

CRIMINAL LEGAL REFORM THROUGH THE PRISM OF MACEDONIA'S AND ALBANIA'S EURO-ATLANTIC INTEGRATION (CHALLENGES AND PERSPECTIVES)

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Abstract

The membership of the Balkan states (Republic of Macedonia and Republic of Albania) in the European Union and NATO is conditioned by the functioning of democratic institutions and the legal state, where the independent and effective functioning of the judiciary, depoliticization of public administration, free media, and also the continuing with the reforms in general, are some of the most significant attributes. These requirements are explicitly contained in this Copenhagen criteria for EU membership that emphasize stability of institutions guarantee the democracy and the rule of law, the protection of human rights and freedoms as well as rights of communities. Despite the accepted modern design paradigms, such as basic human freedoms and rights and the rule of law, the criminal justice system is in a state of permanent crisis. This crisis does not only cover issues of sustainability and inefficiency of the judicial proceedings, but also includes a general lack of confidence in the quality of the judiciary, resulting in apparent erosion of the legal order in general. This current crisis was current in the past two decades, when the judicial system has proved unable to deal with some of the basic social problems such as corruption and organized crime, providing legal certainty for human rights and freedoms, and depoliticization of public and state administration as well as other institutions. The main directions and drivers of the reforms are the international standards for human rights and freedoms, on the one hand, and crime and corruption, on the other hand. The development of international human rights significantly influenced our laws; especially the European Convention on Human Rights and Freedoms had a profound impact on law and practice and was one of the main drivers for the criminal justice reforms in the recent decades. With signing the Stabilizations and Association Agreement with the European Union, Macedonia and Albania are obliged, *inter alia*, to the reform of the legal system in the process of harmonization of legislation and application of European law and the reforms in the position of the judiciary in relation to the other two authorities and its effective functioning. For this reason, the Programme for the harmonization of legislation with the European Union and its Action Plan Implementation activities are set for approximating the Macedonian and Albanian legal system with *acquis communautaire*. In that direction. The implementation of the commitments undertaken with the ratification of the Stabilization and Association Agreement with the EU is motivated by the Macedonian and Albanian judicial system need to be prepared to function as a part of the European judicial system, or systems of the Member States of the EU's single European legal system. As result of this, the Strategy for reform of the justice system is prepared, which contains measures and synchronized activities of the Government and the Macedonian and Albanian Parliament, the judiciary and public prosecution aimed at setting new constitutional and legal framework, as well as qualitative change of the organization, the management, material and staff prerequisites for achieving the basic function the justice system: legal

protection of human rights and ensuring rule of law and legal security as a guarantee for the life of a society based on principles of democracy, market economy, human rights and legal state. The reform of the justice system includes: reform of substantive law, procedural law reform and structural reform. Structural reform, however, covers the relationship between individual institutions of the justice system and their internal organization and competencies. The continuation of the criminal justice reforms will also contribute to bringing Macedonia and Albania to the European standards, which is a key condition for Euro-Atlantic processes of our country.

Key words: *legislation, criminal reform, integration, justice system, European-international, implementation, human rights, legal protection, etc.*