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COURT USER SURVEY

(Comparative analysis 2009 - 2012)

LJIIS PROJECT

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I. OVERVIEW OF THE JUDICIAL SYSTEM IN THE REPUBLIC OF MACEDONIA

Introduction

The independent and autonomous judiciary represents one of the most important pillars of any functioning modern democracy, that is one of the most significant principles within, and that is the rule of law. Despite the fact that the desire to achieve a fully independent judiciary is an essential factor in the effectiveness and efficiency of the legal system of the Republic of Macedonia, it also represents a key towards achieving the strategic objectives of the Republic of Macedonia, that is it's membership in the European Union and NATO.

Starting with the Constitution of the Republic of Macedonia from 1991 began the construction of a single judicial system of independent and autonomous Republic of Macedonia. The organization and functioning of the judicial system in the Republic of Macedonia was governed by the Law on courts in 1995 and other laws concerning the organization of the judiciary, as well as significant procedural laws in civil and criminal law. Although with the Constitution of the Republic of Macedonia in 1991 the independence and autonomy of the judiciary from other powers is determined, in practice judicial independence is threatened by the impact of executive power that is manifested through two main specificities: the manner of appointment and dismissal of judges and system for judicial budget. In addition, inefficient judicial system could not protect the rights of investors, as it was continuously emphasized by the business community as one of the fundamental obstacles of the investment climate.

Considering the weaknesses of earlier reforms implemented in 1996, the main direction of further judicial reform has been determined towards adopting the *Strategy for Judicial Reform* along with the Action Plan and its implementation in November 2004. The aim of the Strategy is to strengthen the independence and efficiency of the judiciary through substantial legal reforms, optimization of processes and procedures, and structural and organizational changes in the judiciary.

Numerous measures and activities were proposed and implemented in order to meet the strategic priorities set out in the *Strategy for Judicial Reform* and

Action Plan (2004-2007) in the following strategic documents: Government Programme, Agreement on Association and Stabilisation with the EU, the Annual National Strategy for accepting the Acquis Communataire, European Action Plan for Partnership from January 2006, the National Strategy for European Integration of Republic of Macedonia from 2004, the Strategy for reforms in the criminal law, the Strategy for Information and Communication Technology in the judiciary (2007-2010) and Strategy for reform of criminal law.

In order to properly implement the reforms in the judicial system and strategy of the Government on key laws, the need arises to improve the judicial efficiency and effectiveness. This requires strengthening the capacity of the judicial system and improving of the judicial infrastructure, a process that began in 2004 and is still ongoing.

Based on the Strategy for judicial system 2004-2007, the Parliament adopted amendments and changes to the Constitution on December 7, 2005 ("Amendments"). Constitutional amendments have enabled major changes in the organization and functioning of judicial institutions. With the adoption of these amendments Republic of Macedonia embarked on a comprehensive reform of the justice system to ensure consistency and compliance with the legal system in the European Union. The amendments provide for systematic changes in the structure of the courts, precise adjustment of system selection and dismissal of judges and prosecutors, as well as strenghtening of the administrative authorities and other bodies with a public mandate to provide sanctions authorized under the law and be subject to judicial audit. This should contribute to an increase and ensure the independence of judges from all types of influences and pressures, reducing the workload of the courts and introducing a degree of specialization of courts. The same standards are applied in the reforms of the Public Prosecution.

Although legal actions arising from the Strategy are underway, it is necessary to ensure sustainability of the reforms through consistent enforcement, constant review of legislation and development of new laws and strengthening of the capacity of judicial institutions.

Reforms of judicial system

Guided by the idea the process of reforming the judicial system for compliance with the standards and criteria of the European Union, in the last period, the Government of the Republic of Macedonia has made serious efforts for the reform of the judicial system. Previously adopted constitutional amendments in the judiciary that are already adopted and involved in the legislation in key areas are directed to the efficient, independent and professional judiciary, including the relations of this branch of government with citizens and the fight against crime and corruption.

Between 2006-2011, more than 90 laws and 60 bylaws were adopted, 10 new institutions were established and are functional within the judicial system. Among the most important reform laws are: the Law on Courts, the Law on the Judicial Council, Law on Academy for Training of Judges and Prosecutors, the Law on Public Prosecution, the Law on Council of Public Prosecutors of the Republic of Macedonia, the Law on Judicial Service, the Law on General Administrative Procedure, Law on Administrative Disputes, etc. Also, other laws have been changed and improved, especially in the field of organized crime, prevention of corruption, criminal and civil proceedings, notaries, enforcement, juvenile justice, mediation, salaries of judges, attorney, etc.

a. Legal framework

Judicial system of the Republic of Macedonia is largely governed by the following legal acts: the Constitution of the Republic of Macedonia, Law on Courts, the Law on Judicial Budget, The Law of the Judicial Council of the Republic of Macedonia, the Law on Public Prosecution Office, the Law on Academy for Training of Judges and Prosecutors, the Law on Criminal Procedure, Law on Civil Procedure, Law on Extrajudicial Procedure, Law on Enforcement, Law on the Notary, the Law on Advocacy as well as other bylaws including worth highlighting is the Court Rulebook.

Reforms

Having in mind that the appointment and dismissal of judges is one of the essential aspects of judicial independence the constitutional amendments in 2005, a new system of appointment and dismissal of judges and prosecutors -

solely under authority of the **Judicial Council of the Republic of Macedonia, i.e the Council of Public Prosecutors was introduced.** At the same time, amendments support adequate and equitable representation of citizens from all communities. The overall efficiency of the courts is designed to improve the organization of the courts through the establishment of specialized divisions and departments within the courts. Furthermore, the amendments allow administrative authorities to determine sanctions under the law and thus are subject to judicial audit.

Law on Judicial Council of the Republic of Macedonia[1] for the first time more detailed elaborates and regulates basic issues regulated by constitutional amendments that are related to the structure and functioning of the Judicial Council (JC) in terms of the number of its members and the way they are selected. Judicial Council now consists of fifteen members, eight of whom are judges elected by their colleagues, three of them appointed by the Parliament of the Republic of Macedonia, two nominated by the President of the Republic (and selected by the Assembly) and two ex officio members (the President of the Supreme Court and the Minister of Justice). One of the most significant developments that ensure independence of the Council is the choice of the majority of the members of the judges themselves. This structure aims to ensure independence of the judiciary, and eliminates all types of political pressures and influences in the process of selecting the judges. The Judicial Council also decides on the termination of office of judges and dismissal of judges in cases of serious disciplinary violations, incompetence or negligent performance of their judicial function.

Significant in terms of recent changes of the law in 2011[2] and after constant criticism from the European Union and Council of Europe, is that the role of the Minister of Justice is significantly reduced in the work of the Judicial Council which is reduced only to participation in the work of the council without the right to vote.

[1] Official Gazette of RM 60/06, 150/2010, 100/2011

[2] Official Gazette of RM 100/2011

The new ***Law on Public Prosecution***[3] and the ***Law on Council of public prosecutors***[4] from 2007 and the amendments and changes thereof include standards taken from numerous international documents. The ***Law on Public Prosecution*** determines the authority, organization and establishment of public prosecution, while with the changes conditions for election of public prosecutors are specified. The State Public Prosecutor continues to be elected by the Assembly on the proposal of the Government (six year term with the right for re-election), obtained with prior consent of the Council of Public Prosecutors. On the other hand, public prosecutors whose mandate is indefinite are elected by the Council of Public Prosecutors that is responsible for their dismissal. The number of basic public prosecution offices remains 22, while with the formation of the appellate court in Gostivar now there are four higher public prosecutors. The new unit specializes in fighting against organized crime and corruption and will have jurisdiction in the whole country. Prosecutors now have increased responsibilities in managing and coordinating the pre - investigative procedure: they can ask for staff assigned by other agencies for law enforcement, and can act on behalf of the Ministry of Interior, the Financial Police and Customs Administration if these bodies fail to act on matters within their jurisdiction. With the commencement of application of the new Law on Criminal Procedure, which is again delayed, the public prosecutor would have significantly increased authorizations within the criminal proceedings.

Regarding the Council of Public Prosecutors in 2011 one more change was made concerning the participation of Minister of Justice in the Council. Namely, with the recent amendments to the Law on Council of Public Prosecutors of the Republic of Macedonia that the Minister is no longer a member of the Council.

These developments depleted the constitutional framework for ensuring the efficiency and independence of the Public Prosecutor in relation to the executive powers in exercising its prosecution function.

Furthermore, in the selection of judges by the Judicial Council that is the public prosecutors of the Council, the guaranty for impartial and qualified candidates for judges is the new **Law on Academy for training of judges and public**

[3] Official Gazette of RM 150/2007, 111/2008

[4] Official Gazette of RM 150/2007, 100/2011

prosecutors in 2010[5] that exceed the gaps and uncertainties of the previous law in 2006[6].

The Academy has a key role in the process of developing and implementing of educational system, which will further enhance the knowledge and skills that will increase consistency in the application of laws and will ensure compliance with European law and international standards. The establishment of the Academy will provide objective criteria of professionalism and moral and ethical qualities, institutionalization and rising of the level of continuous training.

The new *Law on Civil Procedure in 2005*[7] introduced new procedural changes under which the courts have no right to propose facts and evidence and the burden of proof is borne by the parties. This shortens the time for making decisions and taking concrete actions, thus improves service solutions, penalties for abuse of process by the parties are introduced, and the practice of delaying the trial as one of the reasons to extend the duration of the procedure is abandoned. Changes in law in 2008 bring solutions for speeding up of judicial proceedings, provide legal possibility for wider application of the procedure in cases of little value and the procedure for issuing payment orders, and also provide a legal possibility for electronic delivery. The amendments and changes to the law regarding the procedure for enforcement of civil judgments, adopted in 2009 aims to improve the enforcement of court decisions. Recent changes in 2010 were related to several aspects of the law in order to improve the implementation and achievement of the objectives of the law, and because of numerous changes a need for adoption of a revised text of the law that was made in 2011 derived.

The new Law on Enforcement of 2005[8] introduced the first private institution of legal representative - a person who issues public powers and carries out execution outside of the court, in order to remove the reasons for the slowness of the process of execution of court judgments in civil matters and implementation of decisions made in administrative proceedings in respect of fulfillment of financial obligation. After year 2005 extremely high number of

[5] Official Gazette of RM 88/2010
[6] Official Gazette of RM 13/06
[7] Official Gazette of RM 110/08
[8] Official Gazette of RM 08/08

amendments which indicates problems in the preparation of solutions and the application of this law were adopted.

The Law on Courts 2006[9] also introduced some innovations in the organization of the judicial system and court selection of judges. Through the introduction of ***specialized departments*** that have jurisdiction to process the cases in the area of organized crime, corruption and serious criminal offenses, civil claims over a certain value and economic disputes are actually doing an additional step in improving the functioning of the judiciary. The changes envisaged by this law include the abolition of certain courts with "***small jurisdiction***" if it is determined that there is no need for them to function as special courts, and that they can be transformed into judicial chambers. The ***Law on Courts 2006*** was amended in 2008 to provide only one (instead of five) specialized court departments to deal with cases of organized crime and corruption. These cases are under jurisdiction of the Basic Court Skopje 1. ***The Law on Courts*** introduces a new way of selecting judges, in accordance with the Academy and the Law on the Judicial Council, as were all taken in the year following changes to the Constitution in 2005.

With the ***Law on Courts*** solutions to reduce the workload of the courts as courts of first instance have been adopted; the responsibilities are transferred to the higher courts as a new kind of first instance courts. As to the problem of excessive load on the Supreme Court with administrative cases, the law foresaw the establishment of an ***Administrative Court***, with jurisdiction over administrative disputes and judicial control over administrative acts adopted by bodies of public administration. This frees the work of the Supreme Court in connection with this type of subjects. Additionally, with amendments in 2010 a new court was formed within the judicial system of the Republic of Macedonia, ***Higher Administrative Court*** deciding at a second degree by decisions of the Administrative Court by which in essence the Supreme Court is completely relieved of administrative cases, except on jurisdiction to decide upon request for protection of legality of a decision of the Higher Administrative Court on the basis of extraordinary legal remedy.

[9] Official Gazette of RM 58/06, 35/08

The constant problem with large number of pending misdemeanor cases in the courts is transferred to the newly adopted ***Law on violations***[10] which detailed the constitutional amendments that abolished the exclusive jurisdiction of the court for misdemeanor cases and allowing administrative bodies and organizations and other bodies performing public authority to impose sanctions in misdemeanor proceedings. Moreover, the law provides when, and what types of criminal procedure, administrative body or organization, or any other body performing public powers may impose sanction. Moreover, in accordance with the modern trend in penal reform, a new system of sanctions is proposed considering the lower social importance of legal proceedings - the fine is prescribed as a major penalty and prison is canceled as a sanction. An important novelty is the establishment of the infringement procedure for legal persons, taking into account new forms of criminal procedure in the field of economics.

The new Law for execution of sanctions [11] for reforms of penalty (prison) system is approaching the overall reform of the penalty system in order to improve the situation in accordance with international standards in this area, as well as providing quality and more efficient execution of sanctions.

The new law on mediation[12] regulates the mediation rules of mediation as an alternative way of resolving disputes. The main goal is to provide better access to justice, reducing court cases and rapid and effective alternative dispute resolution (fiscal efficiency). After several amendments the revised text of the ***Law on meditation***[13] was adopted.

In the summer of 2008 ***the New Law on judicial service*** [14] was introduced, which clearly distinguishes the judicial administration from other state employees who work in other public institutions. The new law recognizes the status of judicial officers and their rights, obligations and responsibilities within the system of judicial administration. This increases the independence of the judiciary, and further its professionalism, efficiency and modernization.

[10] Official Gazette of RM 62/06, 51/2011
[11] Official Gazette of RM 2/2006, 57/2010
[12] Official Gazette of RM 60/06 and 22/07
[13] Official Gazette of RM 138/2009
[14] Official Gazette of RM 98/2008,161/2008, 6/2009 and 150/2010

This law has been amended twice in year 2009 and 2010.

Besides the aforementioned laws and amendments were adopted and the following acts:

• ***Court rulebook***[15] - regulates the internal organization of the court. Among other innovations, a new automated court management and information system (ACCMIS) that enables electronic filing of cases and their electronic distribution to judges in random manner was introduced. Management of cases in courts which is now regulated by Court Rulebook can be further developed in a separate law for management of judicial case.

• ***Law on Judicial budget with changes*** [16]- is aimed at further promotion of the financial independence of the judiciary in administering the judicial budget and determining the criteria for funding of the judiciary. A significant step towards providing effective financial independence of the judiciary is the amendment of the law in 2010[17] which provides a fixed percentage of the item for the judiciary in the state budget by 2015 that will gradually increase from **0.4 to 0.8% of GDP**. In addition of these allocated funds at least 2.5% must be allocated for training of judges, judicial officers, civil servants, judicial police and other court employees.

b. Institutional reforms

Judicial System

Macedonian citizens can exercise and protect their rights before the courts and may complain about the judgments and decisions of courts before appellate courts to appeal the decisions of appellate courts to the Supreme Court of the Republic of Macedonia in Skopje[18]. If citizens need to protect their rights in administrative procedures they are entitled to a remedy, that guarantees the

[15] Official Gazette of RM 71/07
[16] Official Gazette of RM 60/03,37/06,103/08
[17] Official Gazette of RM 145/2010
[18]

right to appeal any decision of the administrative authority before a higher administrative body on appeal. If the citizen is not satisfied with the decision on appeal, or if the law does not provide an opportunity to appeal the first level of administrative decision, the citizen has a right to protect their rights before the Administrative Court and the Higher Administrative Court.

All judges (and court presidents) in all courts, with the reforms, are elected by the Judicial Council with two-thirds vote of its 15 members.

Basic Courts – With the new Law on Courts in 2006 thorough audit of the court system is executed. The law provides division between courts of limited and unlimited jurisdiction. In eleven courts with real authority specialized court departments were established.

All basic courts (27 throughout Macedonia) are first instance courts and they are authorized to decide in the first instance in the case of jurisdiction in criminal, civil and non-contentious proceedings, enforcement and security, certificate of title deed; litigation (except as otherwise provided by law that other authorities decide for certain types of litigation in customs, foreign exchange, foreign trade and tax issues).

In March 2008 the adopted amendments to the ***Law on Courts provide specialized legal department for organized crime and corruption*** within the Basic Court Skopje 1 in Skopje. This law also regulates when the Supreme Court decides upon cases involving the protection of rights for their solution within a reasonable period of time that right is guaranteed by the laws of the Republic of Macedonia and Article 6 of European Convention on Human Rights (ECHR)

Appellate courts: (4 in the regional centers: Skopje, Bitola, Stip and new in Gostivar) - They are secondary instance courts. They are competent to decide on appeals from judgments of the basic courts. Appellate courts have the right to decide in conflicts of jurisdiction between basic courts under their jurisdiction and perform other duties specified by law.

A new Appellate Court in Gostivar was founded in 2007 and is now fully functional.

Supreme Court - The Constitution defines the Supreme Court as the highest court in the state that provides unity in the application of laws by the courts. It conducts the judicial power of the whole territory of the Republic of Macedonia, with headquarters in Skopje. The authorizations of the Supreme Court are the following: deciding in the third and last instance on appeals of appellate courts and its chambers passed on second level in accordance with law; deciding upon extraordinary – legal remedies against court judgments and decisions in accordance with law, deciding on conflict of jurisdiction between basic courts that fall under the jurisdiction of various appellate courts and between the basic courts various appellate courts, and deciding on transfer of real authority from one to another court. Significant in terms of authority is to be noted that the Supreme Court also takes care for respect and protection of the right to a fair trial within a reasonable time.

Reforms

In the past 6 years, **ten institutions** directly related to the judiciary were established, and are fully functional: Higher Administrative Court of the Republic of Macedonia, the Administrative Court of the Republic of Macedonia, the Appellate Court in Gostivar, the Academy for training of judges and public prosecutors, the Judicial Council of Republic of Macedonia, the Council of Public Prosecutors, the Public Prosecutor for offenses of organized crime and corruption; High Public Prosecutor in Gostivar, Agency for management with confiscated property, as well as specialized judicial department for organized crime and corruption in the Basic Court Skopje 1 in Skopje with authority throughout the territory of Macedonia.

As a result of amendments to the Law on courts from May 2008, the reorganization is done towards the development of certain courts / departments in certain areas (criminal, civil, cases related to organized crime, etc.). **A new specialized department for crimes related to organized crime and**

corruption is established within the Basic Court Skopje 1 in Skopje, consisted of 6 judges.

An Administrative Court was established, for decision-making in administrative disputes on complaints against administrative acts of state administrative bodies and other administrative organizations with public powers. This Court began its work in December 2007 and consists of 24 judges and the president of the court. The newly elected judges of the new Administrative Court went through intensive training in Administrative law and procedure, by the Academy in November 2007.

In 2010 with the amendments to the law on courts and the law on administrative disputes ***Higher Administrative Court*** was formed with jurisdiction in the second degree by decisions of the Administrative Court in administrative disputes. The Court began operating in July 2011 following the election of 15 new judges and court services and after providing the adequate space and equipment.

Judicial Council of the Republic of Macedonia - is an independent judicial body that provides and ensures the independence of the judiciary. The new Judicial Council of Republic of Macedonia was established after the adoption of the Law on Judicial Council of the Republic of Macedonia. It is responsible for the appointment and dismissal of judges and court jury, determining the termination of office of judges, appointment and dismissal of presidents of courts, monitoring and evaluation of the work of judges, deciding on disciplinary responsibility of judges, deciding on the removal of immunity of judges. The Council acts on complaints and appeals from legal entities and citizens in relation to work of the judges and courts.

Pursuant to Amendment XXVIII, the Judicial Council is composed of fifteen members, President of the Supreme Court and the Minister of Justice are ex officio members of the Judicial Council. Eight members of the Council are elected by the judges from their ranks. Three of them belong to communities that are not majority in the country, ensuring equitable representation of citizens belonging to all communities. Three members of the Council are elected by the

Assembly by a majority vote of all deputies and by a majority vote of members who belong to communities that are not majority in the country. Two Council members are nominated by the President and elected by the Assembly and one member of the non-majority. Council members elected by the Assembly, upon proposal of the President will be from among university professors of law, lawyers and other prominent lawyers. Council members are elected for a term of six years with the right to one reelection.

There were significant problems at the beginning of implementing the new system. For long period the judicial council failed to elect members because of political problems. The first anonymous elections for members of the Judicial Council were held on 15 November 2006, when eight members of Council were elected. Now, the Council is in a complete composition. The procedure for selecting members of the Judicial Council has been completed and the Council operates normally.

As one of the key observations noted in the work of the council, especially lately, is the manner and criteria of assessment of the performance of judges and the inaccuracy of determining the provisions of unprofessional and unethical conduct of judges as grounds for
their dismissal.

The Council of Public Prosecutors

Pursuant to the Law on the Council of Public Prosecutors of December 12, 2007, the Council consists of 11 members. The ex officio member is the Public Prosecutor of the Republic of Macedonia and with the recent legislative changes it is no longer the Minister of Justice. One member is elected by public prosecutors in the Public Prosecution. Each appellate public prosecutor's office from Bitola, Gostivar, Skopje and Stip determines its member. One member is elected from among ethnic minorities. Three members are elected by the Assembly, two of whom are members of ethnic minorities. The mandate of the members is four years.

The Academy for training of judges and public prosecutors

Academy has a key role in the Macedonian judiciary, because it is the first state agency that provides initial training for selection of future judges and public prosecutors, as well as mandatory training for judges, public prosecutors, assistants for legal affairs and judicial personnel. In addition it also provides training opportunities and services for civil servants, notaries, mediators, inters, employees and others.

Moreover, the envisaged training by the Academy is a step forward in National judicial reform, since it is the first concrete and practical measures to implement structured training built into the professional career of judges and public prosecutors. It began its work on November 22, 2006. In 2010 the third generation of students completed the training academy which reached the figure of 71 graduate candidates of which only 49 until now are employed as judges and prosecutors. The fourth generation began with training in the second half of 2010.

c. Finance and budget

The ***Law on Judicial budget in 2003*** introduced a new way of financing the judiciary, which strengthened the independence of the judiciary in Republic of Macedonia. The development of financial independence of the judiciary in Macedonia runs through three stages. In the first phase, the judiciary is completely financially dependent on the executive powers. The second phase began with the adoption of the Law on Judicial budget in 2003, which introduced several changes in the system of financing. The procedure for developing and adopting of Budget of the Republic of Macedonia, included appropriation of the judiciary, which is a new system of independent disposal of assets. Even this law does not bring any significant changes in terms of coming up with the amount needed for payment of funds decentralized enough to finance the previously defined criteria. Under this law, the judicial budget is part of the Budget of the Republic of Macedonia, classified as a separate "judicial system". The third phase began with the ***Law on amendments to the Judicial budget*** adopted in August 2008 (entered into force in January 2009), which transferred the

management of finances by the Supreme Court to the Judicial Council providing a budget allocation of funds based on actual needs of courts. The President of the Judicial Council is the President of the Court budget council.

Very often, the judicial infrastructure and equipment represent a serious problem. Courts are struggling to effectively perform their work due to insufficient funds provided even for basic needs such as paper, printers, other necessary office supplies, poor working conditions (lack of space, inadequate rooms, lack of a system of filing cases IT equipment, quality services etc..). The new management is expected to have more sense about these problems. In addition, upgrading the infrastructure of judicial institutions is largely through the support of
the Project for legal and judicial implementation and institutional support.

In order to ensure effective financial independence of the judiciary amendments to the law in 2010[19] were adopted which provide a fixed percentage of the item for the judiciary in the state budget by 2015 that will gradually increase from 0.4 to 0.8% of GDP. In addition of these allocated funds at least 2.5% must be allocated for training of judges, judicial officers, civil servants, judicial police and other court employees. A progress was made regarding the financial independence as was previously projected.

d. Information technology

The Government adopted a ***Strategy for Information and Communication Technology for Justice 2007 - 2010.*** The process of introduction of information technology in courts and public prosecutors with installation of hardware and software has already started.

New automated information management system for deeds (ACCMIS) is installed in accordance with the Strategy. This system is now fully implemented in all courts. It enables monitoring of records and work with court cases and connection to external inputs (documents) with the relevant court cases. Even

[19] Official Gazette of RM 145/2010

more important, this system allows impartiality which provides distribution of cases in random manner within the courts. It provides centralized generating reports that will be used in common network for the judiciary. Through this system already are published more than 70,000 court decisions which automatically enable generation of relevant statistical data on the courts.

IKT Strategy for the judicial system provides IT connectivity of the Ministry of Justice, Supreme Court, Courts, Public prosecutors, the Judicial Council, Directorate for execution of sanctions and correctional institutions into a single functional system. This contributes to simplification and acceleration of proceedings before courts and more efficient case management and electronic and precise maintenance of statistical data relating to the entry of new cases and exceptional cases in each body, department and each employee separately[20]. The IT center for linking of all judicial institutions allows regular exchange of information between them and the public. IT offices in the courts have 38 experts. All courts have operational web sites and have already started posting their decisions. With the amendments to the ***Law on courts*** there is an envisaged obligation for courts for judicial decisions to be published within two days of their adoption.

Designed *Legal Database (LDBIS)* contains almost all laws, bylaws and other regulations published in the Official Gazette from 1945 onwards and are updated regularly. The database
is tailored for web browsing and adjusted to the local needs of each court.

e. Transparency of the work of the courts

Progress has been made towards increasing the transparency of the work of judicial institutions which is evident from the above information. Thus citizens are up to date with the work of the court. The possibility of acquiring more information is increased and is educating citizens about their rights, mainly through the publication of anonymous judicial decisions on the Internet, and through open offices providing direct information to citizens. Internet is installed

[20] NPAA-MP

in all courts as well as web sites, fully functional for each court. Recently, the sessions of the Judicial Council are public, and court cases may be followed publicly.

With recent legislative changes there is envisaged obligation for all courts to establish separate departments for public relations that will further increase the transparency of the courts.

Conclusions

Six years after the adoption of constitutional amendments that essentially started through this major project called the reform of the judicial system of the Republic of Macedonia very positive shifts were achieved in almost all aspects, but on the other hand, however, certain drawbacks constantly reappear. One such problem is excessive change of laws concerning the judicial system that indicates major problems in the process of drafting laws. Also this condition may adversely affect the legal certainty in the legal order of the Republic of Macedonia.

Despite the continuous improvements and reducing of chronic problems however with the large backlog of cases and length of judicial proceedings problems are still present. The process of selection and recruitment of future judges and prosecutors are still in "transition" period in which the selection of new judges and prosecutors only about half the newly elected judges and prosecutors are from among the candidates at the Academy of Judges and Prosecutors. On the other hand, the determined criteria for selection of judges in appellate courts and the Supreme Court will begin to apply from January 2013. Detected weaknesses in evaluation criteria of the judges, quantitative and qualitative criteria as well as criteria for deciding on the unprofessional and unethical conduct of judges are grounds for their dismissal and disciplinary procedure. Mediation for now has a limited impact and a small number of cases resolved through mediation, because the courts failed to promote this alternative resolution.

Regarding the financing of the judiciary there are major positive steps whose results are yet to be analyzed. The transparency and representation of information technology in the work of courts is improved.

Overall, the EU perspective on the progress of the country made in the judiciary (presented in the latest progress report) shows some progress made in implementing the Strategy in 2004 for reforms in the judiciary. A positive note is placed on the fight against corruption and some progress in reforming the judiciary and the protection of fundamental rights. With the newly established institutions and increasing of the budget improve the overall efficiency of the judiciary, but continued efforts are needed in order to ensure the independence.

II. COMPARATIVE ANALYSIS OF THE RESULTS FROM THE FIELD RESEARCH

The second part of this analysis aims to compare the results of field analysis made in 2009 and 2012 which will provide better insight into possible improvements of the reform steps taken in recent years.

With the field research conducted in May - June 2012, which lasted over 30 days 1,520 respondents were examined, on the questions associated with the experience they have with the judicial system in Republic of Macedonia.

Demographics

Demographics of the respondents in the latest field research from 2012 include:

- **Gender:** Men 63.3%, Women 36,7%

- **Age:** 18-29 years, 25.3%, 30-39 years, 25.1%, 40-49 years, 25.7%, 50-59 years, 16, 7%; over 60 years 7, 2%.
- **Nationality:** Macedonian 67.2%, Albanian 23.9%, Serb 1.3%, Roma 3.4%, Turks 1.6%, Vlachs1.4%, Bosniaks 0.3% Other 0.8%.
- **Occupation:** Administrative workers 16.6%, Laborers 26.1%, Students7.7%, Pensioners 6.7%, Housewives 4.8%, Farmers 4.9%, Unemployed 22.8%; Businessmen 7.4%, other 3%.
- **Education:** Incomplete primary education 1.6%, Primary education11.2%, Secondary education 43.9%, higher education 43.3%.
- **Status:** Individuals 89.9% Legal entities 10.1%.
- **Instance:** Basic Court 77%, Appellate Court 23%.
- **City:** Skopje 14.8%, Gostivar13.2%, Tetovo 6.6%, Kumanovo 5.3%, Kocani 3.9%, Stip 13.2%, Strumica4.9%, Veles 5.3%, Bitola13.2% , Ohrid 6.6%, Struga 6.6%, Prilep 6.6%.[21]

[21] Results from the research: Demographic table 2012

Demography of the respondents from the field research in 2009 consisted of:

• **Gender:** Men 65.1%, woman 35.9%.

• **Age:** 18-29 years, 27.4%, 30-39 years, 21.5%, 40-49 years, 22.3%, 50-59 years, 20.8%, over 60 years, 7.9%.

• **Nationality:** Macedonian 71.9%, Albanian 22.3%, Serb 0.5%, Roma 1.5%, Turks 1.7%, Vlachs1.7%, Bosniaks 0.3% Other 0.3%.

• **Occupation:** Administrative clerks 17.5%, Workers 29.5%, Students 8.5%, pensioners6.9%; Housewives 3.9%, Farmers 2.4%, Unemployed14.5%, Businessmen 5% Lawyers 8.2%, other 3.6%.

• **Education:** Incomplete primary education 0.8%, Primary education6.8%, Secondary education 43.4%, Higher Education 49%.

• **Status:** Individuals 84.1%, legal entities 15.9%.[22]

Demography of the respondents in both field surveys is almost identical which actually provides a basic prerequisite for a comparative analysis of the results.

Structure of the questionnaire and analysis

The questionnaire for the conducted field research to which respondents answered is structured in the following manner. According to the basic demographic data for each respondent separately, the first part of the questionnaire is titled as "**Concrete case / information about the visit,"** containing five questions. The second part of questionnaire is titled as "**The systematic assessment of the judicial system of the Republic of Macedonia"** and contains 29 questions which are further systematized in three divisions. The first division is entitled "Society, perceptions and legal meaning" and it contains general questions regarding C_1 - C_8. The second division is titled as "Social and business relations and their regulation" and contains questions form C_9 - C_12. The third and last division is titled as "The disputes and resolutions," and contains questions from C_13 - C_29.

[22] Results from the research: Demographic table 2009

The further comparative analysis will follow the structure of the questionnaire that will contribute to greater visibility of the results and conclusions

Concrete case / information for the visit (Q_1 - Q_5)

The respondents to the first Question (Q1) were asked what kind of dispute / brought them before the court on the day of the research. Within civil procedures, separate from the procedures relating to the family and the economic relations, 9.5% of the respondents before the court are because of the procedure being conducted due to the protection of the right of ownership of the respondents. In terms of procedure, which related to some property issue present were 5.5% of the respondents. Furthermore, due to debt or other type of money extortion 4.3% of the respondents initiate a proceeding before the particular court. Because of other type of civil proceeding in the court 10.3% of the respondents were present. So a total of **29.6%** of the respondents were in court because of initiation of any of the listed items in civil proceeding in a more narrow sense.

These results are quite similar to those of 2009, whereas in the previous research **32.5%** of the respondents initiated some of the above-mentioned civil procedures.

Within the framework of the economic / trade proceedings, according to the survey from 2012, 4.1% of respondents lead proceedings due to some kind of problem while 0.5% of then lead a procedure due to insolvency. So a total of **4.6%** leaded some type of business disputes. In 2009 this kind of procedure was lead by **3.8%** of the respondents.

Within the family matters, 4.9% of the respondents executed the divorce proceeding, or because of other kind of misunderstanding that arise financial problems. Because of family dispute that refers to the use of social services a procedure before courts was lead by 5.4% of the respondents. On the basis of parental or custody proceedings before the court 0.9% of respondent have disputes, for adoption case 0.3% of the respondents. Court proceedings due to another type of family case are 7.2%. Total **18.7%** of the respondents were involved in a procedure that applies to family relations, which are several

percents more compared to the year 2009 when **13.7%** of the respondents addressed the court on this basis.

The civil proceeding in a broader sense, which means proceedings on the occasion of legal property relations, business and family relations, in 2012 was lead by **52.9%,** while in 2009 **50%** of the total number of respondents.

Criminal proceedings before the court is **14.9%** of respondents and on the same ground 12.5% of the respondents in 2009. Administrative proceedings had **10.3%,** which is 0.8% more than in 2009.

A high percentage of respondents were in court because of the other type of dispute or a dispute that includes none of the above-mentioned alternatives, reaching a total of **22%** compared with **27.9%** in 2009.

The next Question (Q2) of the users of the court is to say what exactly they do in court that is why they are present in the court. Grouping of the results of the research, leads to the conclusion that about half of the respondents were before the court in relation to the actual court proceedings, which represents, somewhat understandably, condition almost identical with the one from 2009. Actually, almost 22.5% of the respondents appeared as a party or parties in a court case, almost 6% as defendants in criminal procedure, 3.9% as a victim of crime, as one of the parties in the court case, largely civil 12.9%, as witnesses 8.6%, 2.2% as guests on jury and slightly over 7.3% as professionals.

It is also relevant to mention that about **40%** of users were present in court because of the request or submission of document in court records or information, or other type of administrative duties, while about 9% of the respondents were in the court due to other reasons, not stated.[23]

The third question (Q3) addressed to court respondents is the level of satisfaction during their visits, or in the case before the court on the day of the survey. Also it is interesting that 50.8% of respondents expressed their satisfaction with the court, great or approximately great, and about 21% are fairly dissatisfied or very dissatisfied. 24.6% of the respondents were neutral in relation to the question, expressing neither satisfaction nor dissatisfaction.

[23] Results from the research: Question Q2

It is noticeable that for more than **5%** of respondents of their visit to the court are more satisfied, at the expense of the percentage of dissatisfaction, compared with 2009. The conclusion can be interpreted positively in relation to the situation in the judicial system in the Republic of Macedonia.

The next series of questions (Q4) addressed to the court respondents is regarding their impressions about the working hours of the court, efficiency and access to information.

Regarding the working hours of the court, a large percentage of the respondents, 47.1% were very satisfied, while only 13.6% are dissatisfied. 32.4% of the remaining respondents were neither satisfied nor dissatisfied. These results show increase in the percentage of respondents who declared themselves as very satisfied by approximately 8% compared to 2009. Such increase, however is not at the expense of those who are very discontent with the working hours since, here we have a minimum increase of 0.6%, but above all the expression of positive opinion of those who previously were in 2009 indifferent in relation to this issue. Thus, it seems that according to the opinion of the court respondents the daily working hours of the court are satisfactory.[24]

In relation to the waiting time for obtaining of all the necessary information, 42.7% of respondents were very satisfied and 18% dissatisfied. As for the previous question we can record an increase in the number of respondents who are very satisfied with the counter procedures in 2012 from 34.4% to 42.7% but it is not at the expense of the percent of the respondents who are not satisfied but of those who were neither satisfied nor dissatisfied and the percentage decreased in 2012 to 29.8%. According to this, the time for obtaining the information is at a satisfactory level according to the court of respondents, but understandably there is still space for improvement.[25]

For questions about the waiting time for reviewing of the cases and for the start of the trial, approximately 27% of the respondents were very satisfied; exactly 25% were dissatisfied, while the rest were neither satisfied nor dissatisfied. Compared with year 2009 the level of satisfaction in relation to the level of dissatisfaction is increased by about 2% which can be interpreted as a

[24] Results from the research: Question Q4.1

[25] Results from the research: Question Q4.2

considerable improvement of the situation. So the time for waiting in the court, in reviewing the case and the beginning of the trial has to be adapted in order to raise the level of satisfaction.[26]

Asked about the level of awareness by the judicial officers of the reasons for the postponement of their case there are virtually no differences in results from the 2009 and 2012. 35.7% of judicial respondents were very satisfied, while 20.5% are dissatisfied. More than a third of respondents are neither satisfied nor dissatisfied. Providing of more information by officers of the court can raise the level of satisfaction among users of the court.[27]

Respondents were asked for their own opinion regarding the availability of information regarding court procedures and facilities. Approximately 34% are satisfied and 21.4% are dissatisfied. But, a high percentage of respondents, over 34% were indifferent, or are neither satisfied nor dissatisfied. Compared to the year 2009 may be recorded that even in the case of the respondents who declared themselves as very satisfied as with those who said that they are very dissatisfied the percent has increased by 4% and 2% respectively. From this aspect we cannot speak about for some important gap. Thus, the improvement in the level of availability of a number of information can increase the level of satisfaction among court respondents.[28]

The next question refers to the clarity of the forms that are required from the judicial respondents. 45.6% responded positively, with the response very satisfied, while 33.2% are neither satisfied nor dissatisfied. Only 12.8% are very dissatisfied. In 2012 5% more declared themselves as very satisfied, which can be interpreted as definite improvement.[29]

Regarding the availability of private rooms for discussion, it is clear that there is improvement. Namely, 36.4% were very satisfied, while around 18% were very dissatisfied with the availability of such facilities. The improvement is reflected through the fact that the percentage of these two categories was almost

[26] Results from the research: Question Q4.3
[27] Results from the research: Question Q4.4
[28] Results from the research: Question Q4.5
[29] Results from the research: Question Q4.6

identical in 2009, about 26%. Approximately 33% were restrained in relation to this question which is identical as in 2009.[30]

With regard to the specific departments for security and separation of the parties, it is noticed that there is a certain progress which is visible through the significant reduction of the percentage of dissatisfaction. Thus in 2009 in relation to this question, 31.2% of respondents were dissatisfied. The percentage in 2012 is 22.6%. Such a change in perceptions is reflected at the increase in the percentage of those who declared themselves positively which now amounts 34.9% in the number of those who were indifferent is almost insignificantly increased. This is a positive due to the high level of satisfaction in relation to safety, but maybe saved- more important is the reduction in the percentage of dissatisfaction.[31]

The next question is in relation to the previous builds regarding impressions of the court security services, in which almost 40% are satisfied and approximately the same proportion neither satisfied nor dissatisfied. 13.9% were dissatisfied, indicating that the security service is viewed relatively positively. Still we cannot rush with the conclusions regarding the comparative analysis because of the percentile disturbances are not so great.[32]

The question number five (Q5) in the investigation is related to the respondents representation before the court. The majority or 67% of the respondents represent themselves, about 8% represent some company and 1.8% represents the government or the judiciary. Approximately 20% represent other parties. In relation to this question there are no considerable differences between the two conducted researches.[33]

Systematic assessment of the judicial system of the Republic of Macedonia

a. Society, perceptions and legal knowledge

The next series of questions to respondents was in connection with their opinion of the court participants for legal information. On being asked (C1) if they need

[30] Results from the research: Question Q4.7
[31] Results from the research: Question Q4.8
[32] Results from the research: Question Q4.9
[33] Results from the research: Question Q5

legal information in their everyday life, over 70% of the respondents answered positively, stressing their importance which is constant comparing the results of the two researches.[34]

Judicial respondents ranked the three most important sources of the legal information (C2) from the most important to less important based on how much they can use them in order to obtain legal information. The most important for obtaining legal information are the television (20.7%), the internet (18.3%) and newspapers and magazines (15.9%). This reflects the importance of the media as a source for legal information. It is interesting to note that exactly among television and the internet there is a difference in relation to the survey from 2009. Notably among television as a source of legal information, there is a reduction of 6% among respondents who go to the first ranked position in relation to the previous researches, while with the internet it is notable that there is an increase in the same rank of almost 9% while all other categories are very close to the percentages of year 2009. These results point out that the internet already is equalized with the television as the most important sources through which citizens are informed of the legal work with about 30% at rank 1 in both cases the fact that the television in the number of respondents who did not rate is lower, 38% against 45% as at internet. Therefore it is important to note that these results point the conclusion that improving the transparency of the courts through the introduction of specific software solutions is making a difference.

In respect of all other sources for obtaining legal information the situation is almost identical to the situation in 2009. Thus it can be concluded that especially in judicial administration outlined in the previous report there is no moving with the problem of lack of communication between this category of staff and court participants and the problem is maintained. These employees should be better allocated in order to provide legal information to court respondents, thereby creating a better channel of communication between such experts and the community.[35]

[34] Results from the research: Question C1
[35] Results from the research: Question C2

The next issue (C3) refers to the publication of legal documents (laws, decrees or regulations). About 25% of respondents said they freely receive all documents and approximately same number of them receives all necessary documents. Yet more than 40% of judicial respondents answered that they receive only some of the documents, or have no means to get them. Despite improvements in terms of respondents who reported that the documents are available free of charge however there is room for further improvement in this part of the operation of the judiciary.[36]

On the question (C4) if they feel informed enough about their legal guaranteed rights almost identical 40% of respondents answered positively and negatively, suggesting the need for greater access to information. High percentage of respondents who are not informed about their rights should be something that definitely needs greater attention.[37]

The question (C5) which relates to their opinion about the existing legislation and respondents answered the same as in 2009. The assessment was divided on this issue, with 40% who believe that some or most laws are "incomplete", and 20% who think that some or most laws are "complete". Negative attitude toward the laws refers to the need for improvement of the procedure of drafting laws as pre - parliamentary and in the parliamentary stage. In fact this conclusion corresponds with the problem of too often legislative changes especially in the judiciary to ensure a higher degree of confidence in them as part of legal certainty as one of the pillars of the rule of law.[38]

The question (C6) on whether they are equal before the law in the Republic of Macedonia, although there is noted improvement from the opinion of respondents the situation is still worryingly that high percentage of those who believe that there is no equality before the law in the Republic of Macedonia, is 46% compared from 59.5% in 2009. It is notable that twice as many respondents as compared with previous research, precisely 19% reported that all people are equal. 75% believe that there is no full equality before the law in the Republic of Macedonia and something must be seriously considered, in

[36] Results from the research: Question C3
[37] Results from the research: Question C4
[38] Results from the research: Question C5

particular that the total percentage was not changed compared to year 2009 although the number of those who believe that there is no equality is reduced.[39]

For the judicial system and reform 25% of respondents are well informed, which is 5% more than in 2009. Total of 70% believe that they are partially (40%) or that are not informed (30%) for the judicial system and reform which is about the same as in 2009. These results point to the conclusion that transparency of reforms is not on a high enough level and on this field there is a need for further improvement.[40]

The last question (C8) in this section referred to the opinion of respondents about the help the judicial reforms in the country. The assistance from other countries may entirely (21%) or partially (31%) ensure successful implementation of judicial reforms considered 52% in 2012 compared with 58% in 2009. Contrary to this position 28% believe that this will help or harm the judicial reform (13%) or would have little impact because there is no will for reform (15%). It may be noticed that there is a slight increase in skepticism of respondents in terms of foreign aid in judicial reform, in particular, it may be indicative fact that 13% believe that such assistance will harm the reforms that is an increase of 7% compared to year 2009.[41]

b. Social and business relationships and their regulation

The next two questions are about the issue of users' confidence on the court in contracts area (C9) and property rights (C10) in Macedonia. Despite an increase of 10% of the positive attitude, in whole or mainly, the protection of contractual rights and obligations (from 33% in 2009 to 43% in 2012) and property rights (from 35% in 2009 to 44% in 2012) however the percentage of respondents who believe that these rights are only partially or not sufficiently protected is substantial, and is 45% compared 49% in 2009 for contractual rights and obligations or 45% compared with 50% in 2009 on property rights.[42] This leads to the conclusion that the efficiency of contracts and property rights should be promoted by governments in order to increase the confidence in them.

[39] Results from the research: Question C6
[40] Results from the research: Question C7
[41] Results from the research: Question C8
[42] Results from the research: Question C9 and C10

Regarding the question if the judicial system is an obstacle to business development in the Republic of Macedonia (C11) respondents has approximately the same position as in previous research. About 24% believe that the system is not a problem for doing business, 30% are of the opinion that the judicial system is only a problem for business and 26% considered that the judicial system is a problem for business. This opinion of respondents indicates that an additional effort in improving the situation is required.[43]

As for the previous also on the question whether respondents believe that the functioning of the judicial system is a problem for living in Republic of Macedonia there are no significant shifts between surveys from 2009 and 2012. Approximately 41% say that the judiciary is not a problem in their lives and about 25% think the justice system is only a problem in their lives. Almost 22% considered that the system is a problem in their life.[44]

c. *Disputes and Resolutions*

The next series of questions (C13) refers to cases relating to family disputes (what would have done first from the list of seven possibilities). The results are identical in both studies and there is no change in the attitude of the respondents in the past. More favored option is to negotiate with the other party, followed by going to court, followed by mediation and other informal ways of resolving disputes on third place. The lowest ranked responses were failure to take action and going to arbitration.

50% of users of the court are trying to negotiate with the other party as their first instance in case of dispute. This percentage is encouraging because the resolution of disputes before going to court reduces the burden on the judicial system, which contributes to increasing its efficiency.

Nearly 20% of respondents would go to court as a first option, while about 19% as the second option. Also users have an interest to use informal forms of dispute resolution, such as authorities to combat crime, advice from the older communities, religious authorities, etc. 15% stated this as their first option, while 20% stated at the second place.

[43] Results from the research: Question C11
[44] Results from the research: Question C12

Only 2% of users of the court answered the first three questions with "failing to take any action" which indicates to willingness by the citizens of Macedonia to resolve disputes related to family relationships.[45]

The next series of questions (C14) asked respondents court to declare what they have done first (from a list of seven possibilities) in the case of trade dispute. Again in this matter there are not have any significant changes regarding the plea of the respondents in 2012. As for the previous question, the most favorable option for judicial respondents is negotiation with the other party, followed by going to court and administrative dispute. The lowest ranging response was not to take any action.

46% of judicial respondents chose negotiations with the opposite party as the first choice in the case of trade dispute, which is slightly lower percentage than the same for family disputes. A large number, about 20%, also ranked this choice as the second place, confirming the will of judicial respondents to address issues outside the court system despite the year 2012 the court resolved disputes recorded a small increase.

Going to court as the first choice is favored by one-fifth of respondents and similar, as the second or third option. Less favored option of judicial respondents is the option of using arbitration and administrative appeals as a means of resolving commercial disputes.

A large percentage of judicial respondents do not support the informal forms of dispute resolution, such as organs for suppression of crime, community elders, religious authorities, for resolving of trade disputes, which is now lower than the one for solving family disputes.[46]

Further question is what you would do (from a list of seven possibilities) in case of a dispute with a state agency. Identical as in 2009, there is a significantly increased willingness of respondents to appear before an administrative authority or court as the first and second option compared with the previous two questions. 35% rated discharge directly to court in case of dispute with the state and ranked as the second option. Also very high percentage of respondents as

[45] Results from the research: Question C13
[46] Results from the research: Question C14

their first option determined that they would address to the appropriate administrative authority, 40%. This indicates that respondents believe that a judicial dispute with the state only needs to be addressed before a court or administrative body, unlike other types of disputes. This interpretation may be up to the fact that for "private" questions respondents are reluctant to turn to court in order to solve their problems.

In terms of whether judicial respondents are willing to pay bribes, identically as in 2009, only about 5% were willing to do that as a first option. 65% of court users rated bribery in the last two places. This is a positive sign for the country which was criticized for corruption, a growing number of citizens avoid paying bribes to resolve disputes. Of course, this conclusion may be a result of "prudence" of respondents openly to choose this option.[47]

Question (C16) for judicial respondents was how they would act if they have some kind of civil dispute (related to property rights, etc.) and what would they do first. Again there were no surprising results, compared with family and commercial disputes, the negotiations with the opposing side are the most favorable method for settlement of court participants and the proceedings of the second rank. As before, there are no significant differences between the two studies and between the aforementioned issues and conclusions.[48]

On the question (C17) for judicial respondents how they would effectively to protect their interests in court, the most common were two answers to this question "hiring a lawyer" and "personal representation" (using their own legal knowledge)". On the third place the answer was that they would turn to "friends / relatives who have ties to the court." 67% of respondents decided to hire a lawyer as their first option while 18.5% as second. This position corresponds with the way respondents answered in 2009.[49]

Judicial respondents to the question (C18) whether they know how court cases are assigned to a judge usually answered that it is done "objectively, based on what field the judge is a specialist" and "random" with about 26%. On the other hand, 21% did not know how it is distributed. The results indicate that it is

[47] Results from the research: Question C15
[48] Results from the research: Question C16
[49] Results from the research: Question C17

necessary to better promote and inform court users about new information technologies applied in the distribution of court cases through ASMIS system.[50]

The next question (C19) to judicial respondents was the main obstacles for protection of their legitimate rights before the court. Again the highest ranked answer is "corrupt judges" and then "lack of money for hiring a good lawyer" and improperly influence on the judge. In terms of corrupt judges as an obstacle to realizing the rights to 34% rate in the first place, which is 8% less than in 2009, while the second place ranked 18%. Worrying is that 48% of respondents' ranked the first obstacle as associated with corruption or undue influence on judges as obstacles in achieving judicial protection of their rights.[51]

Question (C20) to respondents was would the court do if the judge decided against their favor. The majority, 66% said they would appeal because they believe in the decisions of higher court, and only 6% will not appeal because they do not believe to the appellate court and 12.6% of respondents would initiate further steps. As in 2009 participants were prepared when they actually commence court proceedings they are ready to finally use all procedural tools that are available.[52]

The next question (C21) to the respondents was if they were in court during the last three years, whether they felt that the judge's decision is (not) justified. Out of 1,520 respondents 543 had no judicial proceedings in this period or 35.7% of total of respondents. The data from the answers of respondents show that 56% believe that the court decision was either completely (26.5% versus 25.4% in 2009) or partial (30.3% versus 36.3% in 2009) fair and justified. As was the case in previous questions of this section there are no significant changes in the attitude of respondents compared with 2009.[53]

In the next question (C22) judicial respondents were asked whether they have been in court during the last 3 years, received a copy of the trial, file or record. Out of 1,520 respondents 543 had judicial proceedings in this period or 35.7% of total respondents. Most respondents said they do not remember, 44.4%. Those

[50] Results from the research: Question C18
[51] Results from the research: Question C19
[52] Results from the research: Question C20
[53] Results from the research: Question C21

who responded differently, 21.6% are not sure that there are some records and 15.5% answered that there was a copy but they did not asked for one. On the other results yet that 11.3% confirmed that there was a steno gram. The results of this question in 2012 are approximately the same as those of 2009 and is can be concluded that the attitude of respondents to the court files and record is the same.

On the other hand, when giving conclusions from the results of this question it must be approached carefully since not all respondents are attorneys or professional part of the judiciary which essentially on behalf of their clients require and take minutes of held hearings. Therefore it should not be surprising that legal entities have a greater percentage in comparison with individuals.

In terms of cities, unlike in 2009 when digital audio and video copy of the transcripts were given only in Skopje, now is not the case because almost in all cities there are respondents who received digital copies of transcripts equally in both jurisdiction.

With the next question (C23) several characteristics of the various stakeholders in the judicial system are examined. Respondents were asked to give their opinion about **the objectivity, politeness, and level of knowledge, honesty and the practice** of judges, enforcement agents, prosecutors, police, tax inspectors, lawyers and civil servants.

In terms of **objectivity,** according to respondents more objective are judges and prosecutors with 23.7% and 19.4% respectively from total number of respondents that answered this way compared with 17.7% and 14.6% in 2009. Less objective, according to citizens in the country are police officers, lawyers and tax inspectors by about 14%. In terms of comparative analysis based on cross tabulations by age, education, place of residence major differences in the previous survey in 2009 may be observed. Particularly indicative for reserve that should be in terms when making final positions is the drastic change in attitudes about the objectivity of the judges viewed by cities. Namely, while in 2009 only 4% from respondents from Tetovo thought that judges are objective with this latest research this dramatically changed and the highest 44% believe that judges are objective. In Skopje, the percentage remained the same as before,

24%. In 2012 the lowest percentage for the objectivity of the judges is noted in Kumanovo 8.8%.

Other features that were examined during the research are **politeness, the level of knowledge, honesty and practice**. In terms of politeness, for most citizens civil servants and judges are most polite with 25.7% and 20.3% respectively from the total number of respondents in 2012 compared with 18.7% and 16.2% in 2009. As most professional ranged are lawyers, for 39% of respondents, and least expert are police officers (13%). On the other hand, police officers are considered most practical with 47.4%, while less practical are the judges with 19.5%. In terms of fairness in relation to all categories the percentage is between 5.3% and 6.4% that is worrisome data because respondents rarely consider these factors in the judicial system are fair and it can be in contradiction with data about their objectivity especially for judges who have the highest percentage in terms of objectivity, and lowest in terms of honesty.

The next few questions aimed at getting information on time spent, costs and compensation costs associated with the trial (C24), arbitration (C25), mediation (C26) and administrative appeals (C27). It must be emphasized that very few respondents answered these questions and in the area of litigation this percentage was between 30% and 40%, which means an average of about 550 respondents in administrative appeals approximately 15% or about 210 respondents with arbitrage and mediation between 3% and 5% or between 40 and 80 respondents. The percentage for the last two categories should not be surprising because the arbitration and mediation have resurgent as it was imagined.

Due to the low number of respondents who answered this questions the results will be presented only ultimately and compared as some general conclusions will not be exposed.

(C24) In terms of time spent on trial, the longest trial in court by some respondents was 7,300 days compared to 8,030 days in 2009. On the other hand, most cases are resolved in a day. Regarding the cost of the procedure the average value is about 37% at the maximum rate of 100%. In several cases the compensation cost was 100% of the total costs incurred for trial, but there are

cases where users do not receive any compensation for costs. The average value of recoverable assets was approximately 39%.

In arbitration and mediation, according to participants the time required for finishing the procedure is from 10 to 900 days. Maximum expenditure required for this type of proceedings reaches up to 100%, while the middle value is 35%. In terms of recoverable assets maximum amount reaches 90%, and average is somewhere around 14%. Costs for this type of procedure reaches 100%, while the middle value is 28%.

Regarding the administrative appeal procedures the time needed to complete the procedure is average 180 days, with most procedures completed within 5 days and not later than 4300 days. The costs for this type of procedure reached up to 100% and the medium value is 28%. Recoverable resources are approximately 38%.

The next question is related to the costs of legal fees and whether citizens can afford court costs or not. Although the wording of the question suggests that citizens cannot afford court costs, many judicial respondents answered that although costs are high they can afford it. However, the percentage of citizens who cannot afford court costs is also very high and is 20.6% of the total number of judicial respondents and only 1.8% compared to the previous survey. Despite this fact only 7.5% of costs are not high while for 23% the cost was not generally a problem. Despite high costs 17.5% thy still fought court proceedings.

Representatives from the two largest ethnic communities in the country in equal percentages cannot afford the costs required for legal fees in court (about 20% of both groups). Overall, 21% of individuals can not afford the costs of litigation while 14% of entities believe that the costs are often an obstacle for prosecution. Looking at the responses of judicial respondents in cities where the research took place, costs are often an obstacle for making a case before the court for almost 29% of the citizens of Skopje, 28% for the citizens of Kumanovo and Stip. These data differ significantly from the previous survey in which respondents from Skopje believe that the costs are no obstacle.

The latest issue contains five sub questions (C29) used to assess the perception of citizens about the judicial system. Several characteristics describing the

judicial system were given to court participants: fairness and impartiality, honesty and non corruption, time efficiency, availability and ability to implement decisions. Regarding these aspects slight improvement from 2% to 8% on the attitude of respondents compared with 2009 can be noticed.

The first question, whether the trials are fair and impartial, very high percentage of judicial respondents said they are rarely or never fair and impartial, a total of 33%. Responses show that 18.5% of citizens believe that trials are never impartial and 24.4% of citizens believe that they are rarely impartial. Although these percentages are somewhat lower than those in 2009 they are still quite high and suggest the need for improvement of this situation.

On the other hand a total of 27.3% believe that the judiciary is fair and not belonging to any party, often in most cases or always. Only 3.9% of judicial respondents answered that the judiciary is always fair and impartial.

According to the ethnicity of judicial respondents, ethnic Albanians for 17% more than ethnic Macedonians believe that trials are never impartial and fair. This ratio is 7% higher than in 2009.

The second sub question was whether trials are honest and corrupt. Majority of citizens in the country do not consider that trials are fair and corrupt. More than 18% of the total number of respondents considered that judicial proceedings are never fair and corrupt, while 27% believe they are rarely fair and corrupt. This confidence level corresponds essentially to the level of honesty that judges have among respondents. In regards to year 2009 final results do not differ significantly.

Regarding the time needed to resolve the litigation, most respondents are not satisfied, wholly or partly with the speed for resolution of the litigation, total of 75%. The results show that 12.5% of respondents believe that judicial proceedings are never fast, which is 12% less than in 2009 but this improvement is not reflected in the percentage of satisfaction with the speed with which the judiciary works, but primarily in alleviating discontent. So 22% believe that trials are rarely fast and 30% think that trials are sometimes quick.

Also, there is a leveling of differences that exists between the main ethnic communities, Macedonians and Albanians, in terms of speed of resolution of

disputes. Both ethnic groups are equal in denial of speedy work of the judiciary. Looking at the place of residence, and different from the survey conducted in 2009, citizens of Gostivar are mainly dissatisfied with the time required for resolution of disputes (26.5% of judicial respondents' disputes are never resolved quickly "), as is the case with almost 20% of citizens in Prilep.

The last two questions of the questionnaire were related to the ability of the judicial system to implement decisions, and what is the availability of courts.

Regarding the availability of judicial system, some improvement can be noticed by reducing the percentage of citizens that are dissatisfied. Namely from 38% in 2009, according to the latest survey 25% of respondents believe that the judiciary has never or very rarely is available. This percentage is now lower than the one that shows that 27% of respondents believe that the courts are usually or always available. Members of the Albanian ethnic community continue to a greater number to believe than the members of the Macedonian ethnic community that the courts are never or rarely available, percentage of 37.7% versus 20.3%.

These results are confirmed by analyzing the results separately by towns. The citizens of Gostivar and Tetovo, 38% and 35% have a major problem to get in contact with the judicial system in comparison with other cities. The citizens of Skopje in relatively high percentage believe that the judicial system is not very accessible, never or rarely with 24%.

In terms of ability to implement judicial decisions most of the citizens in this country believe that courts are able to implement the adopted judicial decisions. 32% of respondents believe that in most cases or courts are always able to implement decisions, and 15.8% believe that it is often the case. On the other hand 24% of citizens believe that the judicial authorities never or rarely are able to implement the adopted judicial decisions. These results indicate a slight improvement of the situation about the implementation of judicial decisions as a result of the reforms associated with the introduction of the enforcement agents in the judicial system.

The analysis of these responses by demographic characteristics of the sample further shows that the citizens of Albanian ethnic origin in significantly greater

percentage responded that judicial authorities are unable to implement the adopted judicial decisions (17%), while it is the case with less than 6% of ethnic Macedonians. By place of residence 23.5% of the citizens of Gostivar, said that court decisions made by judicial authorities are not enforced, while 2.5% of the citizens of Veles and Bitola said it is the case in their towns.

III. ANALYSIS OF FOCUS GROUPS

Introduction

Within this section of the research discussions were conducted with 13 focus groups in basic courts in different cities across the country as follows: Skopje (two focus groups), Prilep, Gostivar, Veles, Ohrid, Strumica, Bitola, Stip, Kumanovo, Kocani, Tetovo and Struga. In each focus group participated 13 to 17 among the interlocutors from amongst: judges, expert associates, court officers, IT experts, representative of the judicial police, minutes clerks, supplier and others employed in court administration.

Six general questions were given to the participants:

• Evaluation of a higher education in the field of law;

• Level of training and specialization of students of law faculties after graduation;

• Skills to be learned and acquired at the Academy for training of judges and public prosecutors;

• Implementation of judicial decisions (based on own experience);

• Evaluation of the enforcement agents;

• Prioritization of judicial reforms in the country.

Analysis of the discussions

Evaluation of higher education in the field of law in the country

Within the frames of the first question the participants of the focus groups were asked to assess higher education in the field of law. Basically there was not much difference in the attitudes and opinions of the participants in both surveys. In principle focus groups are satisfied with the quality of education but they do highlight some weaknesses in the system, however no major differences in opinions cannot be detected, but the difference between the groups emphasizes on individual weaknesses. Generally, there are three aspects of legal education in Macedonia that are subject of criticism. That is the new "Bologna" system of studying, the lack of practical education and the difference in terms of quality of

students from public and private universities. It is noticeable that within the focus group discussions were not only critically oriented but rather in a larger number of cases have emphasized constructive remarks and suggestions for improvement of perceived weaknesses.

In regards to the system of studying, the most common criticisms were directed at the way of assessment and evaluation of knowledge of students during the study, which is reduced to recognition through the introduction of tests on completion as part of the new Bologna system of studying. Precisely because of these reasons within the focus groups views that favored the old system of study were presented especially emphasizing the oral exam and taking the entire exam. It is interesting to note that one of the focus groups stated that the judges who participated in teaching as experts from the practice of master studies have positive attitude towards the knowledge and skills that students demonstrated during the classes.

On the other hand, it was outlined that as a result of this way of taking exams very unrealistic grades are obtained which emphasized that the average of the studies is not a reliable benchmark for true quality of knowledge especially if compared with those that completed their education by the old system. This situation is further reflected in the objectivity of the criteria for admission to the Academy.

Although students have relatively good theoretical knowledge they still have a lack of practical knowledge for which theoretical knowledge cannot always come to the forefront, unanimous are the participants in the focus groups. They believe that insufficient attention is given to the practical education because there are situations where even graduates do not know how a lawsuit or appeal looks like, or are not at all acknowledged with the way of conduct of court documents. Also, a part of the focus groups noted that best practice would be accomplished in the third year of studies, or after acquiring the necessary knowledge of court procedures when they can actually use the advantages of practical training.

Part of participants that are informed of newly implemented reforms at the Law Faculty in Skopje at UKIM, noted that reintroduction of oral examinations and

mandatory practice for students throughout their studies are positive steps for overcoming the aforementioned deficiencies.

Despite these remarks, large number of participants in focus groups said that there is a discrepancy in the quality of students who complete their education at the state and private universities. Namely students who graduated from state faculties of law, especially from UKIM, show better legal knowledge and better legal skills which cannot always be seen by comparing the average of grades during the studies. Yet despite these remarks much of the participants from focus groups said that ultimately for the successful legal career perhaps the most important is the self initiative and ambition of students.

Comments on the first question taken from different focus groups:

- For the same Bologna system there were strikes held throughout Europe, I am not against progress in education, but children should not be made invalids.
- In overseas countries I know that students follow court cases in detail what I think is not the case here. If this is introduced you may have easier selection of quality personnel by the mentors.
- The way of taking exams completely uninspired students to deeply commit to learning, knowing that it does not require too much effort to recognize the answers on the exam.
- Lack of practice leads to loss of benefit of theoretical knowledge.
- Even when students are asked about their preparedness for the court they comment: "In theory we only learned about invitation, lawsuit, verdict, too many pages, and we have not seen how it looks in practice."
- Currently the average is not a valid measure of knowledge.

Level of training and specialization of students from law faculties after graduation

The second question asked to focus groups is an extension of previous and is associated with the degree of readiness of the newly graduates to work in court. General remark that links to previous answers is that graduates are not

prepared to immediately engage in the work because they have obvious lack of practical knowledge in this area. Despite solid theoretical knowledge, knowledge of foreign languages and computer, they are generally not familiar with the way of conducting court documents, court cases or similar things. They might need additional training for which courts have neither enough staff nor time.

In several focus groups and in this context the difference between the quality of students from public and private universities was emphasized. It was emphasized that it all depends on the willingness and enthusiasm of graduate students and that some courts have positive experiences with volunteers and interns in terms of their rapid adaptation and willingness to learn and work. The change for organization of study programs where in some faculties this is now mandatory practice is greeted, but with the reservation however that students should come to practice in court after they acquire the basics of court proceedings, which are taught in the third year of studies.

However in this matter the obvious gap that exists between expectations and capabilities of both sides must be emphasized. In two of the focus groups was noted that some volunteers and interns who are graduates have excessive expectations in the sense that they want to be immediately involved in trials and in work with judges. On the other hand, court staffs, which can be concluded through answers of almost all participants in focus groups, have high expectations of students who are still just beginners and who yet have to master certain skills and gain some practical knowledge. Anyway, it is not coincidentally apprentice period of at least two years before taking the bar exam is envisaged in order for the apprentice or graduate law student to acquire the necessary skills in practice.

Comments on the second question taken from different focus groups:

- Even though they know the professional definition of documentary tools in the judiciary, they actually don't know how they look like.
- They are completely unfamiliar with the work of the court.
- We have a program of work of volunteers one month on admittance and after that work with a judge.
- For three years they pass all exams on rounding the answers, and without volunteering they are not prepared.

Skills they need to learn and gain from the Academy for training of judges and prosecutors

The third question focused on the Academy for training of judges and prosecutors, which is an institution for education and training of judges and prosecutors that was established in 2006 as part of reforms in the judicial system in particular in the selection of judges. In this context it has a key role in training and education of new judges and public prosecutors.

Compared with the responses from focus groups within the survey done in 2009 there are no major differences in attitudes and grades of participants in focus groups. The only difference that can be noticed is the different emphasis on certain aspects of the operation of the Academy that were subject to criticism.

Within the focus groups there is relatively divided opinion. Much of the focus groups had positive attitude towards the work of the Academy, while two focus groups were fairly negative in assessment of the past work of this institution. It must be noted that two of the focus groups spoke only in principle for the Academy since they have not accepted any of the candidates from the Academy as new judges in their courts.

The remarks of the focus groups generally went in several directions. First, the need for higher practical education of the candidates was again emphasized especially given the level of education. Much of the focus groups felt that the emphasis should be put to this aspect of education because theoretical

knowledge is already acquired at college education and with the passing of the bar exam. This is emphasized because according to some of the focus groups, the staff from the Academy again faces difficulties in adaptation to a new function and certain reluctance among them is felt, thus there is need for additional training in particular court. This note is linked to the suggestion prominent within several focus groups that consider that there is a need for change in the conception of the Academy in order to achieve a higher degree of specialization of students still in the training. It was further criticized that duration of training is usually considered as too short and should last longer as the example of some other European countries.

Second, the average as criteria and in general the criteria for selection of students of the Academy were subject to criticism in focus groups. The average success of the studies was emphasized as extremely biased especially given the fact that there is a big difference between the average performance achieved by old and the new study program in law faculties and between state and private universities.

Third, in terms of competencies it is interesting to note that in the practice that was continually excelled dominated oratory skills that participants in focus groups considered that it must be given greater attention. Despite these skills, the knowledge of new ASMIS information system is often emphasized, as well as other communication and analytical skills.

Finally, in most of the focus groups there was a comparison between associates especially those who in longer term work in the courts and the new judges that come to the site from the Academy and in this note it is highlighted that associates ahead in terms of knowledge and experience or that there is no difference between these two categories. In these comparisons again it is indicated that the average of the studies is a problematic criterion as well as the frequent lack of motivation of professional associates for admission apply for a place at the Academy.

Comments on the third question taken from different focus groups:
• In the first 6 months candidates feel if they are able to survive in the Academy with the difference that in the Netherlands this school lasts 6 years and in our country the period is short. • Since I was a mentor to younger candidates - I think that there is a need for stricter selection of staff. • When you compare an associate with 4 years experience with graduate academic, I cannot tell you that the one from the Academy is more ready. • The session began by showing the color of the folder items. No technical preparation. • Oratory part is missing, students take written exams – missing having an verbal part • There is excessive and unnecessary theorization which should largely be replaced with practice and regular participation on specific trials. • The Academy does not produce quality staff; the previous staff that works in court for longer period is better prepared.

Enforcement of judicial decisions (based on the experience of participants)

The fourth question concerned the implementation of judicial decisions according to the experience of participants in focus groups. Responses from the latest research fully correspond with those given in 2009.

All focus groups were united in their assessment that as a result of the economic situation in the country and the mentality of the people most judicial decisions are forced out by the enforcement agent. There are very rare situations where there is voluntary execution despite the high costs of forced execution.

In terms of mediation, in three focus groups it was emphasized that it does not work as planned and extremely rare cases have been solved in that way.

Comments on the fourth question taken from different focus groups:

- Generally performed by the enforcement agents i.e. the forced execution dominates.
- Mediation did not revived; specifically for litigation the same goal is achieved, as for the alignment the mediation is not used at all because of mediation costs. Mediation now would not have effect in Macedonia - maybe later.
- When it was under court authority, costs were less for creditors.

Evaluation of work of enforcement agents

Regarding the role of enforcement agents the opinions of focus groups were divided. Most of the participants in the groups considered that the enforcement agents have a positive role in the system because it failed to rationalize the courts of enforcement cases and have accelerated the procedure. Yet many of focus groups considered that the introduction of the enforcement agents has not made a significant positive change for several reasons. Some of them think that the courts with more staff could equally well perform this function and with the funds collected on this basis they would have remained in the budget rather than now to go into private hands. Further they consider that the efficiency is not improved by considering the large number of complaints filed on the work of enforcement agents who again burden the court. Contrary to this view it was stated that complaints and appeals to the courts are usually rejected as unfounded and it is not really an issue for the courts.

Focus groups are unanimous that the costs associated with forced execution are pretty high. Part of the focus groups justify the costs with the effectiveness and rapid procedure, while others see no justification in such high costs especially as they will further burden the parties involved. Furthermore, it can often be noted that high costs of the procedure did not achieved the goal set because and it is obvious that they do not stimulate voluntary execution.

Such assessments of the focus groups are not different from those given in previous research.

Comments on the fifth question taken from different focus groups:
• Costs become too high and unjustified • Now the procedure with enforcement is financially and timely burdened and functions only where there are transaction accounts that cannot be blocked easily – especially for companies. • They have been given excessive powers that lead to abuse • Now it is too early to say whether the performance of the enforcement compared to earlier execution in court is in obvious difference and in what direction. • If you are working without money you cannot be effective. The service for execution in order to be effective must charge costs. • If the court had used the funds to hire people, the efficiency would have been at a higher level.

Prioritizing of judicial reforms in the country

Participants in focus groups had most to say exactly about this issue that required out of them to list the priorities that they would have on order to reform the judiciary. It is obvious that all parties participated equally in discussions and exposed their views or a priority that is actually obvious through the length of their replies to this last question.

As was the case in the previous report also in this research the priorities concerning some issues that are considered prerequisites for successful implementation of judicial reforms dominate. Although this does not necessarily mean that there is no progress yet for these essential prerequisites for the operation of courts it must be given more time, money and energy in order to improve the situation.

Although priorities and remarks highlighted from the focus groups are basically the same as in 2009 it can still be noted that negative comments and criticism compared to the previous report are dominant in this report.

The areas in which focus groups were unanimous that there is an urgent need for changes and improvements are the following: financial condition of the courts, lack of staff, outdated computer and technical equipment, inadequate infrastructure, opening hours in summer, reform in the system of delivering legal delivery, adaptation of new ASMIS system and increase of the level of security in the courts through new employments within the judicial police and the purchase of new equipment.

The main source of problems in the functioning of the judiciary, pointed by the focus groups is the financial and material situation of court. All focus groups point out insufficient funds that are sometimes not sufficient to cover any consumables such as toner and paper and they have problems with supplies. On the other hand, they have great difficulty in settling the cost of expertise that lead to delays in court procedures and deterioration of the quality of the judiciary.

Many remarks were given about the personnel policy, not for the hiring of new judges, but for judicial administration and support staff starting from hiring a cleaning staff to the existence of a standard team of assistants for each judge, which is not the case at this point. It was noted that the simple reproduction of staff is problematic, and not to mention new employments. Chronic problems arise in the employment of typists / clerks, members of the judicial police, IT experts and others. Often the lack of clerks is compensated by engaging volunteers, which, as the focus groups themselves recognize, is not in accordance with law.

Lack of members of the judicial police and the new and adequate equipment threatens the safety of the courts. In several focus groups it was stated that there are no females in the judicial police that impairs the ability to control security.

Regarding the ASMIS information system it was highlighted that with the lack of new computer equipment, IT experts and training of existing staff it may not give the optimal results.

Besides financial, technical and staffing priorities the need for reform of the delivery system of judicial items was addressed because the current system produces high costs and delays of court proceedings because of inefficiency. In much of the focus groups the dissatisfaction with cooperation with Macedonian

Posts and their not trained suppliers was emphasized and part of the groups believe that the privatization of the delivery system would be the best solution.
Despite the remarks in the discussions there are some suggestions for improvement of the situation. Thus, individual groups outlined proposals for change in the law on judicial service in order to improve the status of judicial administration, for promotion of the mediation because now it does not give the desired results and a different attitude toward public campaign with acknowledgement of the public with the real situation in the judiciary without unreasonable denigration of judges.

Comments on the sixth question taken from different focus groups:

- Mandatory reconstruction of the premises – they buy air conditioners by themselves, the rooms are generally outdated.
- At the same time the process is disturbed because the court is unable to pay for the expertise, while the judge is under pressure of time and he must pay the expertise alone from its own funds in order to maintain minimum efficiency.
- Delivery service should be privatized. By post the cost is high and we are not satisfied with the service.
- Typist over 50 years of age can no longer work as a typist because of age - decision for diverting.
- Shortage of 4 minutes clerks. Personnel reform is a priority. No toilet.
- In administration with one officer the work is hindered there is no efficiency and organization.
- Changes to the Law on Civil Procedure - too short deadlines for response to a lawsuit, a preparatory period, from hearing to hearing, the deadlines are problem to expertise process which incidentally is very expensive and affects the overall productivity.
- The additional working time unless for trial is no constructive and it should be changed to begin earlier (from 7 to 15h) or less at least the courts of

the interior.

- The Law for judicial service of 2009 envisioned - depending on the complexity of the work of officers - an increase of 20% of wages - it is not completed yet.
- No one will justify the judges for illegitimate term if the expertise was delayed for the trial.

CONCLUSION

Independent and autonomous judiciary and the existence of a functioning judicial system is one of the goals that through relatively serious difficulties all countries in the region are trying to accomplish. It is not a coincidence that on the road to European integration this area is one of the first opened and final closed in the process of accession to the European Union, something which is evident in all countries in the region. For these reasons, carriers of judicial reforms in Republic of Macedonia must be aware that this is a scrupulous process that requires full commitment of all structures and hard work.

Macedonia remains committed to reforms in the judiciary and this research should serve as a roadmap in which direction they should move. The comparative analysis of the field research and focus group discussions in 2009 and 2012 shows that in the past there were no significant improvements in essential aspects of the functioning of the judiciary.

The further reform must primarily be directed to the following issues: raising citizens' confidence in the judiciary, increasing of accuracy and availability of courts to citizens, financial condition of the courts, reforms in legal education, lack of staff, outdated computer and technical equipment, inadequate infrastructure, opening hours in summer, reform of the system of delivering legal items, adjusting to the new ASMIS system and increase of the level of security in the courts through new employments within the judicial police and the purchase of new equipment.

The reform process must be based on thorough analysis and preparation if we want to have the desired results. Because of that the need for further detailed analysis of the situation in the judiciary that will assist in targeting key aspects is imminent.

General conclusions and recommendations from field research and focus groups

- Because of frequent amendments and changes and suspensions by the Administrative Court there is need for profound reform approach in particular in the drafting of laws as in the pre parliamentary and in the parliamentary stage of the procedure.

- It is noticeable that awareness among users of court services and court staff is raised and it needs to be further upgraded.
- The comparative analysis shows that there is no significant change in the situation of the judiciary in the past period.
- There is a need for more detailed analysis of certain aspects of the functioning and organization of the judicial system in order to ensure more reliable conclusions.
- Increase of citizens' confidence in the judicial system
- Financial conditions in the work of the courts is something that must be improved in order to provide the necessary prerequisites for any thorough reform of the judiciary
- Reform in the system of delivery is necessary in order to reduce costs and speed up court proceedings.
- The legal education should be adapted to the needs of the judiciary and the judiciary should take partial responsibility for the qualification of young staff.
- The Academy for training of judges and public prosecutors should take into account the remarks given by the judiciary.
- The judiciary needs to work on its availability and accuracy with regard to the remarks of the research.
- In general the ASMIS information system is positively evaluated, but appropriate conditions for its optimal utilization should be provided.
- Mediation should be supported and promoted considering the fact that the survey results indicate that there is some willingness among citizens about the extrajudicial settlement of disputes.