

CONTROL OVER THE SECURITY SERVICES AS AN INDICATOR OF THE POLITICAL SYSTEM

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Abstract: Liberal democracy as a current and dominant political model in the world represents a kind of equilibrium of a multitude of social relations and connections between the people who make up the society. Democracy as a form of political arrangement has freedom and equality in its essence. In order to enable or realize these two main postulates, society creates a system based on norms and institutions, which in turn model the citizenship of man today. Part of the institutions of the system are the security institutions, whose main mission is the guarantor of one of the basic human motives, security. The security services, like no other institution, in the realization of their mission use means and methods whose possible abuse devastates the entire political system and society in general. This is the foundation of the need for adequate control that will ensure their legal operation. Legality in the operation of the security services is imperative because their work methodology encroaches on the most basic human rights, they have information whose misuse is a flagrant violation of human freedom and rights. A fact that is established in the history of mankind.

The world, the region and our country are witnessing the abuse of these institutions, which created great consequences for the future. Macedonia has witnessed several abuses of these institutions since independence until now. The last abuse that was discovered in 2015, with the illegal wiretapping, is the largest so far in terms of its scope and substance. From it, materials were illegally created for a large part of the political and media public, the business community, the judiciary, the prosecutor's office as well as other segments of society. Even today, the dilemma about the integrity of the persons and the institutions managed by them, for which there is material from the illegal wiretapping, is still relevant. It is legitimate to question whether we can call ourselves a free society if a large part of the elite daily performs important duties aware that someone owns a part of their privacy. Therefore, it is quite natural that the quality of the control of the security services rises to the rank of an indicator of the degree of democracy in a society. Macedonia has entered the fourth decade of liberal democratic life, from a legal and normative point of view it is creating a model of parliamentary and civil control of services, but the practice is disappointing, confronting us with the fact that the form has no substance, that the declarative differs from the real.

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Introduction

As contemporary states of the political arrangement and profile of governance in the states, one can meet qualifications "modern totalitarian systems", "hybrid regimes", "captive state" and the like. This is the best evidence that liberal democracy has its own weaknesses, which, if misused, create systems different from democratic ones. Very often the deviations in political systems are in the part of the so-called repressive measures. It is not by chance that the sociologist Max Weber apostrophized "monopoly over coercion" when defining the state. This in itself speaks of the specificity and importance of the institutions that are often abused, among which are judicial - prosecutorial and institutions from the sphere of security.

The qualification for hybrid regimes or trapped state more precisely refers to situations in which there is an occurrence of atypical functioning of parts of the system in relation to its whole. In the specific case, it means a plural democracy without adequate control of parts of the system and the functioning of institutions on an authoritarian principle, contrary to the declared political arrangement. The coexistence of different realities, different principles of functioning, democratic and non-democratic makes a system hybrid. The dilemma is legitimate whether these conditions are more characteristic of post-communist societies, which have not completed their democratic transition to the end, or whether they have retained old principles of functioning in parts of the system. In that context, part of the claims in science are that the professionalism of the security services is an indicator of the complete transformation of the former socialist societies and the consolidation of democracy, which is significantly influenced by the quality of their control.

The intent of this work is to profile the Macedonian society, more precisely to analyze the political system, its degree of democracy and separation of party and state, through the segment of control and surveillance over the security services. Macedonia has its own history of serious abuses of the security services by the political elite, which suggests that the supervision and control over the security institutions has serious weaknesses. It is no coincidence that the surveillance of the security services is linked to the political system, which has a sociological, legal-political and security dimension. This analysis correlates with some of the scientific claims that measure the degree of democracy in societies through, among other things, the integrity of the security services and their control and surveillance. This analysis targets the collective awareness and perception of civil liberties and rights and their protection from institutional or extra-institutional abuse.

The previous researches in our country are usually caused by certain incidents of abuses of the security services and are mostly from the perspective of legal-normative regulation, less from a sociological and political aspect. The justification for emphasizing the socio-political dimension in the analysis of the situations related to the control of the services is much greater that the abuse of security institutions has not had an adequate legal-normative connection so far, aside from the damage caused to society.

1. The position and role of security institutions in the political system

The concept of security has existed since the emergence of human civilization, its original form referred primarily to the individual security of individuals, and with the emergence and development of the community, its scope expands to the community level. Security in sociological and political sciences is one of the key terms because it is essentially

a part of social relations between individuals and groups. The security system is a part of the political system with its own special position and role, the security system can be considered as a subsystem in the political system. Considering that we are talking about a system, it implies a network of institutions and individuals with their own mission, principles and rules of functioning regulated normatively.

Globalization as a phenomenon has not passed the realm of security. Human history, replete with numerous conflicts of varying dimensions, has also contributed to the globalization of security. Democratic societies view security as a protective function of citizens and material goods. The modern role of security institutions transcends the traditional perception of their position and role in society as a factor contributing to the absence of threat. Their role has now expanded into areas atypical for security such as economics, technical-technological development and other spheres of social life. An operational element of security is the security institutions that represent the operationalization of the outlined objectives.

A general division of security institutions is made between security institutions at the global and national level. It essentially represents the creation of systems that integrate the individual, the state and the global community. This combination creates the so-called integral security that includes national and international security. Security institutions in a sociological sense implement the citizenship of individuals as an aggregate of roles, rights and obligations. The citizenship of the individual as a factor of sovereignty is the basis for the obligation of every adult citizen in office for the security of the community. The combination of the social role of the individual and security builds the modern term called "societal security" as a product of globalization and migrations, which in turn significantly affect the identity of society, i.e. the collective "we".

Today, the security institutions implement their political function by ensuring social, economic and political stability, which is essential for the functioning of a sovereign state. The specificity of security institutions is that their work methodology penetrates into areas that are sensitive to basic civil liberties and rights and therefore requires high professionalism. The way security institutions operate is often criticized from an ethical point of view and derives its legitimacy from the priority of national and global security.

The integrity of the security institutions is usually correlated with the profile of the political system and the way of governance in the country. The profile of the security institutions, their way and competences of functioning is conditioned by the security assessment for possible threats to the society. In other words, according to security challenges, institutions are designed whose main mission is to maintain order and order in society on a national level and create security on a global level. The security institutions in the function of realizing their mission have precisely defined powers, but also responsibility for their eventual violation. In a socio-political sense, an important element for security institutions is public trust in them, which is largely helped by appropriate supervision and transparency in operation

2. Control of security services as a social dimension

From what has been elaborated so far about the term security, its meaning, position and role in the political system, an impression is gained that it is a vital social segment. No less important is the control segment of security institutions because their powers, methods and techniques of work can very easily transform from institutions that protect security

to institutions that threaten it. Recently, especially in countries in democratic transition, attention has been paid to building a system for control and supervision of the security services, which is in function of legal and professional work. Most often, control over security institutions is qualified as democratic and civilian control and is seen as a social responsibility.

The control itself has two segments, namely the institutional control and the public perception and attitude of the citizens. The institutional control of the security services is based on internal control and external control by authorized working bodies of the Parliament or the Government. While the sphere of civil society's attitude towards security institutions is based on the active relationship of citizens and the media as a corrector of the work of security institutions. In summary, the control of security institutions represents a set of normatively regulated social relations whose common goal is the stability of the political system and society in general. It is of crucial importance that control systems have their own autonomy and integrity vis-à-vis the institutions over which they exercise control. Today, there is no democratic society that has not de facto built mechanisms to control security institutions. However, the current situation or the analysis of the essence and quality of control in many countries confirms a discrepancy between what is declared and what is real.

The social dimension in the control system can be seen, among other things, through the various forms of association of individuals and groups and their awareness of responsibility for the proper functioning of this type of institutions. In addition to association, the control systems of security institutions are based on the principle of sharing certain values, solidarity and cohesion, which further strengthens their social role. In that context, parliamentary control very often gives greater space to the opposition, considering that the security institutions are controlled by the government, which contributes to the achievement of one of the most important social characteristics, which is trust in the process.

Even today in democratic societies, similar to former socialist societies, the public perception of security institutions is that they are institutions that are untouchable or difficult to control. However, the public, guided by the motive for personal safety, has recently been acting more aggressively to increase transparency in the work of institutions. Therefore, in addition to the parliamentary or internal control of the institutions, the segment of civil control is strengthened. For the citizens, a particularly important segment is civil control, which is perceived as a more authentic control, politically uncontaminated, in contrast to parliamentary control, which also derives its legitimacy from the citizens. The involvement of the public in the operation of security institutions contributes to greater involvement of civil society in the control of security institutions. Motivated by the fact that the citizen is the bearer of the sovereignty in society and the institutions are in the function of the citizen, and not the other way around. The latest scientific research on the public perception of the operation of the security institutions shows a changed attitude of the public towards these institutions in terms of their mysticism or inviolability.

3. Macedonia between the declared and the essential

With the independence of the Republic of N. Macedonia, numerous activities were undertaken to transform the social and political system. From today's perspective, the fears that the sphere of security, especially the so-called secret services represent a conservative environment that will be the most difficult to reform. Bearing in mind that it is about the

same employees and structures from the previous system that have established principles and mentality of action. In the past period, our society experienced numerous reforms in the name of democracy and development of human rights and freedoms. However, as per some unwritten rule, certain reform initiatives were preceded by major abuses of the security systems. Macedonia has adapted its legislation and institutional set-up similar or the same as EU and NATO countries. Adequate supervisory bodies were established for control and supervision of security institutions, in recent history legal solutions were also created for the so-called civil control.

One of the most critical moments related to the degree of democracy related to the control of the security services was in 2015 when the largest case of abuse of security institutions with the so-called illegal wiretapping of more than 20 000 citizens was announced. The narrative at the time on both the domestic and the international political scene was in line with the title of this paper and that is that the escalation of problems in security institutions is a reflection of the degree of democracy and the integrity of the political system. That year, the term “slave state” or “hybrid regime” was heard in political discourse for the first time.

The political changes that took place in 2017 were with the narrative that the security and judicial-prosecutor institutions should be freed from political influence. In the period that followed, certain reforms were made in the Ministry of Internal Affairs with the establishment of a new National Security Agency as the successor of the former Security and Counterintelligence Administration, the establishment of an Operational Technical Agency responsible for monitoring communications, as well as a Council for the Coordination of Security intelligence community. In the area of supervision, the Council for Civil Supervision was created as a new supervisory body, and the engagement of technical and legal experts was made possible for the existing parliamentary supervision in order to strengthen its role. These security sector reforms were subject to agreement between all relevant political parties and were unanimously voted in the legislature. Again, the wording from all political stakeholders was that reforms in the security sector, in addition to a positive impact in improving the functioning of security institutions, will have an effect in the democratic and civilian control of them, thereby affecting the democratic processes in general. The interest of the media, and thus of the public, until the period of 2018-2019 was higher than today. Topics from the field of work of security institutions and their control were followed with greater interest by the citizens. Probably, among other things, due to the present psychosis related to the illegal wiretapping scandal, that every citizen can be the subject of illegal wiretapping.

The reforms of 2019 raised positive hope in the country which was further boosted by the political consensus in the assembly that a serious step is being taken in the reform of security institutions and their control. However, in parallel with this reform and the period after that, great disappointments followed from the essential implementation of the reform. Especially in the area of strengthening parliamentary supervision and functioning of civil supervision. Starting from 2017 until today, the third parliamentary composition can not staff the parliamentary committees with expert support, which is absolutely necessary for quality supervision and control. Two parliamentary committees carried out a transparent procedure for the selection of experts through public announcements and interviews however the leadership of the parliament did not sign the experts' engagement. Without the involvement of technical and legal experts, it can not be said that there is in fact oversight of the functioning of the security institutions. In addition, the history of the operation of parliamentary surveillance

shows at times the absence of real communication and the provision of necessary information to the supervisory bodies by the security institutions, as well as the surveillance exclusively of anonymised orders.

The Council for Civilian Supervision, has never functioned except on paper. A procedure was carried out for the election of members of the council, however, the necessary by-laws were not adopted and the resignations of the members and, in a way, its dissolution, soon followed. To this day, The Council for Civilian Supervision, has not functioned. Meanwhile, today the subject of control of security institutions is not present and the general impression is that apart from declarative commitments and unimplemented legal provisions, there is no movement on the plan to build quality parliamentary and civil supervision. Put in the context of the profile of the political system, the situation has not changed, as confirmed by the latest reports from relevant international institutions, which still qualify our country as a "hybrid regime" or a "partially free country". A logical question arises, will the relevant institutions for creating legal solutions for quality supervision of institutions and public perception wait until the next scandal to face the discrepancy between the declarative and the essential?

Conclusion

Democracy implies high public awareness, professional and integrity services whose power is controllable and balanced exclusively within their legal competences. Democracy is an equilibrium of roles, relations and mechanisms that keep the system stable, and every step outside one's competence means entering another space. In other words, the uncontrolled power of security institutions is a potential risk for civil liberties and rights and creates a bad image for society.

The fact that the interest of citizens in Macedonia as bearers of sovereignty and the control mechanisms that protect their freedoms and rights varies and is dependent on a breakdown in the system, and the reaction is postfestum, is worrying. Only the last case from 2015 of illegal wiretapping implies that even today individuals hold important positions in the state aware that there are recorded materials about them. This situation legitimately raises the question of the professionalism and integrity of these individuals, and the way they manage the institutions.

If we compare the situation in Macedonia, how substantial and quality control it has over the security institutions and its qualification by reference international organizations as "partially free society" or "developing democracy", with countries from the region which we can compare with Croatia and Slovenia, which have built quality systems for the control of services and the qualification for those countries by the same international organizations is as democratic, a correlation will be seen between the profile of the political system and the conditions with the control of the security services. Of course, the qualifications of the political system and the way of governance do not depend only on what kind of system of control of the security institutions exists, but it is still one of the indicators.

The overall picture of Macedonian society is that it faces many challenges, two of which are directly related to the topic of labor. The first is building efficient and professional institutions and systems for their control, with the help of which a distinction will be made between the party and the state. The second high priority is the creation of a true civil society in which ethnicity is not a profession or criterion, and political action will not be determined by

it. Raising the level of democracy, overcoming the party-ethnic approach in creating policies will contribute to the improvement of the situation in the most sensitive areas of respect for human rights and freedoms, such as the justice system, the security system.

References

- Бакрески О. (2008) Контрола на безбедносниот сектор, Филозофски факултет, Скопје
- Бакрески О. (2010) Улогата на парламентот во безбедносниот сектор, Современа македонска одбрана, бр. 19, Министерство за одбрана на Република Македонија, Скопје
- Brodeur J. Poll, Gill P. Tollborg D. (2003) Democracy, Law, and Security: Internal Security Services in Contemporary Europe, Aldershot
- Born H. (2013) Parliamentary oversight of the security sector, European Parliament – OPPD
- Bovens M. (2005) Public Accountability, The Oxford Handbook of Public Management, Oxford University Press, Oxford
- Caparini M. (2007) Controlling and Overseeing Intelligence Services in Democratic States, in Democratic Control of Intelligence Services: Containing Rogue Elephants, Aldershot
- Дончев А. (2007) Современи безбедносни системи, Графос, Куманово
- Greer S. (2000) The Margin of Appreciation: Interpretation and Discretion under the European Convention on Human Rights, Council of Europe, Brussels
- Pantev P. (2005) Civil-military relations and democratic control of the security sector, G.S Rakovsky Defence College, Sofia
- Трајковски И. (2005) Политиката на човековите права I дел : Основни поими, Филозофски факултет, Скопје
- Wills A. Vermeulen M. (2011) Parliamentary Oversight of Security and Intelligence Agencies in the European Union, European Parliament, Brussels
- Надзор над службите за разузнавање (2012) DCAF и Министерство за надворешни работи на Македонија, Скопје
- Препораки од групата од високи експерти за системските прашања за владеење на правото кои се однесуваат на следењето на комуникациите откриени во пролета 2015 година, (2015) Брисел
- Насоки за надзор над разузнавањето за парламентарните комисии во собранието
- (2021) DCAF, Женева