

CAUSES, CONSEQUENCES AND PECULIARITIES OF CORRUPTION IN THE REPUBLIC OF NORTH MACEDONIA

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Abstract

Over the years, especially since 2010, in the Republic of North Macedonia, at all social levels, the phenomenon of corruption is talked about and discussed loudly.

The European Commission has assessed that corruption in North Macedonia is widespread in all spheres of the state and remains worrying. Although there is progress in the harmonization of legislation with the European Union, there is a delay in the practical implementation of laws, and instead of progress, corruption and bribery are increasing! The assumption is that the causes of corruption in RNM are from the influence of politics in state institutions, especially in the judicial and independent ones, until the capture of the state by stripping the state together with its own institutions of professionalism and independent work. The research aims to identify the causes of the high level of corruption in the country, as a social phenomenon, using the method of content analysis, the behavior and orthopractice of state policymakers, to suggest the raising of social consciousness to prevent corruption.

Keywords: corruption, politics, social conscience, state

Introduction

North Macedonia is ranked 76th out of 180 countries in the latest corruption perception index published by Transparency International. Although compared to 2022, Macedonia has seen an increase, when it was ranked 85th, corruption still has a high degree in the overall ranking. All reports of international relevance suggest that in Macedonia the level of corruption has stifled the country's development. High corruption has already undermined the rule of law, created distrust in the judiciary, and weakened public institutions. In 2023, only 2% of surveyed citizens believe in the judiciary, fully 78% of citizens believe that corruption is very widespread. The changes to the Criminal Code in September 2023, where with a quick procedure the deputies of the Assembly of RNM, voted on the changes to the Criminal Code, which shortened the prison sentences for elected officials for abuse of official position and cooperation in crime, still had an impact more for the decline of citizens trust in the judiciary and other executive institutions. Corruption, bribery, nepotism, public procurement, and organized crime, have become part of and social discourse of behavior in all public instances.

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In recent years, Macedonia has been involved in numerous corrupt affairs at high political and state levels, some of which have deeply concerned the country's citizens. These include the corrupt case of the 'Special Prosecution,' as well as the 'Reket,' 'Trezor,' and 'Imperia' cases, along with the amendment of the Penal Code regarding the statute of limitations on criminal offenses. In many instances, due to the negligence of the judiciary, politicians and their associates were released from charges or prison. Politics has infiltrated all public institutions, holding reforms and progress in the fight against corruption hostage, particularly in the areas of justice and the country's economy. As a very invasive phenomenon, it has gnawed at all the pores of society. Corruption has broken the principle of universal equality of all citizens before the law, which is also regulated by the constitution in Macedonia.

1. History and definition of corruption

Corruption throughout history has been a universal and permanent social phenomenon, recorded since the 13th century in France, and it appears and spreads whenever there are public resources that can be diverted to private funds and used for personal purposes. The more natural resources are exploited for individual or group purposes, the higher the level of corruption will be, and the more often corrupt actions will be repeated. Corruption is committed and repeated in those cases when individuals who have corrupt tendencies are closely connected from a social perspective and if they are well organized, have a higher status in the organizational hierarchy (public administrators and high-level institutions), respectively when they are closer to decision-making centers, as well as when they are less exposed to forms of social control. According to this, corruption as a social phenomenon has the same basic structure in all societies, while the only difference lies in the fact in non-democratic societies there is no clearly defined bureaucratic regulation of the distribution of public resources, along with a lack of administrative control, from the bottom up or from the inside out. Sociopolitical and economic studies have proven the thesis that political structures (political parties) that remain in power for a long time, regardless of the electoral system, the degree of democracy, or political ideology, begin to dominate all political institutions and levels, including those institutions that should be supervised by the government and punished by law. This social process culminates in the highest level of corruption, known as organized corruption, when in more democratic societies is known as corporate corruption, when politics or the state itself transforms into a large corrupt organization.

North Macedonia is currently the best example of a political structure (political power) that has reached this highest level of the state-political connection with corruption.

2. The role of preventive policies against corruption - challenges and perspectives in North Macedonia

The characteristics and elements of corruption, most often, are known as illegal behavior, nepotism, conditions and embezzlement, misuse of public position for personal purposes, actions contrary to ethical norms and values, enrichment without a legal basis, loss of trust in the state and society in general, the intensity or the horizontal and vertical extent of corruption in society, depends on the state regulation and the implementation of laws, the influence of the state on judiciary, economy, the efficiency of the penal apparatus, social circumstances, social development, the level of education and the moral values of society. When dealing with the causes and consequences of corruption in the Republic of North Macedonia, the reference point is the role of preventive policies and systemic mechanisms for its prevention, which means activity and action organized and implemented by state institutions, such as the Government, the Assembly the Prosecutor's Office public, judiciary, and state administration.

In RNM, the strategies and legal regulations for prevention against corruption have already been approved, but these legal acts, strategies, and commissions, it is a fact accepted by everyone, but they do not give the expected results, in fact, in the last two or three years, corruption at all levels has increased. Of all types, political corruption through the preparation and approval of laws with legal loopholes, tax avoidance, etc., to realize "projects" for extortion of the state, such as, for example, the several times extended law on the legalization of facilities without permission, such as a law with a high risk of corruption, the law for the confiscation of unjustified assets of officials and politicians, or the law for the financing of political parties, or the media. In this way, the role of the state minimizes the power of politics, respectively narrowing the scope of the state institutions in the field of corruption. Not by chance, in Macedonia the three institutions most called upon to fight against corruption (the police, the

prosecution, and the judiciary) remain the most corrupt in the country and the least trusted by citizens. The ideal definition that portrays corrupt societies, such as Macedonia, in which the mafia rules and is compatible with partyocracy, is that of two professors of criminal law, Leopoldo Franketi and Sidnei Sonino (2012), according to whom, “the mafia is a social institution, a social class composed of so-called businessmen linked to each other for self-interest, an invincible social force with a political strategy and close ties between state functionaries, public administrators and people from the political sphere”. The most generally accepted way to prevent corruption is to strengthen the state administration system (independent of politics) through laws and procedures by adopting anti-corruption laws, replacing state and political institutions (police, prosecution, and judiciary), creating networks of control mechanisms (internal and external), raising citizens’ awareness of the risk of corruption, choosing corrupt cases based on material evidence with a short procedure. Even though it is difficult to provide evidence to prove corruption, because most corrupt cases take place without witnesses, again the implementation of this strategy in the institutional sense means failure in three basic directions of the fight against corruption: the decline of the influence of the state, accountability and motivational system. In other words, the fight against corruption can achieve greater success even with increased transparency in economic and political decision-making, a clear definition of nepotism and conflict of interest, by appointing to the supervisory council individuals who are not close to political parties, and fewer with the state administration, and finally, increased control at all political and economic levels.

Conclusions

Postmodern democracy is based on the principles according to which the judgment as a citizen’s perception, even in cases where there is not enough material evidence, has chosen many corrupt affairs, because the public opinion has the right to know everything about finances, property and money routes, to those who entrusted the leadership of the country.

Citizens must have a guarantee that those who manage their money are not corrupt because politicians must account for them. The results of this research from the analysis of the content of texts and documentation, the judicial archive, reports from the perception of citizens on the level of corruption, the anti-corruption commission and the reports of international organizations, and their comparison, together with the observation of corrupt behaviors, show the extent of corruption at all levels of public institutions in Macedonia. The causes of corruption in RNM are, the influence of politics in state institutions, especially in the judiciary and independent ones, to the capture of the state by stripping it, along with its institutions, of professionalism and independent work. Corruption in Macedonia in terms of the forms of manifestation and the ways of action entered the types of illegal corruption, where the elite does not face any compelling incentive to limit corruption, the rapid changes of the Criminal Code this year, are the best example of this institutionalized behavior of corruption in the country.

1. The research has shown that the main causes of corruption in Macedonia are different, starting from a) the low degree of democratization of the country authoritarian governments and leaders, lack of legal regulation on the use of public resources, control over the work of the carriers of public functions, holding power for a long time by a political structure (party or coalition), which in the case of Macedonia has resulted in complete control of the judiciary, control of deputies by government, b) the adoption of laws that indirectly encourage corrupt behavior (for example, the law on the legalization of illegal objects and frequent changes to this law) represent a source of high corruption, the media controlled by the state, the lack of transparency on the part of public institutions resulting in the capture of the state by politics, to c) the absence of a law for the confiscation of unjustifiable assets, the lack of political will to fight corruption as well as the culture of corrupt behavior.

2. The results from the analysis of the research documentation and their interpretation bring to the surface the consequences of the failure to fight corruption in RNM, highlighting the loss of citizens' trust in the country's institutions, the collapse of the state, the spread of corruption in all spheres of life social and increasing poverty and uncertainty about the future.

3. The findings of this analysis determine the following suggestions: a) to create awareness and increase awareness of the prevention of corruption to change corrupt behavior, through media campaigns, from the family to educational programs about the importance of morality in society, b) strengthening regulations and the rule of law, making public administration, the judiciary and other independent state institutions independent, c) increasing external and internal control and increasing the responsibility of public office bearers, d) the deputies of the Assembly of RNM, performing their duties responsibly, engage not only declaratively in the fight against corruption and restore their dignity and that of the Assembly as the most powerful law- making body.

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