

THE ROLE AND ORGANIZATION OF PENAL INSTITUTIONS IN THE REPUBLIC OF NORTH MACEDONIA AND KOSOVO

Jetmire ZEQRIRI

Faculty of Law, University of Tetova

Abstract

This theoretical-comparative research addresses the nature of penology as part of the legislative systems of the Republic of Northern Macedonia and the Republic of Kosovo, specifically the system of penal institutions in these two countries. The actual intent and motive of the judicial reforms and the unstoppable criticism of the governments of both countries by the relevant international and European institutions as well as by the relevant domestic governmental and non-governmental institutions for the overall state of the system of the role and organization of the penitentiary institutions was for this research topic "*The Role and Organization of Penal Institutions in the Republic of North Macedonia and the Republic of Kosovo*".

For the purposes and tasks of this research many relevant documents have been analysed and detailed starting from the applicable legislation in this segment of the two countries, namely penology as a whole from relevant scientific literature, reports of European Commission on Fundamental Rights 2012-18, ombudsman's 2012-18 annual reports, research by non-governmental organizations Helsinki Committee and Civil 2015-17, Reports of- *Kosova Rehabilitation Centre for Torture Victims (KRCT)*, reports by the statistical office of the two countries concerned as well as annual reports by the Basic Court and the Ministry of Internal Affairs..

From this research, it was concluded that the current state of the penitentiary institutions in the two countries concerned is almost at the same level as the reports in question, and that the improvement of the situation in this year is insignificant under the fundamental human rights requirements in fact. Prisoners, the still deplorable and catastrophic physical conditions, the number of prisoners outside the standards and parameters set for those institutions, the use of outdated and inhumane means and methods, the very low funding allocated by the state for prisoners' heads, etc.

Keywords: Penitentiary; Penology; Fundamental rights; Jail; legislation; Low etc.

1.Introduction

Prison is an institution that "by definition" punishes, depresses, marginalizes, stigmatizes, isolates, amputates several socially desirable characteristics, such as initiative, self-confidence, autonomy; in general, it hinders the normal development of the convict.

On the other hand, it is emphasized that the goals of punishment are (re)education, (re)socialization, integration, rehabilitation, maturity, and personality development, in such a way that I will not repeat the cases that society (law) punishes. How to reconcile these contradictions?

Education represents the right of every human being, including those who were arrested due to criminal offenses, due to the violation of certain legal norms. Here we are mainly thinking about the right to education of persons who are in prison in penal institutions. Education in this case presents a special challenge because it is located in an environment that imposes rules and restrictions that do not always go in favour of the educational process and includes work with vulnerable categories of people, who have different educational achievements, needs, and different motivations for education and training.

Punitive-rehabilitative institutions are facing a double challenge - penal and rehabilitative. Namely, it is important to consider the fact that punishment itself has a harmful effect on the person, and therefore it is important for correctional institutions to try to reduce this harm - one

way to do this is by providing education and socialization. Namely, education is recognized as a balancing and positive aspect of punishment. Education and training are part of the rehabilitative role of penal-reformative Institutions, in terms of "providing structured activities for prisoners which, in return, should support their successful re-integration into the community after release.

In the Republic of North Macedonia, there are two types of correctional institutions: correctional institutions and prisons. In our country, there is a network of 11 penal-improvement institutions (3 penal-improvement houses and 8 prisons) and 2 educational-improvement institutions in which the management measure is carried out in the educational-improvement house. Likewise, in the Republic of Kosovo, there are two types of penal-improvement institutions: penal institutions and prisons.

So, this theoretical-comparative work concisely analyses and examines the two legal-punitive systems of Macedonia and Kosovo, including the current legislation of the two countries in the segment of penology and penal institutions, their role and organization, as well as the state of from international and local reports to the sites of non-governmental organizations as well as relevant governmental ones in this segment.

2. Penology and the organization of penal institutions

Regarding the term penal institutions, we mean: execution, social adaptation, reintegration of convicts, re-education, treatment of convicts, and the execution of all criminal sanctions against convicts to prevent criminality. However, here, in the first place, we think about the treatment of those sentenced to imprisonment who are found in penal-improvement institutions.

Penology, or otherwise also known as the law on the execution of sanctions, is a science: theoretical because it includes a wide range of knowledge, which it partially borrows from other scientific disciplines on criminality and on fighting it; practical-empirical, because with the application and implementation in practice of punishments and criminal sanctions; as well as legal-normative, since it relies on concrete positive legal norms, which at the same time are also presented as main sources of penology, which are: the Criminal Code, the law on the execution of sanctions, the law on criminal procedure, the law on justice for children, etc.

So, penology is a theoretical and practical science on the application and efficiency of criminal sanctions, which, using the knowledge and achievements of other sciences, studies and perfects the organization, tools and methods of executing criminal sanctions, to re-educate and reintegrate more success of convicted persons and the prevention of criminal activity in society. The scope of penology is wider. Penology has as its object of study the punishment, its functions, the internal organization of the execution of the punishment, different systems of the places of serving the punishment, their organization, and several other aspects related to it convicts and serving their sentence. The object of penology includes other measures such as medical measures, educational measures, their executions, and other problems related to them¹. So, in the application of the subject of penology, as an autonomous scientific discipline in the system of criminal-legal sciences, it is important to specify these elements:

- Penology is the science of the execution of criminal sanctions. This notion means all punishments, educational measures, security measures, and alternative measures;
- Resocialization and social adaptation of convicted persons represents a complicated and long process of social influences, which begins with the first steps taken by the criminal prosecution bodies to discover the convicted person, the perpetrators of the crime, obtaining the verdict and the choice of the criminal sanction, through the execution of the criminal sanction, until the inclusion of the person sentenced to life in prison;

¹ Osmani, A (2017) "Penologija", Furkan ISM, f. 13

□ To ensure the execution of various criminal sanctions and to realize the goals of their application, penology has its scientific methodology and technique developed in the Republic Scientific methods, procedures and techniques must ensure the execution of any criminal sanction, depending on the specifics it has, with the application of specific methods of treatment and follow-up and study of the execution of criminal sanctions, with the realization of the goals of their application in particular conditions and to a specific population;

□ **In terms of its subject matter, penology is both a theoretical and empirical science.** The theoretical basis of penology lies in the scientific study of criminality and the essence of criminal sanctions as tools for preventing crime. It therefore addresses theoretical issues related to the system of criminal sanctions and their execution—**i.e.**, the establishment of the system of criminal sanctions, the organization of penitentiary institutions as a system, and the theoretical foundations of methods for treating convicted persons.

As an empirical science, penology focuses on the study of the practical implementation of criminal sanctions, based on their type, the institutions responsible for their enforcement, the characteristics of convicted individuals, and the effects of applying various treatment methods.

□ different pedagogical and andragogical aspects of re-education, the influence of the prison society, namely the regime and reports and other conditions that have concrete and practical importance and impact on the execution of criminal sanctions;

□ Penology is a sociological scientific discipline according to the definition of the subject, according to the setting of the goals and according to the type of methods applied due to the realization of the two preliminary elements;

□ Finally, in its scientific approach to the study of criminal sanctions in their execution, penology starts from the understanding that its subject is a complicated and complex phenomenon, which requires an interdisciplinary approach in its study. Based on

□ The interdisciplinary principle of the study of phenomena, it includes all related sciences that deal with this issue, but in a unique theoretical concept and methods that are suitable for checking the hypotheses that are put to it.

3. Meaning, role and organization

As penal institutions in the Republic of North Macedonia and the Republic of Kosovo, we are presented with prisons and correctional houses. The first prisons are known much earlier than we can imagine. Prisons were present in many early societies. In ancient Greece and Rome and in some medieval states, prisons also existed. Thus, these prisons were located in old castles or in the basements of abandoned castles, while the living conditions were very harsh and difficult. In these prisons were people who had committed various delinquent behaviours, especially thieves and vagrants. These prisons have served as a preventive measure against a category of delinquents, while for others these prisons have served only as a temporary stay until the trial is held and the sentence is pronounced².

The purpose of this imprisonment or detention was to secure the perpetrator until the trial was held and prevent his escape before the sentence was pronounced and executed. The system of punishment, during ancient times and during the Middle Ages, was mostly based on corporal and physical punishments and fines or fines. These punishments were consistent with the dominant views and worldviews on revenge and explanation as the main purpose of punishment. However, this way of combating criminality was not so efficient and did not significantly affect its prevention. Corporal punishment, death sentences, penetration and other punishments were subjected to severe criticism. They were described as barbaric means and

² Janevski, A. Maksimovski, R. Arnaudovski, L. Kajalxhiev, G. Buzharovska, G. Cvetkovska, J. (2015)

methods which caused suffering and torment to the convicted persons, but did not contribute to the prevention of criminality, which, day by day, was increasing.

For this reason, already at this time, ideas and thoughts have been presented for finding and applying some more efficient measures and other means to fight crime. Likewise, the measure of imprisonment that was used in ancient times and in the Middle Ages as a preventive measure, as detention or as a prison for vagrants, etc., did not give the expected results in preventing criminality. However, the idea that through isolation and separately through engagement of delinquent persons at work was evaluated as a good opportunity for preventing and fighting criminality. The idea of engaging the convicted person in work activities and creating work habits in order to improve them, slowly penetrated the criminal legislations of many European countries.

3.1. The main systems of execution of the prison sentence: The introduction of prison sentences has been a big step towards the humanization of society's response to criminality, especially the treatment of convicted persons. If you look carefully at the development of prison sentences, from the first prisons to contemporary institutions, you will notice that through the way of execution and treatment of convicted persons, the retributive philosophy or that of improvement and reintegration is expressed. In the beginning, prison sentences, viewed in terms of the number, types and method of execution, had the main purpose of revenge, payback and causing suffering to convicted persons and very few had other purpose³s.

While, later, with the penetration of scientific humanitarian ideas, imprisonment aims at the improvement and reintegration of convicted persons. Some authors think that there are many systems, while others focus on only three or four. However, in any case, all those systems and methods of execution of the prison sentence will be presented, which, in order of chronological, historical have been announced from the moment of the presentation of the prison sentence until today. These systems are considered: the collective prison system, the cell system, the silence system, the point system, the progressive system, etc. While other systems that rely on contemporary ideas of the reintegration of convicted persons are considered: the classification system, the modern concurrent system, etc.

4. Collective prison system

According to some authors, this is the first system of organizing the execution of a prison sentence. Other authors do not treat this system as an independent system of execution of the prison sentence. Be that as it may, this is the oldest system of execution of imprisonment. This system has been applied since the first moment of the introduction of prison sentences and existed until significant reforms were made in the 19th century.

The basic characteristic of this system is that all persons sentenced to imprisonment serve the sentence jointly or collectively. Convicted persons during their imprisonment are not separated, but all live and work together in common premises. Persons convicted under this system are isolated only from the outside world, but within the walls of prison institutions, they live in a collective.

According to this system, there is no classification of convicts, it happens that the convicts for serious crimes, recidivists, people with a long criminal career, old people and minors, primary perpetrators and secondary perpetrators, etc., are sentenced together. As premises for the execution of prison sentences, during the application of this system at the beginning, the basements and abandoned premises of fortresses, castles, forts and old buildings where living conditions were very difficult served.⁴

³ Osmani, A (2017) "Penologjia", Furkan ISM, f. 253

⁴ Halili, R. (1995) "Penologjia", Universiteti i Prishtinës Fakulteti Juridik, f. 104

4. Criticism and reform of the collective prison

Many authors have criticized this difficult situation in these prisons and especially their internal organization. As mentioned: John Huard, Jeremi Benthan, Mirabo, etc.

a). Regarding the problems and the difficult position of these prisons, John Huard has written his well-known work "The State of Prisons in England and Wales".

Based on the impressions from the visits he made to such prisons in England and Wales, he requested their radical change and transformation. He proves that the conditions of serving prison sentences in these prisons are very difficult and miserable and that young and old convicts, sick and healthy convicts, primary criminals and dangerous criminals suffer together. and recidivists, with people who have come to such prisons for the first time. Therefore, she thinks that this environment of prisons is a very suitable ground "for criminal infection". For this reason, John Huard proposes that these prisons be transformed and the living and working conditions be improved.

Considering this situation in the collective prisons, John Huardi has made a series of proposals such as p. sh. : the improvement of hygienic conditions, the construction of prisons in healthy places where there is running water, that the prisons have air and light and are free of moisture, that the food of the condemned persons is improved, that the separation of the condemned persons is done, that order is established and discipline, to ensure the framework capable of work around improvement and re-education, so that everyone that convicts have the same uniform, in order to prevent escape, that moral education be made compulsory, that compulsory work be applied to convicted persons, that the costs of serving the sentence be borne by the state and that the convicts be isolated they stay in the collective, and this solitude is done only at night, while during the day people have to work together.

b) Jeremy Bentham is a supporter of John Howard's ideas and is the second reformer, who appeared at the peak of the English practice of deportation in Australia. But his most important proposals, in particular, the panoptic appearance of the prison architecture is emphasized, a model according to which the cells should be arranged in a circle and supervised from a central place. He calculated that the placement in such a prison with cells, in which useful work is performed, would be 25% cheaper than that of prison ships and deportation through the colonies.

c) Mirabo in France, the famous author Mirabo, supported the ideas of John Howard and was among the proponents of prison reforms in France. Thus, in a report from 1790, of a commission tasked with abrogating the "secret orders" of the kings for the imprisonment of individuals, it was insisted that the debate in the parliament or assembly also include the issue of the organization of prisons, in which case Mirabo presents a series of concrete proposals and ideas for the establishment of prisons in France. In this regard, he is committed to the application of the cell prison system instead of the collective prison system, and also proposes the introduction of compulsory labour for convicted persons. Mirabo is also known for the fact that he was the first to propose the idea of rewarding of persons convicted for the work they perform, for their conditional release. About post-sentence supervision and some other ideas.⁵

⁵ Halili, R. (1995) "Penologjia", Universiteti i Prishtinës Fakulteti Juridik, f. 103-104

5. The principles on which penal institutions operate

Criminality as a negative phenomenon and the fight against it is not only related to one country or one society. The phenomenon of criminality is widespread throughout the world and its consequences also concern all the countries of the world. Therefore, the whole world is interested in recognizing, preventing and fighting criminality⁶. In this regard, several associations and professional associations have been distinguished, which have made efforts to find more adequate methods and ways of executing prison sentences and have been the object of interest, not only of authors and thinkers, but also of associations, associations and organizations various international professional. These, too have made a special contribution to the fight against criminality and to the application of the most suitable means and methods for the execution of prison sentences.

In this regard, two main rules are known, which today represent an international standard, namely: the UN minimum standard rules on the treatment of imprisoned persons and the European Prison Rules⁷.

6. UN Standard Minimum Rules on the Treatment of Prisoners

The minimum standard rules of the UN on the treatment of imprisoned persons, document, the final version of which was approved in Geneva in 1955, while by the economic and social council of the UN, it was confirmed by a special Resolution in 1957. Despite the fact that the prison sentence was initially a more humane punishment compared to physical and corporal punishments, today it represents a great limitation to a natural and elementary human right. Imprisonment deprives the convicted person of an elementary right, which is free movement and circulation as a natural right. Therefore, since the introduction of the prison sentence, there have been efforts and commitments to find some forms and solutions to prevent and fight criminality, which are not always manifested in the deprivation of freedom as a natural human right.

However, despite all these efforts, the prison sentence is still one of the most frequent and present sentences that are pronounced in the judicial practice of contemporary countries.⁸

In the introductory provisions of these minimum standard rules, it is emphasized, among other things, that these are committed to respecting certain minimum freedoms and rights of persons who are serving a prison sentence in the practice of the implementation of the prison sentence. In this case, it is emphasized that in the practice of the execution of the prison sentence, where there are big differences and obvious differences, it is necessary to guarantee some basic rights and interests for all those sentenced to prison. Differences in the treatment of persons sentenced to imprisonment, in some countries, may even be reasonable, due to the level of economic, industrial, social and cultural development. The rules are aimed at eliminating and abandoning the method of physical and mental abuse of persons imprisoned in prisons and institutions.

In the first part of the Standard Minimum Rules, there are basic norms and provisions on the treatment of prisoners. These norms and rules relate to the treatment, protection and safety of convicted persons from the moment they enter prison until they are released. These rules address and regulate several sets of issues, e.g.: the basic principles on the organization of prisons and institutions, the acceptance of convicts and their placement in prisons and institutions, classification and categorization of convicted persons, treatment and provision of personal hygiene, clothing, food, organization of free time, activities sports and cultural and health

⁶ Albrecht, H.J. (2015). Criminal Sanctions and Crime Control: Past, Presence and Future in Europe. Libri i punimeve të simpoziumit shkencor 'Criminal Justice System and the Social Welfare', Tiranë: Shtypshkronja 'Mileniumi i Ri', fq. 23

⁷ Aebi, M.F., Linde, A., dhe Delgrande, N. Is There a Relationship Between Imprisonment and Crime in Western Europe?. *European Journal of Criminal Policy and Research*, 2015, fq. 55.

⁸ Osmani, A (2017) "Penologjia", Furkan ISM, f. 148-149

assistance. Also, these Rules deal with issues related to maintaining order, discipline and punishment of prisoners and the use of violence against them. In this part, the issues related to the contacts of the convicted person with the outside world, information and the right to appeal, as well as certain requests to the directorate of the prison or the institution, are also regulated.⁹

The basic principles of the Minimum Standard Rules emphasize the need that these should be applied in an obligatory manner to all prisoners regardless of nationality, race, religion, ideological, political, or material position, or social status. In this direction, in a clear and decisive manner, any form of discrimination and mistreatment of imprisoned persons due to their national, religious, or political determinations is judged. According to these provisions, as soon as prisoners are admitted to the institution or prison, they must be identified and registered in a special book, where the most important data will be recorded. It is especially insisted that the data on the identity, the causes and reasons of the deprivation of liberty, the notes on the day and time of the deprivation and its release from the prison entity be recorded. It is especially insisted that people should not be placed in institutions and prisons for whom there is no legal basis or decision of the competent body on their deprivation of liberty, to prevent arbitrariness and misuse of deprivation of liberty, a practice which is not rare in contemporary prisons¹⁰.

The standard minimum rules also deal with the obligation of directorates of institutions and prisons to categorize, divide and classify imprisoned persons. Thus, it is required to make the division and classification according to: gender, age, type of punishment, type of criminal offense, criminal career and some other criteria. For each group or subgroup, a more adequate treatment should be designed with the aim of more successful re-education and reintegration. The minimum standard rules in this regard specifically require that female prisoners be segregated into separate facilities. This division must be rigorous and complete. Also, it is required to separate minors from adults, in order to prevent criminal infection. As for the placement of imprisoned persons in prisons, these Rules provide for the fulfilment of some basic obligations and needs. Thus, it is required that each prisoner be placed in a separate room for sleeping, but if there are no conditions in the institution or in the prison, then the directorate is allowed to designate a group of prisoners who sleep in collective rooms.¹¹

Every person imprisoned or sentenced to imprisonment in penal institutions, if he is not engaged in work outside closed premises, has the right one hour a day to move in fresh air and open premises and engage in physical recreation or various physical exercises. The Directorate of Prisons and Institutions is obliged to provide this right to all convicts. Likewise, medical aid and medical care must be permanently provided to all imprisoned persons. In this regard, the minimum standard rules impose the obligation that every prison and every institution must have a health service and a doctor. If the entities and prisons do not have health services, they are obliged to cooperate with the corresponding services in freedom and in a regular manner ensure control and health protection for convicted persons and especially provide them with medicine and health rehabilitation.¹²

Regarding the maintenance of discipline, the application of punishment and coercive measures to prisoners, the Standard Minimum Rules have defined some basic considerations that must be considered. In this regard, they allow, for reasons of order and discipline, the application of some restrictions, but they should not be harsh and against the vital interests of the prisoners. In addition, in this regard, it is insisted that the imprisoned persons do not engage in the services of the prison or the institution related to maintaining security, order, and peace. This is to

⁹ Osmani, A (2017) "Penologjia", Furkan ISM, f. 150

¹⁰ Paula Smith, M.A. Claire Goggin, and M.A. Paul Gendreau, *The Effects of Prison Sentences and Intermediate Sanctions on Recidivism: General Effects and Individual Differences* (2012), fq. 39

¹¹ Po aty, f. 151

¹² Albrecht, H.J. (2015). *Criminal Sanctions and Crime Control: Past, Presence and Future in Europe*. Libri i punimeve të simpoziumit shkencor 'Criminal Justice System and the Social Welfare', Tiranë: Shtypshkronja 'Mileniumi i Ri', fq. 35

prevent imprisoned persons from being used as instruments of violence against other imprisoned persons, as has happened before in many prisons and penal institutions.¹³

The minimum standard rules oblige the administration of prisons and institutions, and especially their staff, to take great care in maintaining and continuing the contacts and relationships of convicted persons with their families, with the environment in which they lived and worked at liberty. This is of particular importance because, due to the arrival in the prison and in the institution, these relationships and reports are disordered, and in some cases even destroyed, and this can be a serious obstacle in the process of reintegration of convicted persons, the Minimum Standard Rules.

Insist that the directorate of prisons and institutions take care of the organization and programming of post-penal assistance to persons who leave the institution. This is of particular importance because real post-penal assistance represents a serious obstacle to the repetition or recidivism of criminal behaviour. So, the UN Standard Minimum Rules for the Treatment of Prisoners contain these basic principles:

- the same application of the rules without distinguishing because of color, gender, race, language, religion, political opinion, etc.:
- registration of prisoners;
- classification of prisoners according to gender, age, previous cases;
- physical conditions in prisons, personal hygiene, clothing, food;
- medical services;
- discipline and the use of coercive means;
- the right to information and appeal;
- the library, the right to practice religious rites
- prison personnel, etc.¹⁴

7. European prison rules

The Council of Europe is an institution that pays special attention to the institutions of execution of the sentence and the rights of the convicted person in its member countries. The Council of Europe has adopted Recommendation (87), which aims to establish minimum standards for all aspects of prison administration. This recommendation should serve as an incentive for the prison administration to develop a treatment policy based on contemporary principles; to promote the increase of the professionalism of the prison staff; to determine the most objective criteria to control the direction and conditions in prisons.¹⁵

These Recommendations, in addition to the treatment of general principles, separately focus on: the issue of accepting imprisoned and convicted persons, their identification and registration, their study and observation, classification and categorization according to the most necessary criteria, ensuring the necessary food and living conditions. In the health and social protection of persons who are located in prisons or other institutions, in ensuring the contacts of convicts and prisoners with their families, allowing visits and correspondence, informing them about their rights in complaints and various requests, both to the prison administration or the institution and to institutions outside the prison, etc.¹⁶

Recommendation (87) 3 contains six basic principles according to which prisons should be managed and operated in today's society. These principles are summarized as follows:

1. Imprisonment should be imposed in material and moral conditions that ensure respect for human dignity;

¹³ Osmani, A (2017) "Penologjia", Furkan ISM, f. 152

¹⁴ Osmani, A (2017) "Penologjia", Furkan ISM, f. 154

¹⁵ Aebi, M.F., Linde, A., dhe Delgrande, N. Is There a Relationship Between Imprisonment and Crime in Western Europe?. *European Journal of Criminal Policy and Research*, 2015, fq. 59-60

¹⁶ Ramadan, M.(2003): Penology and the system of execution of criminal sanctions, Novi sad-Beograd, fq.27

2. The rules for the execution of the sentence are applied impartially, regardless of gender, religion, socio-economic status, nationality, etc.;
3. The treatment of convicts should aim at respecting their dignity and, as far as possible, the duration of the sentence should encourage their reintegration into society;
4. Penitentiary institutions should be controlled by qualified experts in order for them to function in accordance with the legislation, the objectives of the execution of the sentence;
5. In addition to other controls, the control exercised by a judicial body or a specialized organization must be guaranteed;
6. European rules should be made available to the administration of prisons and prisoners;¹⁷

All convicts must be educated and this should be done through educational classes, professional education, cultural, creative and sports activities, physical education, social education and library service. Education for prisoners should be the same as that provided to similar age groups outside prison and the range of learning opportunities should be as wide as possible. Education in prison should aim at the development of the person as a whole, making him aware of his socio-economic and cultural situation. All those involved in the prison system should facilitate and support education as much as possible. Every effort should be made to encourage prisoners to participate actively in all aspects of education. Development programs should be provided for prison educators in order to adapt appropriate methods for adult education. Particular attention should be paid to prisoners with certain problems and those who do not know how to read and write.¹⁸

Vocational education should aim at a broad development of the individual and should be sensitive to labour market trends. Prisoners must be offered library services directly, at least once a week. Great importance should be given to cultural and creative activities, because they have a special power to enable prisoners to express themselves. Social education should include special elements that enable the prisoner to organize daily life in prison, to facilitate the return to society. Where possible, prisoners should be allowed to participate in education outside of prison. When education takes place inside the prison, the outside community should be involved as much as possible.

The European Prison Rules themselves are divided into an introductory part, which includes a preface and basic principles. The second part of these rules includes the main issues of the reintegration process and the smooth running of life and work in prison institutions. Thus, within this part, recommendations are made for the admission and registration of prisoners (convicts); for their distribution and classification; for housing, personal hygiene, for clothing and food, for medical services, for order, discipline, punishment, instruments of coercion; for information and prisoner complaints; for contact with the outside world; for religious and moral aid; for the preservation of the property of prisoners and for the relocation and transfer of prisoners. The third part deals with the problem of prison personnel and the main tasks that it must fulfil. The fourth part deals with the basic objectives and treatment regime in prisons. In this context, the main criteria for respecting the rights of convicts or prisoners, work of prisoners, education, preparation for release from prison, etc. are defined. In the fifth part, additional rules for specific categories are provided, e.g. sh. for persons in custody, for persons under investigation, for sick persons, for minors, for insane and mentally defective prisoners, etc.¹⁹

¹⁷ Osmani, A (2017) "Penologjia", Furkan ISM, f. 155

¹⁸ Aebi, M.F., Linde, A., dhe Delgrande, N. Is There a Relationship Between Imprisonment and Crime in Western Europe?. *European Journal of Criminal Policy and Research*, 2015, fq. 66

¹⁹ Albrecht, H.J. (2015). Criminal Sanctions and Crime Control: Past, Presence and Future in Europe. Libri i punimeve të simpoziumit shkencor 'Criminal Justice System and the Social Welfare', Tiranë: Shtypshkronja 'Mileniumi i Ri', fq. 45

Conclusion

So, as we mentioned in the introductory part of the study, the main problem of this theoretical-comparative research was the concise analysis of a problem of the nature of penology as part of the legislative system of the Republic of North Macedonia and the Republic of Kosovo, in fact the system of institutions of punishment in these two countries. Based on the judicial reforms as well as the unstoppable criticism towards the governments of both countries by the relevant international and European institutions as well as by the relevant local governmental and non-governmental institutions for the overall state of the system of the role and organization of penal institutions as well as the description summary of the current conditions of the system of penal institutions in the Republic of North Macedonia and the Republic of Kosovo, referring to the official reports of international and European commissions, but also to local ones such as governmental and non-governmental ones, as well as those of the last videos where the deplorable conditions are emphasized in each segment in these institutions, then, overcrowding, inexplicable cases of suicides and injuries to prisoners, negligence of the state in terms of finances, violation of basic human rights in prisons, and many others. Specifically, in this paper, it was possible to describe and analyze the entire system of the role and organization of the institutions in question, starting from penology itself as a science, legislation, and the current conditions in these penal institutions in the two countries in question.

So, with this study, it was possible to describe the essence of penal systems, starting from criminal procedures and its progress up to the penal institution, violating and violating fundamental civil rights²⁰ also that with relevant arguments reported in official international and domestic documentation, violations and violations as a result of the implication of politics in this system, inadequate and poor conditions in penal institutions, others, so here was the essence of this study, so, penology and practice in Macedonia and Kosovo, where it is the main rationale of this research to highlight the violations and damages that these implications cause in the basic human rights of prisoners. For the purposes and tasks of this research, many relevant documents were analyzed and detailed, starting from the relevant legislations in this segment of the two countries, that is, penology in all from the relevant scientific literature, the reports of the European commissions for fundamental human rights 2012-18, the annual reports of the Ombudsman 2012-18, the researches of the non-governmental organizations Helsinki and Civil Committee 2015-17, the reports of *Kosova Rehabilitation Centre for Torture Victims (KRCT)*, reports from the statistical agency of the two states in question, as well as annual reports from the Basic Court and the Ministry of Internal Affairs.

From all this, we can conclude that the basic goal of the research was achieved and I believe that with this detailed study in this field it is possible to sensitize the scientific, civil, institutional and wider awareness that the diagnosis in the entire legislative and penal system has been made and has the concrete basis and pillars in which direction should be moved and reformed either in terms of legislation, technical-physical conditions or in the aspect and psycho-social segment of the relevant subjects in the judiciary as a whole.

²⁰ Janevski, A. Maksimovski, R. Arnaudovski, L. Kajalxhiev, G. Buzharovska, G. Cvetkovska, J. (2015) „Mbikëqyrja e implementimit të standardeve ndërkombëtare për gjykimet e drejta në gjykatat e vendit dhe vlerësimi për funksionimin e gjyqësisë në Republikën e Maqedonisë” - Raport përfundimtar- Koalicioni i shoqatave të qytetarëve “Të gjithë për gjykimet e drejta”

References

- [1]. Aebi, M.F., Linde, A., dhe Delgrande, N. Is There a Relationship Between Imprisonment and Crime in Western Europe?. *European Journal of Criminal Policy and Research*, 2015, fq. 1-22.
- [2]. Albrecht, H.J. (2015). Criminal Sanctions and Crime Control: Past, Presence and Future in Europe.
- [3]. Braithwaite, J., & Strang, H. (2001). *Restorative Justice and Civil Society*. Cambridge: Cambridge University Press.
- [4]. Brym, R. J., dhe Lie, J. *Sociology: Pop Culture to Social Structure*, Belmont: Wadsworth Cengage Learning, 2013, f. 117; si dhe Shahidullah, SH.M. *Crime Policy in America: Law, Institutions and Programs*. Lanham, University Press of America, 2008.
- [5]. Fenwick H. Procedural “rights” of victims of crime: Public or private ordering of the criminal justice process?. *The Modern Law Review* 1997 May;
- [6]. Miers D. The responsibilities and the rights of victims of crime. *The Modern Law Review* 1992
- [7]. Ben-Shahar O. Blaming the Victim: Optimal Incentives for Private Prosecutions Against Crime. *Journal of Law, Economics & Organization* 1995 Oct; 11(2): 434-455.
- [8]. Cutler AS. Why the good citizen avoids testifying. *Annals of the American Academy of Political and Social Science: Judicial Administration and the Common Man* 1953 May;
- [9]. The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985). URL: http://www.unhchr.ch/html/menu3/b/h_comp49.htm
- [10]. Evans, K. (2004). *Common Sense Rules of Advocacy for Lawyers*. USA Virginia: The Capitol Net Virginia Collective
- [11]. Kambovski, V. „E drejta penale,, Botimi i dyte 2007
- [12]. Franjo Baçiç, E drejta ndëshkuese e përgjithshme, botimi 1998
- [13]. Gjorgje Marjanoviç, E drejta penale Maqedone – pjesa e përgjithshme
- [14]. Lupço Arnaudovski Përmbledhje e fakultetit juridik “Justiniani i parë” Shkup 2007