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## CRISIS AND LEGAL TRANSFORMATION: NORTH MACEDONIA'S COVID-19 EXPERIENCE

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### -abstract-

The elevated mortality rates attributed to Covid-19, in conjunction with other concerning statistics such as traffic-related fatalities and corruption percentages, highlight the level of legal culture among citizens in the Republic of North Macedonia.

This paper utilizes the Covid-19 pandemic in the Republic of North Macedonia as a case study to demonstrate the citizens' low level of legal culture. The concept of legal culture will be briefly explained, with a focus on external legal culture.

Legal culture is deemed a vital factor for the functionality and democracy of a society and will be evaluated through the state's measures to prevent and control the pandemic. These measures encompassed the enforcement of mask-wearing, adherence to social distancing, and vaccination.

The Republic of North Macedonia, a post-socialist country with 30 years of independence, has encountered challenges in transforming its political system and modernizing its legal framework. Although legal culture is a relatively recent concept in the sociology of law, it holds significant importance for the rule of law. This concept encompasses diverse indicators reflecting the level of legal culture in a specific country, with judicial institutions, the non-governmental sector, and education identified as key contributors to the development of legal culture

**Key words:** *legal culture, Covid 19 Pandemic, rule of law*

### I. INTRODUCTION

The Republic of North Macedonia is a post-socialist country that, in its 30 years of independence, has faced challenges in the transformation and modernization of its political and legal systems. As a candidate country for EU membership, North Macedonia has encountered difficulties in harmonizing its national legislation with that of the EU since 2005. In this process, the level of legal culture in Macedonian society has been exceptionally important. Legal culture is a newly emphasized concept due to its significance for the rule of law, especially in countries without a tradition in these concepts. To this end, we consider Lawrence M. Friedman's definition to be of extraordinary significance, stating that legal culture is 'the network of values and attitudes relating to law, which determines when, why, and where people turn to law or government, or turn away'<sup>1</sup>

This paper aims to explore the relationship between legal culture in North Macedonia and the Covid-19 pandemic, which has swept through the world, presenting us with specific challenges and dangers. According to Worldometer data, since its emergence, the virus has officially claimed the lives of over 6 million people and infected millions more<sup>2</sup>. Besides

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<sup>1</sup>Friedman, Lawrence M. (1969). "[Legal Culture and Social Development](#)". *Law & Society Review*. 4: 29–44.

<sup>2</sup><https://www.worldometers.info/coronavirus/>

causing death and health problems, Covid-19 has generated economic and social issues on both national and global scales. Vulnerable citizens, people with disabilities, the elderly, individuals with low incomes, and victims of family and gender-based violence were particularly affected. Governments were compelled to implement restrictive measures to prevent people's exposure to the virus and, consequently, its spread. Additionally, a set of measures was introduced to mitigate the negative effects of the imposed restrictions.

The purpose of this paper is to examine the level of legal culture in North Macedonia during the Covid-19 pandemic. This paper will focus on the situation in North Macedonia and the measures taken by its authorities (state of emergency, masks, distance, vaccination), as well as the compliance with these measures by its citizens. The intention is to establish a possible causality between legal culture and the functionality of society.

In that context, both classical and contemporary sociological theories were consulted. Comparative research on authors' perspectives regarding this phenomenon will be presented. The level of legal culture in North Macedonia will be discussed using available data from previously conducted research and reports from reference instances.

The first part discusses the concept of legal culture along with the social and historical context in North Macedonia. The analysis of legal culture will be based on pandemic monitoring data (measures, numbers, penalties, etc.).

## II. LEGAL CULTURE AS A FACTOR

Legal culture holds particular significance for transitional countries, including the Republic of North Macedonia, which has been a candidate for EU membership since 2005. Full EU membership requires not only compliance with European legislation but also the incorporation of European values into Macedonian society. Sociological studies, focusing on reform processes in the political and justice systems, affirm that certain characteristics of a country's culture, particularly its legal culture, exert a significant influence on the success or failure of reforms<sup>3</sup>.

Within social theory, the concept of legal culture is frequently employed, especially in comparative law. The notion of legal culture suggests that law should be viewed as intricately connected to a broader cultural context. This culture may or may not extend beyond the professional realm of lawyers or lawmakers. Often, conceptions of legal culture encompass more than the professional juristic realm, referring to a general consciousness or shared experience of law within a specific legal environment, such as a region, nation, or group of nations. Culture is fundamental—a lens through which all aspects of law must be perceived or a gateway of understanding that every comparatist must pass through to genuinely access the meaning of foreign law<sup>4</sup>.

### 1. *Identifying elements of the term*

The identifying elements of legal culture encompass various fluid aspects, such as ideas, values, aspirations, and mentalities. Additionally, there are identifiable elements that are measurable and simultaneously explanatory of the concept. These elements include the number and role of lawyers in institutions, the method of appointing and overseeing judges, and the status and dignity of lawyers. For instance, the distinct positions of judges and lawyers in the USA and Europe highlight such differences. Furthermore, various legal

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<sup>3</sup>Kregar, Sekulic, Ravlic, Grubisic, Uvod u sociologiju, Zagreb, 2008.

<sup>4</sup>Roger Cotterel, The Oxford Handbook of Comparative Law, Comparative Law and Legal Culture, Chapter 25, p. 710.

behaviors, reflected in metrics like trial rates or imprisonment rates, serve as identifying elements.

All the examples mentioned above, as identifying elements of legal culture, also encompass both efficient and ineffective operations by legal institutions, specifically courts, police, attorneys, prosecutors, etc.

In the broadest sense, legal culture pertains to people's opinions about the law and the values that guide their behavior. All the aforementioned factors have consequences for the functioning of the legal and political system in a given country. For instance, it is evident that the attitudes and beliefs of ordinary people towards the rule of law impact their willingness to comply with laws, thereby influencing the functioning of legal institutions in either a positive or negative manner. This represents the broadest concept of legal culture in the sociology of law.

General culture exerts a significant influence on legal culture. The relationship between general culture and law is a topic in classical legal theory, but modern research also explores this relationship<sup>5</sup>.

At the same time, an element undoubtedly constitutive of legal culture is legal awareness, as well as the broader legal activity where citizens are obligated to fulfill certain duties based on their legal status. The formation of legal awareness should commence with quality education, serving as the primary generator for shaping legal ideology and a key source emphasizing the essential need to respect laws.

Legal culture is examined on a micro level, through comparative law and on a global level<sup>6</sup>. The aforementioned American sociologist Lawrence Friedman<sup>7</sup>, defines legal culture as a set of ideas, attitudes and expectations people hold about law and the legal system. He asserts that while the concept itself may not be directly measurable, it encompasses a wide range of phenomena that can be measured<sup>8</sup>. In fact, he likens the concept of legal culture to a social force that determines how frequently a certain law is applied in practice and how it is either avoided or abused. He posits that insights into the legal culture of a country could emerge if, for instance, French women, but not Italian women, were reluctant to call the police to complain about sexual harassment<sup>9</sup>. Legal culture, in addition to answering many other important questions<sup>10</sup>, provides an answer to the question of what forms of informal control exist as complements to formal forms of control.

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<sup>5</sup>Tamar Frankel, Tomas Braun, Law and Culture, Boston University Law Review, 101 B.U. L. Rev. Online 157 2021:<https://www.bu.edu/bulawreview/files/2021/12/Law-and-Culture.pdf>

<sup>6</sup>The concept of legal culture is predominantly employed in the examination of the characteristics of the legal culture within a particular country, specifically referred to as national legal culture. Various legal cultures, such as "German," "American," and "Chinese," are scrutinized as examples. Nonetheless, there is a growing number of studies focusing on legal culture at the micro level, encompassing regional or local communities and the legal branch. Concurrently, there is an increasing trend in research on legal culture at the supranational level. This includes investigations into specific legal cultures within broader legal frameworks (continental law, common law), comparisons between two or more legal cultures, and research on the evolution of a global legal culture influenced by international trade development.

Certain sociologists in the field of comparative law delve into how the current practice of globalization effectively imposes a distinct legal culture on other societies. While some argue that the Anglo-American model is enforced through global media and trade, others contend that nation-states exhibit significant differences, with the American model being confined to the United States

<sup>7</sup>The creator of this term is Lawrence Friedman. In the article entitled "Legal culture and social development" from 1969 process. In researching legal culture, Friedman was inspired by Almond and Verba and their research on political culture.

<sup>8</sup>Friedman, Law and Society: An introduction, Pearson College Div (1977).

<sup>9</sup> Ibid.

<sup>10</sup>What are people's thoughts on law? Do individuals and groups enter courtrooms adequately prepared? Why do people seek the assistance of lawyers? In addition to formal forms of control, what types of informal control mechanisms exist? How does the class structure relate to the utilization or non-utilization of legal institutions?

According to Friedman, the fundamental components of the legal system are the legal structure, substance, and legal culture. The legal structure encompasses institutions and processes, uniting legal institutions, their organization, and action<sup>11</sup> representing the enduring form of the legal system, body, or framework. This includes the judicial system, legislation, as well as the banking and corporate systems. The essential element refers to the laws and norms executed by the institutions, embodying the legal content. Legal culture breathes life into the legal system and determines its position in society. While challenging to measure and elusive, it is an extremely important category, indicating dimensions such as customs, opinions, and ways of behaving. Legal culture is difficult to quantify but crucial, particularly in understanding when and why people use the law, legal institutions, or legal processes, or when they choose alternative institutions or take no action.

Legal culture is a crucial intervening variable in the process of legal stagnation or change. It serves as the source of law, with its norms creating legal norms. Customs, values, and understandings of law generate pressures or demands that shape legal institutions

## *2. Types of legal culture- internal and external*

Lawrence Friedman, acknowledged as the father of the term 'legal culture,' distinguishes between external and internal legal culture, a distinction previously made by Savigny. Internal legal culture pertains to the ideas and practices of legal professionals, while external legal culture relates to the opinions, interests, and pressures of broader social groups on the law.

Friedman increasingly argues that the significance of 'internal legal culture' in explaining socio-legal change tends to be exaggerated, often by legal scholars with a vested interest in doing so.

He emphasizes that patterns of legally related behavior are less a result of the way 'folk culture' shapes the demand for legal relief and more a consequence of the institutional possibilities provided. The debate about explaining the relatively low use of courts in Japan is exactly in this direction, questioning whether the comparatively low use of courts in Japan should be explained in terms of a specifically widely felt Japanese (and, more generally, Asian) religious-based cultural reluctance about going to law, or whether it is more a result of a deliberate set of government-created disincentives to litigation<sup>12</sup>.

This distinction is related to the well-known division of elite and mass culture. Albin Iglicar distinguishes<sup>13</sup> between professional legal culture and general legal culture. Some theorists emphasize that a strict distinction is not possible, precisely because of the nature and representation of law in almost all areas of people's lives<sup>14</sup>.

The approach that emphasizes the importance of legal culture underscores the need to look holistically at the justice system and to address identified weaknesses systematically. It requires equal participation and engagement of officials and members of civil society and recognizes that strengthening the rule of law is a process of change that must include altering

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<sup>11</sup> Mateja Chehulich, *Perspectives of Legal Culture: A Systematic Literature Review*, Pravni fakultet Sveučilišta u Zagrebu, Hrvatska, 2021.

<sup>12</sup>David Nelken, *Using the Concept of Legal Culture*, 29 *Australian Journal of Legal Philosophy*, Keynote address to the Australian Society of Legal Philosophy Conference, 2004.

<sup>13</sup> Albin Iglicar, *Sociologija prava*, CZ, Ljubljana, 2004.

<sup>14</sup> Ralf Michaels Forthcoming in *Oxford Handbook of European Private Law* (Basedow, Hopt, Zimmermann eds., Oxford University Press).

the assumptions, thinking, and behavior of all stakeholders—officials and citizens<sup>15</sup>. Civil society organizations play an essential role in the reform process<sup>16</sup>.

Due to the fact that legal culture can be internal, consisting of the ideas and practices of legal professionals (or the elite), and external legal culture or the culture of wider social groups (their opinions, attitudes, and pressures in relation to law—also known as massive), it is important to note that the focus of this paper is on external legal culture. It is the subject of elaboration in this paper precisely because of its nature, i.e., the behavior that coincides with the observance of the measures necessary to deal with the pandemic by the wider social groups or, in our case, the citizens in the Republic of North Macedonia.

### III. A SURVEY OF EUROPEAN LEGAL CULTURES

In 1996, James Gibson and Gregory Caldeira's "Legal Culture of Europe"<sup>17</sup> was published presenting the results of a comparative study of European legal cultures—countries with different legal systems based on distinct legal-cultural values and traditions, yet connected by a common institutional-political framework and economic mechanisms. This research was likely inspired by the need to address the requirements of a common European legal policy. Essentially, it is a survey of the attitudes and beliefs of the citizens (external legal culture) of the EU member states. At the time of the research in 1993, there were only 12 members in the European Union.

Researchers James Gibson and Gregory Caldeira were interested in mass public values—a structure of values that ordinary citizens hold regarding significant questions related to the nature and operation of law. These values are crucial as they shape specific opinions and expectations regarding legal institutions, including people's willingness to resort to institutions for the resolution of private conflicts.

The authors distinguish three separate components of mass legal values: first, the value people give to individual freedom—whether they are willing to tolerate disorder in favor of individual freedom or, conversely, prepared to sacrifice individual freedom in favor of social order; second—their support for the rule of law—the attitudes of the mass public towards the rule of law, the extent of support for it, and their belief in adhering to the law; third—their perception of the neutrality of law—ranging from an understanding of law as a consensual and neutral force that strengthens social order or serves the interests of the entire citizenry, to an understanding of law as an external repressive force or an instrument of social control that serves only to protect the interests of a few.

In the research, two extreme cases were observed: Greece, where there is great alienation from the law, low support for the rule of law, and a strong tendency towards giving preference to order over freedom. On the opposite side is Denmark, where alienation is low, and support for freedom and the rule of law is relatively strong.

The authors not only claim that legal values impact the functioning of the legal system. In fact, their first and second approaches are mainly aimed at the legal elite. Many patterns of behavior are determined not by the mass audience but by the elites. The influence of legal

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<sup>15</sup> Leanne McKay, *Toward a Role of Law Culture, Exploring a Effective Responses to Justice and Security Challenges*, Washington D.C., p. XV.

<sup>16</sup>Commission Staff Working Document, North Macedonia 2021 Report, Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Strasbourg, 19.10.2021 (Работен документ на службите на Комисијата, Извештај за Северна Македонија за 2021 година, Стразбур, 19.10.2021 година).

<sup>17</sup>James L. Gibson, Gregory A. Caldeira, *The Legal Culture of Europe*, *Law & Society Review*, Vol. 30, No. 1 (1996), Published by Wiley on behalf of the Law and Society Association.

institutions is also significant, where broad cultural values impact their operation. In this regard, the delay in court proceedings is cited as an example.

#### IV. CORONAVIRUS IN NORTH MACEDONIA

The first diagnosed case of corona virus in the Republic of North Macedonia was in Skopje on February 26, 2020. The virus then began to spread at a tremendous speed. In the beginning of March, the number of infected people in the country started to grow drastically. On March 12, 2020, the Government of the Republic of North Macedonia adopted a Decision on measures to prevent the spread of COVID-19<sup>18</sup>, after which a crisis situation was declared on March 13 in the municipalities of Debar and Centar Zupa due to the large number of infected and the possibility of spread of the virus<sup>19</sup>. In March 2020, the technical government which was in power submitted a proposal to the President of North Macedonia to declare a state of emergency, after which on March 18, 2020, a state of emergency was declared for the first time in North Macedonia. Introducing a state of emergency meant introducing a special legal regime until its end. The state of emergency meant not only introduction of enhanced measures to protect the health of the population, but also implied an introduction of a special legal regime whose basic characteristics are: deviation from the principle of separation of powers and assumption of legislative powers by the Government, possibility of limitation of basic human freedoms and rights and taking intervention measures by the executive branch of the power in the fields of economics, education and other spheres of social life<sup>20</sup>.

The country faced a huge number of challenges after and during the declaration of the state of emergency, undoubtedly due to the fact that a small number of constitutional and legal provisions regulated the state of emergency<sup>21</sup>. In that regard, it is necessary to pass a law that will regulate in detail the issues and the procedure for declaring a state of emergency, and in particular, the issue of the legal nature of decrees with legal force (the procedure for adoption, the legal consequences and their legal effect should be regulated, i.e. validated)<sup>22</sup>.

Simultaneously, the Republic of North Macedonia grappled with intricate political upheaval. In January 2020, a technical government was elected to facilitate early elections. The Assembly of North Macedonia was dissolved, and the elections, originally planned for April 12, did not occur due to the declared state of emergency. It was emphasized that they would be rescheduled only when an opportune moment arises.

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<sup>18</sup>Одлука за мерки за спречување на внесување и ширење на коронавирус COVID-19 објавена во „Службен весник на РСМ“ бр. 62/2020 од 12.03.2020 година, <http://www.slvesnik.com.mk/Issues/099b0abae78442ddab217ec729d2d9e1.pdf>

<sup>19</sup>Одлука за постоење на кризна состојба на дел од територијата на Република Северна Македонија, заради спречување на внесување и ширење на коронавирус COVID-19, објавена во „Службен весник на РСМ“ бр.62/2020 од 13.03.2020 година, <http://www.slvesnik.com.mk/Issues/04ff2f2c47114ce5bf9cee74d38633bc.pdf>

<sup>20</sup>Анализа на правните аспекти на вонредната состојба“, Македонска академија на науките и уметностите (МАНУ), достапно на: <https://urlzs.com/KCf7jp.1>.

<sup>21</sup>Глава VII насловена како „Одбрана на републиката, воена и вонредна состојба“, од членот 125 до 128. Вонредната состојба се спомнува и во членовите 21 и 54 од Уставот на РСМ кои ги уредуваат правото на мирно собирање и изразување јавен протест и слободата на движење и можноста за нивно ограничување во време на вонредната состојба, како и во членот 63 став 4 од Уставот на РСМ.

<sup>22</sup>Александар Љ. Спасов, „Вонредната состојба како правен предизвик- скица на критички размислувања“, Зборник на трудови „ПРАВНО-ПОЛИТИЧКИ И ЕКОНОМСКИ ДИСКУРС ВО ВРЕМЕ НА COVID-19“, Правен факултет „Јустинијан Први“, УКИМ, 2020 година.

## *1. The measures of North Macedonia to fight the corona*

The Government of North Macedonia implemented a series of restrictive measures that impacted the limitation of citizens' rights. The state of emergency, for the first time practically revealed its essence, which involves the state's ability to address special situations of general threat to the existential interests and needs of society, without deviating from the framework of the rule of law principle, and consistently guided by the imperative for a prompt resolution of all consequences of the state of emergency, fully reasserting that principle<sup>23</sup>.

Specifically, restrictive measures were imposed in North Macedonia, including curfews, the maintenance of social distance, restricted movement and gatherings, closed borders, suspension of air traffic, online education, a ban on religious events and sports competitions, the postponement of procedural deadlines in court procedures, closure of non-essential businesses, and more. However, the question arises as to whether these measures and the limitations of freedoms and rights in the Republic of North Macedonia have been successful in reducing the number of people infected with Covid-19.

The initial measures, undertaken before the first diagnosed case of coronavirus in North Macedonia, included the inspection, scanning, and filling out questionnaires by passengers arriving at airports in Skopje and Ohrid. After the first case appeared, public gatherings were canceled, and some sports events were held without an audience. On March 11, 2020, all educational institutions in the country were closed. By the time a crisis situation was declared on March 13 in Debar and Center Župa, there were already 13 confirmed Covid-positive cases in North Macedonia. From March 14, the government banned the operation of cafeterias, bars, clubs, casinos, and sports betting houses. A state of emergency was declared for the first time in the country on the entire territory, and from March 23, a curfew was imposed from 9 pm to 6 am, followed by a military curfew, sometimes prohibiting leaving home during the entire weekend, with a warning that disobedience implies criminal responsibility under Article 206 of the Criminal Code.

The measures restricting the free movement of citizens were among the strictest and affected a wide range of rights. Undoubtedly, they were a result of mutual mistrust prevalent in the Western Balkans, involving a lack of confidence that everyone would take their share of responsibility and follow instructions. Consequently, the Government of the Republic of North Macedonia implemented a system to prevent the coronavirus through rigorous prevention of free movement, neglecting the needs of vulnerable categories of citizens<sup>24</sup>.

In essence, the restrictive measures were an illustrative example of how the Government of the Republic of North Macedonia, when implementing measures, started from the mentality of the people, categorizing them as "undisciplined" and "incapable" of assuming responsibility without punishment. The evidence that strict measures were taken based on the mentality myth is also reflected in responses to journalistic questions posed to senior government officials. "Measures against the coronavirus were taken primarily because of the mentality of the people who live in our country and who are very sociable. We have very

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<sup>23</sup>Анализа на правните аспекти на вонредната состојба“, Македонска академија на науките и уметностите (МАНУ), достапно на: <https://urlzs.com/KCf7jctp.1>.

<sup>24</sup>„Значењето на пристапот заснован на човекови права за одговорот на здравствената криза предизвикана од Ковид-19 во Република Северна Македонија”, Институт за човекови права, март 2022 година, [https://www.ihr.org.mk/storage/app/media/Проекти/2021%20-%20ПРИСТАПОТ%20ЗАСНОВАН%20НА%20ЧОВЕКОВИ%20ПРАВА%20ЗА%20ВРЕМЕ%20НА%20КОВИД-19%20КРИЗАТА/policy%20paper/PZCHP\\_Dokument\\_Javni\\_Politiki.pdf](https://www.ihr.org.mk/storage/app/media/Проекти/2021%20-%20ПРИСТАПОТ%20ЗАСНОВАН%20НА%20ЧОВЕКОВИ%20ПРАВА%20ЗА%20ВРЕМЕ%20НА%20КОВИД-19%20КРИЗАТА/policy%20paper/PZCHP_Dokument_Javni_Politiki.pdf)

intense social contacts, and people find it difficult to give up their normal way of life, so the Government's measures are also in that respect''<sup>25</sup>.

Instead of consistently discussing social responsibility during the Covid crisis, where each individual bears their own responsibility, the country resorted to the authoritarian mentality of political elites, contradicting liberalism and individualism by violating civil liberties, thus influencing civil, political, economic, cultural, and social rights.

Concerning the rule of law principle and the state's ability to deal with the coronavirus, a restrictive approach, necessity, and proportionality are always required when enacting decrees with legal force.

Bearing this in mind, the Constitutional Court of the Republic of North Macedonia ruled that some decrees with legal force were disproportionate to the intended goal<sup>26</sup>. From the perspective of proportionality, the principle is not always respected in decrees that derogate existing laws for the sake of protecting public health, while certain decrees are frequently changed, adopted non-transparently, and in an extremely short period without consultation with interested parties, experts, and civil society<sup>27</sup>.

## *2. Compliance with measures- effects*

When analyzing the entire period of dealing with the corona virus in North Macedonia and the measures taken by the competent institutions, it is necessary to open the question regarding their effectiveness, ie. whether they resulted in success, considering the fact that they were implemented as an embodiment of a rigorous policy.

According to the categorization of the risk of the spread of Covid-19 by the WHO, North Macedonia was assessed as a country with a high risk of the virus spread. This estimate is not surprising given the fact that during the very beginnings of the spread of the infection, as of April 12, 2020 in North Macedonia out of 8552 tests, 854 were covid positive, while 38 people died<sup>28</sup>, and one day later, on April 13, 2020, 908 persons were covid positive and 44 deceased out of 9262 tested<sup>29</sup>.

According to Worldometer, on September 1, 2021, the Republic of North Macedonia was in the fifth place globally according to the number of total deaths per million inhabitants. During this period, North Macedonia shared the top of the list with Guadeloupe, French Polynesia, Aruba and Saint Maarten, which were the only territories ahead of it on the list. The medical profession identifies the main reasons for the high death rate from Covid-19 in the country as delayed consultation with a doctor, comorbidities and unvaccinated patients.

As of the latest Worldometer results, updated on September 30, 2022, in North Macedonia out of a total of 342,961 cases, 9,534 people have died.

One of the important factors for poor adherence to the restrictive measures is certainly the low legal culture level in our country, which is evident from the high number of infected people. Namely, legal culture is a significant factor in building a functional and democratic

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<sup>25</sup>неделно интервју на Радио Слободна Европа, април 12, 2020, <https://www.slobodnaevropa.mk/a/30544805.html>

<sup>26</sup> „Анализа на искуства на институциите за време на вонредната состојба и уредбите со законска сила” Министерство за правда на РСМ, Февруари 2021, стр.16, <https://www.pravda.gov.mk/Upload/Documents/Анализа%20за%20искуства%20на%20институциите%20за%20време%20на%20вонредната%20состојба.pdf>

<sup>27</sup> Ibid.

<sup>28</sup> Министерство за здравство, Република Северна Македонија, Состојба со COVID-19 во Република Северна Македонија и светот- 13.04.2020.

<sup>29</sup> Министерство за здравство, Република Северна Македонија, Состојба со COVID-19 во Република Северна Македонија и светот- 14.04.2020.

society, with the main role played by the institutions responsible for raising the level of legal culture.

What is worrying is the fact that among the citizens in North Macedonia there is an absence of a will for change, a large part of the society is in a state of apathy where everyone remains silent, while the state is sinking and increasingly facing economic problems, a high rate of unemployment and poverty.

Accordingly, in addition to the high death rate from Covid 19 and the percentage of traffic victims, the percentage of corruption, obsolescence of court proceedings, trust in the judiciary and other indicators make the concept of the legal culture level of the citizens of North Macedonia all the more important.

According to the report of the European Commission for the Republic of North Macedonia for 2021, the state is moderately prepared in terms of applying EU law and European standards. The report states that an effective justice system and effective fight against corruption are key elements of great importance. In terms of issues related to the functioning of the judiciary, the Commission assesses the Republic of North Macedonia as moderately prepared in the area of the functioning of the judiciary, while corruption is found to be widespread in a large part of the areas and it is a matter of concern<sup>30</sup>.

Namely, from the Analysis of road traffic conditions in the past ten years, the statistical data show the results of over 103,000 traffic accidents or about 10.3 thousand accidents annually on the roads in North Macedonia<sup>31</sup>.

Regarding corruption, The Group of States against Corruption (GRECO) in its report on preventing corruption and promoting integrity in central government and law enforcement agencies, which aims to strengthen the country's anti-corruption capabilities, especially with regard to the transparency, integrity and responsibility of public officials and institutions, in 2019 assessed North Macedonia as a country where corruption is considered as a serious problem<sup>32</sup>. Three years later, with the Addendum to the second compliance report of North Macedonia<sup>33</sup>, GRECO concludes that North Macedonia has made modest progress in implementing the recommendations addressed to it, as nine out of nineteen recommendations have been implemented to a satisfactory extent, nine recommendations have been partially implemented and one recommendation has not been implemented<sup>34</sup>.

In the direction of analyzing the numbers of obsolete cases, 3,275 court cases became obsolete in a period of three years (2018, 2019, 2020)<sup>35</sup>. From January 2018 to December

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<sup>30</sup>Commission Staff Working Document, North Macedonia 2021 Report, Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Strasbourg, 19.10.2021 (Работен документ на службите на Комисијата, Извештај за Северна Македонија за 2021 година, Стразбур, 19.10.2021 година).

<sup>31</sup> Анализа на состојби во сообраќајот на патиштата во изминатите десет години, Биро за јавна безбедност, Оддел за криминалистичко разузнавање и анализа, Бр.22.4-1305/1, 09.07.2020 година.

<sup>32</sup>Evaluation Report, North Macedonia, Fifth Evaluation Round, Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Adopted by GRECO at its 82<sup>nd</sup> Plenary Meeting (Strasbourg, 18-22 March 2019), (Извештај Северна Македонија, Петти круг на оценка Спречување на корупција и промовирање на интегритет централната власт (највисоките извршни функции) и органите за спроведување на законот, Усвоен од страна на ГРЕКО на 82-рата Пленарна седница (Стразбур, 18-22 март 2019)).

<sup>33</sup>Addendum to the Second Compliance Report North Macedonia, Fourth Evaluation Round, Corruption prevention in respect of members of parliament, judges and prosecutors, Adopted by GRECO at its 90<sup>th</sup> Plenary Meeting (Strasbourg, 21-25 March 2022), (Адендум на вториот извештај за усогласеност на Северна Македонија, Спречување на корупција кај пратениците, судиите и обвинителите, Четврт круг на евалуација, Усвоен од страна на ГРЕКО на неговата 90-та Пленарна седница (Стразбур, 21-25 март 2022 година)).

<sup>34</sup>Ibid.

<sup>35</sup> Елена Ивановска Мукошка, „Застарени предмети- архивирана правда”, Фондација Отворено Општество Македонија, Скопје, 2021 година

2020, 2,099 misdemeanor cases expired in the basic and appellate courts. Almost for every 10 misdemeanor cases, one criminal case expired, i.e., justice was lost through the court corridors and drawers in 250 criminal cases. In addition, 519 convicts did not serve their sentence because their execution expired. In the Administrative Court, 75 cases became obsolete in three years, and 190 cases in the Higher Administrative Court<sup>36</sup>.

Regarding the perception of the independence of the judiciary in North Macedonia, 78% of the surveyed citizens in North Macedonia believe that the judiciary is not independent from political influence<sup>37</sup>. With this number, North Macedonia, together with Albania, faces the lowest level of perception of judicial independence from political influence, compared to the countries of the Western Balkans.

## V. CONCLUSION

The exploration of causality between legal culture and the functionality of Macedonian society in addressing Covid-19 is undeniably a broad subject. It underscores the evident reality that, in the absence of adherence to the fundamental principles of necessity and proportionality in decision-making, adverse consequences become unavoidable. Such decisions will inevitably face resistance when citizens respect them, leading to a significant disruption in the advancement of legal culture within society. Furthermore, the statistical data presented in this paper, pertaining to citizens' (non)compliance with Covid-19 measures in the Republic of North Macedonia, raises questions about the citizens' preparedness in the Republic of North Macedonia to tolerate disorder for the sake of individual freedom or, conversely, their willingness to sacrifice individual freedom in favor of social order. Their perception of the partiality of law, viewing it as a tool that exclusively serves the interests of a select few rather than as a neutral force reinforcing social order for the benefit of the entire citizenry, will undoubtedly be unhelpful in such situations. The legal culture of a specific country significantly influences the success or failure of reforms—whether political, economic, or social.

A collective commitment is essential to rejuvenate legal culture and enhance emotional intelligence. It is crucial to recognize that cultural transformation is the starting point for change. More objective discussions, rooted in research, are imperative. Strengthening citizens' confidence necessitates the dissemination of transparent, accurate, and timely information. Humanity, compassion, and social commitment should constitute the core values during this period. In fact, the behavior of society, organizations, and groups is determined by the values they uphold.

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