JLP
Journal of Law and Politics

ISSN 3142-6166 Vol.1 (1/2026)



ISSN 3142-6166

JLP

JOURNAL OF LAW AND POLITICS

ISSN 3142-6166 Vol.1 (1/2026)

ISSN (online) 3142-6166

JLP

JOURNAL OF LAW AND POLITICS

ISSN 3142-6166 Vol.1 (1/2026)

Main Editor: Bekim Fetaji, PhD (North Macedonia)

Editor in Chief: Sani Demiri, PhD (North Macedonia)

Editors:

Iraj Hashi, PhD (England)
Robert Pichler, PhD (Austria)
Ozcan Asilkan, PhD (Germany)
Andrej Shkraba, PhD (Slovenia)
Maaruf Ali, PhD (England)
Quirico Migheli, PhD (Italy)
Bujar Krasniqi, PhD (Republic of Kosovo)
Aleksandar Petkovski, PhD (North Macedonia)

Publisher: Mother Teresa University in Skopje, Republic of North Macedonia

Editorial Board

Alfonso Vargas Sanchez, PhD (Spain)
Drenusha Kamberi, PhD (North Macedonia)
Mafruza Sultana, PhD (North Macedonia)
Bistra Netkova, PhD (North Macedonia)
Fiona Todhri, PhD (Albania)
Niko Qafoku, PhD (USA)
M. M. Sulphey, PhD (India)
Dimitrios Karras, PhD (Greece)
Donald Elmazi, PhD (Albania)
Bujar Dugolli, PhD (Kosovo)
Sermin Senturan, PhD (Turkey)
Mirko Perano, PhD (Italy)
Salvatore Rubino, PhD (Italy)
Ruzhdi Sefa, PhD (Kosovo)
Enver Abdullai, PhD (North Macedonia)
Fati Iseni, PhD (North Macedonia)
Kalman Mizsei, PhD (Hungary)
Argetim Saliu, PhD (North Macedonia)
Syeda Afroza Zerin, PhD (Bangladesh)
Luljeta Xhemaili (North Macedonia)
Nezir Kraki, PhD (France)
Jean-Michel De Waele,PhD (Belgium)
Naser Etemi, PhD (North Macedonia)
Marc Hill, PhD (Austria)
Murat Aliu, PhD (North Macedonia)
Inge Hutter, PhD (Netherland)
Yavuz Emre Arslan, PhD (Turkey)
Chih-Wen Lan, PhD (China)
Herman Maurerer, PhD (Austria)
Ayhan Oral, PhD (Turkey)
Kaltrina Zekolli, PhD (North Macedonia)
Anton Stoilov, PhD (Bulgaria)
Arta Mehmeti Ademi, PhD (North Macedonia)
Mehmed Ganic, PhD (Bosnia and Hercegovina)
Andrej Shkraba, PhD (Slovenia)
Mesut Idriz, PhD (Bosnia and Hercegovina)
Miranda Bexheti Sabriu, PhD (North Macedonia)
Edmond Krusha, PhD (Croatia)
Shkurte Kadri, PhD (North Macedonia)
Alija Kozljak ((Bosnia and Hercegovina))

ISSN (online) 3142-6166

Journal of Law and Politics

Main Editor: Bekim Fetaji, PhD

Editor in Chief: Sani Demiri, PhD

Secretary: Drenusha Kamberi, PhD

Technical Editing/Layout: Stojan Kitanov, PhD

Printing and Operations Council: Drenusha Kamberi, PhD, Stojan Kitanov, PhD, Drita Abazi, PhD; Teuta Jusufi Zenku, PhD; Daniel Pavlovski, PhD; Elisabeta Bajrami Ollogu, PhD; Isak Idrizi, PhD; Ariton Rama, MSc

ISSN (online) 3142-6166

Editorial Office: Journal of Law and Politics is published two times per year.

Journal of Law and Politics

Mother Teresa University in Skopje

Str. 1669 No. 11A

Skopje 1000

Republic of North Macedonia

Phone: +389 2 3161 004

E-mail: journals@unt.edu.mk

Web: https://journals.unt.edu.mk/jlp/

https://journals.unt.edu.mk/

Account No.: 160016267778815
Code and program: 723019 – 45
Tax No.: 4080016561272
Bank: National Bank of the Republic of North Macedonia

The publication of the Journal is supported by:

Ministry of Culture of Republic of North Macedonia

ISSN (online) 3142-6166

Editorial Foreword

Prof. Dr. Sani Demiri

Editor in Chief

Dear Readers, Authors and Collaborators,

Mother Teresa University in Skopje is pleased to present **Volume 1 (2026)** of the *Journal of Law and Poltics (JLP)*. This edition builds on the momentum generated by the **TSD 2025** conference and features a selection of rigorously peer-reviewed papers addressing key sustainable development challenges in the Western Balkans and beyond.

The volume showcases advances in social sciences from multidisciplinary perspective aiming to bring novelties **in times of globalization and AI-driven solutions, and in search of sustainability**. Its scope spans research on the study of law and politics, analysis of political systems and political behavior, individual and group dynamics, culture, social policy and wellbeing. Under the leadership of **Editor-in-Chief Sani Demiri, PhD**, the contributions in this issue are closely aligned with the **United Nations Sustainable Development Goals (SDGs)** and propose practical, evidence-based pathways for regional development and long-term resilience.

We extend our sincere appreciation to the authors, reviewers, and institutional partners whose commitment and expertise made this volume possible. We invite the academic and professional community to engage with these works, contribute new research, and collaborate with us in future editions to further amplify their impact.

Sincerely,
Prof. Dr. Sani Demiri, PhD
Editor in Chief

ISSN (online) 3142-6166

CONTENTS

Author	Paper Title	Page No.
Naser Etemi, Muazam Halili, Samir Salievski, Genti Reçi	**CHALLENGES AND SPECIFICS OF CYBERCRIME IN THE REPUBLIC OF NORTH MACEDONIA**	8
Arben Agushi, Sedat Ismajli, Muhamet Binaku, Mitasin Beqiri	**THE IMPACT OF ADMINISTRATIVE CASES AS PRELIMINARY CASES IN CIVIL PROCEDURE AND CASE LAW IN THE REPUBLIC OF KOSOVO**	19
Ardijana Stafai, Argëtim Saliu, Sulejman Ahmedi, Ardijan Stafai	**"BUREAUCRATIC BARRIERS AND OBSTACLES IN ORGANIZATION AND FUNCTION OF THE LOCAL GOVERNMENT IN THE REPUBLIC OF NORTH MACEDONIA- COMPARATIVE ASPECTS WITH THE REPUBLIC OF KOSOVO"**	28
Ariton Rama, Agron Rustemi	**"THE DEFINITION AND THEORETICAL APPROACH TO INDIVIDUAL IDENTITY AND INDIVIDUAL NATIONALISM (WITH SPECIAL EMPHASIS ON THE REPUBLIC OF NORTH MACEDONIA)"**	36
Ariton Rama, Agron Rustemi	**"THE INFLUENCE OF ETHNIC, CULTURAL, AND RELIGIOUS IDENTITY ON ELECTORAL BEHAVIOUR AND POLITICAL CULTURE IN THE REPUBLIC OF NORTH MACEDONIA"**	48
Lindita Neziri Diturije Ismaili Argëtim Saliu	**A COMPARATIVE ANALYSIS OF THE PRESIDENTIAL ELECTION PROCESS IN KOSOVO AND NORTH MACEDONIA**	55

ISSN (online) 3142-6166

UDC 004.49.056:343.9(497.7)

CHALLENGES AND SPECIFICS OF CYBERCRIME IN THE REPUBLIC OF NORTH MACEDONIA

Naser Etemi, Muazam Halili, Samir Salievski, Genti Reçi

1.Department of Criminalistics, Faculty of Law, UMT - Skopje, N. Macedonia,
naser.etemi@unt.edu.mk

2.Faculty of Law, South East European University, N. Macedonia (part time)
m.halili@seeu.edu.mk

3. Faculty for Detective and Security, American University of Europ FON Skopje,
samir.salievski@fon.edu.mk

4. Department of Law, Faculty of Law, UMT - Skopje, N. Macedonia,

genti.reci@unt.edu.mk

Abstract

Informatics, as a young science, is developing at a faster pace than any other field on the planet. Other sciences took entire eras to reach such levels of knowledge and expertise. However, despite all the advantages and benefits that computers bring to humanity, they have unfortunately become a tool for abuse by unscrupulous individuals, groups, or even organizations. Given the increasing importance of information technology and the growing dependence on computers in everyday life, it is essential to study the characteristics of so-called computer crime. Computers and information technology are not only used to facilitate existing forms of criminal activity, but also to enable new forms of crime. With the rapid growth of technology in recent years, cyber-attacks have become more frequent and sophisticated than ever before. According to recent data, an attack occurs every 39 seconds.

Keywords: crime, informatics, cyber, attack, security

ISSN (online) 3142-6166

1. Introduction

Cybercrime generally refers to repeated forms of criminal behaviour related to information and computer systems. The modern development of information technology and global computer networks enables the execution of new forms of criminal acts in the field of high-tech crime, which were not present in society before. Computers are powerful tools, but in the wrong hands, they can also be powerful weapons. Technology, which makes our lives easier, also complicates them: everyone is a potential victim. It is indisputable that computer crime in modern society represents an inherent form of criminal behaviour, given the numerous characteristics that distinguish it from other types of criminal activity. This is why a specific approach is necessary for its research and study.

Although much has been said about cybercrime, there is no unanimous agreement on a single definition of the concept, which complicates the fight against cybercrime. Domestic literature indicates that defining cybercrime is difficult because it represents a relatively new form of criminal behavior that has not yet been fully differentiated from other forms. It exhibits great phenomenological diversity, and the problem is further compounded when the definition relies on positive criminal law legislation.

No one is immune from this type of criminality, but the most affected are those who are the biggest users of computers as a basic tool for their work—namely, legal entities. Companies protect themselves from Internet attacks individually, using their own mechanisms and resources. For many businesses and consumers alike, it's difficult to understand what level of security is built into the digital products or services they use, and what level they could professionally ensure themselves. Ideally, digital products and services should have security built in "by design," of which users should always be informed. On average, only 5% of companies' data is adequately protected.[1] In 93% of cases, an external attacker can break into an organization's network and gain access to local network resources.[2]

Apart from the term "cybercrime," other terms are often used: computer crime, internet crime, electronic crime, high-tech crime, network crime, etc. Cybersecurity is crucial for government, corporate, financial, educational, and medical organizations that collect, process, and store large amounts of data in computers and other systems.

2. Understanding the concept of Cybercrime

[1] National Strategy for Cyber Security 2023+26, Discussion Document, Ministry of Information Society and Administration, November 2022, page 8.
[2] Ibid. page 3.

ISSN (online) 3142-6166

There is no single, generally accepted definition of cybercrime in the literature. Cybercrime is a complex phenomenon, and the term itself encompasses a variety of criminal activities. The term "cybercrime" is often used interchangeably with "computer crime," though these terms are not always synonymous. The concept of "cybercrime" is broader than "computer crime" and more accurately reflects the nature of the phenomenon as a crime within the information space. In contrast, we believe that "computer crime" is a narrower term, focused specifically on crimes committed using computers.

Cybercrime refers to criminal activity that either targets or involves a computer, a computer network, or a networked device.[3] According to Interpol, cybercrime includes sophisticated attacks against computer networks, hardware, and software. This definition is often referred to as high-tech crime.[4]

The United Nations Office on Drugs and Crime (2005) defines cybercrime as conduct that involves criminal acts against the confidentiality, integrity, and availability of computer data or systems, which are considered the core elements of cybercrime. Other definitions encompass a broader range of activities, but they can generally be divided into two categories: (1) crimes that target computer networks or devices, and (2) crimes that use computer networks to facilitate other criminal activities. The authors Parker, Nycym, and Aurom define computer crime as: "any illegal action that requires knowledge of computer technology for its execution and processing."[5] Mohr K. defines computer criminality as: "all delinquent actions in which electronic devices for data processing are used as a means of committing criminal offenses."[6]

The world expert in the field of computer crime, Don Parker, has focused his attention on the scientific treatment of computer crime. He defines it as: "any action related to the use of computer technology, with which the victim experiences or may experience loss, while the perpetrator acts in order to create a benefit for himself."[7]

Cybercrime is a form of criminal behavior in which the use of computer technology and the entire information and communication network serves as a means of committing a crime. In this context, a computer is either used as a tool or as the objective of the crime, resulting in relevant criminal-legal consequences.

[3] https://www.kaspersky.com/resource-center/threats/what-is-cybercrime 17.06.2023.
[4] https://www.interpol.int/Search-Page?search=Cyber+crime 18.06.2023.
[5] Don.Parker, S.Nycum, S.Aura: Computer Abuse, Stanford Reseach Institute,1973.
[6] Mohr.K.:Polizeilisches Lagebild der Computerkriminalitat, cit. sipas M.Boshkoviq, Kriminalisticka Metodika II, Beograd, 2000, p.305.
[7] Don Parker, Computer abuse, Springfield, 1973, fq.14, cit sipas M Boskovic, Kriminalisticka Metodika II, Beograd, 2000, p. 305.

ISSN (online) 3142-6166

Difficulties in defining cybercrime arise from the fact that it is a relatively new form of criminal behavior and from its great phenomenological diversity, which cannot be fully encompassed by a single definition. Additionally, the continuous and rapid development of this field, such as the advancements in artificial intelligence, further complicates the matter.

Cybercrime knows no borders; it moves easily from one country to another, and from one continent to another. This mobility implies a shift in the definition of cybercrime and the crime scene, as well as the need for new, adapted tactics for criminal measures and actions. It also raises challenges related to the validity of criminal laws and the jurisdiction of police and courts.

3. Spatial and temporal dimension of criminal activity as one of the key challenges in the fight against cybercrime

By its very nature, cybercrime is an international crime that crosses national borders. Perpetrators do not have to be in the same country as the victims or the authorities pursuing them. This presents one of the key challenges in the fight against cybercrime, as differences in the legal systems and practices of the various countries involved can affect the efficiency and feasibility of cooperation, as well as the exchange of operational knowledge and evidence.[8]

Cybercrime knows no borders; it moves easily from one country to another and from one continent to another. This implies a shift in the definition of the crime scene and, therefore, the development of new, adapted tactics for criminal measures and actions, as well as challenges regarding the validity of criminal laws and police and judicial jurisdiction. Users can move freely in the virtual cyber world, which knows no national borders. Illegal actions can be carried out regardless of time and irrespective of the location of the perpetrator. The target can be any system, person, or situation. This is precisely why international data exchange carries numerous risks. It often happens that the location of the criminal action is in one country, while the consequences occur in another. This can result in major difficulties, as the same action in different countries can have different legal qualifications.

Thanks to the available technical capabilities and the automated environment, cybercriminal activity is carried out very quickly. It is precisely this time dimension that makes managing various data manipulation techniques and monitoring them so difficult. The time required to commit a criminal offense can be reduced to fractions of a second, which implies a high level of concealment and significant challenges in detecting such activity. Time is also a factor that does not limit the possibilities for the emergence of this form of criminality. A

[8] Klopfer F., Irina Razmal, et al. Introduction to Cybersecurity Management - A Handbook for Legislators www.dcaf.ch

ISSN (online) 3142-6166

cybercriminal can commit an offense in three thousandths of a second.[9] Due to the speed of operation, the factors of space and time appear in cybercrime in a completely different form than in traditional crime. This realization is crucial from the perspective of legal regulation.

4. Cybercrime trends in the Republic of North Macedonia for the period 2017-2023

This article analyzes data from the Statistical Review (yearbook) of the Republic of North Macedonia for the period 2017-2023, which provides an overview of certain cybercrime acts. However, it does not offer a clear view of the structure of all cybercrimes. The official statistics do not separately record data on criminal acts and perpetrators, but only on the perpetrators. The data presented mainly reflect the situation of just five offenses.

Table No. 1 Reported adult perpetrators for cybercrime for 2018-2023

	2018	2019	2020	2021	2022	2023
Violation of the right of the distributor to encrypted satellite signal	-	-	1	-	-	-
Audiovisual piracy	1	-	-	-	-	1
Violation of copyright and other related rights	3	4	2	2	8	3
Sexual assault upon a child under the age of 14	-	-	2	1	1	3
Computer fraud	11	-	12	3	8	8
Damage and unauthorized entry into a computer system	71	58	48	60	77	98
Making and introducing computer viruses	2	-	11	9	-	-
Processing and use of a false payment card	28	25	20	22	21	5
Computer falsifying	-	-	1	-	3	1
Spreading racist and xenophobic material through a computer system	2	18	7	17	39	38

[9] Budimlić, M., Puharić, P., Computer Crime – Criminological, Criminal Law, and Security Aspects, Faculty of Criminalistics, Criminology, and Security Studies, Sarajevo, 2009, p. 9.

ISSN (online) 3142-6166

Source: Statistical review, Perpetrators of criminal offences 2017-2023, www.stat.gov.mk

In the table above, data related to the number of individuals presented for criminal offenses with the character of cybercrime are demonstrated. The data shows that the number of individuals presented for these offenses is very small, considering that these crimes are often not reported to law enforcement to a large extent. Additionally, many of the perpetrators are professionals who take actions to conceal the traces of their criminal activities.

There are many reasons why the dark figure of this modern form of crime is high.[10] In cases of various abuses involving computer technology, the victim may not even be aware that they are the victim of a criminal act, meaning no criminal report is filed. Even if the crime is discovered, it is often too late to take any effective measures. The situation is further complicated by the fact that the capabilities of computer technology provide ideal conditions for concealing criminal activities and their consequences. Moreover, detecting many of these abuses requires a high degree of professional knowledge. Insufficient training of law enforcement, combined with a lack of awareness among potential victims about the risks and preventive measures, as well as inadequate legal regulations, results in a situation where the majority of cybercrimes are never reported.

Many cybercriminals engage in scams that allow them to steal small amounts of money from large numbers of individuals. This can discourage reporting for two reasons: first, the small financial loss for each person provides little motivation to report the incident; and second, victims may often believe that the perpetrators cannot be easily identified and therefore see no point in reporting the crime (United Nations Office on Drugs and Crime, 2010).

This type of crime has certain characteristics: it is committed quickly and easily, often in various ways where the perpetrator remains anonymous. Modern information technology creates ideal conditions for perpetrators to conceal their criminal actions, resulting in a low risk of detection.

Underreporting by businesses and corporations can be attributed to a variety of reasons. Perhaps the most common are concerns about financial losses, data breach liabilities, damage to brand reputation, regulatory issues, and loss of consumer confidence. Contemporary society, with its increasing reliance on paperless transactions, demands assurances that a company's infrastructure is secure and that confidential information remains protected. As such, organizations may have a vested interest in concealing incidents, as their disclosure could threaten consumer or client confidence. In addition to concerns about consumer trust, many corporations are

[10] Игњатовић, Ђорђе; (2018). *Криминологија*. Београд: Правни факултет – Центар за издаваштво и информисање pg, 56.

ISSN (online) 3142-6166

uncomfortable releasing information to any entity, including law enforcement, and prefer to maintain control of the investigation. Thus, many companies choose to handle matters internally, including disciplining perpetrators. Some may naively assume that criminal prosecution can be achieved by simply sharing the results of their investigations with law enforcement. This assumption often arises from the perspective of security professionals, who downplay the need for proper law enforcement procedures, arguing that corporate investigations should not "waste" time maintaining the chain of custody.

Like their law enforcement counterparts, many prosecutors lack sufficient knowledge and experience to effectively prosecute computer crimes. Traditionally, prosecutors have not perceived cybercrimes as serious and often assigned them the lowest priority. This view has been influenced by the concerns of their constituents, who are often more focused on headline-grabbing street or violent crimes. Furthermore, this perception has been exacerbated by the lack of judicial interest in these crimes and the inadequate training of responding officers.

Table no. 2 Convicted adult perpetrators 2017-2023

	Total convicted persons					Main punishment				
	Violation of the right of the distributor to encrypted satellite signal	Computer fraud	Damage and unauthorized entry into a computer system	Processing and use of a false payment card	Computer falsifying	Violation of the right of the distributor to encrypted satellite signal	Computer fraud	Damage and unauthorized entry into a computer system	Processing and use of a false payment card	Computer falsifying
2017	1	1	17	8	1	1	-	4	7	-
2018	-	-	9	-	-	-	-	2	-	-
2019	-	-	7	2	-	-	-	2	-	-
2020	-	-	11	2	-	-	-	7	-	-
2021	-	-	22	2	-	-	-	7	2	-
2022	-	-	30	1	-	-	-	8	1	-
2023	-	2	18	3	-	-	2	6	-	-

Source: Statistical review, Perpetrators of criminal offences 2017-2023, www.stat.gov.mk

ISSN (online) 3142-6166

From this table we see that the number of persons convicted for cybercrime is symbolic, since for the 7-year period for the ten computer criminal offenses we have only 137 persons convicted, while the number of persons presented is 755 persons, which means that only 18.1 % of the presented parsons are punished. The situation is even more alarming when we analyse the sentences imposed, where from the above data we see that only 49 people or 35% of the convicted persons were sentenced with main punishments, while other persons were sentenced with other punishments.

Table no. 3 Convicted adult perpetrators with main punishment-imprisonment 2017-2023

Source: Statistical review, Perpetrators of criminal offences 2017-2023, www.stat.gov.mk

	Imprisonment 2-3 years					**Imprisonment 1-2 years**					**Imprisonment from 6 month to 1 year**					**Imprisonment up to 6 months**				
	Art. 157	Art.251-b	Art.193-b	Art.271	Art.274-b	Art. 157	Art.251-b	Art.193-b	Art.271	Art.274-b	Art.157	Art.251-b	Art.193-b	Art.271	Art.274-b	Art. 157	Art.251-b	Art.193-b	Art.271	Art.274-b
2017	-	-	-	1	-	-	-	2	5	-	-	-	-	1	-	-	-	1	-	-
2018	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	1	-	-
2019	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2020	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	2	-	-
2021	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2022	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-
2023	-	-	-	-	-	-	-	1	-	-	-	2	-	-	-	-	-	-	-	-

The table above shows the data related to the sentences imposed, respectively the main sentence prison for the period 2017-2023. From these data we see that we have a symbolic number of people sentenced to prison and that only 21 people are convicted, while the number of people sentenced to main punishment is 137 (the number of people presented for these criminal offenses for the mentioned period is 755) or only 2.8% of the presented persons were sentenced to prison.

ISSN (online) 3142-6166

Table no. 4 Convicted adult perpetrators with main punishment-fine 2017-2023

	Total fine				
	Violation of the right of the distributor to encrypted satellite signal	Computer fraud	Damage and unauthorized entry into a computer system	Processing and use of a false payment card	Computer falsifying
2017	1	-	1	-	-
2018	7	-	-	-	-
2019	-	-	-	-	-
2020	-	-	4	-	-
2021	-	-	5	-	-
2022	-	-	7	-	-
2023	-	-	5	-	-

Source: Statistical review, Perpetrators of criminal offences 2017-2023, www.stat.gov.mk

From the table above, we can see the number of individuals sentenced to fines, which is the same as the number of those sentenced to prison. This suggests that the penalties are largely symbolic, with only 30 individuals being fined. This number indicates that judges are not imposing monetary penalties, even though many of these perpetrators commit these crimes for financial gain.

From this data, we can conclude that we are dealing with less severe forms of cybercrime, a more lenient attitude by judges toward these perpetrators, or the failure of law enforcement to present strong evidence. This suggests that the competent institutions (police, prosecution) have not been able to prove a higher degree of responsibility. This fact is quite disturbing, as it sends a message to those who are uncertain about committing cybercrime—or even those who have already committed crimes but have not been caught—that the penalties for such offenses are minimal. This implies that for criminals, the low punishment may justify the commission of the crime.

ISSN (online) 3142-6166

The number of reported crimes, accused individuals, and convicted persons can be considered symbolic. This approach suggests one of two possibilities: either cybercrimes do not significantly contribute to the overall crime rate, or the high "dark figure" of crime is due to victims not reporting the crimes, difficulties in detection, or insufficient activity and capacity from state authorities to detect, prove, prosecute, and adjudicate this type of crime

5. Conclusions

In this paper, the concept of cybercrime in the Republic of North Macedonia (RNM) and in general is examined. During the attempt to define it, the first difficulties became apparent. Namely, no matter how adequate each conceptual definition of cybercrime seemed at first glance, it was quickly realized that this form of criminal activity is so complex that it is very difficult to express its specificity, content, and significance for society in a single definition. The lack of a clear definition of computer crime poses a problem in the comprehensive fight against this phenomenon, because, among the most common forms of crime, this type has the spatial dimension of a minor crime.

This crime is spreading rapidly, with a wealth of emerging forms, as it involves technologies with vast possibilities and applications in everyday life. The greater the use of IT technology, the greater the potential for its misuse. Because of this, the dark figure of cybercrime is difficult to estimate due to the reasons mentioned above.

This type of crime easily transcends national borders and has an international character. The amount of damage caused by the commission of these crimes increases daily. The main challenge in preventing cybercrime is that detection and protection against it are expensive.

Experts agree that the threats are numerous and serious, but they also warn that the threats we will face in the future will be even more dangerous than those we face now. It is difficult to assess how well we can defend and protect ourselves from these threats now and in the future, but what is certain is the imperative need to begin today, as tomorrow may be too late to take necessary action.

The elusive nature of cybercrime means that law enforcement agencies must adopt new techniques to prevent cybercrimes, identify offenses, recognize patterns of crime, and pursue lines of inquiry that are robust enough to justify a criminal investigation.[11]

[11] Cybercrime, Future-oriented policing projects, www.interpol.int 17.06.2023

ISSN (online) 3142-6166

From the analyzed data, we can conclude that the number of individuals charged with these criminal offenses is very small, considering that these offenses are not widely reported to detection bodies for various reasons. The number of unknown perpetrators is also high, making it even more difficult for law enforcement to solve these crimes and learn more about their characteristics. The number of individuals convicted for these offenses is very small, and the situation is even more alarming when analyzing the sentences imposed, where minimum prison sentences and fines prevail. This suggests that the criminal policy on this phenomenon is not efficient, and it is an additional indicator that in the future, we will see even more crimes in this area.

References

- Boshkoviq M.(2000), Kriminalisticka Metodika II [Criminalistics Methodology], Beograd,
- Cybercrime, Future-oriented policing projects, www.interpol.int
- Don Parker, S.Nycum, S.Aura (1973). Computer Abuse, Stanford Reseach Institute.
- Don Parker, (1980) Computer abuse, Springfield.
- Клопфер Ф., Ирина Размал, и др. Вовед во управувањето со сајбер безбедност-прирачник за пратеници, www.dcaf.ch [Klopfer F., Irina Razmal, et al. Introduction to Cybersecurity Management - A Handbook for Legislators.]
- Будимлић, М., Пухарић, П., (2009). Компјутерски криминалитет – криминолошки, кривичноправни и сигурносни аспект, Факултет за криминалистику, криминологију и сигурносне студије, Сарајево. [Budimlić, M., Puharić, P., (2009). Computer Crime – Criminological, Criminal Law, and Security Aspects, Faculty of Criminalistics, Criminology, and Security Studies, Sarajevo]
- Игњатовић, Ђорђе (2018). Криминологија. Београд: Правни факултет – Центар за издаваштво и информисање, Београд. [Ignjatović, Đorđe (2018). Criminology. Belgrade: Faculty of Law – Publishing and Information Centre, Belgrade].
- Национална стратегија за сајбер безбедност 2023-2026, Документ за дискусија, Министерство за информатичко општество и администрација, ноември 2022. [National Cybersecurity Strategy 2023-2026, Discussion Document, Ministry of Information Society and Administration, November 2022].
- What is cybercrime? How to protect yourself https://www.kaspersky.com/resource-center/threats/what-is-cybercrime
- https://www.interpol.int/Search-Page?search=Cyber+crime

ISSN (online) 3142-6166

UDC 347(497.115)

THE IMPACT OF ADMINISTRATIVE CASES AS PRELIMINARY CASES IN CIVIL PROCEDURE AND CASE LAW IN THE REPUBLIC OF KOSOVO

Dr.Arben Agushi
arben.agushi@kolegjibiznesi.com

Dr.Sedat Ismajli
sedat.ismajli@kolegjibiznesi.com

Dr.Muhamet Binaku
muhamet.binaku@kolegjibiznesi.com

Dr.Mitasin Beqiri
mitasin.beqiri@kolegjibiznesi.com

Abstract

The purpose of this study is to show how administrative issues affect the development of civil proceedings, when they are presented as preliminary cases, the resolution of which is the competence of the competent administration bodies according to the procedure established by law and how the judges of the Basic Court of Pristina - Lipjan Branch, acted when faced with such a legal situation.

So, the focus of the study will be the analysis of the decisions of the Basic Court in Pristina - Lipjan Branch, where will be analyzed and evaluated the decisions from the civil procedure of this court, in which the administrative case is presented as a preliminary issue. By carefully analyzing these decisions, we will understand how the judges of this court reacted in such situations, and what were the consequences in the development of the civil procedure, if they influenced the delay of the civil procedure and its suspension.

In view of this study, at the end of the paper we will present two cases of civil proceedings before this court.

This research paper will help law students to create a clearer and more accurate vision of legal concepts and institutes as well as to expand their knowledge during application in everyday legal life, even more than a study of this type has been lacking so far in our legal literature.

Keywords: administrative case, preliminary case, civil procedure and court practice

ISSN (online) 3142-6166

INTRODUCTION

"The court has the power to order the trial of specific and carefully defined cases, the resolution of which is likely to resolve the case as a whole or promote the resolution of the judicial process as a whole" (Practical Law 1994).

In Law no. 03/L-006, for the Contested procedure, respectively in article 10 paragraph 1, it is stated that "The court has the duty to try to conduct the procedure without delay and with as little expense as possible, as well as to make impossible any abuse of procedural rights belonging to the parties" (Law no. 03/ L-006 on contentious procedure article 10 paragraph.1 viti III / Nr.38/ 20 shtator 2008 Prishtinë), while in the Summary of Judicial Practice of the European Court of Human Rights, it is stated that, "Every person has the right to have his case heard fairly, publicly and within a reasonable time by an independent court and impartial, established by law, which will decide as to disputes regarding its rights and obligations of a civil nature" (Filatova 2021,fq 8).

Often, in civil proceedings which take place in relation to a civil-contentious, non-contentious case or even in enforcement proceedings, as a preliminary issue which affects the trial of the main case is presented the resolution of an administrative case (Dobjani 2007, fq 21).

Thus, the successful development of civil proceedings directly depends on the resolution of the preliminary issue, the resolution of which is the competence of any other public administration body. In this case, when the final decision in civil proceedings is conditioned by the administrative decision, the court suspends its proceedings until a preliminary decision is made by the competent body.

A special problem, in the contentious legal procedure, is the case when as a

preliminary issue are presented the final rulings of the administrative bodies, with which the final ruling for expropriation has been executed, by giving possession of the expropriated immovable property to the user of the expropriated immovable property over which he has acquired the right of ownership. Also, the data on the reconciliation regarding the compensated compensation for the expropriated real estate are missing and there is no evidence to prove that any agreement has been reached on the compensation of the expropriated real estate, while the witnesses testify that this compensation is in no way done so far.

Often, in civil proceedings, which take place in relation to a civil-contentious, non-contentious case or even in enforcement proceedings, as a preliminary issue which affects the trial of the main case is presented the resolution of an administrative case.

Thus, the successful development of civil proceedings directly depends on the resolution of the preliminary issue, the resolution of which is the competence of any other public administration body. In this case, when the final decision in civil proceedings is conditioned by the administrative

ISSN (online) 3142-6166

decision, the court suspends its proceedings until a preliminary decision is made by the competent body.

A special problem, in the contentious procedure, is when the final administrative issues are the final decisions of the administrative bodies, with which the final decision for expropriation has been executed, giving in its possession the real estate of expropriated the user, over which he has acquired the right of ownership. Also, the data on the reconciliation regarding the compensated compensation for the expropriated real estate are missing and there is no evidence to prove that any agreement has been reached on the compensation of the expropriated real estate, while the heard witnesses prove that this compensation is in no way done so far.

This close and mutual relationship between the civil and the administrative procedure, has made that in the civil procedure, when as preliminary issues are presented the issues which are decided by the competent administrative body, in the administrative procedure, cause the delay of the procedure, and in cases also terminate it and the parties do not have a certain right over the proof of ownership in real estate.

As a preliminary issue, in civil proceedings, not only those of an administrative nature are presented, but they can be of different types and natures. In civil proceedings, civil cases themselves are often presented as preliminary issues, e.g. in disputes of transfer of immovable property in possession, if the ownership over this immovable property is disputed, then the issue of proof of ownership is presented as a preliminary issue, the resolution of which leads to a fair trial for the transfer of immovable property in possession.

Since the object of our review is an administrative issue as a preliminary issue in civil proceedings, in this case our attention will be focused on the review of this issue from this aspect, with special emphasis on presenting cases from court practice.

This close and mutual relationship between the civil and the administrative procedure, has made that in the civil procedure, when as preliminary issues are presented the issues which are decided by the competent administrative body, in the administrative procedure, cause the delay of the procedure, and in cases also terminate it and the parties do not have a certain right over the proof of ownership in real estate.

As a preliminary issue, in civil proceedings, not only those of an administrative nature are presented, but they can be of different types and natures. In civil proceedings, civil cases themselves are often presented as preliminary issues, e.g. in disputes of transfer of immovable property in possession, if the ownership over this immovable property is disputed, then the issue of proof of ownership is presented as a preliminary issue, the resolution of which leads to a fair trial for the transfer of immovable property in possession.

ISSN (online) 3142-6166

Since the object of our review is an administrative issue as a preliminary issue in civil proceedings, in this case, our attention will be focused on the review of this issue from this aspect, with special emphasis on presenting cases from court practice.

ESSENTIAL FEATURES OF THE ADMINISTRATIVE ISSUE

The essential feature of these legal-administrative issues is that they are created, changed and extinguished as a result of the exercise of administrative function or public authorizations (Sokoli 2014,fq.51), by public administration bodies, in accordance with the law and according to a certain procedure. Thus, "public administration bodies, within their competencies, are obliged to decide on any request submitted by natural and legal persons" (Law no. 05/L-031 ON GENERAL ADMINISTRATIVE PROCEDURE, article 11 Nr.20/21 qershor 2016 Prishtinë). In such a relationship, the parties in the procedure are not in the same and equal position, so the principle of equality of the parties does not apply, but the principle of subordination.

The law on contentious procedure states that disputes referred to in Article 1 are not reviewed and adjudicated according to the provisions of contentious procedure, if these by a special law are left to the competence of another administrative body (i.e. not the court) or social, even why they are of a juridical-civil nature (Law no. 03/ L-006 on contentious procedure article 10 paragraph.1 viti III / Nr.38/ 20 shtator 2008 Prishtinë).

There are cases in practice where the administrative matter is left to the jurisdiction of the regular court to adjudicate this conclusively and not the administrative body here, for example: disputes between parents and children, regarding the custody and education of children, before the dissolution of the marriage came into competence of the custodial body which operates within the center for social work, and after its resolution in the jurisdiction of the court. There are cases when in order to conduct civil proceedings regarding a legal-civil case it is necessary for the administrative body to decide on it in the administrative procedure with a final decision, for example: the owner of the expropriated immovable property has the right to I request monetary compensation for the expropriated land only when the decision for expropriation of the competent body for expropriation has become final and if in the administrative procedure before the competent body the parties have not reached an agreement on the amount of fair compensation of the expropriated immovable property. If the case remains so at the initiative of the parties, uncontested proceedings may be instituted in court for the issue of fair compensation in cash of the expropriated immovable property (Brestovci 2002 fq.16). In this case the procedure is conducted in accordance with the provisions of the

Law on Uncontested Procedure of Kosovo (LAW no. 03/L-007 FOR

ISSN (online) 3142-6166

NON-CONTESTED PROCEDURE neni 21 viti IV/Nr.45/12 janar 2009 Prishtinë).

It may happen that during the development of the civil or administrative procedure, there is a need to decide on the preliminary issue before deciding on the main issue, which is in principle resolved in another procedure and by another body. If for the preliminary case there is a final decision as mentioned above, this decision has legal force and this is taken into account by the court, and if it is in question the administrative body the final judgment is taken into account by the administrative body (Sadushi 2005,fq.121). If the administrative body does not resolve the issue which fell within its competence, then there is no obstacle for the court to make the solution and give an answer regarding it, if such issue in relation to the main issue is presented as a preliminary issue.

This course of action is necessary because without resolving the preliminary issue, the main issue cannot be tried, so the resolution of the preliminary issue paves the way for the trial of the main issue and the taking of a fair and meritorious decision in civil proceedings. The same rule applies when in the administrative procedure the issue of legal-civil nature is presented as a preliminary issue.

Exceptions have been made to the above rules. When the decision on the administrative matter depends on the existence of a marital relationship or on the existence of paternity or maternity, the administrative body does not have the competence to give an answer - a decision on whether any of these relationships exist. In such a case, the administrative body is obliged to terminate the administrative procedure until the court, with a final court decision, decides on the existence of these relations mentioned above.

Thus, for example: when the party in the administrative procedure requests that the administrative body decide on the existence of adaptation by the adopter in the absence of a decision for adaptation, in this case the administrative body terminates the administrative procedure, while the competent court in final form decide on the proof of the existence of the adoption (Podvorica 2008, fq.81). From what has been said, it appears that the administrative body does not have the competence to resolve the case as long as the court for the civil case does not adjudicate with a final decision on this issue which presents a preliminary issue in the administrative procedure.

The legal nature of the administrative case and its features described above as well as its presentation as a preliminary issue in civil proceedings is of mutual importance in these two types of proceedings, because the decision given in one or the other procedure causes legal effects for decision merits related to a main legal-civil issue, respectively legal-administrative.

In judicial practice, there are frequent legal-civil disputes where the parties to the lawsuit seek legal-civil protection for a concrete contentious issue where its resolution depends on the resolution

ISSN (online) 3142-6166

of the preliminary administrative case, which in fact is a crucial issue for the merits of civil-legal issue.

JURISDICTION OF THE COURT TO RESOLVE THE PRELIMINARY CASE

The authorization of the court to resolve the administrative case, as a preliminary issue in the civil procedure on which the trial of the main legal-civil case depends, is left to the jurisdiction of the courts in accordance with the principle of independence and the principle of economy of civil procedure (Brestovci 2002, fq.16) it becomes possible for the procedure to take place without delay and quickly without waiting long for the decision of the administrative body. This is of great importance where based on the initiative of the parties the administrative procedure has been initiated to the competent body and the party intentionally causes the delay of the administrative procedure in order to avoid evasion and procedural obstacles for the speedy trial of the legal-civil case (Stavileci 1997, fq.52).

The court decides on the preliminary issue itself after the completion of the review of the claim, but before deciding on the claim in the preliminary case ad meritorious. "When the decision of the court depends on the preliminary resolution of the case, whether there is any subjective right or legal relationship related to it, for which, the court or other competent body has not yet made a decision (preliminary case), then the court has to resolve such an issue itself, unless otherwise provided by special provisions"

(Law no. 03/L-006 FOR THE CONTENTIOUS PROCEDURE, ARTICLE 13 viti III /

Nr.38/ 20 shtator 2008 Prishtinë). The decision on the preliminary case, when deciding on a preliminary administrative case is not given as a separate decision (there is no form of decision in the procedure), only that it is part of the decision - judgment rendered in relation to the claim and that in its reasoning part (Agushi 2013,fq.72). However, such a non-formal, but meritorious decision in the material legal aspect has legal force because it acquires the quality of a final decision on that preliminary administrative issue which has been resolved by that dispute together with the main legal-civil issue.

If the preliminary administrative case has been resolved by the competent administrative body, the court in the civil procedure related to a contentious case is attached to it (Brestovci 2006,fq.16). This rule applies as such a decision which is given by the civil or criminal court as well as when it is given by the administrative body. This results from an interpretation and application of the argumentum a contrario method of the Law on Civil Procedure - LCP (Law no. 03/L-006 FOR THE CONTENTIOUS PROCEDURE, ARTICLE 13 viti III / Nr.38/ 20 shtator 2008 Prishtinë).

ISSN (online) 3142-6166

JURIDICAL PRACTICE AT THIS COURT

When the decision of the court depends on the resolution of a preliminary administrative case, they act within the framework of what is regulated by the legal provisions, when the courts have the right to resolve such a case themselves, and in such cases we have no delay in the procedure, as may happen in the case when by special provisions it is not determined otherwise, and it must be done by the administrative body.

A very complicated situation is presented to us in the case of proving the right of ownership in immovable property which is owned by the respondent parties, without any administrative decision on expropriation and are registered in the land registers. During the main trial, when the court, in writing, had requested from the service for legal property issues the case file for expropriation, it had received an answer that such decisions do not exist.

This has caused the courts to suspend the decisions, due to the administrative decisions that have been presented as preliminary issues and have hindered the further development of the procedure and the right holders and has prevented the realization of subjective rights.

The following cases can serve as an illustration of this:

The plaintiff, with a lawsuit requests the confirmation of the ownership right in the real estate which in the land registers is registered in the ownership of the respondent. As a basis for registration in the registers of owned lands, the respondent Economy of Hunting in Pristina, has now been made without a final decision of the administrative body, for expropriation.

The respondent to the government with the disputed immovable property, since this immovable property since 1987 constitutes the complex of the protected park of “Blinaja”. The property is fenced and protected.

However, the plaintiff states that he continuously uses this real estate in the way he now the lawn, and with the lawsuit he has asked to be recognized the right of ownership, since the real estate in question is his. During the dispute, the court, in reviewing the evidence in order to establish the full factual situation, according to the response to the lawsuit of the respondent authorized, as well as the statements of witnesses heard, states that this property has been expropriated several times.

The court requested in writing from the property law service that the files of the expropriation case be submitted to him as evidence, but this evidence was not presented to him on the grounds that the documents on the case in question do not exist.

The court also requested this evidence from the defendant's attorney, as he had previously stated that the expropriation of this immovable property had taken place, but this evidence was not presented until the end of the main hearing.

ISSN (online) 3142-6166

From what was described above, we consider that in this dispute the administrative issue has been presented as a preliminary issue, but the final decision for expropriation of the property in question does not exist.

In the case file, there is also no evidence on the basis of which it could be proved that the competent administrative body has executed the final decision for expropriation by handing over the expropriated immovable property to the user of the expropriated immovable property, i.e. respondent.

Also, in the case file there is no evidence to prove that any agreement has been reached on the compensation of the expropriated real estate, while from the heard witnesses it is confirmed that this compensation has not been made in any form so far.

In the second case we present the course of the civil procedure before this court, for the legal-civil case with the object of dispute obstruction of possession. The plaintiff had sought to prove that the respondent had obstructed possession of a section of public road. The respondent party, with a counter-claim, had challenged the right of ownership of the plaintiff, over the disputed part with the fact that the registration of the property in the real estate book was done without the decision of the official administration body, a fact which the respondent could not prove, in the absence of the same.

From the mentioned examples we illustrated the fact that in the case of civil procedure where the administrative case is presented as a preliminary issue, the civil procedure was followed with shortcomings as a result of the lack of these decisions to proceed further in the main case, in the mentioned examples do with the proof of ownership, in the first case and the obstruction in possession, in the second case.

In any case, when the court does not adjudicate the administrative case together with the main case, then with a special ruling terminates the contentious procedure until the preliminary administrative case is decided in a final form, while for the cases for which it has In order to resolve them, it issues a decision on the administrative issue, and then based on this decision decides on the main issue, influencing the effectiveness of the civil procedure and avoiding the shortcomings mentioned above.

CONCLUSION

In the past, the impact of the administrative case as a preliminary issue in civil proceedings and in terms of case law, was more influential, as civil-legal and administrative issues were previously regulated by special positive legal provisions, where in terms of implementation of positive law, Kosovo courts have adjudicated disputes of the same nature and have brought court decisions which have been applicable to case law.

ISSN (online) 3142-6166

Since after the war in Kosovo, the institute of administrative affairs as a preliminary issue in civil procedure has undergone changes in terms of new legal regulations, which changes are bringing many innovations in legal provisions, for this reason I have tried to point out, during the treatment of this paper.

Finally, the paper aims to provide an analysis and contribution to clarify some dilemmas - innovations that exist in theory and that may affect the legal practice of the work of courts in general and of this court in particular, as well as to acquaint readers with some of the attitudes of case law.

REFERENCES

1. Agur Sokoli. 2014. "Administrative Procedural Law". Pristina.
2. Arben Agushi. 2013. "Insurance and compensation of damage". Pristina.
3. Congratulations Podvorica. 2008. "Family law". Pristina.
4. Comments on the Law on Procedure - Belgrade 1977.
5. Emir Dobjani. 2007. "Administrative Law 1". Tirana.
6. Ekrem Agushi. 2003. Lectures. "The Judicial Institute of Kosovo". Pristina.
7. Esat Stavileci. 1997. "Introduction to Administrative Sciences". Pristina.
8. Faik Brestovci. 2002. "Civil Procedural Law I". Pristina.
9. Faik Brestovci. 2006. "The right of civil procedure II". Pristina.
10. Law No. 04/L-139 for the Enforcement Procedure Ligji.nr. 05/L-118 Gazeta zyrtare Nr.15/11 maj 2017 Prishtinë.
11. Law No. 03/L-007 for the Uncontested Procedure nr.45/12 janar 2009

    Prishtinë.
12. Law No. 05/L -031 for the General Administrative Procedure nr.20/21 qershor 2016 Prishtinë.
13. Law No. 03/L-006 for the Dispute Procedure nr.28 16 tetor 2012 Prishtinë.
14. Practical Law, Preliminary Issue https://uk.practicallaw.thomsonreuters.com/4-205-5201?transitionType=Defau lt&contextData=(sc.Default)
15. Sokol Sadushi. 2005. "Administrative Law 2". Tirana

ISSN (online) 3142-6166

UDC 352.075(497.115:497.7)(083.77)
UDC 352.075:94(497.115:497.7)

BUREAUCRATIC BARRIERS AND OBSTACLES IN ORGANIZATION AND FUNCTION OF THE LOCAL GOVERNMENT IN THE REPUBLIC OF NORTH MACEDONIA- COMPARATIVE ASPECTS WITH THE REPUBLIC OF KOSOVO

PhD Candidate Ardijana Stafai
University "Ss. Cyril and Methodius", Faculty of Law "Justinian the First"ardianastafai@yahoo.com

Prof. Inor.D-r. Argëtim Saliu
Faculty of Law, University "Mother Teresa"-Skopje
argtim.saliu@unt.edu.mk

Prof. Inor.D-r. Sulejman Ahmedi
Faculty of Law, "University of Tetovo"- Tetovo
sulejman.ahmedi@unite.edu.mk

Dr.sc Ardijan Stafai
Faculty of Law, University " Mother Teresa"-Skopje
ardijan.stafai@unt.edu.mk

ABSTRACT

This paper covers the bureaucratic barriers and obstacles in detail, which affect the organization and function of the Local Government in the Republic of North Macedonia (MK), including a deep comparative analysis with the Republic of Kosovo. The local government in both countries passed wide reform of decentralization processes, but the bureaucratic challenges continue to be present and frequently affect the effectiveness of the local institutions and the service quality for citizens. The paper includes a theoretical analysis, analysis of the legal framework, comparison of administrative structures, identification of obstacles, comparative tables, graphics, as well as professional recommendations.

The local government represents the closest level of the government with citizens, serving as critical point for the economic, social, and democratic development of communities. The effective function of the local self- government depends on the political, administrative, and financial autonomy and on unnecessary non-intervention of the central government. In the Republic of North Macedonia, decentralization was a gradual process since 2002, but the bureaucratic challenges continue to be present. On the other hand, Kosovo, after proclaiming independence, built a more initiative-taking decentralization model.
This paper aims to analyze bureaucratic obstacles in the Republic of North Macedonia, to compare

ISSN (online) 3142-6166

the administrative model with the Kosovo model, to identify positive practices and structural deficiencies, to propose measures to improve the functionality of the local government.
Dominant words: local government, governing, local self-governing.

1.Historical development of the local government in the Republic of North Macedonia and in the Republic of Kosovo

The organization of the local government in the Republic of North Macedonia passed some historical phases, affected by political and constitutional amendments. In the period of former Yugoslavia, municipalities had a very important role in managing with policies of the local development, but worked within a centralized political system.[12]After independence of the country in 1991, a new legal frame for the local self-governance was created, but the real decentralization began only in year 2002 through approval of the new law on the Local Government and ratification of the European Card for the Local Self- Governance.[13]The Constitution of the Republic of North Macedonia recognizes the local government as a form to exercise state sovereignty through citizens and municipalities in a territorial basic unit.[14]This guaranteesautonomy in fields of the urban planning, local economic development, primary education, public services and environmental protection. The law for Local Government of 2002 determines detail powers of municipalities and principles for their functionality. Basedon law, municipalities have their own competences, delegated and mutual powers with the central government.[15]

UNMIK regulation No. 2000/45 over the self-governance of the Municipalities in Kosovo is the first regulative act with legal powers which put the foundations of a system of the local and democratic self- governance and in service of the citizens in the state of Kosovo. This regulation establishes the legal base of the system of the local self-government according to principles and European democratic practices. From 1999 until 2010, multiple UNMIK regulations with legal power, organic laws, sectoriallaws, and administrative instructions arose, which gave a bigger autonomy to the local government in Kosovo. Immediately after the proclamation of the independence of Kosovo, in February 2008, the Assembly of the Republic of Kosovo approved new main laws for the local government, which replaced the formerlegislation. The development of the legal framework for the local government in Kosovo can be dividedinto three time periods:

1.Period of municipality administration with municipal administrators, according to UNMIK regulations from 2000 until 2002.

[12] Janev, I. (2010). Local Government in Macedonia. Skopje.

[13] Law on the Local Government (2002).

[14]Constitution of the Republic of North Macedonia.

[15] Ibid.

ISSN (online) 3142-6166

2.Period of municipality administration without municipal administrators according to UNMIK regulations and other legal acts of IPVQ with powers transfer to authorities of the local government, gradually from 2002 until 2007.

3.Period of the local government according to Constitution and approved laws by the Assembly of the Republic of Kosovo, from 2008 until today.[16]

Legal frameworkon LocalGovernment based on principles of the Constitution of Kosovo and the European Card over the Local Government (KEVL). Article 123 of the Constitution, section 4 determines basic principles of the local government in Kosovo, such as: good governance, transparency, efficiency, and effectiveness in offering public services, by showing exceptional care to needs of communities, which are not majority and their members.[17]

2. Conceptual frameworks of the local government

2.1 Local Government Definition

The trend in political, economic, and social developments in the world, recently is going in two opposite directions, one direction towards globalization and the other towards localization. This overall movement of human society affectsalterations of governing systems, especially the local government. The building of political concepts over protection and affirmation of human rights, in particular the creation of competitive democratic systems of the trade service economy to increase the wellbeing of the citizens of one country, created preconditions for sudden developments of the political and administrative systems in service of citizens. Every country in the world today accepts decentralization as political democratic instrument to bring centralized government of the country closer to its citizens, in other words the local government is a system of public institutions, which have delegated powers to manage local interests. It represents the decentralization of the government from the central level to ensure more effective and more democratic government.

2.2 Basic principles of the local government in the Republic of North Macedonia and the Republic of Kosovo

- **Local autonomy** – ability of municipalities to exercise independent powers.
- **Subsidiarity** – assignments have to be conducted as closely as possible with the citizen.
- **Transparency** – inclusion of citizens in decision making processes.
- **Accountability** – local institutions are responsible for their actions.

2.3 Types of decentralization

[16]https://mapl.rks-gov.net/wp-content/uploads/2018/03/ORGANIZIMI-DHE-FUNKSIONIMI-I-VETEQEVERISJES-LOKALE-NE-KOSOVE.pdf

[17]Assembly of Kosovo: "Constitution of the Republic of Kosovo", April 2008, chapter X, article 123, section 4.

ISSN (online) 3142-6166

Political decentralization – transfer of the political authority.

Administrative decentralization – transfer of managing functions.

Fiscal decentralization – transfer of financial sources and budgeting powers.

3. Local Government in the Republic of North Macedonia

The local government in the Republic of North Macedonia is definedthrough the Constitution of the Republic of North Macedonia as the highest legal act of the country, by the Law for the Local Government (2002), Law over the financing of municipalities, European Card over Local Government. Municipalities in the Republic of North Macedonia have powers in the primary education, culture and sport, urban planning, environmental protection, primary education. The organizational structure of municipalities includes: the Mayor, Municipal Council, and the Municipal Administration. Even if formal decentralization exists, many decisions continue to depend on the central government. This creates administrative delays, lack of flexibility, obstacles to implement projects. Many municipalitiesface small budgets, dependence on central transfers, inability to develop local projects, or we can say that they have insufficient financial resources.

There are complicated administrative procedures, where bureaucratic obstacles appear through: multiple regulations, complicated authorizations, tendering procedures, which last for months etc. Based on some statistics, more municipalities have insufficient professional staff in project management, urban planning, and financial administration. All this comes as a result of the appointment of municipal administrators often affected by political parties, causing lack in professionalism, conflicts of interest, and project stagnation. Even though the law predicts types of public participation, these mechanisms often do notwork as they should, due to the lack in transparency or insufficient information.

4. Local Government in the Republic of Kosovo

In accordance with principles of the Constitution of the Republic of Kosovo, European Card for Local Government and “Package of Ahtisaari” the Assembly of the Republic of Kosovo approved LVL, as organic or basic law to organize the labor of the Local Government in Kosovo. The law determines norms and standards of the Local Government, which consists of four main pillars:

- Organization and operation of SVQ.
- Government of Local Authorities (Local Autonomy).

ISSN (online) 3142-6166

•Local Democracy (Election of Municipal Authorities).

•Supervision of Local Authorities.

The law defines a model of the proportional political representation in decision making, as principle of the local democracy. This representation arises directly by citizens in two main authorities of the Local Government, Assembly of the Municipality, and the mayor. While the basic principle of the local government is the equal representation of the citizens in decision making, through this law and with the law for the local elections, by defining the municipality as one single election area, citizens are able to proportional representation only through political parties and civicinitiatives, but not the citizens themselves. Meanwhile the citizens are allowed to participate in direct decision making through civicinitiative and referendum[18]. By the law,the mechanisms of the local democracy are defined, such as local elections, referendum, petition, civic initiatives, consultative committee, consultation of settlements and towns, meeting with citizens, transparency, and positive discrimination for minority communities. The law defines rights of specific autonomy in managing local finances of municipalities. These rights have been broken down and specified with a specific law for Finances of the Local Government. Municipalities have the right to decide, to appoint, to collect and spend their own incomes and to receive funds from the government. The municipality is allowed to enter cooperation with other municipalities in favor of the faster local economic development, of the efficiency and effectiveness to offer services tocitizens and diverse groups of interest. The right to cooperate at the local level, as from national intermunicipal aspect and from international municipal one, as well as the right to create and join societies, is one of the promoted rights and principles guaranteed by the Card (KEVL).[19]The law entitles municipalities to create municipal associations, to protect and promote their mutual interests. Municipal associations, as in the international legal system, have no right to exercise any kind of power. The association of municipalities plays the role of interest mediator of the respective associations and can offer services for members of association and not to other public or private subjects. The association creates the environment and builds its capacities to offer to municipalities, to exercise their powers in professional way. The law at the same time gavethe municipality a high autonomy degree but also created double mechanisms to supervise their operation. The labor of the municipal authorities is observed by MAPL and sectoral ministries on one side and from the other one by the citizens themselves through civic initiatives, according to certain legal mechanisms. The cooperation between central and local authorities, legally is built on three basic principles, such as:

[18] MAPL: “Law on the Local Government”, Prishtina 2008, article 70, 71

[19]Council of Europe: “European Card of the Local Government”, article 10.

ISSN (online) 3142-6166

-complete adherence to constitutionality and legislation.

-Strengthening and enabling municipal authorities in implementation of responsibilities.

- Provision of respect for civil rights and liberties.[20]

Also, mechanisms are built, which are not very stable in function of the prevention to violate the law in their operation (previous review) and also, if this doesn't happen, the operation of the municipal authorities is allowed to be reviewed after the decision making and before their implementation by the supervision authority- MAPL. The administrative revision is limited to provision to adjust municipal activities with the constitution and with the law. This provides high autonomy for the municipality.

5. Comparative aspects: Republic of North Macedonia- Kosovo

Field	MK	Kosovo
Local Autonomy	limited in practice	wider and more functional
Local Financing	insufficient	stable
Professional Capacities	low	more advanced
Bureaucracy	high	moderate
Digitalization	at the beginning of process	more advanced

6. Analysis methodology of the Local Government

This part represents the methodological approach used to analyze bureaucratic barriers in the Republic of North Macedonia and Kosovo. The approach is combined (mixed- methods):

- **Documentary Analysis**: review of laws, international relations, strategic documents.

- **Comparative Analysis**: evaluation of differences and similarities in administrative frameworks.

-**Institutional Analysis**: review of internal structures and their operation.

-**Analysis for the service efficacy**: evaluation of impact in the bureaucracy, in services offered.

[20]Assembly of Kosovo: "Law on the Local Government", chapter X, article 74.

ISSN (online) 3142-6166

According to data of national and international organizations over the performance of municipalities: 63% of municipalities in the Republic of North Macedonia report delays in tendering procedures for over **90 days,** 48% of the municipalities report lack in professional capacities in the department of finances, while in the Republic of Kosovo, only 28% of municipalities report similar delays, while 70% use digitalized systems for administrative management.

Municipalities in the Republic of North Macedonia face structural problems of different natures: economic problems with low and unstable budgets, dependence on central grants, lack in self-incomes. We also have burden administrative procedures, prolonged procedures, old fashioned regulations, and lack interinstitutional coordination. Further we take the example of two cases with two municipalities: Tetovo (Republic of North Macedonia), Prishtina (Republic of Kosovo).

Case 1: Municipality of Tetovo (Republic of North Macedonia)

- Faces lack in capital investments.
- Prominent problems in waste management.
- Big administrative delays due to inefficient processes.

Case 2: Municipality of Prishtina (Republic of Kosovo)

- Advanced digitalization of multiple services.
- Increasing transparency through online platforms.
- High realization of infrastructural projects.

Conclusion

The local government in the Republic of North Macedonia has high potential to advance the economic and social development of the country but faces challenges, which require deep reforms and stable cooperation among institutional actors. Only through the enforcement of financial autonomy, increasing administrative capacities and depolitization of the administration, can the local government achieve European standards. Analyses and statistics show that the Republic of North Macedonia faces prominent bureaucratic obstacles which directly affect the performance of the municipalities.

Kosovo represents a more flexible and more decentralized model, from which the Republic of North Macedonia can gain through deep structural reforms. Recommendations are advanced for reforms in:

1. Expanded Fiscal Autonomy- municipalities should manage with more local taxes.
2. Full digitalization of the administration- creating a single electronic national platform.
3. Depolitization by the law- reforms in the Law for Administrative Employees.

ISSN (online) 3142-6166

4. Higher intermunicipal interaction- share of professional sources.
5. Compulsory annual training for the administration.
6. External and compulsory audit for capital projects.

The system of local government continues to face structural, financial, and administrative challenges. The lack in professional capacities, the high budgeting dependence on the central government, incomplete implementation of laws, as well as the institutional fragmentation, limit the potential of municipalities to effectively exercise their powers.

On the other hand, the expanding of transparency, administrative modernization, citizens inclusion and use of technology appear as real possibilities for improvement. Comparison with European practices show that decentralization reforms require stable approach, long-term political support, and investments in building local capacities. In overall, the local government remains one development process, which can achieve more efficient operation through the enforcement of the local autonomy, increasing institutional responsibility and active engagement of the community. Results of this paper emphasize the importance through which the local institutions have to be empowered not only legally, but also, in a way to contribute to the democratic, economic, and social development of the country.

Used Literature:

1. Constitution of the Republic of North Macedonia.
2. Constitution of the Republic of Kosovo.
3. Law on the Local Government – Republic of North Macedonia (2002).
4. Law on the Local Government- Kosovo (2008).
5. Reports of OSCE, European Council, UNDP over the decentralization.

Literature from web pages:

1. https://mapl.rks-gov.net/

ISSN (online) 3142-6166

UDC 353.075(497.115:497.7)(083.77)
UDC 353.075:94(497.115:497.7)

THE DEFINITION AND THEORETICAL APPROACH TO INDIVIDUAL IDENTITY AND INDIVIDUAL NATIONALISM (WITH SPECIAL EMPHASIS ON THE REPUBLIC OF NORTH MACEDONIA)

Author: Ariton Rama

Co-author: Agron Rustemi

Institution: South East European University (SEEU), North Macedonia

E-mail: a.rama@seeu.edu.mk; a.rusitemi@seeu.edu.mk

Abstract

This paper examines the definition and theoretical approaches to individual identity and individual nationalism, analysing how they are formed, developed, and influence individuals' self-perception and relationships with society. Individual identity is understood as a dynamic process encompassing personal characteristics, values, beliefs, experiences, and a sense of social and cultural belonging. Individual nationalism, meanwhile, is explored through individuals' beliefs, attitudes, and feelings toward the nation, national identity, and the role of the nation in social and political life. The paper draws on various theoretical approaches, including social identity theory, the constructivist approach, the psychological perspective, and modernist and ethno-symbolist approaches to nationalism. Particular attention is paid to the influence of family, education, language, culture, historical memory, and social institutions on the formation of identity and national attitudes. The paper aims to clarify the relationship between individual identity and individual nationalism, emphasizing that national belonging may be an important part of personal identity without necessarily implying support for a nationalist ideology. In conclusion, identity and individual nationalism are presented as complex and dynamic phenomena shaped by the interaction of personal, cultural, historical, and political factors.

Keywords: individual identity, individual nationalism, national identity, social belonging, culture, self-perception.

ISSN (online) 3142-6166

Introduction

Identity and its definition are particularly important in the study of international relations, where the subject remains relevant and compelling, whether approached as a source of crisis, doubt, protection, or pride. Can the word "identity" be declined or modified—and does this mean that identity itself can be changed at will? This question is, of course, metaphorical, although it is prompted by a particular motivation. Its roots lie in contemporary thinking about the nature and status of identity as a concept (Berishaj, 2010).

Fixed, traditional identities are increasingly regarded as belonging to the past, and the time has come to cultivate and recognise the fragmentation of identity as a unique subject. Identity has often been treated as fixed and firmly rooted in class, gender, ethnicity, race, and other categories that supposedly secure an individual's place in society. At the outset, it is therefore important to define the concept of identity and acknowledge its relative and varied meanings. Etymologically, the word "identity" derives from the Latin idem, meaning "the same" or "identical"; it refers to identification or a construct associated with something or someone and appears in this form in most modern Western languages.

Identity is a broad concept that has been defined in different ways and through diverse scholarly approaches. It concerns people's understanding of who they are, what kind of people they are, and how they are connected to others. Identity relates to the ways in which individuals and collectivities distinguish themselves in social relations from other individuals and collectivities. It can also describe the condition through which people identify with national symbols and adopt the symbols of a nation. Identities are relatively stable, yet they also involve expectations and understandings concerning the self, social identity, group attachment, difference, dignity, and one's place within particular historical discourses about political and economic structures and boundaries.

These definitions demonstrate that identity is a multidimensional mosaic whose meaning varies according to how it is understood in scholarly or practical social contexts. In their work on identity in the social sciences, American scholars Rogers Brubaker and Frederick Cooper distinguish two principal theoretical approaches: essentialist and constructivist. The former treats identity as given, while the latter argues that identity is constructed. In much academic debate, essentialist approaches have been criticised, while constructivist approaches have become predominant (Brubaker & Cooper, 2000).

Brubaker and Cooper address the concept of identity across a range of social-science discussions and publications. They identify two main theoretical approaches to explaining identity: essentialism, which regards identity as given, and constructivism, which regards it as constructed. Essentialist approaches are frequently criticised in academic debates, while constructivist approaches are more widely accepted (Brubaker & Cooper, 2000).

ISSN (online) 3142-6166

According to these scholars, the term "identity" is used in several ways, each carrying a different meaning or conceptual emphasis:

• Identity refers to the basis and foundation of social and political action, with particular emphasis on the distinction between particularism (the particular or shared) and universalism (the universal or general).

• Identity refers to a specific social phenomenon that establishes a sense of commonality or unity among members of a particular group or category. This meaning is commonly used in literature on gender, racial, ethnic, and national identity.

• Identity refers to the individual or collective core of the self, or to a fundamental condition of social existence that evokes something deep, basic, and foundational among group members. This usage is common in psychological literature.

• Identity as a product of social and political activity highlights the processual and interactive development of collective self-perception and group solidarity, which make collective action possible. This understanding is commonly applied in research on new social movements.

They therefore argue that identity has a dual character: it can be understood relationally or categorically. In some cases, identity is defined through the relationship or relationships between a person or group and others, such as kinship, marriage, or social ties.

In other cases, people identify themselves—or are identified by others—through membership in a group sharing categorical attributes such as gender, language, race, citizenship, ethnicity, and nationality. Identity, however, is never limited to a single attribute; rather, it combines numerous components. It is not rigid, but a continually dynamic and changeable phenomenon.

As a social formation, identity develops through an ongoing constructive process shaped by rational considerations and by the conditions through which people define themselves in their lives. An ancient concept that continues to evolve in the modern and postmodern periods, identity remains an important element in shaping and coordinating the functioning of both individuals and society as a whole.

Comparison of Theoretical Approaches

Theoretical approaches to identity and nationalism offer different perspectives for explaining how individual and collective identities are formed, how a sense of national belonging develops, and which factors influence relations among the individual, the nation, and society. Although these

ISSN (online) 3142-6166

approaches differ in how they interpret the origins and development of identity, they help us understand the complexity of this phenomenon.

Approach	Main idea	Representatives
Primordialism	Identity is connected to ancestry and deeply rooted cultural ties.	Clifford Geertz, in discussions of primordial ties
Modernism	Modern nations and nationalism are linked to transformations in modern society.	Ernest Gellner, Benedict Anderson, Eric Hobsbawm
Ethno-symbolism	Historical memory, myths, and symbols influence the formation of modern nations.	Anthony D. Smith
Constructivism	Identities are formed and change through social and political processes.	Fredrik Barth, Benedict Anderson
Social identity	Group belonging influences self-perception and intergroup relations.	Henri Tajfel, John Turner

A comparison of these approaches shows that they differ mainly in how they explain the origins and development of identity. Primordialism emphasises cultural ties perceived as inherited; modernism focuses on the transformations of modern society; and ethno-symbolism combines the significance of historical heritage with the processes through which modern nations are formed. Constructivism highlights the socially constructed and changeable character of identity, while social identity theory explains the psychological mechanisms through which group belonging becomes part of an individual's self-concept.

In the context of individual nationalism, these approaches can complement one another. For example, an individual's emotional attachment to language and traditions can be interpreted through a primordialist perspective; the influence of schools and institutions can be explained through modernism; the importance of historical memory can be analysed through ethno-symbolism; changes in identity following migration can be examined through constructivism; and solidarity with members of the same nation can be explained through social identity theory. None

ISSN (online) 3142-6166

of these approaches alone explains the full complexity of individual identity and nationalism. A more comprehensive analysis must consider historical, cultural, social, political, and psychological factors. A critical combination of these perspectives helps explain how individuals form their identities, experience national belonging, and develop attitudes toward their nation and other social groups.

1. 1. Political and Ethnic Self-Perception

Individualism is based on the idea that the fundamental units of political or ethical analysis are human individuals, rather than society, race, class, gender, or another group. Libertarianism is a typically individualist political theory. Ethical individualism holds that the primary concern of morality is the individual rather than society as a whole, and that morality is chiefly concerned with individual development and well-being, not merely with relationships to others. Contemporary neo-Aristotelian philosophers such as Ayn Rand, Douglas J. Den Uyl, and Douglas Rasmussen are among the proponents of this view (Libertarianism.org, n.d.).

Nevertheless, not all individualists are egoists. Plato, for example, taught that individuals have ethical obligations to serve the state, even to the point of sacrificing their lives—as illustrated by Socrates in Crito—yet he also considered the individual to be the true beneficiary of moral action. Similarly, although Jesus preached a morality of self-sacrifice, he repeatedly emphasised that every individual is precious in God's eyes and that "the kingdom of God is within you."

Other, altruistic philosophers, including Immanuel Kant and Auguste Comte, argued that each person should devote themselves entirely to serving others without expecting personal reward. Some forms of Protestantism placed particular emphasis on the individual. Martin Luther's doctrine of the "priesthood of all believers" held that the clergy did not constitute a spiritually distinct category of people; rather, each individual had a direct relationship with God through Jesus. Thus, all people are equal before God. Other Protestant denominations stressed individual religious duties and personal commitment to spiritual salvation.

In the seventeenth century, George Fox, founder of the Religious Society of Friends, commonly known as the Quakers, argued that every individual was guided by an "Inner Light" placed within them by God. Many Protestant traditions emphasised individual devotion, including personal Bible reading. Many thinkers of the European Renaissance also stressed the central importance of the individual. The convergence of these trends in seventeenth-century England helped give rise to classical liberalism.

ISSN (online) 3142-6166

Although religious individualism was one of the doctrinal issues that led to bloody conflicts during this period, several figures—particularly Sir Edward Coke and John Milton—advanced political ideas grounded largely in religious and secular individualism.

Coke argued that the guarantees of Magna Carta concerning free people should apply to all subjects, not only to the feudal class to which the term "freemen" had originally referred. Milton, in turn, maintained that government had been established by individuals who chose to join together in society to protect the liberty God had granted to each of them.

1.2 Political Individualism and Individual Rights

Political individualism maintains that rights belong to each person individually, rather than to the group as a whole. From this perspective, the purpose of the state is to protect the individuals who constitute it, not to compel them to serve the state's objectives (Brands, 2002).

As Thomas Jefferson wrote:

"What is true of each member of society individually is true of all of them collectively, for the rights of the whole cannot exceed the sum of the rights of individuals."

Government may therefore be compared to an individual and should act only in ways that would also be permissible for an individual. Self-defence, which a government may exercise on behalf of its citizens, is one example. Political individualism consequently emphasises individual liberty, choice, and self-determination, while rejecting the concept of "victimless crimes" against society.

1.3 Individualism and Communitarianism

Critics of individualism, known as communitarians, argue that individual identity is shaped by social forces and that social roles deserve additional importance, sometimes even taking precedence over personal identity.

John Dewey explained that the dividing line between classical and modern liberalism lay in the recognition that:

"The individual is not something fixed and ready-made at the outset, but something formed and achieved […] with the help and support of cultural, economic, legal, and political institutions," which government should provide.

ISSN (online) 3142-6166

Amitai Etzioni expresses a similar idea when he criticises individualism as "intellectually deficient and morally wrong," because it fails to recognise that identity is shaped to a considerable extent by culture and history. We are born into communities and cultures that initially shape us, influencing our ideas of the good and how we understand ourselves as choosing beings (Etzioni, 1993).

Nevertheless, individualists do not deny that communities exert a powerful influence on people. Nor do they dismiss the importance of social ties or the benefits arising from family and group relationships.

On the contrary, individualists regard these relationships as beneficial to individuals, who must choose to accept them for those relationships to have value for them.

Communitarians reverse this relationship and regard society as the defining entity by which individuals should be judged as good or bad.

For example, Robert Putnam argues that social networks create the social capital necessary for a healthy democracy and that a decline in "civic engagement" has damaged American society. According to the author of the source text, however, this view implies that democracy or society is an end in itself, or an entity capable of assigning value to things. Yet neither is such an entity (Putnam, 2000).

Only individuals can assign value to things, and social relationships or democracy have value, if they have value, only insofar as they benefit individuals.

On the principle that each individual has an inalienable right to themselves, the ability to cooperate depends on finding a social system that respects individual rights. Rather than denying the importance of community, individualism provides a basis for building communities that genuinely meet the needs of their members without undermining the individuality that makes society desirable.

This foundation is built through the recognition of rights and respect for the principle of consent.

The fact that a libertarian society permits, but does not compel, participation in social networks means that people who choose to participate may be more motivated to make those networks successful.

As David Conway observed, a libertarian society "may still be capable of providing its members with greater opportunities for a vibrant and fulfilling community than any other form of society" (Conway, 1998).

ISSN (online) 3142-6166

By contrast, collectivist systems treat individuals as replaceable components of a social organism. In such systems, individual consent is considered irrelevant, while rights are viewed as permissions created and revocable by "society as a whole."

As a result, according to the author, voluntary social networks in collectivist societies tend not to be as strong as those in free societies.

The author acknowledges that communities influence individuals but insists that their value derives from individual choice. The difficulty is that not every choice is made under equal conditions.

Poverty, lack of education, discrimination, and economic dependence can limit an individual's real opportunities. A person may enjoy formal freedom to choose but lack the resources necessary to act on that choice.

This is one reason why other philosophers regard limited or justified intervention by public institutions as a means of expanding freedom, rather than necessarily restricting it.

2. Nationalism, State Individualism, and Albanians in North Macedonia

The Second World War was undoubtedly significant for peoples throughout the world. Albanians and the territories they inhabited were part of the major developments and changes taking place globally, owing to their geostrategic importance. This also affected Albanians who remained within the territory of the Macedonian state. In 1991, the Republic of Macedonia declared independence and separated from Yugoslavia peacefully, without war or major consequences. The country's first president, Kiro Gligorov, assured citizens and the international community that Macedonia intended to function as a multi-ethnic state and contribute to regional stability by maintaining good relations with neighbouring countries. In particular, he emphasised the importance of a constructive partnership with Albanians in Macedonia as equal citizens, reflecting pro-Western values that could accelerate integration into the European Union (Ollomani, 2007; Iseni, 2012).

During the early consolidation of the state, Macedonia's political elite did not openly display its nationalist agenda, and citizens of Macedonian ethnic identity may also have been exhausted by the dissolution of Yugoslavia. Time, however, appeared to show that this was only a temporary "facade" intended to achieve primary national objectives. Over the first 25 years of independence, nationalism became evident in state policies and governance toward Albanians, particularly in the failure to guarantee and fulfil what were considered vital interests of the Albanian population. These tensions contributed to the 2001 conflict, which ended with the Ohrid Framework

ISSN (online) 3142-6166

Agreement—a compromise that led to constitutional changes intended to secure rights that Albanians believed had been denied since the state's establishment. This nationalist context hindered progress toward EU integration. A decisive example, in the author's view, was the Gruevski era and the dispute with Greece over the country's name, when rigid policies prevented consensus on a dispute that had become a barrier to EU accession.

Albanian political leaders and Albanians in the country have argued that EU membership is their priority and aspiration, calling on Macedonia's political elite to act with political maturity and rationality to resolve the name dispute that was holding back the country and its citizens. According to the paper, surveys have consistently shown support for EU membership among citizens of different ethnic backgrounds, even if this required sacrificing some national symbols or elements in favour of the EU's supranational framework. The paper contrasts this position with what it describes as the views of many Macedonians and argues that nationalist expressions toward Albanians and Greeks intensified, including through the "Skopje 2014" urban development project. The project reshaped the capital through references to ancient history which, according to the author, were neither necessary nor beneficial to citizens or to North Macedonia's broader political interests.

The author argues that nationalism has contributed to a deep political crisis, paralysing the state, weakening its functionality, and stagnating the integration process, while making the country appear increasingly isolated and insecure in the region. The paper also compares the national and ethno-religious approaches of political elites in North Macedonia and Serbia, suggesting that both countries' futures ultimately depend on their relationship with the EU. It notes that nationalist parties and political leaders have been losing public support. The paper's broader aim is to argue that Balkan states should build and preserve national identity through a rational form of nationalism: one that protects indigenous values while cooperating with others in pursuit of shared interests within the European Union, thereby contributing to European civilisation, citizenship, and political identity. Nationalism remains a political programme that unites the nation and connects popular identity with territory through the principle of self-determination.

Conclusions

In conclusion, individual and collective identity is one of the fundamental elements for understanding social, political, and international relations. Identity is not merely an expression of ancestry, language, culture, and tradition; it is also a dynamic process shaped and developed through the interaction of individuals with society, political institutions, and historical circumstances. Analysis of theoretical approaches—including primordialism, modernism, ethno-symbolism, constructivism, and social identity theory—shows that national identity cannot be

ISSN (online) 3142-6166

explained by a single factor. It results from the interplay of historical heritage, collective memory, national symbols, institutions, and social and political experiences.

From a theoretical perspective, individualism and nationalism should not necessarily be regarded as opposing concepts. Individualism protects individual rights, freedom, and dignity, while nationalism, in its civic and democratic forms, can serve as a source of unity and collective awareness. However, when nationalism becomes an exclusionary ideology that privileges one ethnic group at the expense of others, it can produce discrimination, social polarisation, and political conflict. For this reason, the protection of national identity should go hand in hand with respect for human rights, civic equality, and recognition of ethnic and cultural diversity.

The case of North Macedonia demonstrates the importance of the relationship between national identity, state organisation, and European integration. The declaration of independence in 1991, the interethnic conflict of 2001, and the signing of the Ohrid Framework Agreement are important milestones in the country's political and institutional development. These events show that state stability cannot rely solely on preserving the majority's identity; it also requires political inclusion, legal equality, and guarantees of rights for all communities that make up society. In this regard, relations between Macedonians and Albanians are essential to the state's democratic functioning and European prospects.

The experience of Albanians in North Macedonia shows that ethnic and national identity is closely linked to demands for political representation, institutional equality, language use, cultural preservation, and equal participation in public life. The Ohrid Framework Agreement is a key reference point in this process, as it sought to establish mechanisms to improve interethnic relations and strengthen the state's multi-ethnic character. Full achievement of these objectives, however, requires the continued implementation of agreements, functioning institutions, the rule of law, and political will for cooperation among communities.

Another important issue is the influence of nationalism on European integration. The name dispute with Greece, resolved through the 2018 Prespa Agreement, and subsequent challenges in the process of accession to the European Union show that identity issues can significantly affect a state's foreign-policy orientation and institutional development.

At the same time, the "Skopje 2014" urban project can be analysed as an example of the use of historical symbolism and architecture to construct a national narrative. Such cases demonstrate that identity is not only a cultural reality but can also become an instrument of politics and the legitimation of power.

In this context, European integration should not be understood as abandoning national identity, but as an opportunity to harmonise it with the principles of democracy, human rights, regional

ISSN (online) 3142-6166

cooperation, and respect for cultural differences. National and European identities can coexist, provided national belonging is not used to deny the rights of other communities or obstruct international cooperation. On the contrary, a strong national identity can contribute to European integration when grounded in historical awareness, culture, citizenship, and mutual respect.

The objective, therefore, should not be to eliminate nationalism, but to develop a democratic, inclusive, and rational form of it. Such nationalism protects language, culture, historical memory, and the right to self-determination without violating the dignity and rights of other peoples. It views the nation as a community capable of preserving its distinctiveness while cooperating with other nations to achieve common interests.

In conclusion, North Macedonia needs a political model that combines national identity with equal citizenship, individualism with social responsibility, and state sovereignty with European cooperation. Only through democratic institutions, interethnic dialogue, the rule of law, and respect for diversity can a functional and stable state be built. National identity should serve as a source of solidarity and historical awareness, not as an instrument of exclusion and conflict. In this way, rational and inclusive nationalism can help preserve national identity while contributing to the construction of a shared European future.

References

Baliqi, B. (n.d.). History and identity [Online material]. Scribd. https://www.scribd.com/doc/8714281/Bekim-Baliqi-Historia-Dhe-Identiteti

Berishaj, M. (2010). Identity and citizenship. Victory College.

Brands, H. W. (2002). The age of gold: The California Gold Rush and the new American dream. Doubleday.

Conway, D. (1998). Classical liberalism: The unvanquished ideal. St. Martin's Press.

Etzioni, A. (1993). The spirit of community: Rights, responsibilities, and the communitarian agenda. Crown Publishers.

Iseni, F. (2012). Albanians of Macedonia, November 1943–December 1944. Institute of Spiritual and Cultural Heritage of the Albanians.

Konrad-Adenauer-Stiftung. (n.d.). Online document cited in the text. https://www.kas.de/wf/doc/kas_39428-1522-2-30.pdf

Libertarianism.org. (n.d.). Individualism, political and ethical. https://www.libertarianism.org/encyclopedia/individualism-political-ethical

ISSN (online) 3142-6166

Ollomani, S. (2007). Ethnic Albania: Dream or reality. [Publisher details missing from the source document].

Putnam, R. D. (2000). Bowling alone: The collapse and revival of American community. Simon & Schuster.

Smith, A. D. (2008). Nations and nationalism in the global era. Dudaj.

Brubaker, R., & Cooper, F. (2000). Beyond "identity". Theory and Society, 29(1), 1–47. https://doi.org/10.1023/A:1007068714468

ISSN (online) 3142-6166

UDC 354.075(497.115:497.7)(083.77)
UDC 354.075:94(497.115:497.7)

THE INFLUENCE OF ETHNIC, CULTURAL, AND RELIGIOUS IDENTITY ON ELECTORAL BEHAVIOUR AND POLITICAL CULTURE IN THE REPUBLIC OF NORTH MACEDONIA

Author: Ariton Rama

Co-author: Agron Rustemi

Institution: South East European University (SEEU), North Macedonia

E-mail: a.rama@seeu.edu.mk; a.rusitemi@seeu.edu.mk

Abstract

This paper analyses the influence of ethnic, cultural, and religious identity on the formation of electoral behaviour and political culture in the Republic of North Macedonia. Taking into account the multi-ethnic and multi-religious character of society, the study examines how collective affiliations, cultural values, and historical experiences influence citizens' political orientations, party preferences, and perceptions of public institutions. In this context, political identity is understood as the outcome of interactions among family socialisation, the educational environment, social networks, political communication, and individuals' experiences with state institutions.

The paper draws on theoretical approaches from political sociology, social identity theory, and the concepts of political culture, collective mobilisation, and social capital. Particular attention is paid to the relationship between ethnic identity and party competition, as well as to the influence of religion and traditional values on perceptions of political representation. The paper also considers the potential tension between ethnic solidarity and the development of an inclusive civic identity, particularly in the context of democratisation and European integration processes.

The paper argues that electoral behaviour is shaped not only by economic interests and political programmes, but also by mechanisms of collective identification, perceptions of community interests, and levels of trust in institutions. The influence of identity, however, is not uniform; it interacts with factors such as age, education, place of residence, socioeconomic status, and individual experience. The paper concludes by emphasising the importance of strengthening

ISSN (online) 3142-6166

democratic political culture, dialogue among communities, and inclusive institutions in order to develop a political system grounded in fair representation, accountability, and active citizenship.

Keywords: ethnic identity, cultural identity, religion, electoral behaviour, political culture, political mobilisation, multi-ethnic society, North Macedonia.

ISSN (online) 3142-6166

1. Ethnic, Cultural, and Religious Identity as Factors Shaping Political Preferences

Ethnic, cultural, and religious identity constitutes an important dimension in the analysis of individual political behaviour, particularly in multi-ethnic and multi-religious societies. These factors influence how individuals perceive themselves, the social groups to which they belong, state institutions, and their relationships with political actors. Electoral behaviour, therefore, cannot be explained solely in terms of economic interests or party programmes; it is also shaped by socialisation processes, historical experiences, cultural norms, and a sense of collective belonging. In the Republic of North Macedonia, the interaction between ethnic identity and political competition is important for understanding democratic development. Ethnic affiliation may influence how citizens evaluate political parties, institutional representation, and public policies. In some circumstances, individuals may support political parties they perceive as representing their community's interests; in others, electoral choices may be determined by government performance, economic interests, corruption, employment, and the quality of public services. Ethnic identity should therefore not be treated as a factor that automatically determines political behaviour, but rather as an element interacting with social and institutional circumstances. Its significance depends on how political parties articulate identity, how collective interests are perceived, and the degree of citizens' trust in democratic institutions. (Tajfel & Turner, 1979).

1.2. Political Socialisation and the Formation of Electoral Orientations

Political socialisation is the process through which individuals acquire knowledge, values, attitudes, and behavioural patterns related to the political system. It begins in the family and continues through schools, universities, social groups, the media, and direct experiences with public institutions. The phenomenon described here is known as ethnic voting or bloc voting and is a prominent feature of multi-ethnic societies or societies divided along identity-based lines.

In such settings, political dynamics often operate according to several key principles:

• Voting as a protective mechanism: Citizens may view their vote not merely as support for an economic or social programme, but as an essential safeguard for securing representation and preventing domination by other groups. (Rabushka & Shepsle, 1972).

• Polarisation of the political offer: Political parties may find it easier to mobilise voters through national identity and fear of the "other" than through promises of structural reform, justice, or economic development. (Rabushka & Shepsle, 1972).

ISSN (online) 3142-6166

• Intra-group competition: The principal political contest may shift within the same ethnic bloc—over who is the most effective defender of the group's interests—thereby weakening ideological competition between left and right. (Rabushka & Shepsle, 1972).

The family plays an important role in transmitting historical memory, cultural values, and attitudes towards political parties. In many cases, parents' political orientations can influence the preferences of younger generations. This influence, however, is not fixed. Education, professional experience, migration, digital communication, and contact with different social groups can generate new political perspectives. Voting, in this context, cannot be analysed solely as a choice between economic programmes or political ideologies. For some voters, it is also associated with expectations of political security, institutional representation, and the protection of collective interests. This does not mean that all citizens vote according to ethnic affiliation or that ethnic divisions alone explain electoral behaviour. An important feature of politics in North Macedonia is the relationship between political representation and collective identity. For some Albanian voters, the ballot may be perceived as a means of securing representation in state institutions, implementation of linguistic and cultural rights, and participation in decision-making. Similarly, for some ethnic Macedonian voters, voting may be linked to preserving national identity, safeguarding the state's integrity, and defining its constitutional character.

In North Macedonia, political socialisation should also be examined in relation to the differing experiences of ethnic communities, perceptions of institutional equality, and opportunities for participation in public life. If citizens believe that institutions do not respond equally to their needs, this may affect political trust and their choice of party alternatives. Conversely, educational institutions and civil society can help develop a political culture based on critical thinking, tolerance, respect for differences, and evaluation of political programmes. Political socialisation thus serves not only to transmit existing identities but also to reshape them. (Piacentini, 2019).

2.1. Ethnic Identity and Party Competition

Ethnic identity can become an important source of political mobilisation, particularly when political parties organise their programmes and communications around representing the interests of specific communities. In multi-ethnic societies, this relationship may shape the structure of party competition and how citizens interpret electoral alternatives. (Horowitz, 2016).

In the Republic of North Macedonia, analysing electoral behaviour requires examining the relationship between ethnic representation and policy issues such as economic development, education, employment, the rule of law, and the fight against corruption. Some voters may assess

ISSN (online) 3142-6166

parties according to their ability to represent community interests, while others may attach greater importance to tangible governance outcomes.

This raises an important democratic dilemma: to what extent does collective identity strengthen political representation, and under what circumstances can it constrain competition based on policy programmes and results? On the one hand, ethnic representation can help articulate communities' demands and include them in decision-making processes. On the other hand, when ethnic identity becomes the dominant criterion for political choice, institutional accountability and government performance may receive less attention. (Wagner, 2014).

This does not mean, however, that voters with strong ethnic identities necessarily act irrationally. Their choices may reflect reasonable perceptions of representation, security, equality, and community interests. Scholarly analysis should examine how these perceptions are formed and under what conditions they change.

2.2. Religion and Cultural Values in Individual Political Orientation in the Republic of North Macedonia

Religion represents another important dimension of social identity because it influences the formation of moral norms, collective values, and perceptions of authority, justice, and individual responsibility. Beyond its spiritual dimension, religious institutions and networks can foster solidarity and trust, influencing social participation and, in certain circumstances, political mobilisation. Analysis of the relationship between religion and politics should distinguish religious affiliation, the degree of religious practice, cultural values, and ethnic identity. These elements may overlap, but they are not necessarily identical and do not always produce the same political orientations. (Markov, 2021).

In a multi-religious society such as North Macedonia, religion often intersects with ethnic and cultural identity. Its political influence therefore cannot be analysed separately from the historical and social context. Religious affiliation may shape attitudes towards moral and cultural issues, but it does not determine an individual's party orientation uniformly.

Religion and cultural values are important factors in understanding individual political orientation in the Republic of North Macedonia. In a multi-ethnic and multi-religious society, religious beliefs, cultural traditions, and collective identities may influence how individuals perceive state institutions, political parties, democracy, and relations among communities.

An important distinction is that between individual religiosity and the political use of religious symbols or institutions. In the first case, faith may serve as a source of moral guidance and solidarity. In the second, political actors may use religious references to strengthen group identification or mobilise electoral support. (Markov, 2021).

ISSN (online) 3142-6166

Consequently, analysis should consider not only whether religion influences political behaviour, but also how that influence is mediated by education, generation, urbanisation, personal experiences, and political communication.

Conclusion

- One of the central challenges facing multi-ethnic democracies is the development of a civic identity that can coexist with ethnic, cultural, and religious identities. Civic identity rests on the principle that all citizens enjoy equal rights and should have equal opportunities for political participation, regardless of their background.

- In the Republic of North Macedonia, developing an inclusive political culture requires community representation to be accompanied by effective institutions, transparency, accountability, and equal enforcement of the law. Formal representation alone does not necessarily guarantee institutional trust or active citizen participation.

- In this context, civic education, intercultural dialogue, and cooperation among communities can create opportunities to overcome prejudice and develop shared interests. Issues such as the quality of education, economic development, social protection, and the environment can provide areas for cooperation across identity-based divisions.

- Civic identity should not, however, be understood as replacing or denying ethnic and religious identities. It can develop alongside them, creating a common framework of rights, duties, and democratic responsibilities.

References

Horowitz, J. (2016). The ethnic logic of campaign strategy in diverse societies: Theory and evidence from Kenya. Comparative Political Studies, 49(3), 324–356. https://doi.org/10.1177/0010414015617963

Markov, I. (2021). Politicization of everyday ethnicity and religion in North Macedonia. Glasnik Etnografskog instituta SANU, 69(1), 47–63. https://doi.org/10.2298/GEI2101047M

Piacentini, A. (2019). State ownership and “state-sharing”: The role of collective identities and the sociopolitical cleavage between ethnic Macedonians and ethnic Albanians in the

ISSN (online) 3142-6166

Republic of North Macedonia. Nationalities Papers, 47(3), 461–476. https://doi.org/10.1017/nps.2018.8

Rabushka, A., & Shepsle, K. A. (1972). Politics in plural societies: A theory of democratic instability. Charles E. Merrill Publishing Company.

Tajfel, H., & Turner, J. C. (1979). An integrative theory of intergroup conflict. In W. G. Austin & S. Worchel (Eds.), The social psychology of intergroup relations (pp. 33–47). Brooks/Cole.

Wagner, W. M. (2014). The overstated merits of proportional representation: The Republic of Macedonia as a natural experiment for assessing the impact of electoral systems on descriptive representation. Ethnopolitics, 13(5), 483–500.

ISSN (online) 3142-6166

UDC 355.075(497.115:497.7)(083.77)
UDC 355.075:94(497.115:497.7)

A COMPARATIVE ANALYSIS OF THE PRESIDENTIAL ELECTION PROCESS IN KOSOVO AND NORTH MACEDONIA

Lindita Neziri[1]

Mother Teresa University, North Macedonia, lindita.neziri@unt.edu.mk

Diturije Ismaili[2]

Mother Teresa University, North Macedonia, diturije.ismaili@unt.edu.mk

Argëtim Saliu [3]

Mother Teresa University, North Macedonia, argtim.saliu@unt.edu.mk

Abstract

The President is the Head of State and a symbol of national unity. The role, powers, and electoral method depend on a country's political system and constitutional framework.

Kosovo and North Macedonia are parliamentary republics. An in-depth analysis of their constitutional and legislative frameworks shows that, despite sharing the same model of governance, the electoral method/process for electing the President of the Republic differs significantly.

In Kosovo, the President is elected by the Assembly requiring a qualified majority in the first two rounds and a simple majority in the third round. This process emphasizes parliamentary consensus and political negotiation, often involving inter-party agreements. If no candidate is elected, the Assembly is dissolved, and new parliamentary elections must be held.

ISSN (online) 3142-6166

In North Macedonia (RNM), the President is elected directly by the citizens. The election process involves one or two rounds, depending on whether a candidate secures an absolute majority in the first round. This system prioritizes citizen participation and electoral legitimacy, giving the President a mandate derived directly from the electorate. If the required conditions are not met, the entire procedure is repeated.

This study highlights the similarities and differences of the presidential electoral process of Kosovo and RNM and offers recommendations for strengthening democracy and ensuring effective governance in both countries.

Keywords: *President, election, Kosovo, North Macedonia, Assembly.*

Introduction

The President of the Republic is considered the highest state authority. The political position of the President and its powers depend on the state's political system (presidential, parliamentary, semi-presidential or semi-parliamentary), constitutional organization of the Republic as well as the presidential electoral process (Neziri, 2024:148).

The key characteristic of the countries with the presidential political system is that the President of the Republic exercises extensive powers and holds a strong political position due to the legitimacy gained through general and direct election (by citizen's vote). In contrast, in countries with the parliamentary political system, the President of the Republic is elected by the Assembly (indirect election, by vote of deputies) and exercises ceremonial/symbolic and representative powers (Neziri, 2022: 251).

Kosovo and North Macedonia (RNM) operate as parliamentary republics. Nevertheless, RNM cannot be defined as a pure parliamentary Republic. The Constitution of RNM has elements from the presidential system (such as: the election of the President through a direct vote, by citizens' vote) as well as from the parliamentary political system (such as: cooperation between the executive and the legislative) (Neziri, 2024:160).

The first President of RNM (1991) was elected by the Assembly of RNM (by indirect elections), while all subsequent Presidents (from 1994 to the present) were elected through general and direct elections (Vasilev & Treneska & Smilevski, 2024).

The study is structured into three parts. The first and second sections provide a detailed analysis of the Constitution provisions and positive laws that regulate the conditions and procedures for

ISSN (online) 3142-6166

electing the President in Kosovo and RNM, while the third section provides comparison of the current presidential electoral process, highlighting the key differences and similarities. The comparative analysis focuses on the comparison of the key electoral components such as: candidacy requirements, electoral method, election process and institutional consequences of electoral failure.

The paper provides theoretical knowledge which can contribute to the academic literature on public administration and political science.

The research question is: *What are the main similarities and differences in the presidential electoral process between Kosovo and North Macedonia?*

The research hypothesis is as follows: *Although Kosovo and RNM operate under the same political system, the procedure/method of electing the President of the state differ significantly.*

Research methods

For the purposes of this study, we use descriptive-comparative methods, along with analysis of constitutional and legal provisions, academic literature, scientific articles and official websites. The research focuses on examining the Constitutional provisions of North Macedonia and Kosovo, as well as relevant positive laws such as the Electoral Code (of both countries), the Law on Government (of both countries), the Law on the President of Kosovo and the Rules of Procedure of the Assembly of Kosovo.

1. Analysis of the Presidential Electoral Process in Republic of North Macedonia

The procedure for electing the President of the Republic is regulated by the Constitution and the Electoral Code (Neziri & Saliu, 2025: 97).

According to the Constitution, the President of RNM is elected through direct, general and secret ballot for a five-year term (article 80). Every North Macedonian citizen aged 40 or older, who has lived in the country for at least ten of the past fifteen year, hasn't been elected twice as a President of the state and has secure signatures from either 10,000 voters (registered in the Voters List) or 30 members of Parliament (MPs) has the right to run for President of the State (article 81).

The presidential elections are organized throughout the entire territory of the RNM, including the diplomatic-consular missions of the RMV in Africa and Europe; Australia and Asia; South and North America; as an electoral unit (Electoral Code, article 4).

ISSN (online) 3142-6166

The right to vote has every Macedonian citizen registered in the Voter's List. The right to vote is equal, universal and inviolable. The President is elected during the last 60 days of the previous President's term. If the President's mandate ends early due to reasons specified in the article 81 of the Constitution (resignation, death or permanent inability to exercise office), then the new President must be elected within 40 days from the day of the termination of the mandate. The announcements for the presidential election is made by the Speaker of the Assembly, the act is submitted to the State Election Commission, Ministry of Foreign Affairs, Ministry of Justice and published in the "Official Gazette of RNM (Electoral Code, article 4-12). Citizens are informed through public notification (Electoral Code, article 13). The election campaign starts 20 days before the elections day. The day before the day of elections is a day of electoral silence (Electoral Code, article 69).

The presidential election typically consists of two rounds. Each Macedonian citizen registered in the Voter's List may vote, each voter can vote for only one candidate. In the first round, a candidate can be elected as a President of the State if he/she receives an absolute majority (50%+1 vote) of all registered voters. If neither candidate reaches the required majority, a second round is held within 14 days between the two candidates who received the highest number of votes. In the second round, the winner must obtain a simple majority, and at least 40% of registered voters must participate and vote. Failure to meet these conditions results in a repetition of the entire election process (Electoral Code, article 121-122).

According to the Constitution, the mandate of the President begins with signing the Solemn Oath of Office at the Assembly of RNM. The President declares that he/she will perform the duties/functions of the office with dignity and responsibility, will respect the Constitution and the laws, as well as protect the sovereignty and territorial integrity.

By assuming office, the President has the duty to: "*represent the state, serve as Supreme Commander of the Army of RNM*, *determine the mandate for constituting the Government, nominate two judges of the Constitutional Court, two members of the Judicial Council and three members of the Security Council; appoint and revoke ambassadors and diplomatic representatives of RNM abroad; appoint and dismiss state officials as determined by the Constitution and the laws; award titles of gratitude and awards as defined by laws, grant pardons in accordance with the law, perform other constitutional duties*" (article 84).

President of the state enjoys immunity during the term in office, but he/she held responsible in case of infringing the Constitution or the laws. The procedure for determining the President's responsibility is initiated by the Assembly (with a 2/3 majority of all MPs), while the decision upon the President's responsibility is taken by the Constitution Court (with a 2/3 majority). If the Constitutional Court finds violations that result in the termination of the President's mandate, it

ISSN (online) 3142-6166

sends the decision to the President of the Assembly and after publishing it in the Official Gazette of RNM, the President of the Assembly has to announce new presidential elections.

The first President of independent Macedonia was Kiro Gligorov (1991-1999). He served two mandates. In the first mandate he was elected by secret ballot by the Macedonian Assembly, while in the second mandate (in 1995) he was elected by citizens (through general and direct election). Since 1995, all subsequent Presidents : Boris Trajkovski (1999 – 2004), Branko Crvenkovski (2004-2009), Gjorge Ivanov (2009-2019), Stevo Pendarovski (2019-2024), and lastly Gordana Siljanovska – Davkova, were elected through general and direct elections.

2. Analysis of the Presidential Electoral Process in Republic of Kosovo

The conditions and the procedure for electing the President of Kosovo, are regulated by the Constitution, the Law on the President as well as the Rules of Procedure of the Assembly (Neziri & Saliu, 2025: 98).

According to the Law on the President, as a candidate for President may be any citizen of Kosovo which is 35 years old or older, has lived in Kosovo for at least the last ten years and has gathers the signatures of at least 30 deputies of the Assembly. Considering that each candidate must obtain the signatures of at least 30 deputies, and each deputy may only sign for one candidate, presidential election includes minimum two candidates and maximum four candidates. The President is elected by the Assembly in secret ballot, in unique and solemn session. The election shall be made at least 30 days before the end of the mandate of an a actual President (articles 3- 4)

The presidential election involves three rounds of voting. Considering the fact that in the first and in the second round, the President is elected by 2/3 votes of all deputies of the Assembly, it is necessary participation and vote of at least 80 deputies. If no candidate is elected in the first two ballots, then a third ballot is held. In the third ballot, deputies vote for one of two candidates that have the highest number of votes in the second ballot. In third round, the President is elected by 61 votes, meaning that at least 61 deputies must participate and must vote (Rules of procedure of the Assembly, article 106). If, even in the third round, no candidate achieves the required number of votes, due to the failure of electing the President of the Republic, the Assembly is dissolved and new parliamentary elections must be held within 45 days (Constitution, article 86).

The President's mandate lasts 5 years and there is a possibility of re-elected only once. During the mandate, the President cannot perform other public or political party functions (Rules of procedure of the Assembly, article 88).

ISSN (online) 3142-6166

By assuming office, the President is obliged to: *"represent the country (internally and externally). guarantee the functioning of constitutional institutions, convene Assembly's first meeting, announce parliamentary elections, lead the foreign policy of the country, sign international agreements, receive credentials letters; command the Kosovo Security Force, lead the Consultative Council for Communities, appoint the candidate for Prime Minister, appoint the President of the Supreme Court, appoint judges to the Constitutional Court (upon the proposal of the Assembly), appoint the Governor of the Central Bank of Kosovo, as well as other public officials; declares State of Emergency (in consultation with the Prime Minister), grants titles of gratitude, medals, and awards in accordance with the law, grants individual pardons in accordance with the law" (* Constitution, article 84).

The President of Kosovo enjoys immunity from civil lawsuit, prosecution and dismissal for actions or decisions that are within the scope of responsibilities of the President of the state.

If the President is temporarily unable to perform the duties and responsibilities, she/he may voluntarily transfer the duties/responsibilities of the position to the President of the Assembly who shall then serve as Acting President of Kosovo (for a period for no longer than six months).

The President may be dismissed by the Assembly in cases where a serious illness prevents the President to perform the responsibilities and duties of the office, in case of a serious violation of the Constitution and upon a conviction for a serious crime. The procedure for dismissal is initiated by the Assembly members, but the decision for dismiss is taken by the Constitutional Court (Constitution, article 91).

Since 1999, Kosovo has had six presidents: Ibrahim Rugova (2001–2006), Fatmir Sejdiu (2006–2010), Behgjet Pacolli (February–April 2011), Atifete Jahjaga (2011–2016), Hashim Thaçi (2016–2020). Currently, Vjosa Osmani serves as the President of Kosovo.

3. A Comparative Analysis of the Presidential Electoral Process in Kosovo and North Macedonia: Differences and similarities

Differences in the procedure/method of electing the President of the Republic (North Macedonia vs. Kosovo):

- **Candidacy requirements (qualification necessary to be elected as a President)** - In RMV, a candidate for President shall be 40 years old or older and must be nominated by at

ISSN (online) 3142-6166

least 30 deputies or 10,000 voters registered in the Voters' List. In Kosovo, a candidate for President shall be 35 years old or older and must be nominated by at least 30 deputies.

- **Method of election (eligible voters) –** in the RNM, the President is elected by the citizens (direct election), while in Kosovo the President is elected by the Assembly – (by deputies as a citizens representatives - indirect election).
- **The number of candidates for President** – In RNM, the election must include at least two candidates and there is no limit to the total number of candidates. In Kosovo, the election must include a minimum of two candidates and no more than four candidates.
- **The election procedure (voting procedure) -** In RNM, the President is elected by the citizens. The presidential elections consist of two rounds. In the first round absolute majority (50% +1of all registered voters) is required. In the first round absolute majority is sufficient but at least 40% of registered voters must participate and vote. In Kosovo the President is elected by the Assembly. The Presidential electoral procedure includes up to three rounds. In the first two rounds, a two thirds majority (80 votes) is required, while in the third round a simple majority (61 votes) is sufficient.
- **The institutional consequences of electoral failure** – In RNM, failure to elect the President, results in a repetition of the entire presidential election process. In Kosovo, failure to elect the President, results in the dissolution of the Assembly and new parliamentary elections must be held.

Similarities in the presidential election procedure (North Macedonia vs. Kosovo):

- **The duration of the mandate** – the President of R. of Kosovo and the President of the R. of North Macedonia are elected for a five-year term;
- **Possibility of being re - elected once** – According to the Constitution (in RNM and in Kosovo), there is a possibility of re-electing once. These means that the President may be elected to serve as a President of the Republic for no more than two mandates.

Conclusion and recommendation

Kosovo and RNM operate as parliamentary republics. Even though they share the same model of governance, the comparison highlights a fundamental difference in the method/procedure of electing the President of the State.

ISSN (online) 3142-6166

The study shows two models of electing the President within the parliamentary political system: one based on institutional consensus and political negotiation (Kosovo) and the other based on direct election (citizen participation) and electoral legitimacy (RNM).

When applied transparently and inclusively, both models contribute to good governance and the development of democracy. Effective governance requires transparent elections, fairness, strong democratic institutions, and active civic participation, all of which are essential for strengthening democracy and ensuring effective governance in both countries.

Reference

[1] Constitution of the Republic of North Macedonia with amendments to the Constitution I-XXX, available online at: https://www.sobranie.mk/

[2] Constitution of the Republic of Kosovo available online at: https://gzk.rks-gov.net/

[3] Electoral Code " Official gazette of the Republic of North Macedonia", no. 40/06, 136/08, 148/08, 155/08, 163/08, 44/11, 51/11, 54/11, 142/12, 31/13, 34/13, 14/14, 30/14, 196/15, 35/16, 97/16, 99/16, 136/16, 142/16, 67/17, 125/17, 35/18, 99/18, 140/18, 208/18, 27/19 98/19, 42/20, 74/21 and 215/21) available online at: https://www.ifes.org/

[4] Law no. 003/L-073 on general elections in the R. of Kosovo

[5] Law no. 03/L-094 on the President of the Republic of Kosovo, available online at https://president-ksgov.net/

[6] Neziri, L. & Saliu, A. (2025). Comparative analysis of the political system of North Macedonia and Kosovo. *Knowledge - International journal* , *70*(1), 95–100. Retrieved from https://ojs.ikm.mk/index.php/kij/article/view/7547

[7] Neziri, L. (2024). The state as a specific organisation of society: State organisation of North Macedonia. *Knowledge - International Journal* , *62*(1), 147–151. Retrieved from https://ojs.ikm.mk/index.php/kij/article/view/6572

[8] Neziri, L. (2024). The role and place of the Parliament in the political system of the Republic of North Macedonia: Relations between the legislative power and the executive power. *Knowledge - International Journal* , *62*(1), 159–162. Retrieved from https://ojs.ikm.mk/index.php/kij/article/view/6574

[9] Neziri, L. (2024).Public Administration and the state. *Knowledge - International Journal* , *63*(1), 99–102. Retrieved from https://ojs.ikm.mk/index.php/kij/article/view/6670

ISSN (online) 3142-6166

[10] Neziri, L. (2022). Analysis of the electoral system for presidential elections in the Republic of North Macedonia: Advantages and disadvantages. *Knowledge - International Journal* , *51*(1), 251–256. Retrieved from https://ojs.ikm.mk/index.php/kij/article/view/5061

[11] Pankovski, M. & Mladenovska, S. (2019), The Republic of Macedonia's 2019 Presidential Elections Handbook, Skopje available online at: https://www.kas.de/

[12] Pollozhani, B., & Mucaj, F. (2018). E drejta kushtetuese. Prishtina, pp.380-401.

[13] Rules of Procedure of the Assembly of the Republic of Kosovo available online at: https:// https://gzk.rks-gov.net/

[14] Vasilev, Gj & Treneska, J. & Smilevski, T. (2024), Handbook on 2024 Presidential Elections in the Republic of North Macedonia, Skopje, available online at: https://izbornaarhiva.mk/

ISSN (online) 3142-6166