

## The functioning of the judiciary in the Republic of Macedonia

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### Abstract

Issues related to the judiciary and their relations with the legislative and executive power have always been most touched and conveyed problems for solution on a constitutional level. Historically, the third governmental power, being left for a long period the most vulnerable aspect of it, has experienced the interference and infringement to its independence from the two other powers. In particular, in European democracies this lack of balance derived from the fact that the democratic principle of national sovereignty and the principle of representation, which presupposed the prevalence of the parliament, have predominated over the limitation and division of powers (Anastasi, 2004,174).

Nevertheless, there is confusion about what is really happening today in regard to the compliance with the principle of division of powers in Republic of Macedonia, or to be more exact, what is the position and the role of the third judicial government within this occurred reality, to which, unfortunately, the transition period for a democratic governing is being prolonged much too long since the fall of communism.

The constitution of Republic of Macedonia is based on the fact that a contemporary state cannot be imagined without the courts as independent institutions from the government. Courts have been and still are one of the main conditions and guaranties to democracy and civilization in general (Klimovski, 1998, 351). In these relations the courts as specific institutions of the local political power limit the apparatus of violence.

The judicial office in Republic of Macedonia should represent the basis of justice through its form and methodology, guaranteed by the constitution, for equal and unbiased protection of the human freedoms and rights of the citizens, their property and public interests; the form and methodology for determining the responsibilities of all and of each, and for imposing sanctions under the obligations deriving from the laws of this country.

**Keywords:** courts, reforms, judges, public prosecutor, justice, prosecution, independent, changes, agreement, corruption, constitution.

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