenges for Development of Social Entrepreneurship in the Republic of Macedonia. Friedrich Ebert Stiftung.
- Sud, M., VanSandt, V.C., Baugous, M.A. (2009). Social Entrepreneurship: The Role of Institutions, *Journal of Business Ethics*, Vol. 85, Supplement 1: 14th Annual Vincentian, International Conference on Justice for the Poor: A Global Business Ethics (2009), pp. 201-216.
- The Heritage Foundation. (2019). 2019 Index of Economic Freedom. <https://www.heritage.org/index/ranking> (visited on 15.04.2019)
- Transparency International. (2018). Corruption Perception Index 2018. <https://www.transparency.org/cpi2018> (visited on 15.04.2019)
- UNDP. (2012). Legal Framework for Social Economy and Social Enterprises: A Comparative Report.
- Wronka, M. (2013). Analyzing the Success of Social Enterprises - Critical Success Factors Perspective, Management, Knowledge and Learning International Conference 2013.
- World Bank. (2018). World Development Indicators.
- World Bank. (2018). World Development Indicators. Yada Foundation. (2017). Self-Financing and Social Enterprise among Civil Society Organizations in Bosnia and Herzegovina, Serbia, Montenegro, Macedonia and Turkey.
- Yes We Care project. (2017). Available at: <http://socialinnovators.eu/about-yes-we-care-project/> (visited on 11.04.2019).
- Yunus, M., (2008). Creating a World without Poverty: Social Business and the Future of Capitalism, *Global Urban Development*, Volume 4, Issue 2.

Europe & the Balkans: A Humanities Review

**EUROPEAN KUNDERA'S NOVEL GIVEN THROUGH THE
DETERMINATION OF THE EXISTENTIAL CODE**

Anita Dimitrijovska-Jankulovska, PhD candidate
Slavica Gadzova-Sviderska, PhD

Abstract

This paper aims to show the need of freedom as part of each individual's identity, portrayed by the two main characters of Milan Kundera's novel, *Identity*, Chantal and Jan-Marc. With this novel we actually come close to the Kundera's way of writing, whose novels are written under the scope of existential code. The construction of the modern novel of the middle 20th century is also analyzed through the building of the characters and the theme of existence; through the theme of love and the possibility of keeping one's integrity and identity during the relationship. According to Bakhtin there is classical and romantic building of the characters. While the classicist type is guided by fate and in it is introduced a moral guilt, which the hero recognizes and for which it is repentant, the romantic character is arbitrary and worthwhile initiative.

Key words: identity, freedom, existential code, integrity, love

INTRODUCTION

Inspired by a Jewish saying "The Man Thinks God Laughs", Kundera imagines how Rabelais one day heard the laughter of God and the idea of the first major European novel was born. *"I like the thought that the art of the novel has come to the world as an echo of the laughter of God".*⁸⁴

For the European novel Kundera has said that he had originated in the south of Europe "... in the dawn of the Modern Times and is a historical entity that will later expand its space beyond the geographical boundaries of Europe, more precisely in the two Americas. With the richness of its forms, with the staggering intensity of its development, with its social role, the European novel has no equal in itself in any other civilization."⁸⁵

His novel *Identity* is one European novel created in Modern Times, completed in France in the autumn of 1996.

In this novel, as in all other, Milan Kundera, has been trying to capture the non-psychological "I". To capture this, as he says, means to understand the essence of his existential issues. To capture his existential code.⁸⁶

Specifically in this novel we face the identity code of two lovers Chantal and Jean-Marc who in their elliptical existence created by their long-standing love affair are trying to discover who they are, that is, and who they are not. For long-time lovers it is assumed to be two equivalent beings that are not only well-known but also function as one. However, the idea of love remains latently unattainable in our time. In this novel we come across the modern existence of love, love at the end of the twentieth century, given as an institution of two identities that must be complemented with confidence without sacrificing the freedom of any of them at any time from their existence.

Kundera himself says that the novel does not explore reality, but existence. And the existence is not what has happened, but it is the field of human possibilities, that is all that a person can be, everything that he is capable of doing.

The novelists draw the card of existence by revealing these or those possibilities. If 'existing' means 'being in the world,' then one should choose the person with his world of possibilities. From his book essays *Betrayed Wills*, I will quote: *"I remember a conversation twenty years ago with Gabriel Garcia Marquez who told me: "Kafka allowed me to realize that it can be written differently. In other words, this means: to overcome the boundary of the probable. Not to get out of the real world (like the romanticists), but to understand it better."*⁸⁷

Building of Characters in *Identity*

Kundera says that all his novels are built on the basis of meditative examination (inquisitive meditation). In fact, he is very stingy in the history of his personalities. For Chantal we get some minimal data regarding her past and these are data that will help the story that is only a few pictures of the life of a woman emancipated in Paris with one decomposed marriage

⁸⁴ Milan Kundera, *The Art of the Novel*, 'Speech in Erusalem: The Novel and Europe', Skopje, Kultura, 1990.

⁸⁵ Ibid, 129

⁸⁶ Ibid, 32

⁸⁷ Milan Kundera, *Betrayed Wills*, "The Castration Shadow of Saint Gartus ", 43, Skopje, Nasha knjiga, 2000.

behind herself and a mother of a dead five-year-old child. While we know nothing about Jean-Marc, except that he is a former medical student and a skilled instructor (information we find in the part about talking about the meeting between these two lovers) who earns only one-fifth of what is earned by Chantal. Here we get the impression that however Kundera's main characters have decided to hide their biography from the eyes of the world. We know nothing more than what they decided to portray.

For their physical appearance, it does not say almost anything, a characteristic common to all modern authors. The character in the modern novel appears as it does not mean that the characters are less alive. Thus, we are given a choice as readers to play with our imagination.⁸⁸ We do not know what Chantal looks like or what Jean-Marc looks like, we gradually create our heroes while we are reading the novel, leaving their actions to paint their portrait.

Moreover, the information about the secondary characters in the novel remains strict on the margins, giving them only under the initial one, for example the comrade of Jean-Marc, only F. or by gender, for example, the anger from the former marriage of Chantal, the former man of Chantal, without naming him. Or under any general age criterion, the older or younger colleague of Chantal, or a pseudonym that was compiled by the very main characters, an example Briticanus, who is actually an older Englishman who once tried to seduce Chantal at her job.

The secondary characters are expected to remain only exterior to participate in the interior of the novel, as they do.

Modern authors (such as Milan Kundera himself) opposed a detailed description of the characters, and in particular opposed the obligation to suggest to the reader the illusion of the real: the obligation that superstitiously ruled during the second half of the novel.⁸⁹

To make one person "alive" means to go to the end of her existential problem, because the novel does not explore reality, but existence.

And the existence as Kundera says again, is not what happened, but it is a field of human possibilities, it is all that a person can be, everything that he is capable of. The novelists actually draw the map of existence.⁹⁰

According to Bakhtin there is classical and romantic building of the characters. While the classicist type is guided by fate and in it is introduced a moral guilt, which the hero recognizes and for which it is repentant, the romantic character is arbitrary and worthwhile initiative.

The hero is responsible for the meaningful course of his life. Here heroism is not revealed as destiny, but as an idea or rather as an embodiment of ideas. Here is the form of an endless hero. The author's reflex above the hero is entered into the hero's interior and barred, so the author himself begins to wait for the discoveries of his hero.⁹¹

So we should agree with Kundera that all major novels are more intelligent than their authors. In *Identity* the characters according to this division are obtained as a romantic building in the new Modern Time with a small change in which the hero reveals the existential code instead of the idea.

⁸⁸ Milan Kundera, *The Art of the Novel*, 'Dialogue of the Art of the Novel', Skopje, Kultura, 1990.

⁸⁹ Milan Kundera, *Betrayed Wills*, "The Great Works of Modernism as Rehabilitation of the First Half", 60, Skopje, Nasha kniga, 2000.

⁹⁰ Milan Kundera, *The Art of the Novel*, 'Dialogue of the Art of the Novel', Skopje, Kultura, 1990.

⁹¹ Michael Bakhtin, *Author and hero of aesthetic activities*, 191-193, Belgrade, Svetovi, 1991.

The reflection of individualism in the identity of the modern man in *Identity*

Once Chantal will complain to Jean-Marc that men do not turn around, Jean-Marc, who is four years younger than his mistress, decides to discreetly take care of it, writing a love letter from an anonymous fan.

This naive hero of Milan Kundera does not remain in only one letter, because he finds that Chantal is rejoicing, keeping the letter under her bras. So he continues to write even longer and more mysterious letters to his longtime lover, believing that this will make it easier for her emotional turbulence. Because, "*every woman measures the degree of her aging in the interest or not interest that men show for her body.*"⁹²

However, I would say, think twice Jean-Marc! Chantal is such a mental disorder, so fragile tissue of phobia, pressure, distrust and panic that the letters bring to the edge. In the end, however, Jean-Marc is a loser, issued by his own handwriting. Lovers are quarreling and everyone is getting on (i.e., are they getting?) On the same train from Paris to London.

With the very fact (which we directly learn from the narrator) that after the divorce that followed the death of his five-year-old child, Chantal takes on the status of a successful woman in every way, with a job that earns her well, an apartment she buys herself and a younger lover who finds herself and instills him into his apartment, giving him enough room to love her and make her happy, we project our image of the emancipated woman in Europe. How far does the narcissism of this woman who captures passions go from the moment we read that?

*"The memory of her dead son fulfilled her happily and she could only wonder about what it meant. The answer was clear: it meant that her presence to Jean-Marc was absolute and that she could be absolute thanks to her son's absence. She was happy that her son was dead."*⁹³

Of course, she will not tell this thought to Jean-Marc, because she is afraid he will think she is a monster. However, Chantal is no more than a free individual who wants to live her life juicy. It is also good to mention the moment (which happens as Jean-Marc visits his old friend, F., who is in the hospital on a deathbed) in their conversation about friendship Jean-Marc notes:

*"It is necessary for a man to have a good functioning of his memory. To remember his past, to carry it always with him, it is perhaps a necessary condition for preservation as they say, the integrity of his self."*⁹⁴

After this, he will explain his attitude towards friendship nowadays that is sprinkled from its former essence and is now something like a treaty of kindness, so it is not friendly for a friend to ask for something that will put him in an awkward situation. To what Chantal gives her opinion that if you are accused you can expect two reactions from your acquaintances: some will tilt the spoils and others will discreetly withdraw so that you can continue to talk and watch with them. This category of Discrete Friends is actual in Modern Times.

The symbolism that captures the new aspect of *Identity*

⁹² Milan Kundera, *Identity*, 30, Skopje, Tabernakul, 2007

⁹³ *Ibid.*, 33.

⁹⁴ *Ibid.*, 36.

Symbolism in the novel is the artistic way of unfolding the existential code given in the story.

One of the symbolic motives in *Identity* is the motive of reddening, hot, uncontrolled and reflexed from which Chantal suffers from childhood days. It appears to emerge as a result of passion and shame, rage and commendation. The red color not only exaggerates Chantal, issuing its innermost emotions, but also becomes a symbol of her lust. It gives inspiration to her admirer in one of the letters to call her "my red cardinal".⁹⁵

The Chantal's apartment that buys her after her divorce symbolizes the independence of her identity. Here she feels free and strong by suppressing her past and future at the expense of her present, feeling infinitely happy in her love affair.

According to Foucault, the house is like being; it is a life-organic life of things that are representative of our self. Chantal is over again in a new epoch after her divorce, exists once again in her apartment with her lover. However, there is a territorial and psychological threat to the present of Chantal by her past.

On the same day when Chantal told the graphologist that the mysterious letters were written by Jean-Marc, she returns home with a sense of deception and treachery from her lover (meaning that one part of her "I" is already endangered by her beloved identity) for to be surprised even more in her apartment she sees her ex-sister-in-law with her children (for which she had long ago thought that a certain time had been determined) that disgraced her in their work. How did she just inflame this vampire with which she ended up long time ago? So we immediately learn that another major part of Chantal's identity, her apartment, is actually endangered here, in fact, her existence.

Her intimacy is on the floor, spilled from the closets by the children of her ex-sister-in-law, which was merrily chatting with Jean-Marc. Chantal has experienced an emotional shock. Fascinated by the sight, she passively participates on the scene at which the children continue to burst into her closet, and her sister-in-law does not cease to speak and laugh.

Conclusion

Considering the fact that this was Kundera's first French novel, we can easily notice that it is different than his other novels written in his native country. There is no 'I' character. The two main characters Chantal and Jean Marc are aggressively French. In this novel, Kundera wants to emphasize the meaning of 'silence', which usually brings a lot of misunderstandings with it and most often it is underestimated. But there is silence behind the curtain of the dialogue. As in all of his novels Kundera keeps to the idea to show us an eternal truth in this case lack of communication. Dialogue and silence are two complex things, as Bakhtin writes. Doing things under a mask can only bring unexpected consequences. A major methodological discovery of Bakhtin that describes the differences between participants in a dialogue is his concept of *outsideness* (Bakhtin, 1986, 7). This concept "*encapsulates the idea that in order to engage in a meaningful communication one must remain distinct from, and in a manner of speaking "outside" of, one's "other"—that is, a dialogue is possible, according to Bakhtin, only when we remain different from our "others."*" (Hall, et. al, 2005, 180).

⁹⁵ *Ibid.*, 54.

Bibliography

- Bakhtin, Mikhail, M. *Rabelais and His World*. trans. Helene Isvosky, Bloomington: Indiana University Press, 1968.
- Bakhtin, Mikhail, M. *Problems of Dostoevsky's Poetics*. Trans. Caryl Emerson. Minneapolis: University of Minnesota Press, 1984.
- Bakhtin, Mikhail, *Author and hero of aesthetic activities*, 191-193, Belgrade, Svetovi, 1991.
- Kundera, Milan *The Art of the Novel*, 'Speech in Erusalem: The Novel and Europe', Skopje, Kultura, 1990.
- Kundera, Milan *Betrayed Wills*, "The Castration Shadow of Saint Gartus ", 43, Skopje, Nasha kniga, 2000.
- Kundera, Kundera *Identity*, 30, Skopje, Tabernakul, 2007

**PSYCHOLOGY OF COMMUNICATION REGARDING JUVENILE
DELINQUENTS: ANALYSIS OF FREUD'S PSYCHOANALYTIC THEORY
AND THE FORMAL OPERATIONAL STAGE OF PIAGET'S THEORY**

Liljana Siljanovska PhD

University of Southeast Europe - Tetovo, Republic of North Macedonia

Stefani Stoychevska

University of Southeast Europe - Tetovo, Republic of North Macedonia

Abstract

For an individual to know his true self means to be aware of both conscious and subconscious aspect of his mind, being viewed as a whole concept of his character. Therefore, juvenile delinquency as a notion represents not just one simple definition of criminal behavior of juveniles, but also an opportunity to investigate the causes of such behavior from the aspect of internal (intra) and external (inter) psychic processes – giving it the dimension of a social illness analyzed within a psychological framework. Introduced with the fragments of Freud's psychoanalysis as the psychological determinates, and the fourth stage of Piaget's theory of cognitive development, as the biological determinates, we are able to create a connection that seems to be particularly characteristic, concerning communication psychology that occurs between the juvenile delinquent and the environment that he lives in, and that is the sophisticated world containing a variety of rules and norms set by society, which are expected from juvenile delinquents to be followed. However, we keep in mind that there are also fragments of their internal persona that more often cause illegal behavior against the environment and the people in it. And when an unlawful deed is committed by a minor, interestingly enough, the observation of the biological and psychological traits that he manifests after the crime, shows us the reality of the connection between the misunderstood juvenile delinquent and the society, as well as the reaction originating from society regarding the social image and communication concerning the troubled minor.

Key words: Juvenile Delinquency, Mental Age, Cognitive Development, Psychoanalytic, Communication

Introduction

The notion of juvenile delinquents, as it contains aspects of asocial, antisocial, socio-pathological and criminal behavior, should not represent a medical diagnosis, according to its dominant traits, but rather viewed as a social illness due to the fact that juvenile delinquents are people that do not live in compliance with the moral and legislative norms of society. Although determining the essence of juvenile delinquency is not a simple task, the science of communicational psychology should analyze the social, as well as the psychological traits of the behavior of underage delinquents. A social illness on the other hand, as a concept represents the reflection of endogenous and exogenous factors detected in minors, which reflects upon the abnormal behavior of delinquency.

Because of the mix of these contradicting factors, we realize that *“there can be no doubt either, that mental life is also accommodation to the environment”* (Piaget, J. (1952) *The Origins of Intelligence in Children*, p.6)

In other words, cognitions are the main determination of man, translated as highly defined social experiences. During the 1960's, the father of developmental children's psychology, Jean Piaget, considered cognitive adaptation as one of the essential functional constants in human's development, due to the fact that every person has the ability to adapt to the environment, as well as the claim that man is determined by his own knowledge of "cognitions". However, in terms of understanding juvenile delinquency, consequentially, Piaget's theory of Cognitive development helps us understand how minors, or particularly, how juvenile delinquents manage to adapt in an environment in which they are not satisfied and therefore result in rebellious manifestation. Considered that the nature and development of human intelligence, that is, the nature of knowledge and how people gradually acquire, construct and use it. Cognitive development as a progressive reorganization of mental processes arises from biological maturation and environmental experience affect juveniles, depending on different circumstances. Children are able to develop an understanding of the world around them, discover their surroundings and then adapt the ideas they have created.

Due to the average age of juvenile delinquents, a more distinctive focus must be put upon Piaget's forth operational stage of his theory of cognitive development (adolescence, 11-15 / 20 years), so it could be assumed that a minor knowing himself, is not very likely because he is still trying to find his true self. And during that dynamic process, the juvenile tends to change very often in terms of opinions, decisions, attitudes, actions. Thus, the juvenile may be at a temporary stage, where his then perception of the circumstances that are manifested by his present self, which is otherwise incorrect, requires him to recall the way in which he will not be refers to his real self.

From this assumption there may be certain exceptions, mainly observed and analyzed from two contradicting aspects: the consciousness of the juvenile delinquent, manifested by his mental age and intelligence on one hand, and the unconsciousness of the juvenile delinquent, manifested by the shadow, according to Freudian psychology, which represents the negligent aspect of the juvenile who does not identify the consciousness by itself.

1. Theoretical discourse of communication psychology

“Social psychology traditionally has been defined as the study of the ways in which people affect, and are affected by, others. Communication is one of the primary means by which people affect one another, and, in light of this, one might expect the study of communication to be a core topic of social psychology” (Higgins E. Kruglanski A. (eds.) (1996) Social Psychology: Handbook of Basic Principles, p.3)

Regarding juvenile delinquents, communication psychology is lacking, in order to express dissatisfaction concerning the social environment. It represents a relevant aspect of sociology and communication, which is vital for repressing the unlawful and rebellious actions undertaken by juvenile delinquents. Now, a couple of social theories have emerged while studying juvenile delinquency, and while there are also psychological theories of the same subject of study separately, a simple yet effective connection can be made between the two perspectives.

Cultural deviation, for instance, considers that a deviant individual conforms to all standards created by society that are not accepted by the dominant wider community, and the dominant community defines the social and legal norms, as well as deciding which behaviors are not in compliance with the dominant norms. This intertwined relation seems to directly imply to the fact that communication psychology is not included in the interaction between the juvenile delinquent and the environment that he lives in, resulting in a missing sphere of involvement crucial to guarantee a normal and accepted social life, just as the relevance of this was noticed by the sociologist Thomas Luckmann: *“Communication has come to mean all things to all men”* (Higgins E, Kruglanski A. (1996) Social Psychology: Handbook of Basic Principles, p.4)

While this mainly applies to social relation, regarding a lack of communication psychology, the theory of anomie begins from the assumption that the presence of intensive legitimately desires which cannot be legitimately be satisfied, force the individual towards deviation. The absence of social and ethical standards in the individual causes the juvenile delinquents to become anomic, and with that being said, it is expected for them to submit to an anti-social lifestyle.

“Anomic individuals, in their “state of endless instability”, are subject to momentary impulses, to the disposition of the moment, to whatever notion is in the mind at the moment, to the most contradictory inclinations, the most antithetical whims” (Herbert, C. (1991) Culture and Anomie: Ethical Imagination in the Nineteenth Century, p. 73)

Interesting enough, what is described here as momentary impulses, can be explained, from a psychological point of view, by the sudden outbursts of the Freud’s id – as an urge coming from the subconscious pleasure principle. When it comes to morality and moral states, the notion of rules do not seem to dominate, nor appear at all, concerning juvenile delinquents. As there is nothing that can confront the individual’s primal needs and desires, while instructed by his deep dissatisfaction, we often tend to think if age or intelligence, as biological determinates, play a role in making a difference regarding the validity of a crime committed by a minor.

“As children develop into adults, they go through qualitative changes which make it impossible for them to think as they thought as children” (Gardiner, W. (2008) The Psychology of Communication, p. 88)

Considering the fact that the largest percent of juvenile delinquents, categorized by biological age, belong in the formal operational stage from Piaget’s theory of cognitive development, it is necessary to analyze the possibilities of abstract thinking in minors who are

entering the world of young adults, as well as the differences that intelligence, manifested by the mental age, can make when it comes to viewing the intentions of the juvenile delinquent whilst committing the crime, and more importantly, his emotional, social and psychological response to it afterwards.

2. Mental age

The intellectual development and manifestation of juvenile delinquents should not be understood through the quantitative perspective, meaning that biological age does not necessarily contribute to their intelligence, maturity and way of thinking and reasoning. This is due to the fact that biological age does not directly add more knowledge, as children grow older. In order to explain this alternative, a new substitute for chronological age must be observed, which will demonstrate the intellectual development and manifestation of juvenile delinquents through a rather qualitative perspective, by showing us how do they cope with various social circumstances, often seen as challenging for the minors.

The abovementioned alternative represents the opposite of chronological age, which is not linked with age, but with cognitive development. Sharing the trait of qualitative intelligence, mental age in the case of juvenile delinquents observes how they perform on an intellectual level, regarding challenging social conditions in their environment, respectively compared with their chronological age.

In other words, mental age, as a concept associated with intelligence, is a decisive factor in the situation in which a juvenile delinquent is actually capable to understand the criminal act he has committed, as well as the fact that he is mature enough to decide at least with the conscious part of his mind. In this case, the juvenile is not undergoing the process of seeking his true self, but rather displays a fragment of it in real life, based on his intellectual maturity.

Considering that the ratio between the chronological age and the mental age computed the IQ, the historical development of intelligence testing introduces us with the attempt to obtain a certain number that will represent the child's mental age. However, it can differ, regarding the chronological or physical age of the child. Put in another way, the comparison connecting the mental age and chronological age produces different results, depending whether both ages are the same, or if one of the is higher or lower than the other.

Nonetheless, it is important to notice that, regarding juvenile delinquency, the physical age calculated in biological years has no applicable meaning when mental age and IQ are specifically taken into account. In fact, in order to separate the mental age from the chronological age, one of the most notorious intelligence tests, better known as the Stanford – Binet test, uses the following formula:

$$\text{Mental age} \div \text{Physical age} \times 100 = \text{IQ ("Intelligence Tests")}$$

Regardless of the chronological age of the child, if the mental age is equivalent to the chronological age, then the IQ will be 100. Since it has been previously mentioned that mental age plays a bigger role in understanding whether the juvenile delinquent has the intellectual capacity to comprehend the consequences of his unlawful actions, let us assume a simple exemplary case in which a 12-year-old does not share a solid financial situation in his family compared to his classmates, them being better financially situated and thus have everything that

they want and need. Because of this situation, the child begins to steal items that are someone else's property. We also mind the fact that the juvenile delinquent has a mental age of 12 years.

In this case, if we apply the abovementioned formula to find out its intelligence coefficient that he would consider during the occurrence of the intent, the coercion of the offense, as well as the overall comprehension of the consequences of the work, would have received this result:

$$\begin{aligned} 12 \div 12 \times 100 \\ = 1 \times 100 \\ = 100 \end{aligned}$$

From the result of this equation, we realize that a 12-year-old child will also mentally think as an average twelve year old, realizing and his deeds roughly at the very beginning of that age frame that is identified with the Piaget formal operational phase that is characterized by alternatives in addition to complex reasoning and problem solving. The juvenile delinquent in this case is not mentally capable enough to grasp the procedures from the theft, trying to solve his problem by illegally acquiring certain items that are in someone's property, that is, not theirs, as well as the fact that with this he will not solve his problem in the long run.

However, if we imagine the same case with a juvenile delinquent with a chronological age of 12 years, but with a mental age of 20 years, considered as a mature person, we will get a completely different result, but also an explanation of the intent of his work. Therefore:

$$\begin{aligned} 20 \div 12 \times 100 \\ = 1,66 \times 100 \\ = 166 \end{aligned}$$

As seen from this example, a juvenile delinquent with chronological age of 12 and a mental age of 20 definitely does not possess an equal IQ of his chronological age which should be exactly 100, but with an increased IQ of 166. This means that the juvenile is actually capable of grasping the significance of his deviant work, its consequences, but most importantly the intention the twelve-year-old delinquent had. In this case, despite the fact that a particular crime is desired with a particular crime to solve a certain problem, it is not the same as the meaning and intention of the same.

While the juvenile delinquency of 12 chronological years and 12 mental years cannot rationalize his action, the juvenile delinquency of 12 chronological years and 20 mental years can, and the difference lies precisely in his own intelligence coefficient.

The second case can also be explained by the well-known Latin saying that originates from the Roman Criminal Law: "*Malitia supplet aetatem*" (Cipriani, D. (2016) Children's Rights and the Minimum Age of Criminal Responsibility: A Global Perspective, p. 73) meaning that "evil compensates for age".

A minor who falls under the category of the formal operational phase, tends to demonstrate his intelligence by applying abstract concepts - sensation, intuition, feeling and thinking. This form of thought includes "*assumptions that do not have a necessary connection with reality*" (Piaget, J. (1972) The Psychology of Intelligence). This also considers the possibility that a minor uses his intelligence by doing one mental construction of the overall reality around him. However, in what manner is that mental construction manifested, and more importantly, it is only influenced by his intelligence?

Given the fact that the measurements of the mental age and IQ have their limitations, "*Binet stressed the limitations of the test, suggesting that intelligence is far too broad a concept*

to quantify with a single number. Instead, he insisted that intelligence is influenced by a number of factors...” (Cherry, K. (2019) “Alfred Binet and the History of IQ Testing”).

Observing the notion of mental age, it is obvious that it is viewed and categorized from the aspect of consciousness. In other words, the conscious part of the juvenile’s mind represented by IQ and mental age, may not be the only contributions to his delinquent behavior. Perhaps the roots of his unlawful manifestations can be found in the unconscious aspect of the child’s mind, regarding Freud’s Psychoanalytic theory.

3. Fragments of the Psychoanalytic theory – Id, Ego and Superego

The way these three intertwined elements of Freud's psychoanalytic analysis work, can explain why juvenile delinquents decide on such unlawful, criminal proceedings. In fact, it can be said that it has always been in the very nature of man, just as it is today. Perhaps man can explain these reactions and ways of thinking from a psychological the point of view, but that does not mean that they are manifested only in man as a specific species. Every living being, in general, is guided by the principle of pleasure, and because of the ability of the bodies to feel pain, whether it is physical or psychic. But, of course, we are focusing mainly on our own species because of our ability to suppress our drives.

“...human beings fall ill of a conflict between the claims of instinctual life and the resistance which arises within them against it” (Freud, S. (1989) New Introductory Lectures on Psycho-Analysis, p. 72)

Separate fragments known as id, ego and superego, perform their function in the unconscious aspect of a person and are related to the very principle of pleasure which is an instinctive request for pleasure and avoidance of pain in order to satisfy the biological and psychological pleasures.

According to the abovementioned quotation, it is assumed that there would not be any humanly ability to refrain from his urges seeking satisfaction, he would have been defined as a criminal in a civilized world governed by norms and rules set by society, but on the other hand, a normal person if in the world in which he would live, would be without any rules.

But even though we live in a world where there are laws and rules that provide a sophisticated and civilized life, there are people who commit crimes. The reason for this is that before the man developed his consciousness and intelligence, lived as well as other animal species in nature. Therefore, all the habits, fears, desires that the prehistoric man had before the appearance of Homo sapiens, is now manifested through instincts and phobias in the modern intellectual man.

If a minor’s point of view and the reason for their delinquent behavior is being analyzed, we understand that the society where we live has different circumstances which cause dissatisfaction manifested by the minor. In these moments the unconscious part of the person begins to function, the one that starts to create thoughts of acts that are considered to be illegal, as in the form of an irrational instinct, manifested precisely because of the moral deficiency which is a characteristic of the still underdeveloped psychology of the juvenile's brain. In this case, the shadow has the function of a thick veil of illusion between the ego and the real world. If the ego did not exist, then the very minor would have no concept of the real meaning of the world in which he lives. With it, as the id is constantly seeking pleasure, and in the real world, in

addition, the pain is present, the ego recognizes that there cannot be only one of these two extremes and tries to make a certain balance between it.

“ We shall therefore call moral realism the tendency which the child has to regard duty and the value attaching to it as self-subsistent and independent of the mind, as imposing itself regardless of the circumstances in which the individual may find himself” (Piaget, J. (1999) *The Moral Judgment of the Child*, p. 106)

Moral realism, so that it can be applied by a minor, must be able to recognize, in the reality in which he lives, which actions and deeds are good for him and which are bad, like obedience and disobedience to a particular rule, for instance. If a particular rule is respected, that's good. But an action that does not respect a particular rule is bad. But while performing delinquency, the juvenile does not interpret the rule in any way. Instead, the rule given as such in its reality is only an external concept of the mind.

However, since most people believe the principle of satisfaction is related to morality from the aspect of goodness. While this is partly true, applied only to the conscious aspect of a person, there is still a totally different claim if the pleasure principle is applied by the shadow, which lies in the unconscious aspect of a person. Namely, as it was previously mentioned that the principle of satisfaction is identical with the moral good, certain individuals would automatically assume that the moral evil is related to the shadow. But in terms of perception, the principle of pleasure applies on the side of the shadow, moral reasoning in terms of inner reasoning between good and evil disappears; that is, the lines between the moral good and the moral evil begin to fade, and there is a kind of blindness.

In order to fulfill certain pleasure, the shadow begins to go to the very essence of its existence - the nature of man. Quite often the question was whether a person is good or evil in nature. The truth is that man is constantly wandering between the two, because in reality it is not possible for man to manifest only one of them; they represent only two extremes in the broad spectrum of all human behaviors; Thus, when a certain thought appears in the juvenile delinquent which, according to him, is a pleasure that he wishes to fulfill, while according to the legal system it represents a certain crime, it is presumed that it is very important if that thought originally appears in the conscious or in the unconscious part from personality; If it is in the conscious part, the decision to carry out the crime depends on the mental age of the juvenile.

But if it is in the unconscious part, it is proposed that at the very moment before the juvenile gets the ultimate determination to commit the crime, he is mentally in a kind of conversation with the shadow where although the juvenile struggles with his conflicting desire, however the principle of satisfaction is stronger.

This conversation arises because of the conflict of the conscious aspect of the person with the shadow that is part of the unconscious part of the personality. Especially among juveniles, this situation can lead to shock, confusion and mental paralysis of indecision.

“The super-ego applies the strictest moral standard to the helpless ego which is at its mercy; in general it represents the claims of morality, and we realize all at once that our moral sense of guilt is the expression of the tension between the ego and the super-ego” (Freud, S. (1989) *New Introductory Lectures on Psycho-Analysis*, p. 76)

Freud assumes that the super-ego incorporates the morale of society and that this allows the mind to control its impulses that are viewed morally. That, unlike id and ego, can make a distinction between reality and what is considered good and evil, that is, in some way, the super-ego would represent the conscience of the mind in man.

In this regard, the imposed rules in society changed from the very beginning. In every period of society, the society set rules that were expected of people to respect to be accepted by others. However, with this it could be assumed that every individual has to think at the same time in the same way and in different ways, but from two different aspects - internal and external.

Namely, while an individual tries to follow the rules of society in order not to be condemned by the others, he deeply strove himself with his natural urges, but he thinks that this is happening to him and does not want this to be revealed in front of others people. The fact is that in this situation, all people are creatures that deal with the same problem, but they think they are unique. This is because of the way they perceive society - as a collective body that has the role of a judge and is located in a higher hierarchical place than them, and whose decision depends on what kind of life depends on society. Also, man is not created to achieve himself alone, but with the help and cooperation of others in his surroundings. But society has just used it to set rules for everyone in the community to behave in the same way.

Since man is a social being, he is afraid to remain alone because of his prehistoric past. That's why people often tend to have their character, as well as their own being in line with society. Freud also believed that people would act with aggression and other immoral behaviors, because the mind would have no way to understand the difference between right and wrong.

However, this would not have been possible without a human being subjected to the social rules and the legal system. If a person would live in a world where some rules and norms were never applied, and he would be guided only by the principle of pleasure, then this scenario would have happened.

Freud separates the super-ego into two separate categories; the ideal self and the conscious, where consciousness contains ideals and morals that exist in society, which prevents people from behaving based on their inner desires, while on the other hand the ideal self only contains images of how people should behave according to social ideals.

In cases where the juvenile delinquency is analyzed, this is a little tortuous. Namely there are two possible scenarios in this case:

First, if the adolescent has found his true self, but it is not in accordance with the standards of society and second, when adolescents have found their true self and it is according to the standards of society.

In these cases, the motive to commit a crime occurs when an adolescent is forced to change his true self, and this causes dissatisfaction in itself - and the inability to manifest his drives freely. When the adolescent deeply suppresses the urges, despite satisfying society, deeply suppresses the urges that he cannot satisfy because of the morality of the society.

3.1. Comparison with the non-acceptance of the shadow and its consequences

The individual has to accept his dark side to know himself.

"...this integration [of the shadow] cannot take place and be put to a useful purpose unless one can admit the tendencies bound up with the shadow and allow them some measure of realization – tempered, of course, with the necessary criticism. This leads to disobedience and self disgust, but also to self-reliance, without which individuation is unthinkable." ("Carl Jung and the Shadow: Profound Quotes and Passages. Academy of Ideas")

The reason why it is bad not to accept the shadow, also known as the dark side, is because the individual, like the majority of our society, estimates himself in a very superficial

manner, by not wanting to accept his negative aspects, thus considering them as primitive. This is related to the fact that the superego draws the person to his ideal self. When it comes to moral good and moral evil, no one can fully grasp the meaning of "good" and "evil" because then we should have strictly defined definitions for them, and this is not possible because the people themselves describe both phenomena as a single manifestation of behavior, and not as extreme.

Initially, there is a specter of human behaviors and we call the extremes of this spectrum "good" and "evil". The reality is that we cannot draw definitions of what will justify the bad, and it will further exalt the evil and vice versa (which depends on which side more dominates).

People who consider themselves "good" while doing an action that is under the influence of the shadow often try to justify it - turning the bad into good.

The answer lies in the circumstances - sometimes man will be placed in certain circumstances where his dark side will be forced to come to the surface. But its reaction to this emergence on the surface is even more important - it will be one of the main factors, and at the same time indicators on which side will eventually be accepted by the individual's side.

A simple comparison can be made of how the juvenile delinquent thinks and what are the decisive factors for taking such an irrational step, viewed as an interpretation of psychological significance of the events occurring in the environment of the juvenile delinquent.

In the judgmental eyes of society, people most often perceive the juvenile delinquent as a representation of two different individuals, who should manifest the good on one side, and evil on the other. However, this specific impression is created after the juvenile delinquent has committed the crime. By explaining the concepts of id, ego and superego, it could be assumed that juvenile delinquents do not have an appropriate balance between these three components in their overall personality. If id, as one aspect of the character of the juvenile delinquent, becomes dominant at the expense of others, then he will show abnormal personality traits. And id becomes dominant when a conflict occurs between the principle of pleasure (manifested by id) and the principle of reality (manifested by the ego).

Not regarding the principle of satisfaction, when it comes to the principle reality, as the ability of the mind to assess the reality of the outside world and act upon it appropriately, contrary to the principle of pleasure, the power of the two principles in their struggle depends on which side was more pressed through the time of the juvenile delinquency. Thus, when a juvenile commits a crime, many people begin to see him as a completely different person that they did not know before.

This regarding juvenile delinquency can be explained by the diversity of behavior, but from the aspect of society. Namely, people have a different perception about a minor before and after committing a crime, as if it were two different people - good and bad. In fact, the juvenile is aware of this interpretation of the character and this creates additional pressure.

If we analyze the general character structure of a juvenile delinquent before the crime, we can understand the hypocrisy and jealousy he possesses. Namely, we can understand how much hypocrisy and selfishness he possesses. Namely, as it was previously mentioned that juvenile delinquents before and during the action are under the false impression that they will have no consequences from their actions, and in a very similar way, this trait can be identified with the alleged desire to remove certain negative parts of a character or personality.

In this case, the juvenile suppresses the internal influence that comes upon him because of the fear of the convictions that he will receive from the environment, especially if the other persons have a positive perception of him, compared with the psychological moment from the

real world when a juvenile delinquent becomes resolute in his intention, made under the influence of id, to commit the crime.

The reason why mentally mature juvenile delinquents commit crimes is to allow them to express their violent urges to their shadow without feeling guilty or their unlawful deeds having consequences that would ruin the image that society has previously created for them. However, they have the ability to feel empathy and remorse, but these feelings appear after the act is committed. The fact that during the commission of the crime, the juvenile delinquent is indifferent and apathetic is because the id cannot recognize wrong from right, but is guided by the basics and primary human instincts.

Although in reality, many minors behave immature due to the cognitive development of their brain, however, if they commit a crime, it is possible because of their very young age to pass more easily. However, if the juvenile has a higher mental age, he fully understands the crime, and the consequences thereof, his chronological age should not be justified.

Similarly, the juvenile delinquency is also explained. The juvenile's id represents the execution of the crime that has always been present the ego was the reality through which the juvenile perceives the crime, while the super-ego represents the morale and the juvenile's ability to distinguish right from wrong. But for a juvenile delinquent, there is an imbalance where id is in a dominant position. And since id does not have a sense of morality, the main problem is that a juvenile delinquent wants to satisfy his violent urges without any consequences, but at the same time he cannot understand that his own dual identity is not possible in reality.

Thus, one of the main mistakes in doing a delusional action is to have an action without consequences. The juvenile delinquent that has no imbalance between the three components, even if he thinks of committing a crime, will fear the consequences.

And this also leads to another question: Is the juvenile good because it is really such, or is it afraid that he will not be punished?

A certain juvenile may perceive the influence of the id as punishment and transfer the blame on him, but the criminal act is nevertheless a mistake of the minor. Because the juvenile cannot accept the existence of his own id before committing the crime, and therefore it suppresses his vicious, violent urges - so, in the affair of an id, the juvenile delinquent does not perceive the crime as a punishment, but as a reward.

Conclusion

Although juveniles live in a sophisticated world with a variety of rules and norms set by society, which are expected from them to be followed, there are fragments of their internal persona that more often cause illegal behavior against the environment and the people in it. Analyzing the fourth stage of Piaget's Cognitive development theory and combining it with the idea of intelligence, mental age that proves the aspect of juvenile crimes, we can understand what is going on in the still developing brain of a juvenile delinquent, whether his physical age complies with his mental age or not. This should be taken as a valid claim saying that although juveniles may cause certain crimes, not all of them contain the same amount of rationalization and logic before, during and after the crime. Also, when we come to examine the three main components of Freud's Psychoanalytic theory, we realize a great lack of balance in the juvenile's mind which causes a participation in an illegal, hazardous action. Especially under the influence of id, which is directly linked with the pleasure principle, there is a great chance of causing

various crimes committed by an immoral persona manifested by the juvenile delinquent that is not in compliance, nor familiarity with his true self. This so called blinding effect between the moral good and moral evil can act as a primitive behavior which can remind us how the prehistoric human used to act before the development of consciousness and intelligence, but more importantly, how it is still active in our now modern lives despite our hardest struggles to suppress it, viewing it as a negative trait of our overall personality which we perceive not to be in compliance with our regulated lifestyle.

Literature:

- Cipriani, D. (2016) Children's Rights and the Minimum Age of Criminal Responsibility: A Global Perspective. New York: Routledge.
- Gardiner, W. (2008) The Psychology of Communication. Bloomington, Indiana: Trafford Publishing.
- Higgins E. Kruglanski A. (eds.) (1996) Social Psychology: Handbook of Basic Principles. New York: Guildford Press.
- Herbert, C. (1991) Culture and Anomie: Ethnical Imagination in the Nineteenth Century. Chicago: University of Chicago Press.
- Freud, S. (1965) New Introductory Lectures on Psycho-Analysis. Pennsylvania State University: W.W. Norton Incorporated.
- Piaget, J. (1972) The Psychology of Intelligence. Totowa, NJ: Littlefield.
- Piaget, J. (1999) The Moral Judgment of the Child. New York: Routledge.
- Piaget, J. (1952) The Origins of Intelligence in Children. New York: International Universities Press, Inc.

Links:

- Cherry, K.(2019) "Alfred Binet and the History of IQ Testing". Verywell Mind, The 8th of March, 2019
- <https://www.verywellmind.com/history-of-intelligence-testing-2795581> (visited on 24.03.2019)
- (2017) "Carl Jung and the Shadow: Profound Quotes and Passages". Academy of Ideas, the 1st of October, 2017
- <https://academyofideas.com/2017/10/carl-jung-shadow-profound-quotes/> (visited on 23.03.2019)
- "Intelligent Tests" Users.ipfw.edu
- <http://users.ipfw.edu/abbott/120/IntelligenceTests.html> (visited on 23.03.2019)

**THE GERMAN VERBAL PREFIXES AND VERBAL PARTICLES AND
THE HUNGARIAN CO-VERBS: A CONTRASTIVE STUDY**

Viktorija Blazheska

”Ss. Cyril and Methodius“ University in Skopje
Faculty of Philology ”Blazhe Koneski“

Abstract

Verbal prefixes are an important part of both German and Hungarian verb formation. This paper focuses on the differences between the verbal prefix and the verbal particle, as well as on comparing the morphological and semantical characteristics of these elements in both languages. The points of comparison range from considering whether number of these elements can be precisely determined, how often they are used in each language, in what ways they can change the form and meaning of the verb, all the way to issues regarding orthography, degree of autonomy in a sentence, position etc. A discussion of the distinctions between the terms themselves in their respective languages (*Verbpartikel*, *Verbalpräfix*, and *igekező*) is followed by a direct comparison of their characteristics and the potential difficulties they could cause for learners of these languages.

Keywords: German, Hungarian, morphology, word formation, verbal prefixes

1. Introduction

The motivation for a contrastive study of this kind of study are the surface similarities in the word formation of verbs in German and Hungarian. Namely, both languages tend to use verbal prefixes which can change the meaning or even the values of some morphological categories of verbs. The purpose of this paper is to analyse both systems for similarities and differences, and apply the findings to the advantage of potential learners of these languages.

The focus of this introductory part lies on three concepts: the *Verbpartikel* (verbal particle) and *Verbalpräfix* (verbal prefix) in German, and the Hungarian *igekeötők* (coverbs/verbal particles). The examples used in this work to illustrate the various phenomena are the author's own. The elements that are the object of our attention are underlined in the examples or written in italic as general part of the object-language.

2. Terminology

2.1 Verbpartikeln

Engel (1994) understands particles (*Partikeln*) to mean any uninflected word. In terms of word class, most verbal particles are in fact prepositions (with the exception of, for example *dar-* and *zusammen-*). The Duden Grammar (2005) describes these elements as *Halbpräfixe* (half-prefixes), due to their tendency to form unstable connections with verbs. They can be combined with verbs and change the meaning of the word, for example:

sagen, 'say, tell' vs *vorhersagen* 'predict, foretell'

Verbal particles can be defined extensionally, i.e. by simply listing them. An alphabetic list of the verbal particles in the German language according to The Duden Grammar (2005) is as follows:

ab-, *abwärts-*, *an-*, *auf-*, *aufwärts-*, *aus-*, *bei-*, *da(r)-*, *dabei-*, *daher-*, *dahin-*, *daran-*, *darauf-*, *darein-*, *davor-*, *dazu-*, *ein-*, *einher-*, *entgegen-*, *her-*, *herab-*, *heran-*, *herauf-*, *heraus-*, *herbei-*, *herein-*, *herüber-*, *herunter-*, *herum-*, *hervor-*, *herzu-*, *hin-*, *hinab-*, *hinan-*, *hinauf-*, *hinaus-*, *hinein-*, *hinzu-*, *mit-*, *nach-*, *umher-*, *vor-*, *voran-*, *voraus-*, *vorbei-*, *vorher-*, *zu-*, *zusammen-*, *zurück-*.

The current number is 49, and many of them formally correspond to German autonomous prepositions or prepositional adverbs.

Verbal particles are separated from the verb in a simple declarative sentence and form a sentence bracket, in which the verb always has to come second, and the detached verbal particle comes last. This is a special form of tmesis typical for the German language: *Er bereitet den Raum vor*. 'He prepares the room.' This is why verbal particles have a certain degree of autonomy in the sentence. Furthermore, even when still attached to the verb, they always carry the word stress. Another important morphological feature is the formation of the perfect participle, wherein the affix *ge-* appears between the verbal particle and the root of the verb, for example: *Wir bringen keine Kekse mit*. *Wir haben keine Kekse mitgebracht*. 'We do not bring any cookies. We did not bring any cookies.'

The same is true of the conjunction *zu* which is used with the infinitive, for example: *Die Firma hat ihr Bestes getan, um dem Kunden entgegenzukommen*. 'The company did its best to accommodate the customer.'

2.2 Verbalpräfixe

The verbal prefixes are even easier to define extensionally, because there are only seven of them in the German language, according to the Duden Grammar (2005):

be-, ge-, emp-, ent-, er-, ver-, zer-

They are the "true" German prefixes and form stable connections with verbs, in that there is no tmesis possible. A verbal prefix can never be detached from its verb, is never stressed within a word, and can never appear autonomously within a sentence.

The formation of the perfect participle takes place without the customary affix *ge-*, typical for unprefixed verbs or verbs accompanied by verbal particles. For example: *Die Tränen des Kindes haben das Gewünschte bewirkt: ein neues Spielzeug.* 'The child's tears brought about the desired effect: a new toy.'

When combined with an infinitive with *zu*, *zu* cannot breach the structure of the prefixed verb and remains exactly before it: *Es ist nicht leicht, ein gutes, aber billiges Restaurant in dieser kleinen Stadt zu empfehlen.* 'It is not easy to recommend a good, but cheap restaurant in this small town.'

2.3 Igekötök

The Hungarian preverbal particles can also be defined extensionally, and an alphabetical list according to Keresztes (2002) is as follows:

abba-, agyon-, alá-, alább-, át-, be-, bele-, egybe-, el-, elé-, ellen-, elő-, fel-, félbe-, félre-, felül-, fenn-, hátra-, haza-, helyre-, hozzá-, ide-, jóvá-, keresztül-, ketté-, ki-, körül-, közbe-, közre-, közzé-, külön-, le-, létre-, meg-, mellé-, neki-, oda-, ott- össze-, rá-, rajta-, széjjel-, szembe-, szét-, tele-, tova-, tovább-, tönkre-, túl-, újjá-, újra-, utána-, utol-, végbe-, véghez-, végig-, végre-, viszont-, vissza-

The frequency of use is not the same for each of these particles. The meaning of the Hungarian word *igekötő* is simply 'binding with the verb'. They can only form unstable connections with verbs and there are no verbal particles that can never be separated from the verb. They are also always stressed, just like the verbal particles in German, but for a different reason: the word stress in Hungarian is bound to the first syllable of each word. (Rounds, 2001: 8)

3. Changes in morphosyntax and semantics as a result of prefixation with prefixes and particles⁹⁶

Verbal prefixes can modify not only the meaning, but also some morphological categories of a given verb. For example, the prefixes *be-* and *er-* in German can change the valence of a verb and make it transitive without modifying its meaning:

antworten auf eine Frage, eine Frage beantworten, 'answer a question'
auf Erfolg hoffen, sich Erfolg erhoffen 'hope for success'

⁹⁶ The standard works used for sections 3 and 4 of the paper are the Duden Grammar (2005) and Engel (1994) for German, and Keresztes (2002) and Rounds (2001) for Hungarian.

On the other hand, according to the Duden, the particles hin-, hinweg-, davon- express a “distancing”, for example *über etwas hinweggehen*, ‘ignore something’.

Keresztes (2002) describes several ways in which Hungarian verbal particles can modify the verb:

1. Direction: *Felszállok a buszra. Leszállok a buszról.* ‘I get on the bus. I get off the bus.’
2. Aspect: *Levelet írok. Megírom a levelet.* ‘I write the letter. I write the letter to completion.’

3. Transitivity: *A gyerek fut. A gyerek lefutja a távot.* ‘The child runs. The child runs the distance.’ The two most popular particles in this function are *meg-* and *el-*.

4. Formation of antonyms: *felfegyverez/lefegyverez* much like the German *bewaffnen/entwaffnen* ‘arm/disarm’

Of particular interest in both languages is the tendency of verbs to combine with certain particles to convey certain meanings. A suitable verb to demonstrate this stunningly systematic and yet diverse phenomenon is ‘write’ in both languages⁹⁷.

Only the underlined elements are verbal prefixes or particles. Some German equivalents do not contain prefixed verbs, which indicates greater variety and richness in the Hungarian system.

Hungarian	German	English meaning
<i>ír</i>	<i>schreiben</i>	‘write’
<i>átír</i>	<i>umschreiben</i>	‘rewrite, paraphrase’
<i>leír</i>	<i>beschreiben, niederschreiben</i>	‘describe, write down’
<i>megír</i>	‘fertig schreiben’	‘write to completion’
<i>felír</i>	<i>aufschreiben, verschreiben</i>	‘write up, prescribe’
<i>beír</i>	<i>einschreiben</i>	‘inscribe, enroll’
<i>kiír</i>	<i>ausschreiben</i>	‘write out’
<i>egybeír</i>	<i>zusammenschreiben</i>	‘write as one word’
<i>különír</i>	<i>getrennt schreiben</i>	‘write separately’

4. Detaching the particle from the verb

The aforementioned morphological features seem to indicate that the Hungarian verbal particles show more similarities to the German verbal particles than to the “real” German verbal prefixes. Both sets of particles form unstable connections with verbs, are susceptible to tmesis, are always stressed, and can sometimes be detached from a verb and have a certain degree of autonomy.

The following examples explore in depth the cases of obligatory tmesis in German and in Hungarian. The elements that form the sentence bracket are bold for clarity.

⁹⁷ The verbs are cited according to the tradition of the respective languages, i.e. third person singular present for Hungarian and infinitive for German and English.

4.1 German verbal particles

a) indicative present active, declarative sentence without a modal verb:

*Die Studenten **bereiten** einen Vortrag **vor**.* 'The students prepare a presentation.'

b) indicative preterite active, declarative sentence without a modal verb:

*Die Kinder **hörten** der Lehrerin interessiert **zu**.* 'The children listened to the teacher with interest.'

c) subjunctive present active, declarative sentence without a modal verb:

*Der Präsident **habe** heute **vor**, alle Fragen zu beantworten.*

'The President reportedly intends to answer all questions today.'

d) subjunctive preterite active, declarative sentence without a modal verb:

*Ich **gäbe** meinen Sitz **auf**, wenn eine ältere Person in den Raum käme.*

'I would give up my seat if an older person came into the room.'

e) indicative present active, interrogative sentence without a modal verb (for both closed and open questions)

***Nimmst** du es **mit**? Wann **nimmst** du es **mit**?*

'Will you take it with you? When will you take it with you?'

f) indicative preterite active, interrogative sentence without a modal verb (for both closed and open questions)

***Hattet** ihr gestern Abend was **vor**? Wann **lud** er dich **ein**?*

'Did you have any plans yesterday evening? When did he invite you?'

g) subjunctive present active, interrogative sentence without a modal verb (closed question)

*Die Lehrerin fragt, **trete** jemand **hervor**.* 'The teacher asks if anyone would step forward.'

h) subjunctive preterite active, interrogative sentence without a modal verb (closed or open question)

***Käme**st du **mit**, wenn wir ins Kino gingen? Wer **käme** ihnen **entgegen**, wenn nicht unsere Firma?*

'Would you come with us if we went to the cinema? Who would accommodate them, if not our company?'

i) imperative

***Hör** jetzt **auf**! **Räumt** das Zimmer **auf**! **Bilden** Sie sich nichts **ein**!*

'Now stop that! Clean the room! Do not get any ideas!'

4.2 Hungarian verbal particles

a) imperative

***Üljön** **le**!* 'Sit down!'

b) with quasi-auxiliary verbs (full verbs used as auxiliary or modal verbs and combined with other full verbs): *kell* 'should', *akar* 'want', *tud* 'know', *lehet* 'could be', *szokott* 'used to', *tetszik* 'like', and *fog* (auxiliary for the future tense)

German modal verbs take up the second position in a sentence and require the full verb to be in the last position and take back any verbal particles that would otherwise be detached from it:

*Er **kommt** jeden Tag **vorbei**. Er kann jede Minute **vorbeikommen**.*

'He comes by every day. He can come by any minute.'

However, Hungarian verbal particles are detached from the verb in case of a quasi-auxiliary:

***Elovasom** ezt a könyvet. **El** kell olvasnom ezt a könyvet.*

'I read this book to completion. I need to read this book to completion.'

c) focus position

The so-called focus position in Hungarian is the position directly in front of the verb, and it is a space reserved for the information in the sentence the speaker perceives as the most important. A further research would do good to compare this position with the German *Vorfeld* (position before the finite verb).

When a Hungarian verbal particle is not detached from its verb, it is automatically in the focus position because it is directly before the finite verb (Case A). However, if another element in the sentence needs to stand out, the particle must be detached from the verb so that the focus position will be free to take in this element (Case B).

Case A: *Tegnap **átmentem** a vizsgán.* 'I passed the exam yesterday.'

Case B: *Tegnap **mentem át** a vizsgán.* 'I passed the exam yesterday [and not, for example two days ago].'

A special instance of the focus position is the negation in Hungarian. The negation particle *nem* 'not' is automatically the most important part of a sentence and needs to take up the focus position by default. This means that the negation always causes the verbal particle to be detached from the verb:

***Elovastam** a könyvet. **Nem olvastam el** a könyvet.*

'I finished reading the book. I did not finish reading the book.'

Another point of interest is the ability of Hungarian verb particles to transform into *Satzäquivalente* 'sentence equivalents' as defined by Engel (1994). This mostly occurs in spoken language, but is still a phenomenon worth commenting on. A positive answer to a positively posed question containing a verb with a verbal particle can consist of the detached verbal particle standing alone in the sentence:

Person A: ***Megérkeztél?***

Person B: *[Igen,] **meg.***

'Person A: Have you arrived?

Person B: Yes, I have.'

An attempt in German

'Person A: ***Bist du angekommen?***

*Person B: *[Ja,] **an.***

This degree of autonomy is impossible in German and leads Grimes (2009) and others to question the status of Hungarian verbal particles as just parts of verbs rather than as words in their own right.

5. Conclusion and discussion

Any direct comparison between the Hungarian coverbs and the German verbal prefixes yields no similarities, whereas the Hungarian and the German verbal particles are always

stressed, modify the verb in similar ways, and can both be detached from it, but under different circumstances. This shows that units of a language that are similar on the surface may be entirely different upon closer inspection.

The rules regarding the position of the verbal particles seem to be stricter in German, but easier to learn, whereas the loose complexity of the Hungarian rules is in proportion with their difficulty.

This theoretical contrastive study would benefit from a look into a corpus of works translated between the two languages in question and could be deepened into a study of common mistakes that language learners make.

Bibliography

- Duden (2005). *Die Grammatik – Unentbehrlich für richtiges Deutsch* (7. Auflage, Band 4). Mannheim, Leipzig, Wien, Zürich: Dudenverlag
- Engel, Ulrich (1994). *Syntax der deutschen Gegenwartssprache*. (3. Auflage). Berlin: Erich Schmidt Verlag
- Grimes, Steve (2009). *The developments, uses, and functions of preverbal particles in Hungarian and other Uralic languages*. Indiana: University of Indiana. (<https://sgrimes.github.io/papers/uralic.pdf>, last accessed on 10.5.2019)
- Keresztes, László (2002). *Gyakorlati magyar nyelvtan*. Debrecen: Debreceni Nyári Egyetem
- Rounds, Carol (2001). *Hungarian: An Essential Grammar*. New York: Routledge

**BUILDING A SOCIETY OF EQUAL OPPORTUNITIES FOR PERSONS
WITH DISABILITIES USING DIGITAL MEDIA⁹⁸**

Zeljka Buric, PhD

Abstract

This paper is about one project proposal that is designed towards a large number of users. According to the Department of Public Health data, there are 507 617 persons with disabilities in the Republic of Croatia (this was the state on 26 March 2015). All of them would be users of this project. Designed to target especially people with disabilities, using digital media, telecommunications, internet and web platforms, it was created project proposal named Building a society of equal opportunities for persons with disabilities.

Key words: people with disabilities, digital media, web platform, equal opportunity

⁹⁸ This paper is part of project proposal of author and Mr. Mihovil Španja, Croatian Paralympic swimmer

SOCIAL BENEFITS – current state:

There are numerous interpretations about whether it is possible to directly apply international documents. Some hold⁹⁹ that ... ‘The arguments that European law is not an integral part of Croatia’s legal order and that consequently, judges cannot take it into account, are fully misplaced in this context. Namely, what the judge does when he “takes into account” any European legal norm is not its application, but the use of the norm as a tool, which assists the judge in interpreting the meaning of an internal norm. Thus, the judge still applies the internal norm, and the European norm only serves to clarify its meaning (the content and the field of application).. and ... in the field of criminal law, this is made concrete as a restraint of the court to establish or aggravate the criminal liability of a person exclusively by interpretation, which would be contrary to the directive...’

The case law of the European Court, the courts of some associated states, and the interpretative case law of Germany, England and Wales support the *favor conventionis* principle. According to this principle, the ‘national courts of the associated states have to interpret the national law in line with the Stabilisation and Association Agreement, taking into account the current status of the *acquis communautaire*, including the interpretations of the European Court’¹⁰⁰. ‘With respect to the interpretation of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Federal Constitutional Court concluded that: “...all laws, existing and future, have to be interpreted in the light of the Convention”’.¹⁰¹

By signing the UN Convention on the Rights of Persons with Disabilities, the Republic of Croatia has committed to ensure and promote complete fulfilment of all human rights and fundamental freedom of all persons with disabilities without any discrimination on the basis of disability. Among special obligations prominent are promotion of research and development of universally designed goods, services, equipment, objects and services of support and favours as well as training of experts and staff that work with persons with disabilities on rights acknowledged by the Convention so that they would be better trained for providing help and services guaranteed by that rights. The Council of Europe Disability Action plan also promotes improvement of life quality of persons with disabilities in Europe from 2006 to 2015. According to the Special report by the Ombudsman for the persons with disabilities, which was made in order to raise the awareness on application of the UN Convention on the Rights of Persons with Disabilities in 2012, “the full integration in the society means that the persons with disabilities are accepted and respected as equal participants. Their needs are considered as integral part of social and economical order, not as “special needs”. In everyday life of persons with disabilities and children with disabilities that means that they are not excluded from the regular educational system because of their disability, that they are not passivized through social benefits after gaining qualifications which meet the needs of labour market, but they are provided with compensational benefits for increased costs as a result of their disability and they are provided with support so that they can realize their remaining potentials on the open labour market; the

⁹⁹ Rodin S. and Čapeta T.: Učinci direktiva Europske unije u nacionalnom pravu s izabranim presudama Europskog suda u punom tekstu i komentarom, Pravosudna akademija, (2008), Zagreb, page 54

¹⁰⁰ Rodin S.: Sporazum o stabilizaciji i pridruživanju u pravnom poretku Europske zajednice i RH, Zbornik PFZ, 53 (3-4) 591-613 (2003), page 604

¹⁰¹ Rodin S.: Sporazum o stabilizaciji i pridruživanju u pravnom poretku Europske zajednice i RH, Zbornik PFZ, 53 (3-4) 591-613 (2003), page 604, footnote 61

support needed for independent life is provided in the community where they live so that they don't have to be separated from their surroundings and spend the rest of their lives in the institution in which there is place for them, often without their personal belongings, living the life according to the schedule of the home for disabled. "Here we should also warn people about the omnipresent discrimination which, according to the Office of the Ombudsman for persons with disabilities, is considered, among other things, as an omission to enable persons with disabilities according to their specific needs, using of publicly available resources, participating in public and social life, access to working place and adequate work conditions by adjustment of infrastructure and space, by using the equipment and in other ways that don't represent a disproportionate burden to the person who is obliged to enable that – omission of "sensible adjustment". From the same source, we learn that the estimation criteria whether the requested adjustment is within the limit of "sensible adjustment" financially as well as other costs derived from the adjustment; the size and available means of the person who should make the adjustment; and possibility of breaking the costs of adjustment from public funds or availability of other means of help. Discrimination is also segregation, and segregation is on the basis of disability forced and systematical separation of persons due to their disability. According to data from the Croatian Employment Institute, "in the period from 1 January to 31 December 2014, by mediation of the Croatian Employment Institute, 1877 persons with disabilities have been employed, which is 7,63% higher than at the same period in 2013, when 1744 persons with disabilities have been employed. At the moments when society still feels consequences of economic crisis and when there is shortage of work places on the labour market, the highest number of employed persons with disabilities in the last decade has been achieved. The highest number of employed persons with disabilities are young people until 29 years, there are 856 or 45,60% of young people from the total number of employed persons with disabilities." As for the unemployed, according to the delivered data from the Croatian Employment Institute, by the end of February 2015, there were 4136 women and 2903 men or in total 7039 persons with disabilities. If we compare that with the period from the end of the previous year, when there were in December 3954 men and 2829 women or in total 6783 persons with disabilities, we can conclude that the number of unemployed persons with disabilities has increased. According to the Plan of acceptance into the state service of the government administration and professional departments and offices of the Government of the Republic of Croatia, in which employment is planned, 745 persons with disabilities were employed there. In 2015 the employment of 54 persons with disabilities is planned.

As it is said in "Republic of Croatia Disability Ombudsman's Parallel Report on the implementation of the UN Convention on the rights of persons with disabilities in the Republic of Croatia on the occasion of the review of the initial report of the Government of the Republic of Croatia before the UN Committee on the rights of persons with disabilities" written in July 2014: "The lack of specific statistical data and indicators hinders planning of policies for persons with disabilities. Despite the register of persons with disabilities at the national level, there is a problem of insufficient reach of children and persons with disabilities due to the way data is submitted to the register. A particular problem is the lack of data in government ministries which insufficiently gather and process data on children and persons with disabilities which is also indicative of the lack of systemic attention to and focus on disability policy. For instance, if there is no data on what happens to children with disabilities after primary school, there can be no efficient measures planned to support their secondary education. Without conducting an analysis

of their support needs on national, regional and local level, funding cannot be allocated to meet these needs. Even if there is data, they are not publicly available, for instance on the internet. Data that some ministries process and publish are gathered by outdated methods without segregating data with respect to age, gender, type of disability and other characteristics. All statistical data should take into consideration the CRPD and barriers in the environment when presenting figures on disability.”

WHAT WE WANT TO DO?

Designed to target especially people with disabilities, using digital media, telecommunications, internet and web platforms, it was created project named “Building a society of equal opportunities for persons with disabilities”.

In order to ensure a full involvement of persons with disabilities into Croatian society, we want to create the surrounding that will enable the persons with disabilities to live and work without the feeling of discrimination. That in the first place suggests their higher rate of employment and presence in every spheres of life under same conditions along with other citizens of the Republic of Croatia. Apart from this, we also plan to include the citizens of the Republic of Croatia who are famous to strengthen, as much as possible, the awareness of this challenge. The executability of this project is manifested through a number of project activities:

1 Holding of a stand in which we will announce the project

2 Creating web platform with data-based on meetings with economic subjects where we will consider the implementation of specific activities in order to find premises, equipment and services adjusted to the persons with disabilities (for example, specially adjusted kindergartens, schools, students’ hostels, shops, places for vacations and rehabilitation, sports activities, field trips, other tourist services etc.). In these meetings we plan to arrange activities on which the persons with the disabilities will be given the opportunity to develop their potential, activities connected with ensuring the means for training guide dogs for the blind and partially sighted persons and dogs used for the purpose of therapeutic processes as well as purchase and training of horses for therapeutic riding. All those data we want to make transparent and put them into one place.

3 Using digital media for workshops with the aim of public speaking on the problems and subjects that even today are taboo (for example, sexuality) where we will see what services are needed for normal participation in the processes of the society; motivational speeches of the famous persons with disabilities so that they can talk about their life experience and achieved progress and success; education of doctors, social welfare clerks and personal assistants connected with the helping the persons with disabilities; architects and builders about the necessity of application of universal design.

4 using internet and telecommunications for cooperation with institutions of the Republic of Croatia for the purpose of possible initiatives for the change of regulations in the field of activities of the persons with disabilities, solving the existential questions which persons with disabilities can’t solve by themselves and warning on potentially risky situations which can lead to disability (for example, traffic accidents, mishandling the weapons, inadequate protection at work etc.) We plan to organise meetings with the Ministry of the Interior Affairs, professional associations and districts, cities and counties in order to ensure bigger number of parking lots and create better traffic infrastructure for the blind, partially sighted and deaf persons.

5 We want our project to be recognizable through social networks

6 Making of computerised base for unemployed persons with disabilities in order to find them job more easily by contacting the economists or offering them retraining.

As possible sources of financing we predict sponsorships and donations by trading companies, embassies and various interested business subjects as well as application on competitions for the grants in the European Union (for example, European Social Fund).

It is expectation to have, after one year of implementation of this project, web platform with link to more than 20 services that will enable specially adjusted kindergartens, schools, student's homes, shops, places for vacations and rehabilitation, sports activities, field trips and other tourist services will be arranged.

Also, to have more than 5 workshops in which the persons with disabilities will publicly speak about the problems and in which we will see which services are needed for normal participation in the society processes; the same number of motivational speeches will be held. We hope that we can manage cooperation with institutions of the Republic of Croatia for the purpose of possible initiatives for the change of regulations in the field of activities of the persons with disabilities, solving the existential questions which persons with disabilities can't solve by themselves will be realized. Internet page (web platform) will also be a mobile app; and we are sure that we can have realized recognizability through social networks. Unemployment base will be made.

**BETWEEN THE REMAINS OF YUGOSLAVIZATION AND THE NEW
CULTURAL CONDITIONS AND POLICIES: THE NEED FOR
MODERNIZATION OF THE TEACHING PROGRAMS ACCORDING TO
THE ACTUAL HISTORICAL AND SOCIAL CONDITIONS**

The need for reform of the curricula of the Department of Macedonian Literature and South Slavic Literatures at the Faculty of Philology Blazhe Koneski in Skopje

Slavica Gadzova Sviderska, PhD
Anita Dimitrijovska – Jankulovska, PhD candidate

Abstract

This paper is aimed at detecting problems and shortcomings in the curriculum of the Department of Macedonian Literature and South Slavic Literatures at the Faculty of Philology "Blazhe Koneski" in Skopje. Despite the improvements, the curriculum follows the same matrix as its previous department, the Department of Literature History of the Peoples of the Socialist Federal Republic of Yugoslavia. Interpreting the curricula and subjects in the light of the theories of identity and cultural identity, we detected the recurrences of the so-called Yugoslavization that are lurking until today. It is proposed to modernize the curricula by putting emphasis on the Macedonian national literature which should be studied in a comparative context that will not be retained on the region, but will move towards European and world literature.

Key words: literature, Macedonian literature, education, cultural identity, Yugoslavization.

Literature as a civilization memory and as part of the "great archive of the world"

Literature takes a good part of the overall textuality / discursiveness of the world, that is, it performs a function of "civilization memory" or the memory of humanity. This entire textuality / discursiveness of the world, Michel Foucault in the *Archeology of Knowledge* calls "the great archive of the world" as a theoretical and philosophical abstract model that marks an abstract place where all texts have been collected from the beginning of civilization to the present. These texts come from a variety of different backgrounds, and the "archive" is not just their simple sum or accumulation. The share and dominance of literature in the "great archive of the world" are undoubtedly large, taking into account the nature of literature, the internal laws of its history / histories, as well as the fact that literary texts with their enclosed forms and their identity are prominent rising above the vast amount of "civilization anonymous textuality" that includes various types of text. It happens because

in the archive, all the said things are not collected in a non-assembly multitude, they do not fit in an unbroken sequence and do not disappear only thanks to a coincidence from the external circumstances. The said things are grouped in special characters, they cross each other in multiple relationships or disappear in various rules (...) It is obvious that the archives of a society, civilization or the epoch can not be described extensively. The

archive is indescribable in its totality and unwavering in its actuality (Фучко 1998: 140-141).

Knowledge and understanding of the civilization memory, that is, the memory of mankind through literature is of great importance in the educational process, that is, the process of forming mature, educated individuals who need to become active actors in the social process of every modern state. However, within the framework of the thoughts about the study of literature and its teaching within the educational syllabuses in schools, we should bear in mind the history of literature understood as "great narration" is an overcome conception. Much more important is the idea of the scope in the consciousness of "literature as a system," as Claudio Guillien would say, or as a specific hypertext written by humanity and who is alive, variable and diffuse (Стојменска- Елзесер 2015: 75).

Recent research, such as the research of education expert Andreas Schleicher, speaks of the increased need to study the arts in the educational process in an era of accelerated technological advancement. Schleicher, considered one of the world's leading pedagogical thinkers, says that in the fourth industrial revolution, arts become more significant than mathematics. Therefore, the study of literature as the art of the word has a great significance in the educational process, and therefore it imposes the need for continuous improvement and modernization of the teaching subjects and programs related to literature.

Formation of cadres who teach literature in secondary education in our country

The transfer of "civilization memory" in practice takes place at literary classes in secondary education, by professors of literature. In our country, in secondary education, the literary problematics is most often going into a package in the same subject with the mother tongue. About the possibility and advantages of separating the subject Macedonian language and literature in the secondary high school education in two subjects: Macedonian language and Macedonian and world literature, I spoke at the conference of the Faculty of Education at the University Konstantin Filozof in Nitra, Slovakia (2013) The scientific research was published in the conference proceedings.¹⁰²

In this paper we will look at the education of the staff who are trained for teaching literature in the high schools on the example with the departments of the „Blaze Koneski“ Philological Faculty in Skopje. At this faculty there are two departments that form staff for teaching in secondary schools. One is the Department of General and Comparative Literature, and the other is the Department of Macedonian Literature and South Slavic Literatures.

The battle for giving graduates of general and comparative literature entering the educational process was long and exhausting. At the moment, this department has a teaching direction that combines the subjects of Macedonian language, Macedonian literature and general and comparative literature with the obligatory courses in the field of methodology and didactics,

¹⁰²Jazyk a literúra: oddelené kurikulumá na macedónskych stredných školach (návrh zmeny v kurikulumách a alokácii filológov vo vzdelávacom procese. In: Cudzie jazyky a kultúry v škole 10. Recenzovaný zborník vedeckých prác z medzinárodnej konferencie. Nitra: Katedra lingvodidaktiky a interkultúrnych štúdií, Pedagogická fakulta, Univerzita Konštantína Filozofa v Nitre, 2013 (49-55).

which we consider to be the most suitable for the education of teaching staff in the relevant subject in Macedonia. The programs and curricula of the Department of General and Comparative Literature cover a historical section of general literature: archaic literature, ancient literature, classicism, renaissance, romanticism, modern and postmodernism, in subjects that follow the history of general literature; then cut across the theoretical conceptions of literature: prose theory, poetry theory, drama theory; a cross-section of the methods of studying literature. Apart from the subjects of history, theory and methodology of studying literature, the curricula are constantly updated with subjects of interdisciplinary and intermedia character: literature and film, literature and power, literature and fine arts. With a few remarks about the dominant Eurocentric literary corpus of study within certain subjects and courses (where further "decolonization" and opening up to literature on other continents, especially in subjects relating to contemporary literature and the world novel) it is said that this department provides a wide range of knowledge and skills that should be possessed by a graduate student of literature.

The other department of this faculty, the Department of Macedonian Literature and South Slavic Literatures, has completely different curricula and subjects. The emphasis is placed on the national literature and literary canon, and the remaining subjects are related to the history of South Slavic literature. This department is a historical successor of the Department of History of Literatures of the Peoples of the SFRY, and the curriculum, in spite of the changes and the modernization of the programs, follows the same matrix. In that sense, the mainstream of general literature, paradigmatic works of world prose, poetry and drama are being omitted from the historical phenomena, details, figures and phenomena of the history of literature of the neighbouring South Slavic peoples. Thus, the curricula of this department create a regional constraint in a certain region, stemming from the inability to get out of the historical framework of the Yugoslav heritage and to look beyond the discursiveness and textuality of world literature. In this sense, there is another problem related to the employment of the staff coming from this department. The curriculum in the secondary education for the subject Macedonian language and literature contains 70-80% of the representation of the world literature, while in the curricula and subjects of this department, the world literature is represented with the smallest percentage due to the emphasis on the national literature of the region. World literature in the programs of this department is represented only in two semesters, that is, two subjects (after the old program, it worked for one, a two-meter object). This leads to disproportionate knowledge and competencies that students receive during their studies in the field of world literature, in terms of the practice they have to face in teaching, in which world literature is represented by 70-80% of the entire literary corpus for reading and studying. Paradoxically, from the practice, the impression is that graduates from this department have a preference in employment in secondary schools, even though the acquired education and competencies do not correspond with the issues they need to put into practice. The teaching contents of the subjects of this department corresponded with the teaching content of the subject Macedonian language and literature in secondary education in the past. However, while the teaching contents for Macedonian language and literature in the secondary education are constantly changing, that is, the corpus of works for processing and editing is changed (increasing the percentage of representation of works of the world literature in relation to works of South Slavic literatures), the teaching contents of the matrix of subjects of the Department of Macedonian Literature and South Slavic Literatures, which forms the personnel for the performance of the subject in the secondary education, remains the same with minimal changes. Changes in the direction of modernization and enrichment in terms of the topic,

as well as the methodology of studying occur in the form of elective, optional courses, such as, for example, "Macedonian culture and civilization 1", "Macedonian culture and civilization 2", "Macedonian Culture and Civilization 5", "Macedonian Culture and Civilization 5", "Macedonian Culture and Civilization 6", "Slavic Mythology", "Medieval Macedonian Culture", "Postmodern in the Contemporary Macedonian Literary Story and Film ", "Discourses of Power in Macedonian Literature ", "Semiotics of the Macedonian Novel ", "Macedonian Literature and Cultural Transition ", "Imagery - Image of the Other in the Macedonian Literary Context ", "Virtual Realism - Macedonian Postmodernism " Hybrid Identities in the Macedonian Literature and Culture ", in which we see the shift of classical philological studies to contemporary cultural studies, but only as an "accessory ", while the basic matrix of historical-positivist flow of South Slavic literature remains mandatory. Under the light of a contemporary critical discourse, the curriculum of this department can be seen as a relapse of Yugoslavization, that is, the formation and existence of the Yugoslav cultural identity in the past.

The cultural identity is the self-consciousness of a member of a group that has historically emerged and developed depending on the criteria that the group establishes in relations with other social groups (Стојковиќ 2002: 25-26)

In this sense, the elements of Yugoslavization do not represent one historical part / factor of cultural identity, but remain current through the support of the old curricula and curricula. In addition to the relapse of Yugoslavization, the outdated matrices of the already over-represented academic presentation of literature in front of the students are stretched.

Remains of obsolete methods of studying and presentation of literature and relapse of Yugoslavization and the Yugoslav cultural and ideological matrix

Education is a process that is flexible and constantly subject to change. It must undoubtedly follow the changes in the world, so that it can serve as a more accurate representation of it in students and students. Changes in education and educational programs are changing with socio-political and cultural changes, and above all with changes in the achievements in science and the enrichment of knowledge. The changes in literature studies and curricula related to literature are taking place through the enrichment and expansion of the literary discursive space that is incredibly rapidly growing and constantly enriched with new works and new poetics on the one hand, that is, with new theories, methods and methodologies for different access to already existing works and poetics, on the other. Literature can not and must not be studied as a once-in-a-moment, rounded and dead artifact stuck in the old matrices of historical positioning from-to, with an overview that positively presents the historical circumstances and representatives, and will exhaustively list the stylistic-forming characteristics of the literary period. On the contrary, literature is a "fast-growing" discourse, and in contemporary conditions of globalization, intercultural exchange, as well as literary translation, the access to literary works created at any point on the globe is rapidly growing (only one click on Amazon!).

In terms of resolving this issue, I would add to the views of the Macedonian comparatist Sonja Stojmenska-Elzeser, who says that the particularly important, basic directions that should be offered to the student in literature are: firstly, the knowledge of national literature as one a monolithic system, that is knowledge of the basic canonical phenomena, authors and works, and a second, open and supranational and transnational model of the study of

literature in different contexts and is spreading until the acquisition of certain insights into what o approximately may come under the questionable category World Literature (Стојменска-Елзесер 2015: 75). Unlike our example at the Faculty of Philology in Skopje, in the countries of the region, for example, in the Republic of Serbia, the teaching staff come from the Department of Serbian Language and Literature with General Literature, combining courses and curricula from the national literature and subjects from general literature. This model is far better than the model of our national literary department, which can not be freed from historically inherited patterns and models, as well as a past defining and feeling of a cultural identity that inevitably determines the way of living and functioning in one society. This statement should in no case be understood as an attempt to extinguish the South Slavic literature from the teaching of the departments, on the contrary, the South Slavic context is the first and closest cultural-historical context of the Macedonian culture and literature and should in no case be omitted in the teaching - research processes. The South Slav literary context is considered to be an inter-ministerial community (according to the terminology of Slovak comparative Dyoniz Gurisin). However, the multiethnic communities are historically determined. They are neither fixed nor homogeneous. These are variable formations (Gáfrík 2010: 230). Therefore, their study should not be fixed, but rather variable and changed according to the circumstances and conditions. The point of this statement is to propose a new selection, that is, a corpus of literary works that will be crucial in the change of the curriculum, that is, to choose the best of South Slav literature in the reading and study corpus, instead of engaging in in-depth historical detail and chronology. This refers to subjects such as "Enlightenment and Romanticism in Slovenian Literature, Enlightenment and Romanticism in Serbian Literature", "Realism and Modern in Serbian Literature", "Realism and Modern in Croatian Literature", "Realism and Modernity in Slovenian Literature", "From humanism to baroque in South Slavic literature ", " South Slav literatures from Expressionism to Postmodernism ". The subjects referring to this historical-positivistic follow-up of South Slavic literatures "in a chronological package" have long since been exceeded and excluded from the curricula of the Serbian or Croatian faculties. The subjects burdened with the details and chronologizations roughly dominate the subjects "World Literature 1" and "World Literature 2", which represent an insufficient general panorama of world literature from antiquity to the postmodern, with a mainly Eurocentric orientation, and thus "cripple" the student after literatures with knowledge of authors, works, poetics that are really significant in the "great archive of the world", that is, the civilization memory of mankind. At this historical moment, the borders and the contents of "world literature" and the accelerated processes of globalization and intercultural communication are becoming more and more outstanding works of Latin American, African and Asian literature.

Except that,

it becomes necessary for these educational curricula to penetrate the communication hotspots at all levels, starting with direct creative dialogues between specific literary creators, through translation exchanges, through communication that spreads beyond literary frameworks (Стојменска- Елзесер 2015: 78).

If in the past, the then Department for the History of Literatures of the Peoples of Yugoslavia and its teaching-scientific programs were necessary and justified in the corresponding socio-historical and political-ideological context, where all literatures of the

nations in Yugoslavia were studied in equal measure due to the fact that the peoples existed in the same state (federation), the current department for Macedonian literature and South Slavic literature should be changed in accordance with the existing social, historical, political and cultural criticism. The existence of the Department of History of Literatures of the Peoples of Yugoslavia at the then Faculty of Philosophy in Skopje is related to the processes of so-called Yugoslavization as an attempt to create a common Yugoslav identity, that is, the so-called Yugoslavian. The Yugoslav, meanwhile, is an idea of the cultural and political unity, unity and joint action of the southern Slavs. The historical dimension of the Yugoslav cultural space is about the Yugoslav idea. But,

the cultural identity on the territory of the former Yugoslavia is the determinant of a certain sense of belonging to a cultural space, *bounded with the borders and the duration of the former Yugoslavia* (...) The cultural space, unlike the space on a map, has more dimensions, *such as the life space, territory, geopolitics, geopoetics* and etc. As a space in which one can live in a certain way, can move, with some material and spiritual content, to experience transformation, or to survive his dominant duration in the periods of nostalgic or practical renaissance (Mićunović 1997: 147 Italics mine).

The realization of this idea stays in history and consequently it needs to change (redefine, reformulate, re-contextualize, reinterpret) its postulates and reject its relapses in the direction of modernization in accordance with new cultural circumstances, as well as contemporary cultural policies. The discourses of power constantly intertwine with the discourses of literature, as well as the discourses they problematize and describe (science of literature, literary criticism, cultural studies, etc.), and in this case, we have a historically completed matrix! From the name of the department and its curricula, it seems that the Macedonian national literature can be studied and read only within the historically inherited regional context and regionally identifiable identity.

It is important to note that a *regionally identifiable identity* is one of the many possible ways in which communities or societies can observe themselves and be observed from the outside (Драгојевиќ 2002: 220. Italics mine).

The question arises whether we see the Macedonian national literature only within the framework of the South Slavic literary context, given that

regional divisions can serve as a tool for understanding the specific ones *social and cultural dynamics within a region* (Драгојевиќ 2002: 219. Italics mine).

It imposes thinking in two directions. On the one hand, we are colonize ourselves (we do not emphasize our own Macedonian national literature as an independent one to the extent that it could be studied in a separate national department, as in the case of Serbia, Croatia and Slovenia), whereby the relationship between the concept of cultural identity and practical cultural policy in the area of the right to culture, and on the other hand we are provincializing, narrowing the field for the study of Macedonian national literature in a comparative context (Giving advantage to regionalization before globalization).

The basic model of structuring the studies at the Department of Macedonian Literature and South Slavic Literatures is related to the legacy of the Yugoslav cultural space, whose educational dimension, according to Natalija Mićunović, is the most problematic. When it enters into a certain regional cultural identity that is inherited, she says, it determines the depth of the educational dimension at the social level, and the *social mechanisms of equalization* work in finding the most suitable level that is achieved without further adjustment and attachment to the other's cultural wealth (see: Mićunović 1997: 151. Italics mine). It is obvious that the inherited Yugoslav cultural identity determines the depth of the educational dimension in the case of this department. The equalization mechanisms for which Munikun is spoken are obvious in the equal treatment of the history of Macedonian literature and the history of the other South Slavic literatures of the aforementioned department, and this model has not undergone major changes. The observation of the old schemes and models of the curricula of the department from the past can be considered as a kind of yugostalgic autocolonization in the era of opening to the world, decolonization and deconstruction. The current circumstances imply the need to study the Macedonian national literature in a comparative context that would move from the region to Europe and the world. There is a need to reform programs in terms of expanding the frames and exiting from historically imposed regionalization and "Yugoslavization" in contemporary European and world cultural processes. It seems that the title and programs of this department remained immune to the transition process understood in the sense that

what we call a transition with a negative charge is perhaps a potential opportunity to execute (in fact, the possibility to constantly be executed, the process does not stop) a somewhat *more radical relocation of culture* (understood quite broadly as a social zone that deals with the power of the symbolic and the representativeness); in function of what is now called postcolonial criticism, it seems that one of the priority intellectual tasks is precisely the contribution to a new and "more reliable" *cultural mapping that takes into account not only the changed relationships in the symbolic order but also the new ways of thinking* (Вулкански 2002:183. Italics mine).

In this sense, we propose the release or removal of the subjects related to the history of individual national literatures, which in the past were studied in equal measure (quantitatively, according to the number of subjects for each national literature) and their replacement with modern subjects and programs. Apart from the nature of the teaching subjects, their methodology is problematic, which should now be studied under a critical light. Thus, the subjects with the dominance of the positivist and historical method should be replaced by the preparation of subjects and curricula that would be reserved for a comparative study of the Macedonian literature in the context of the South Slavic, Balkan, Mediterranean, European and world literature. Curricula may include South Slavic authors and poets, including new theories and methodologies of study in literature (comparative method, postcolonial theory and methods, feminist theories and critics, new historicism, deconstruction, etc.). Given the diversity of cultural discourses, literary studies are influenced by comparative, interdisciplinary and transmethodic studies. It seems that different disciplines interact in the creation of new knowledge (cultural geography, political studies, cognitive sciences, intermediality, etc.) that literary science can no longer ignore. Slowly but surely, classical academic philological studies around the world grow into cultural studies.

Thus Yugoslavization and Yugoslavism can be studied under the critical light of contemporary identity theories, rather than continue to flow out as the basic matrix for the organization and implementation of academic programs and curricula. The present and future of literary studies is inevitably related to cosmopolitanism, because

cosmopolitanism as a notion is tied to the cultural identity, especially the contemporary, with the inevitable interactions of different cultures. Cosmopolitanism, or a kind of cultural eclecticism, often opposes provincialism and cultural isolation (Mićunović 1997: 152).

Solving the problem

The solution of this educational problem within the Faculty of Philology should be resolved by working jointly with the existing staff of the faculty, students and the expert public, where fundamental changes in curricula and curricula should be addressed, as well as the possibility of combining courses from the Department of General and Comparative Literature with courses from the Department of Macedonian Literature. How to do it remains to be seen, emphasizing that the national literature of a nation should in no way be considered, read and studied in isolation, but always comparatively: moving between -inter (intercultural, intercultural) and -supra (supranational), as the French comparative Daniel Henri Pageaux says. It is not excluded that the philological studies related to national literature can be combined with cultural studies and thus be modernized by exiting the boundaries of traditional philological academic models, as is the case with the programs of faculties across Europe. We started this presentation with Foucault's "the great archive" and the unparalleled textuality of literature in the world.

The postmodern age is a time of opening, reviewing and revising the systems and classifications that were considered once and forever given and unchangeable. In that direction, the curricula of the department that we took in the focus of this presentation should be opened, re-examined and revised in order to get out of the regional isolation and the provincialization of literary studies, whose imperative, on the contrary, should be cosmopolitanism.

References

1. Вулкански П. (2002) “Непреоден премин“ In: Културен идентитет – разлика во себе. Скопје: Темплум, 181-188.
2. Gadžova, S. (2013)“Jazyk a literúra: oddelené kurikulá na macedónskych stredných školach (návrh zmeny v kurikulách a alokácii filológov vo vzdelávacom procese“in:Cudzie jazyky a kultúry v škole 10. Recenzovaný zborník vedeckých prác z medzinárodnej konferencie. Nitra: Katedra lingvodidaktiky a interkultúrnych štúdií, Pedagogická fakulta, Univerzita Konštantína Filozofa v Nitre, 49-55.
3. Гацова. С. (2013) Книжевнота и дискурсите на моќта. Скопје: Сигмапрес.
4. Gáfrik. R. (2010) “ Durisin’s concept of Interliterary Communities and the Contemporary Debate on Cultural Identity“.In: New Imagined Communities. Identity making in Eastern and South-Eastern Europe. Bratislava: Kallingram and Ústav svetovej literatury, 17-26.

5. Драгојевиќ. С. (2002) “Југоисточна Европа: Постоечки или конструиран регион? – предизвици и прашања In: Културен идентитет – разлика во себе. Скопје: Темплум, 219-232.
6. Ѓуришин. Д. (1987) Теорија на споредбеното проучување на книжевноста. Скопје: Наша книга.
7. Mićunović, N. (1997) “Kulturni identitet na prostoru bivše Jugoslavije“. In. Filozofija i društvo XII. Beograd: Institut za filozofiju i društvenu teoriju, Univerzitet u Beogradu, 147-156.
8. Пажо, Д. (2002) Општа и компаративна книжевност. Скопје: Македонска книга, 2002.
9. Стојковиќ. Б. (2002) „Идентитетот како детерминанта на културните права“. In: Културен идентитет – разлика во себе. Скопје: Темплум, 9-125.
10. Стојменска-Елзесер С. (2015) “Контекстите во книжевното образование“. In: Книжевен контекст 13. Скопје: Институт за македонска литература, 73-82.



EUROPEAN
&
BALKAN
PERSPECTIVES