

The fight against corruption, current situation and challenges in the Republic of North Macedonia

Review

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Nurten KALA DAUTI,¹ Amarilda DULE¹, Rexhije AZIZI²

¹ Faculty of Law, International University of Struga, RNM

² Faculty of Law, University of Tetova, RNM

*Corresponding Author: e-mail: n.kala@eust.edu.mk

Abstract

Corruption hurts the poor disproportionately-by diverting funds intended for development, undermining a government's ability to provide basic services, feeding inequality and injustice, and discouraging foreign investment and aid (Kofi A.Annan).

In general terms, globalization is seen by many authors as a major cause of many positive effects, but also negative. So this globalization was accompanied also by the development of economic crime, which although in different countries was widely shown in our country every year is becoming more evident. This is a concern that even from different studies but also in everyday life is expanding and extends roots in all part of our community.

The biggest and the most irreproachable challenge for a developing country is corruption, which as a phenomenon consist of money dispersion or misuse of official positions for personal gain

We usually find it as a phenomenon in all countries of the world, but with varying degrees. There are many definitions of what corruption is. The variety itself and the lack of a clear definition of what corruption is, makes even more difficult the fight against it. Corruption poses the most serious threat to the justice of a state where instead of ruling justice and its forms govern the individual led by their coveted goals. This is a direct attack to the constitutional order.

Corruption is a phenomenon that occurs in every sphere of life ranging from education, health, courts, ministries etc. which means that the occurrences of it is occurrence is inevitable in everyday life. The level of corruption in the health institutes results alarming. In the hospitals of our country "white blouses" take bribes. These conclusions are confirmed by the World Bank and by a study conducted by some institutes. Every single person in the society is aware of corruption and abuse in the public healthcare service.

Macedonia is building an efficient system for the protection of citizens, most of the reforms made in the judiciary consist in the prevention of corruption and other forms of crime.

However, reality shows the opposite. Judges continue to be the most corrupt individuals, destroying not only the justice system, but also social morality in general. Corruption in education is one of the most dangerous forms, mainly because all future individuals of a society are developed and educated in broken systems of ethical, moral, economic and social values.

Corruption in education is one of the most dangerous forms, mainly because all future individuals of a society are developed and educated in broken systems of ethical, moral, economic and social values In Macedonia, the role of the media in denouncing cases and corrupt practices has been steadily increasing, although there is still a marked lack of transparency in state institutions in providing information to the public and journalists. An important indicator of its professionalism or lack thereof the press and the way of explaining the problem of corruption and the evidence that is being brought about it.

In conclusion we can say that corruption reporting has made progress in reflecting correctly, though not always in depth. There is much to do, not just from the state, the media and the institutions, but from all of us.

Keywords: Corruption; Media; Health; Education; Courts; Society.

1. Introduction

Corruption in North Macedonia continues to be a negative phenomenon that is striving to emulate the development and consolidation of the state. Corruption is part of the phenomena that are difficult to define, because its meaning varies, depending on the time and the social and political context. Usually, it is thought that corruption is the taking of money, in the form of payment of services to be performed or bribing for services or undeserved results. When talking about this social anomaly, it must be said that it has a great impact on national security and stability. Corruption poses a risk to sound economy and democratic relations. The act of corruption is related to the violation of the legal provisions and the ethical and professional code of the participants for the purpose of the illicit profitability of the property or any interest, right, priority, whether for themselves or for other persons.

Corruption is not a new topic. It is viewed as an open threat to society, economics, administration and social regulation, making up one of the most difficult and most obnoxious challenges for a developing country such as Macedonia.

Practice shows that even the most developed countries, with effective judicial bodies, lose few battles in confrontation with corruption. This is because this phenomenon is rooted in the vast terrain of human weaknesses: the thirst for power, the thirst for wealth, to appear etc. In countries in transition, as our country, in the absence of effective institutions and many social problems, corruption thrives in all the voices of life and thus becomes not only a serious obstacle to the country's development, but also the nursery organized crime.¹ And the worst is because people are taught to live with corruption, are taught to coexist with it without any discomfort even those who are called to fight it by all means.

Simply, today those who do not have the money to bribe health workers do not have to go to the hospital for a surgery as simple as the ironic sounds, unfortunately this is the reality we live every day. Corruption is inclusive in schools as well, especially at the university. There are professors who receive money for grades, others for 50 euros, and students work on the topics of degrees! Meanwhile, many faculties have already become known for corruption over the exams, but especially during college entrance procedures.

No wonder that in such a mess instead of money, is often asked to give the body. Everyone talks about this but not where it really should be: IN THE COURT AND IN THE MEDIA!!!!

2. Corruption as the basic problem in the Republic of North Macedonia

Corruption is one of the greatest challenges of today, a challenge that can and should be faced. We are aware that corruption, with a large or small extent, is a threat to democratic institutions and fundamental human rights and freedoms and on the other hand, this phenomenon undermines development and deepens poverty in the country.

Defined simply, corruption is misuse of trusted power for personal gain. According to Jeremy Pope, Executive Director of the International Transparency Office in London, it includes such behavior of public sector employees, whether these politicians or civil servants, through which they unfairly and outright enrich themselves or others near from a misuse of power entrusted to

¹ Prof. Dr Vesel Latifi "Politika Kriminalna", Prishtinë 2008, fq. 241

them. From a different perspective, corruption is defined as "abuse of trusted power for private gains."

Corruption costs exceed \$ 1 trillion in taking bribes (bribes). This is considered to be an estimate of world bribery in developed and developing countries.²

Corruption poses a more serious threat to the justice of a state: instead of ruling justice and its forms govern the individual guided by their cunning intent. It is a direct attack on the constitutional order. It also risks the other principles of a rule of law, such as free elections, the management of public functions, the independent judiciary and ultimately the alleged constitutional legitimacy of a state.³

Today, there are no governments and economies that are immune to corruption and other forms of misuse of special positions that have a particular individual, political parties, public corporations or private ones.

In the Republic of North Macedonia, supporting the general negative tendencies, the problem of corruption reaches the level of an existing systemic problem which, more than anything, endangers the concept of a democratic constitutional state, even observing the presence of this factor in armed conflicts year 2001 and the state's own existence.

Political factors are largely concentrated in the uncontrolled and unrestricted executive government in the political environment in which the performance of a public function is conducted through party and personal privatization. The factors that influence this are the lack of democratic institutions, relations and awareness, the mutual control of different powers in the power-sharing system, and not the political responsibility of the political official. If this is accompanied by the deep erosion of corrupt elements of the electoral system, which in every society is the most normal way for system ventilation and the punishment of corroding structures and the choice of others with true legitimacy, it is completely clear that the corruption circle is closed and can only be in the form of concentric circles, the situation of corruption in the state even worse.⁴

The economic factors illustrated their actions in the many corrupt affairs that are almost shaking up the Macedonian economy, which have not found any conclusions (oil, cigarettes, excise goods, prosecutions, burdens, etc.).

Because of this, corruption issues, especially those belonging to the highest levels of society, can hardly be discovered, and it can still be difficult to prove. This is because of the so-called "influential trade", respectively favoring the objects divided in relation to various other subsidies, partial or total relief from tax or loan forgiveness. Often there are persons who are prepared to inform about corrupt behavior, much less to testify during court proceedings. However, on the other hand, it is inevitable the idea that, during the existence of corruption in particular social environments, corruption poses a public anger among the citizens, the privileges they have, and the damages they make to others.

² Instituti i Bankës Botërore

³ Korrupsioni, V. Kambovski, fq. 3

⁴ Korrupsioni, V. Kambovski, fq. 9

3. Presence of corruption in health, court, education and ministry of internal affairs

3.1. Corruption in health

The level of corruption in health results in alarming proportions. While our hospitals "white shirts" take bribes. These conclusions are confirmed by the World Bank and a study conducted by some institutes. From the World Bank data, it turns out that every individual in society is aware of corruption and abuses in the public health service.

Fighting crime and corruption in health is inalienable in all segments of society, including health, because these phenomena are "worms" that break the system and ruin the trust in institutions, since when we talk about health, it is even more important, even if this belief does not exist, this can also be reflected in the overall quality of health services.

Regarding corruption in the healthcare organs we can say that now this deviant phenomenon has taken great proportions and the fight against such a widespread social phenomenon will be quite difficult to win.

It should be borne in mind that corruption involves both bribery and abuse of office. In the health system it is only about bribery, which is exactly the bribe, which is not the worst form of corruption. However, it is a fact that there are many elements in the health service that do not function properly. What can be done to improve the situation? Before answering this question, let's see how the health care funds are provided. The total health care costs are provided: 40% of the public funds and 60% of the pockets of the citizens.⁵

In one of the WHO materials, among other things, it was stated: "Apart from the many problems that health systems have in developing countries, a major problem is the very low salaries of doctors, nurses, causing them to leave the country or employment of them in other jobs that are better paid, leaving room for the flourishing of corruption between "white blouses".

3.2. Corruption in Courts

North Macedonia is building a more efficient system for the protection of citizens, most of the judicial reform is under way. A number of laws have been adopted, which will enable higher efficiency of the judiciary and the fight against organized crime. At the same time it has decreased and the number of unsolved cases.

Undoubtedly, the judicial system, such as education and health, is the area where corruption is more easily enforceable and applied more widely, given that we are dealing with the indispensable public services where citizens to gain their rights usually choose different paths from it of the law.

The courts in general cannot be generalized, since not all judges are corrupt. Macedonia lags behind in the reform process, positive steps in this regard are expected to be reflected in the European Commission Report.⁶

The integrity of the judiciary is created by judges, they are the most meritorious and responsible for a judgment to be fair and in conformity with the laws.

⁵ Anketë realizuar nga KAPITAL, 21.03.2002

⁶ http://www.time.mk/story_0eee3ae73a_article_12ea86d6e7.html

Transparent work in the country is done and should be done by judges. They are judged in open sessions in the presence of the media. Citizens if they are not happy with the decision may appeal to the highest court instances.

However, the reality shows completely the opposite. It is constantly proclaimed that the work of the courts should be transparent, without influences and political ants, judges should not be much corrupted, but in this way we are in opposition to ourselves and the reality we live in.

Undoubtedly, we can say that we as a state are still far from meeting these conditions. Courts that should serve us as the best model to fight corruption for the time being prove us the opposite.

For the elimination of corruption in the judiciary it is proposed that in the national strategy, since 2010, the financial responsibility for the annual budget that belongs to the courts should increase.

We think and believe that the economic independence of the courts would follow their independence from politics and all this would have an impact on reducing why not and the total disappearance of corruption by judicial bodies.

3.4. Corruption in Education

In the environment, in our circumstances and in our present situation, the society in which we live, we face certain phenomena that are wrong and not just. Poverty, changes in social order systems, difficult social trends, globalization and many other inevitable phenomena, besides the phenomena that carry with them, cause different forms of corruption and corrupt behavior. In the general outline of corruptive behavioral problems, corruption in higher education is largely out of focus. The perceived mistake of the power of corruption in higher education is a very dangerous step for the process of maintaining and building a modern society.

The penetration of the essence of corrupt behavior in the higher education of our education system is a very important moment. This form of corruption is probably one of the most dangerous forms, mainly because all prospective individuals of a society are developed and educated in a broken system of ethical, moral, economic and social values.

Removing attention from this important fact may be a consequence of denying the existence of this form of corruption, lack of will or unwillingness to deal with this problem. During an observation of the whole problem, some say that the academic spirit is probably not ideal but not disastrous.

Problems in the education system are present in several sectors such as: education and teaching programs, student standard and student services, student organization, the role of students in leading the universities.

If we analyze the potential problems in these segments, we will easily conclude that corruption is their common problem. Perhaps this is where the basis for introducing corrupt behavior, changing and shifting certain values present in work and education is found. It is highly credible that the most effective approach is to set weak points and higher education issues.

First is the legal regulation on higher education in the Republic of Macedonia and the special acts of the universities and their dependent institutions.

Secondly, the parties to whom this regulation is dedicated, those who are involved in the higher education system.

Perhaps the most important process is to educate students and professors about their rights and obligations, what is allowed and prohibited during their engagement in education. There is no

doubt that the sanction system, not the existing ones, should be implemented as soon as possible, but the system that will punish both the student and the professor for corrupt behavior.

3.5. Corruption in the Ministry of Internal Affairs

By its own name, corruption in the Ministry of Interior means any act or omission which the employee will perform in the performance of his duty and for which as a reward will seek or will receive any benefit, convenience and self interest his or her, or any other person, as well as any breach or overrun of legal stances and procedures, abuse of official duty owing to a direct or indirect promising material benefit or any other interest that will benefit the other party during performing his duties.

Corruption is expanding with an extraordinary burden on those organizational units in which leaders are the bearers of corrupt activities, while job control has been reduced to the minimum possible. In cases where control mechanisms do not effectively affect corruption, corruption appears to be an expected alternative for citizens. Each successful act of corruption to citizens increases the conviction that now it is the normal way of action when it comes to realizing personal goals.⁷

Most often, corruption at the Ministry of Interior is presented during:

- Finding a breach of law or any such offense
- Preparing acts, imposing fines and other acts
- Release in the conduct of the investigative procedure, ie not identify the perpetrators or the same ones be released from criminal liability
- Execution of court judgments or postponement of the conduct of such decisions
- Bribing and threatening foreign citizens applying for residence in the Republic of North Macedonia
- Translation of the transfer of persons who are prohibited from entering or leaving the country border
- Prevention of persons at border crossings without adequate control.

5. The measures governing the country for corruptic fighting

The organization of the fight against corruption is a very complex organization that requires numerous commitments, apart from preventative strategies and a strong legal basis in the country (Constitution, Criminal Code, package of anti-corruption laws and related mechanisms), a very important element is international co-operation in combating organized crime in general and corruption in particular.

The Criminal Code of the Republic of Macedonia foresees corruption and sanctioning it in Article 357⁸ for taking bribes, while paragraph 1 states: an official person who will directly or indirectly seek or receive a gift or other benefit or accept a promise for a gift or other benefit for

⁷ Buletin I botuar nga MPB në Republikën e Maqedonisë për luftën kundër korrupsionit

⁸ Ligji për ratifikimin e Konventës penale për korrupsionin (MD 32/99-98), Ligji për pengimin e korrupsionit "Gazeta Zyrtare e RM-së, nr.83/04

himself or for anybody else who, within the scope of his official authorization, to perform any official action that would not dare to carry out or not to commence an official action that he must perform shall be punished by at least four years of imprisonment.

Parag.2 The same article states: An official person who, after committing or failing to perform an official action referred to in paragraph 1, asks for or will receive a charity or other benefit, shall be punished by imprisonment of three months to three years.

3. If the work has been acquired the greatest benefit of property, the perpetrator shall be punished by imprisonment of at least four years.

4. If the work has acquired considerable material benefit, the perpetrator shall be punished by imprisonment of at least 5 years.

5. The punishment referred to in paragraphs 1, 2 and 3 of this Article shall be punished by the responsible person who performs a public affair, the person responsible for the foreign legal person, as well as the official foreign person if the offense was committed with the violation of the authorizations in relation to the acquisition, relaying or obtaining of the rights set forth by law or for the purpose of obtaining the benefit of causing the damage to another person.

6. Assets received or benefited will be taken.

In this article, passive corruption is made clear to us, and its subjects may be assigned to certain institutions, whether public or private.

Whereas Article 358 of the Criminal Code of the Republic of Macedonia sanctions the provision of bribes, which means the active subject. The perpetrator of this criminal offense may be any natural person.

Paragraph 1 of the same article states: Whoever, directly or indirectly, to an official person, will or will offer a gift or other benefit to him or her for the purpose of carrying out an official action that he or she does not dare to perform or not to perform, or the one who mediates in this shall be punished by imprisonment of one to five years.

2. A person who, directly or indirectly, to an official person shall provide or offer a gift or any other benefit to him or her for the purpose of performing, within the scope of his official authorization, an official action which he or she may not perform or fail to perform, or the one who mediates in this shall be punished by a fine or by imprisonment of up to three years.

3. For the offense provided for in paragraphs 1 and 2, no one who has given or suspected bribery at the request of an official person shall be convicted and presented before disclosing that the offense was discovered.

4. If the offense provided for in this Article is committed by a legal person, it shall be punished by a fine.

5. The gift or the benefit of the given property shall be taken whereas in the case of paragraph 3 it shall be returned to the person who has given the bribe.

International co-operation is accomplished through the signing of regional and bilateral agreements on cooperation, membership in international organizations and also through the signing of various Conventions and the application of recommendations coming from specialized institutions and other international organizations. The only purpose of every state is to fight corruption. It is difficult for corruption to disappear in general, but at least to reduce the figures of its presence.

6. Media and civil society in the fight against corruption

In North Macedonia, the role of the media in denouncing cases and corrupt practices has become increasingly growing. This is due to the increase of independent media in the country, the increase of the professional training of journalists and the creation of a legal basis that helps journalists in gathering information, especially in public institutions.

However, there is still a significant lack of transparency in state institutions in providing information to the public and journalists. The goal is more desirable in local government institutions where the law on the right to information on official documents still fails to implement right. The free media is supported by an independent tribunal as one of two twin powers that should not account for politicians. Both of these serve as a powerful counterweight to corruption in public life.

Civil society includes those associations, structures that are separate from the legislative, administrative and judicial authority of power, but interact with them in many ways. Often when efforts to fight corruption have failed, this has happened because this element has been missing so important: civil society. There is a threefold relationship between government, capital, and civil society.

Denouncing media corruption by investigating and publicizing concrete cases of corruptive acts and by providing information and conclusions from public institutions or non-governmental organizations as well as from independent sources at home and abroad.

It is also important to mention the role of the media in cooperation with NGOs, which also have a significant impact.

The media, by bringing together civil society archives focusing on the fight against corruption, guarantees impartial information, giving color to increasingly black and white attitudes in the debate between the government and the opposition.

Disclosure of corrupt practices and affairs by the media requires a genuine investigation, perseverance and professional skills from journalists who conduct investigations, courage and courage in dealing with hot topics.

Another important indicator of professionalism or lack of professionalism in the press is also the way of explaining the problem of corruption and the evidence that is brought about.

The titles of the articles that are at first glance are appealing and somewhat lucrative, but it is important to see whether these titles are kept in the information contained in the articles.

7. Conclusions

We are building a democracy so we are in the transition phase and therefore from previous practices of transition countries we have seen that corruption as a phenomenon has emerged to be one of the most serious challenges in building a democratic state.

The institutions of the Republic of Macedonia should prioritize the fight against corruption so that this state can develop economically. However, it is not enough institutions to fight against corruption, but we must be aware that we do not give bribes for doing a job or solving a

problem that arises. Perhaps the most bitter disadvantage our past has left us is that we are used to bribing all the work in municipalities, hospitals and other institutions.

All of us should learn how to respect the rules of society and avoid giving bribery or bribes for quicker performance of the affairs. Only a union of forces would enable the fight against corruption, because no one can help us in this war. This struggle will only be won by unity and tireless and ruthless work against the corrupt.

Reporting and dealing with corruption-related issues, denouncing corrupt practices and affairs occupies a considerable place in the main daily newspapers in the country.

We can say that in general we have a satisfactory reflection and a good coverage of this topic, however, we note that reporting often relates to an event or news story and ends there. It is rare to continue in-depth investigations of cases and to undertake detailed reporting.

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