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Political Risk and Monetary Policy: A Case Study of Turkiye

Muhammed Fatih Kaytan

Abstract

Political risk can be defined as political volatility and instability in the domestic as well as the international front which may impact a certain country. The impact and effect of political risk on the economic stability and monetary policies of a country cannot be ignored as an increasingly politically volatile environment can inevitably hit the markets and thus the stability of the financial stage which pushes financial institutions to address the issues via monetary policies.

This paper is focused on understanding the correlation between political risk and instability and monetary policy, with a specific focus on Türkiye during the 2010-2020 period. This period is deliberately selected as a time of profound political developments and volatility in Türkiye as well as very impactful economic and financial reforms and transformations. The primary focus on understanding the role of political risk on monetary policy will be through analyzing the inflationary spikes and the policies of the central bank.

The findings of the paper portray the importance of political stability in both domestic and regional sense, highlighting the impact that increased political risk may have, while at the same time, demonstrating the effectiveness of the monetary policies already undertaken while the political risk levels steadily increased. While the paper clearly shows a correlation between political risk and monetary policy, the importance of strong financial institutions and decisive policy decisions are also highlighted as a way to mitigate the impact that political risks may create.

Keywords: Political risk, monetary policy, inflation rates, emerging markets, volatility

Introduction

Türkiye has faced many political difficulties in recent years. Among these, domestic political disturbances have extended to geopolitical tensions. One of the important roles in the shaping of Türkiye is monetary stability, and the effects of this are important for the long-term and economic perspective of political decisions and financial markets. Political risk can be defined as the uncertainty of the decisions taken by governments, regime changes, election results or political activities, directly or indirectly affecting the country's economy. When we talk about macroeconomics, risks are effective in many areas. If we give examples of these, the investor's perspective is exchange rate stability, inflation trends, etc. Turkey, which is one of the developing countries, is one of the first factors that come to mind when political risk is discussed, especially domestic and international effects. When developed countries are generally mentioned, we see that they are more organized within the framework of institutionalization. In developing countries, we see how important political risks have become. If we consider Türkiye's situation, it is not very difficult to see the interconnectedness of the political and economic systems. Current movements in politics, wars in the region, political unrest affect Türkiye's market and economic planning very easily. It is not possible to avoid negative results if stability is not found, as political power is centralized, and economic management is subject to frequent changes. We see that Türkiye is geopolitically important in the region and actively involved. For this reason, it has to make many strategic and regional alliances. The alliances it has made have political and economic effects in the international sense. Some of these examples are access to the global market, the effect of foreign investments, sanctions made by other states affect Türkiye's ability to easily manage macroeconomic stability and price stability. When implementing monetary policy, controlling price stability and inflation is very important and reaches the most vulnerable levels in times of political risk. It is not difficult to say that the central bank has clearly faced many difficulties throughout history. External shocks and untimely movements in domestic politics have caused difficulties in managing inflationary pressures due to deficiencies in efforts to stabilize the currency and manage liquidity. In general, it is not difficult to see that positive or negative political events lead to capital outflows, currency depreciation and inflationary jumps with political risks and ineffective management of social issues proving to be a visible factor in the economic output of countries with evidence from recent cases (Ferhad, 2025) to historical cases (Ibish, Ferhad, & Kaytan, 2025) backing this viewpoint. When traditional monetary policy weakens, these issues also affect interest rate adjustment and open market operations. When political pressures affect the policy independence of the central bank,

the security of the central bank and inconsistency in monetary policy practices are significantly effective.

When we consider that inflation is a permanent problem in Türkiye, one of the developing countries, political risk can one day give more negative effects to the already existing deficiencies in monetary management and increase and worsen the problems. If there are some political interventions in the decision-making process of the central bank, the following areas can be affected; It is inevitable that it will contradict the price stability directed by maintaining artificially low interest rates and unconventional monetary policies that have not been implemented before. Such political dynamics certainly do not only affect the monetary policy in Türkiye but also reduce the confidence of foreign investors and it is not difficult to see that Türkiye will face more difficulties in terms of attracting foreign capital. In addition, if we give a few more examples, the relationship between political risk and macroeconomics is bound to create feedback in terms of instability. Market fluctuations and inflationary pressures increase, affecting the decision-making mechanism of the central bank, and instead of taking proactive measures, it takes reactive measures. In short, when political instability appears, complications arise in long-term economic planning in this cycle. Targeted consistent inflation rates may be damaged and since it will be difficult to achieve currency stability, the effectiveness of monetary policy naturally weakens. When alliances are in question in Turkish politics, frequent changes occur and uncertainty increases, naturally affecting government policies in the same way. Unpredictability and changes in government policies create problems in long-term monetary policy implementation targets. The impact of political instabilities are evident through instances in which volatilities in the political environment have transferred to economic turbulences, one of the examples being the economic turbulences and policy shifts following the July 15th coup attempt (Ibish, 2016). When intervention in monetary policy is considered, it is realized that Türkiye is an important case study in these matters, considering the relationship between politics and economic performance. As a result, political risks are important challenges to the stability of the Turkish economy, and this challenge manifests itself through its impact on monetary policy. Turkey, a development market, seems to be highly likely to face both domestic political turmoil and external geopolitical pressures. The relationship between political risk and economic instability requires careful monetary policy management to ensure price stability, control inflation, and protect investor security. This complex structure is extremely important in terms of current political challenges in Türkiye's economic course.

Problem Statement

It has been proven that political instability is an important factor in shaping monetary policies. When we examine Türkiye's current geopolitical situation and changes in domestic politics, the weight of the effect of political risk is seen when making monetary policy decisions. It is inevitable to consider it as a convincing case study to present this effect. The information written in the article is as follows:

1. What are the main political risks that affect monetary policy in Türkiye?

2. To what extent is Türkiye's long-term and economic stability and monetary control affected by the degree of political risk?

Research Methodology

This research adopts a mixed-method approach, combining both qualitative analysis of political events and quantitative analysis of their impact on key monetary indicators like inflation, exchange rates, and interest rates in Türkiye.

Data Collection:

- Qualitative Data: Historical political events and government policy decisions in Türkiye from 2010 to 2020.
- Quantitative Data: Macroeconomic indicators, including inflation rates, central bank interest rates, and Türkiye's political risk index from international sources like the IMF, World Bank, and Türkiye's Central Bank.

Literature Review

A study by (Avcı, 2021) focused on the impact of the political economy, highlighting the agricultural policies of Türkiye in line with the EU standards. The paper aimed to understand the relation between economic policy and political dynamics and how this has influenced the economic platforms in Türkiye. Which provides a clear correlation between political influence and monetary policies, as well as the economy beyond. Similarly, Ulutaş (2025) has shown in his work that migration dynamics in Türkiye have been formed by economic adversity, inequalities in the region, access to public services, and concerns related with security, which shows how broader social factors may also impact Türkiye's economic and political environment.

Following a period of financial strain and crises in the 90s, as well as guidance from international organizations, which play an active role in sustaining economic stability and development, particularly in developing countries (Ferhad, 2025), Türkiye opened up the road to new financial and economic beginnings with profound monetary and financial reforms (Öniş, 2009), influenced by the new political establishment of the new millennia, with the AK Party and the new prime minister Erdogan.

Türkiye has taken steps in addressing the volatile financial markets of the 2000s with certain steps such as creating a monetary policy exit strategy, which is seen as one of the crucial institutional steps taken to exit the crisis-mentality which existed before (TCMB, 2010; Başçı, 2011).

Following global recovery from the 2008 financial crisis and a period of restructuring, Turkey introduced it's a roadmap which was aptly titled the Roadmap for Normalizing Monetary Policies (TCMB, 2015). The road map is an important step in aligning Turkish financial system with global markets while also attempting to reduce the possibility of increased risks. Authors such as (Gürkaynak, Kantur, Taş, & Yıldırım, 2015) have pointed out the process of the Turkish financial structure moving from the conventional and simple tools for monetary policy to more complex tooling and approaches with examples such as the shift from short-term interest rates to the one-week repo rate, the interest rate corridor and the Reserve Option Mechanism (ROM) as very important developments in the mechanism of the state in order to mitigate and minimize the possibility of financial shocks and turbulences in the case of global crises, volatility and even domestic risks. Authors (Alper, Kara, & Yorukoglu, 2013) have also pointed out the willingness of the central bank in adjusting the financial policies in the face of global volatility and shocks as well as domestic political developments, further supporting the studies previously mentioned. The Central Bank further demonstrated its willingness to enact financial flexibility in the face of extraordinary developments such as the measures taken during the Covid-19 pandemic period in which, the Central Bank utilized instruments to prevent a further deepening of the crisis, as covered by other authors (Bulut, 2021).

What can be seen and has been demonstrated by previous studies prior is that the financial institutions in Türkiye have not shied away from utilizing its instruments, enacting necessary reforms and adopting new approaches to its understanding of economic and financial policies in the face of new developments in the global as

well as domestic markets but also, more relevant to the study of this paper, the financial institutions have taken into account the political risks while enacting monetary and financial policies, either through utilization of domestic capabilities or policies endorsed through international institutions such as the IMF, which has played an active role on the fiscal policymaking process, especially in the last decades (Ibish & Ferhad, 2024).

Findings

In this paper, the focus will be on data collected from the Central Bank as well as other international financial and academic sources in order to analyze and find answers to the research questions while also trying to find a legitimate correlation between levels of political risk and the financial market, thus the monetary policies of the state through the case study of Türkiye, specifically focusing on the years between 2010 and 2020 for an efficient study of the topic. The years beyond 2020 are not included in the study in order to forego the impact of the pandemic which could disrupt the findings.

The first data collected indicates the inflation rates and the monetary policy, in other words, the interest rates set by the Central Bank in accordance with the stated inflation rates, which can be found in appendix 1. The data and the table demonstrate that the Central Bank has taken into measures to reduce the rising inflation rates, which took a dramatic turn between 2017 and 2018 in which a huge spike in the inflation rate also led way to a steady increase in the interest rate designated by the Central Bank in order to tackle inflation. However, the taken measures did not produce expected results, with the inflationary rate continuing its steady increase, which leads to the reality of institutional ineffectiveness and inefficiencies as well as entrenched inflationary problems beyond what can be addressed through the conventional interventions of the Central Bank.

In appendix 2, the level of political risk in Türkiye is demonstrated with the utilization of the political risk index, again taking into account the years from 2010 until 2020. One can first notice a steady increase in the political risk index, having in mind the turbulency of these years on Turkish political institutions. The steady increase of the political risk index indicates that Türkiye with its financial institutions has been facing these challenges throughout the decade.

The examination of the association between political conditions and inflation dynamics in Türkiye over 2010–2020 by comparing the Political Risk Index (ICRG)

and CPI inflation which can be found in appendix 3. The figure suggests a negative correlation between the political risk (ICRG) score and inflation, implying that periods of weaker political conditions, designated by lower ICRG scores as higher political risk tend to be in tandem with higher inflation rates. While this descriptive evidence does not establish a direct and obvious link, it is consistent with the view that political uncertainty can worsen inflationary pressures through expectations, exchange-rate movements, and risk premia, potentially prompting the central bank to adjust its policy stance. At the same time, the magnitude and timing of inflation movements indicate that additional macroeconomic factors beyond political risk also play an important role in explaining Türkiye's inflation dynamics.

To answer my first research question, *What are the main political risks that affect monetary policy in Türkiye?* The increasing trend of political risk, especially in the period from 2010 to 2020 in which the political index for Türkiye shows a rise from 45 in 2010 to 75 by 2020 in Türkiye can be impacted from many aspects of the political environment in and around Türkiye. First of all, the existence of turbulence and regional conflicts in the middle east, as well as extraordinary political developments in the domestic front such as the 2016 coup attempt and many other politically instable events have all contributed to the steady increase in political risk in Türkiye, which all collectively influence the monetary policies as such.

To answer my second research question, *To what extent is Türkiye's long-term and economic stability and monetary control affected by the degree of political risk?* The Turkish financial institutions have long employed monetary and financial policies aimed at directly addressing the possibility of financial and economic volatility and the possible impact of political developments as well as the impact of political risk. Having this in mind, the extent of which political risk has impacted the economic stability, and the monetary control of Türkiye cannot be understated. Volatile political events such as the 15th of July Coup Attempt and internal political disputes along with the Syrian civil war and the influx of Syrian migrants into Türkiye and not to mention the burden on the state for taking care of said migrants have all been a part of the political risk factor which has in turn been significantly detrimental for the economic stability as well as the consistency of monetary policies in Türkiye. Having that in mind, it should also be mentioned that although an undeniable impact of political risk on monetary policy exists, underlying economic shortcomings and lack of strong financial institutions are also in play.

Conclusion

In conclusion, this paper has focused on researching and analyzing the political risk factor and how it impacts the financial and economic developments in Türkiye, and thus its impact on the monetary policies employed by Türkiye.

The study realized by the paper has found that, having in consideration the period between 2010 and 2020, the political risk level has consistently increased in Türkiye having in mind both domestic and regional developments. This increase has been coupled with a steady increase in the rate of inflation and the correlating monetary policies by the Central Bank to address and tackle the increases.

The study has found that Türkiye should focus on addressing the underlying economic factors which may contribute to the ineffectiveness of the undertaken monetary policies to tackle the rising inflation rate but at the same time the impact of political instabilities and thus the increase of political risk should not be ignored, as demonstrated by this paper, political risk has an effect on monetary developments and thus monetary policy.

In addressing these issues, Türkiye and its financial institutions must proceed with careful steps and strengthen the financial instruments, while political actors should try to increase the independence of financial institutions, further ensuring monetary policies which are not effected by political pressures, on the other hand, the resolve of the Turkish financial institutions in the face of continued domestic and regional political volatility which have shown a steady rate of increased political risk.

References

Alper, K., Kara, H., & Yorukoglu, M. (2013). RESERVE OPTIONS MECHANISM. *Central Bank Review*, 1-14.

Avcı, G. (2021). POLITICAL ECONOMY OF TURKISH AGRICULTURE POLICY WITHIN the FRAMEWORK OF EUROPEAN UNION COMMON AGRICULTURE POLICY.

Başçı, E. (2011). The Turkish Ex perience Bank of Indonesia and IMF Joint Conference on Coping with Asia's Large Capital Inflows in a Multi-Speed Global Economy. *IMF Seminar.* Bali, Indonesia.

Bulut, U. (2021). The response of monetary policyto the COVID-19 pandemic in Turkey. The path of a credit-based economic recovery. *Theoretical and Applied Economics*, 231-238.

Central Bank of the Republic of Türkiye. (2026, January 26). *CBRT interest rates (%): Central bank interest rates*. From Central Bank of the Republic of Türkiye Web site: https://tcmb.gov.tr/wps/wcm/connect/en/tcmb%2Ben/main%2Bmenu/core%2Bfunctions/monetary%2Bpolicy/central%2Bbank%2Binterest%2Brates/cbrt%2Binterest%2Brates?

Ferhad, S. (2025). The Impact of Economic Globalization on Income Inequality in Developing Countries: Case Study of Türkiye. International Journal of Social Science and Human Research, 1257-1261.

Ferhad, S. (2025). The Role of International Financial Institutions on Economic Stability: A Study of Developing Countries. GAS Journal of Economics and Business Management (GASJEBM), 26-32.

Gürkaynak, R. S., Kantur, Z., Taş, M. A., & Yıldırım, S. (2015). Monetary Policy in Turkey after Central Bank Independence. *Center for Financial Studies*.

Ibish, M. (2016). WESTERN BALKANS AND TURKEY AFTER THE COUP D'ÉTAT ATTEMPT (15TH OF JULY 2016). Adam Academy Journal of Social Sciences, 75-94.

Ibish, M., & Ferhad, S. (2024). Understanding the challenges of the IMF through the case studies of Greece, Argentina, and Turkiye. Journal of Law and Politics, 6-12.

Ibish, M., Ferhad, S., & Kaytan, M. F. (2025). The Political Economy and Historical Context of North Macedonia's Independence. International Journal of Social Science and Human Research, 7598-7604.

Öniş, Z. (2009). Beyond the 2001 financial crisis: The political economy of the new phase of neoliberal restructuring in Turkey. *Review of International Political Economy* .

Ulutaş, Ö. C. (2025). Migration process in Republic of Türkiye: Changes in push and pull factors over time. *Academic Journal of Migration Studies,* 1(2), 75–90.

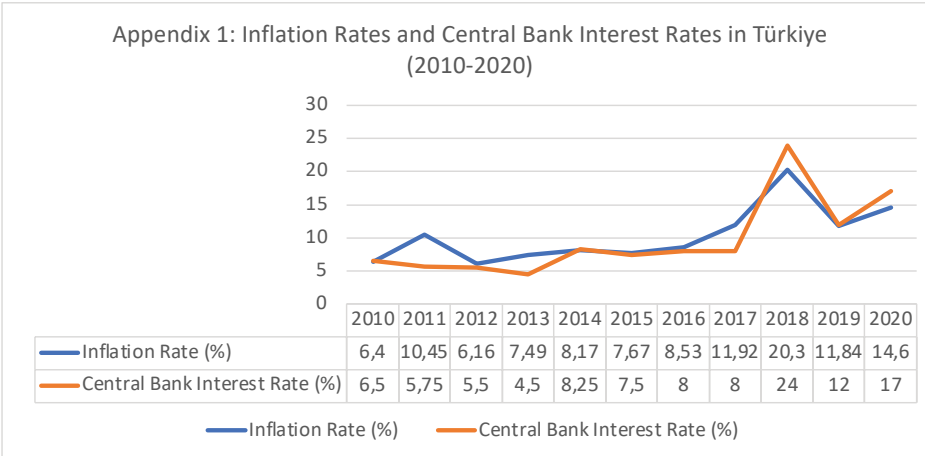
TCMB. (2010). *MONETARY POLICY EXIT STRATEGY.* Ankara.

TCMB. (2015). *ROAD MAP DURING THE NORMALIZATION OF GLOBAL MONETARY POLICIES*. From TCMB Website.

The PRS Group . (n.d.). *International Country Risk Guide (ICRG) [dataset]*. From The PRS Group Web site: https://www.prsgroup.com/whats-new/the-icrg-methodology/

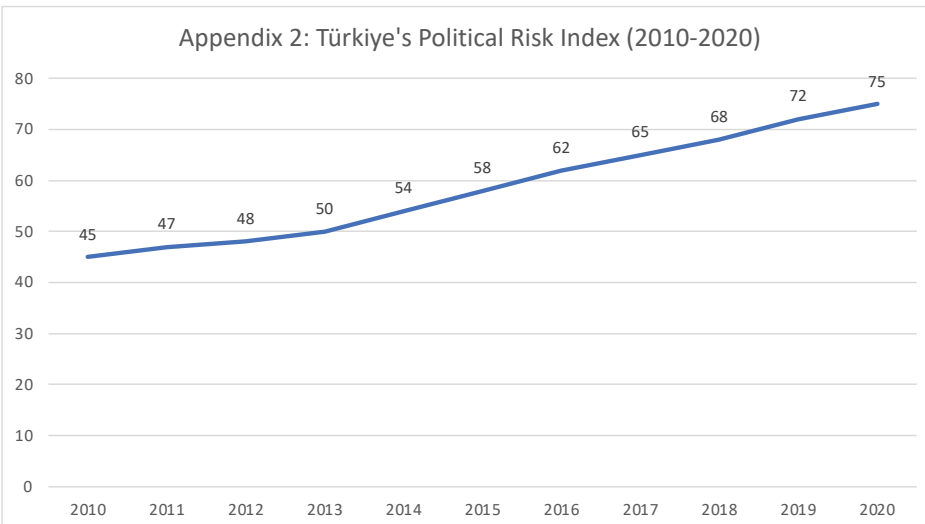
Turkish Statistical Institute (TurkStat). (2026, 01 26). *Consumer Price Index (CPI), 2025 release*. From Turkish Statistical Institute (TurkStat) Web site: https://data.tuik.gov.tr/Bulten/Index?-dil=2&p=Consumer-Price-Index-January-2025-54176

APPENDICES

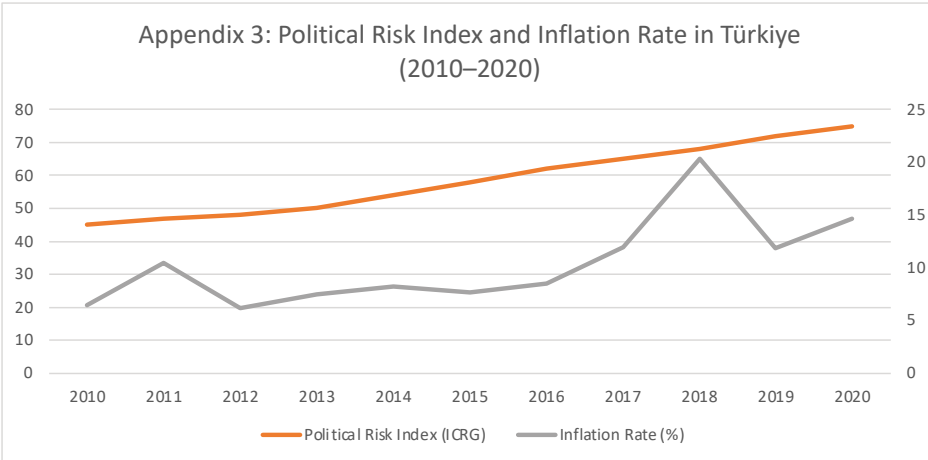


	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Inflation Rate (%)	6,4	10,45	6,16	7,49	8,17	7,67	8,53	11,92	20,3	11,84	14,6
Central Bank Interest Rate (%)	6,5	5,75	5,5	4,5	8,25	7,5	8	8	24	12	17

Sources: (Turkish Statistical Institute (TurkStat), 2026 & Central Bank of the Republic of Türkiye, 2026)



Source: (The PRS Group)



Sources: (The PRS Group; Turkish Statistical Institute (TurkStat), 2026)

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Assessing the Situation of Domestic Violence in North Macedonia: Legal Framework and Criminal Justice Responses

Blerta Ahmedi

Abstract

Manifestations of domestic violence cause considerable legal and social issues in North Macedonia, where specific categories of individuals belonging to a household are often affected with their fundamental human rights being undermined. In response, this paper examines the appropriate legal framework regulating domestic violence, while particularly emphasizing the dimension of criminal law and contemporary legislative reforms. The research performed scrutinizes the global standards established by the Istanbul Convention, as well as their integration into the Macedonian legal system. The research also delves into contemporary amendments made to the Macedonian Criminal Code, especially regarding changes in Article 130 inaugurating *ex officio* prosecution for criminal cases where bodily injuries have been committed as a result of domestic violence. Furthermore, the present-day circumstances have been investigated through the lenses of official statistical data from the Ministry of Internal Affairs and selected observations derived from relevant reports that draw attention to issues such as institutional changes, the prevalence of psychological violence, and underreporting. The research recognizes polarity between prescribed legal provisions and their implementation in practice, while simultaneously acknowledging contemporary legislative attempts to address such drawbacks. The research findings consider that domestic violation still represents a convoluted issue necessitating a more efficient institutional response, despite improvements in the legal framework by recent reforms. The paper concludes with recommendations directed towards strengthening criminal law mechanisms, improvements of their implementation and the enhancement of protection for victims.

Keywords: Domestic violence, criminal law, Istanbul Convention, North Macedonia, legal reforms

Introduction

Among the most persistent and complicated manifestations of violence within our modern society, domestic violence regrettably affects not only the victimized individuals, but also the comprehensive cultural cohesion. Domestic violence appears less noticeable and thus more challenging to address due to its occurrence within the personal contexts of intimate relationships between family members. In spite of heightened awareness on both national and international scales, domestic violence continues to give rise to formidable hurdles in terms of its prevention, guaranteeing the protection of victims, as well as the effective prosecution of perpetrators.

Over the past few decades, substantial endeavors have been undertaken to strengthen the institutional and legal responses to domestic violence, especially with international standards being taken into consideration. It is against this background, that the Istanbul Convention is valued as a predominant mechanism establishing exhaustive obligations addressing issues of prevention, protection, prosecution and coordinated policies for its State parties when combating domestic violence. As one of its State parties, North Macedonia has taken the responsibility to harmonize its national legislation and institutional procedures with the standards referred.

On a national scale, domestic violence is regulated through a combination of specific laws and general provisions of criminal law. The Macedonian Criminal Code is particularly considered to play a major role through its selected provisions addressing bodily injuries and other offences committed in relation to practical manifestations of domestic violence. (Tupančevski, 2024).

Contemporary legislative reforms, notably those regulating the prosecution of such unlawful acts, demonstrate persistent initiatives toward the strengthening of criminal justice response and guaranteeing more effective protection provided to the victims. Be that as it may, the existence of a progressive legal framework does not necessarily guarantee its effective implementation to all intents and purposes; empirical data supported by a significant number of reported cases annually, illustrate that domestic violence represents a widespread phenomenon as yet. More importantly, there yet exists polarity between normative regulations and their practical implementation, in spite of the legal advancements being made within the legal framework referred. In light of the circumstances presented, this paper attempts to analyze the phenomenon of domestic violence in North Macedonia from both

a legal and empirical viewpoint. Namely, the first part of the paper considers the international and national legal framework regulating domestic violence, with special attention being placed upon contemporary developments in criminal law. The second part of the paper further intends to assess the manner of domestic violence being manifested and consequently addressed by competent authorities in practice by scrutinizing the current set of circumstances based on empirical data provided by the Macedonian Ministry of Internal Affairs and other relevant reports. By combining legal analysis and empirical data as a specific research methodology, this paper attempts to provide a more comprehensive understanding of domestic violence as both a legal and social phenomenon, as well as to successfully recognize and identify the crucial difficulties and areas for improving the existing legal system.

Relevant Legal Framework on Domestic Violence

International Legal Framework

At present, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is considered the most comprehensive international instrument addressing the phenomenon of domestic violence in our society. The Convention manages to lay the foundations of a legally binding framework for the prevention of violence, the protection of victims, as well as the effective prosecution of perpetrators. Upon being ratified by North Macedonia in 2017 and later entering into force in 2018, the Convention had imposed binding obligations for harmonizing Macedonia's legislation with its standards, in addition to guaranteeing the effective prevention, protection and prosecution in cases of domestic violence (Council of Europe, 2011). As specifically indicated in Article 3 of the Convention, domestic violence includes all acts of physical, psychological, sexual, and economic violence occurring within the family or between current or former partners, regardless of whether the perpetrator shares or has shared the same residence with the victim (Council of Europe, 2011). One significant contribution of the Convention rests in its criminal law-based approach; its provisions oblige State parties to criminalize specific forms of violent conduct, including physical and psychological violence, as opposed to treating domestic violence as a purely social issue. By the same token, the Convention emphasizes that prosecution should not depend solely on the victim's complaint, requiring proactive intervention by public authorities (Council of Europe, 2011). As perceived from an analytical perspective, the ratification of the Convention had pinpointed a major milestone in reinforcing the national legal framework on domestic violence. Notwithstanding such facts,

the process of successfully harmonizing Macedonia's legislation with the standards of the Convention has been gradual over the course of time, simultaneously indicating the requirement for continuous legislative and institutional reforms in order to fully meet the standards referred. (Council of Europe, 2023).

National Legal Framework

The Law on the Prevention and Protection from Violence against Women and Domestic Violence (2021)

A comprehensive legal definition on domestic violence within the national legal system is provided in the Law on the Prevention and Protection from Violence against Women and Domestic Violence (2021). Namely, domestic violence is defined by the law as any act of physical, psychological or economic violence, including threats, coercion or endangerment of safety committed within family relationships or between persons in close personal relations (Republic of North Macedonia, 2021). The definition referred bears a broad application to marital spouses, partners, family members, as well as other persons considered to be in close relationships, in addition to establishing mechanisms for victim protection, preventative measures and institutional coordination (Republic of North Macedonia, 2021). By recognizing domestic violence as a violation of human rights, the national law reflects a contemporary legal approach aligned with international standards.

Criminal Code of the Republic of North Macedonia

On a national scale, the Criminal Code of the Republic of North Macedonia regulates the phenomenon of domestic violence through respective criminal offences, rather than through a single unified provision. In this respect, acts comprising the phenomenon of domestic violence are primarily regarded through offences such as bodily injury, threats and endangerment of safety (Criminal Code, 2026). One particularly important provision worth noting is Article 130, which criminalizes bodily injury. More specifically, paragraph (2) addresses aggravated forms and manifestations of the offence referred, including cases committed in reference to domestic violence and gender-based violence (Criminal Code, 2026). The aforementioned circumstances confirm the incorporation of domestic violence as a harmful phenomenon within the system of criminal law-based protection, in spite of the fact that the effectiveness of such provisions depends on the procedural rules governing criminal prosecution.

Analytical Assessment of the Legal Framework

The legal framework of North Macedonia predicates a substantial degree of formal alignment with internationally recognized standards, where a particular emphasis is placed on the standards established by the Istanbul Convention. Although both the special legislation and the criminal law-based provisions evidently define and regulate the phenomenon of domestic violence, the alignment with international standards has been gradual and remains insufficient in some regards, which to a great extent amounts includes procedural mechanisms of criminal prosecution to a great extent. The legal norms indeed provide a strong foundation for confronting cases of domestic violence, notwithstanding the fact that their effectiveness depends on practical implementation. Such existing breach draws attention to the necessity for continuous legislative development and institutional strengthening.

Recent Reforms of Criminal Legislation in North Macedonia

There exists a notable advancement based within the criminal law-based framework of North Macedonia that regards the amendments to Article 130 of the Criminal Code introduced through the Law on Amendments and Supplements to the Criminal Code (Criminal Code, 2026).

In particular, the reform affects paragraph (2) of Article 130, which criminalizes bodily injuries committed in reference to domestic violence and gender-based violence, as well as paragraph (5), which regulates the manner of criminal prosecution. Prior to the amendment referred, prosecution for offences considered under paragraph (2) was initiated upon a proposal by the victim. Such procedural requirement brought about substantial hurdles in practice, particularly in cases of domestic violence where the victim had often refrained from initiating or continuing with criminal proceedings due to circumstances related to fear, economic dependence and social pressure. The aforementioned amendment effectively extracts the requirement for a proposal in respect to paragraph (2), thereby disregarding the procedural dependence on part of the victim's initiative. On account of the fact that the law no longer prescribes any condition for initiating prosecution in such cases, it instead follows that the offences referred are now prosecuted *ex officio*. Such legislative change represents a substantial shift in the criminal law-based approach to domestic violence. By transferring the responsibility for prosecution proceedings from the victim to the State, the legislator has consequently strengthened institutional accountability and improved access to justice for victims of domestic violence. As

further perceived from an analytical viewpoint, the necessity of this reform derives from the structural constraints imposed by the previous legal framework. By way of explanation, the dependence on victim-initiated prosecution proved ineffective in addressing domestic violence, considering that victims find themselves in circumstances of vulnerability relating to economic dependence, fear of retaliation and social pressure. These factors significantly reduce the possibility of initiating or maintaining criminal proceedings. In consequence, a considerable number of cases have remained outside the criminal justice system due to the procedural barriers, rather than the absence of legal provisions. This gap is straightforwardly addressed on part of the aforementioned reform by redefining the notion of domestic violence as a matter of public prosecution; thereby the burden of action is transferred from the victim to the State. By the same token, such legislative development only supports the harmonization of the national legal framework with international standards. Within this context, a particular emphasis is placed on the international standards established by the Istanbul Convention, which indicate the importance of the prosecution of domestic violence not being solely dependent on the victim's complaint.

Analysis of the Local Report on Domestic Violence in the Polog Region during 2024

With reference to the data presented in the Local Report on Domestic and Sexual Violence in the Polog Region (Ahmedi & Mero, 2025) a total of 160 criminal offences have been registered. Herein, 161 perpetrators were identified from which 142 perpetrators belong to the male gender and 7 perpetrators belong to the female gender. The data presented indicate that the number of perpetrators slightly exceeds the number of offences, further suggesting that in certain cases multiple individuals were involved in the commission of a single offence. Perceived from an analytical viewpoint, the high number of criminal offences (160) demonstrates that domestic violence is frequently reaching the expected level of criminal qualification, in addition to the overwhelming predominance of male perpetrators (142 out of 161) confirming that domestic violence strongly represent a gender-based phenomenon.

Victims of Domestic Violence in the Polog Region

With reference to the aforementioned local report, the following data is presented; a total of 163 victims of domestic violence were registers, from which 127 victims belong to the female gender and 36 victims belong to the male gender (Ahmedi & Mero, 2025).

Accordingly, it may be well estimated that approximately 78% of the victims belong to the female gender, while approximately 22% of the victims belong to the male gender. In parallel, the data presented confirm that manifestations of domestic violence disproportionately affect women, although men are also not excluded as victims. Moreover, the fact that the number of victims (163) is slightly higher than the number of offences (160) indicates that some incidents involve multiple victims, thus calling attention to the broader impact of domestic violence within family structures (Xhelili, 2025).

Table 1

Criminal Offences and Perpetrators of Domestic Violence in the Polog Region during 2024

Category	Number
Total Criminal Offences	160
Total Perpetrators	161
Male Perpetrators	142
Female Perpetrators	7

Note. Adapted from Ahmedi & Mero (2025).

Table 2

Victims of Domestic Violence in the Polog Region during 2024

Category	Number	Percentage
Total Victims	163	100%
Female Victims	127	78%
Male Victims	36	22%

Note. Adapted from Ahmedi & Mero (2025).

With reference to the data for 2024 regarding the Polog Region report (Ahmedi & Mero, 2025), a close relationship may be indicated between 160 criminal offences, 161 perpetrators and 163 victims, which simultaneously suggests that multiple

perpetrators are often involved in manifestations of domestic violence, as well as that such manifestations affect more than one victim within a single incident. A definitive gender-based asymmetry is also evident, with the largest part of the perpetrators belonging to the male gender (142), while the majority of the victims belong to the female gender (127). Such data substantiates the gendered nature of domestic violence; even though it is also worth mentioning that the presence of male victims (36) points out that the phenomenon of domestic violence affects various categories of individuals. The relatively high number of criminal offences being committed suggests that domestic violence reaches the level of criminal liability on several occasions. Be that as it may, the discrepancy between these figures and the broader number of reported cases managed to establish a gap between the occurrence of violence and its formal criminal prosecution. With everything taken into consideration, the data regarding the region of the city of Tetovo reflects a structurally embedded issue characterized by gender-based inequality, multiple victimization, as well as restrictions in the effectiveness of the criminal justice response.

National-Level Data on Criminal Offences Related to Domestic Violence in North Macedonia

According to the official national-level data presented by the national Ministry of Internal Affairs of North Macedonia for the calendar year 2024, out of a total of 1,087 criminal offences, the following structure may be appropriately established:

- Bodily injury (Article 130) - 667 cases
- Serious bodily injury (Article 131) - 22 cases
- Endangerment of security (Article 144) - 389 cases
- Other criminal offences:
- Homicide (Article 123) - 3 cases
- Attempted homicide / aggravated forms (Article 123/19) - 3 cases
- Unlawful deprivation of liberty (Article 139) - 0 cases
- Offences against liberty (Article 140) - 3 cases
- Other forms of violence (Article 186) - 0 cases
- Offences related to prostitution (Article 191) - 0 cases

In addition to the prominent offences such as bodily injury (667 cases) and endangerment of security (389 cases), the structure of criminal offences in 2024 also takes into consideration other, less frequent forms of criminal conduct. Strictly speaking, 3 cases of homicide, 3 cases of aggravated forms related to homicide, and 3 cases of offences against liberty were recorded. Simultaneously enough, offences such as unlawful deprivation of liberty, other forms of violence, and offences related to prostitution were not registered during the intervening period of time. This distribution indicates that, although more severe forms of domestic violence do indeed occur in practice, they remain numerically limited, during which time the vast majority of cases continue to be concentrated in repetitive manifestations of physical and psychological violence. An essential component of the structure regarding domestic violence offences reported in the calendar year of 2024 pertains to the condition of perpetrators at the time of committing the offence in question; namely, the data indicate that 157 perpetrators had acted under the influence of alcohol, while 17 perpetrators were under the influence of drugs. As further perceived from an analytical point of view, these figures manage to highlight the significant role of substance abuse - particularly that of alcohol - when regarding the occurrence of domestic violence. The considerably high number of alcohol-related cases suggests that alcohol consumption represents a major contributing factor that has the potential of intensifying aggressive behavior and lower inhibitions. By comparison, the number of perpetrators acting under the influence of drugs is considerably lower, which indicates that alcohol appears to be a more prevalent risk factor within the context of domestic violence. Overall, the presented findings emphasize the need to address substance abuse as part of broader prevention strategies aimed at reducing the conduct of domestic violence. In accordance to data obtained by the national Ministry of Internal Affairs for 2024, an alarming total of 1,146 victims of domestic violence were recorded on a national scale, including 911 female victims and 235 male victims. This distribution gives a demonstration of a conspicuous gender-based disparity where women represent the overwhelming majority of victims of domestic violence. (Republic of North Macedonia, Ministry of Internal Affairs, n.d.)

Victim-Perpetrator Relationship in Domestic Violence Cases

According to the official data provided by the Ministry of Internal Affairs for the calendar year 2024, domestic violence most frequently occurs within the context of close family members and intimate relationships. In response, the majority of victims are appropriately recorded in the following capacity:

- Wives / spouses
- Partners or former partners
- Mothers
- Daughters and other close family members

According to this distribution, domestic violence is predominantly manifested within continuing family-related or intimate relationships, as opposed to individuals which are not related. As perceived from an analytic viewpoint, the predominance of victims placed in the role of marital spouses and intimate partners confirms that the phenomenon of domestic violence is inextricably related to disproportionate power dynamics in intimate relationships, particularly affecting women in their roles as partners or family members. At the same time, the occurrence of victims in other family roles, for instance mothers and daughters, illustrates that violence frequently tends to extend beyond the couple and affects the broader family structure. (Republic of North Macedonia, Ministry of Internal Affairs, n.d.).

Conclusion

This paper had researched the Macedonian legal framework and the present conditions of domestic violence, with a special emphasis placed on the criminal law-related aspect and contemporary legislative developments. As displayed in the analysis, North Macedonia has managed to establish a relatively comprehensive legal framework that is largely harmonized with international standards, especially those set up by the Istanbul Convention. The phenomenon of domestic violence is, thus, regulated through both special legislation and criminal law-based provisions. In spite of such normative alignment, however, the findings reveal a persistent gap between legal provisions and their practical implementation. Namely, the empirical data for the Polog region demonstrate that domestic violence remains a widespread phenomenon, characterized by a high number of reported criminal offences, a conclusive gender-based imbalance in both the aspects of perpetration and victimization, as well as the simultaneous involvement of multiple victims within single incidents. One particularly relevant development represents the recent amendment to Article 130 of the Criminal Code, which introduces *ex officio* prosecution for cases of bodily injury committed in the context of domestic violence. As one might expect, this reform represents a significant step toward strengthening the criminal justice response and reducing the dependence on the victim's

initiative. The presented data, nonetheless, indicate that challenges remain in light of ensuring consistent prosecution, improving institutional response, and addressing structural barriers that prevent victims from accessing justice.

Recommendations

The findings presented in this research suggest that additional efforts are required in order to strengthen the effectiveness of the legal and institutional response to domestic violence in North Macedonia. It is against this background, that particular attention should be given to the consistent implementation of recent legislative reforms, especially on those introducing *ex officio* prosecution in cases of domestic violence. Guaranteeing that the provisions in question are subjected to an effective application in practice is crucial when reducing the dependence on victim initiative and enhancing accountability. At the same time, achieving a comprehensive and timely response to domestic violence cases requires improvements regarding coordination between the key institutions involved, with reference to the police, prosecution authorities, and social services. Strengthening such cooperation would contribute to more efficient management of cases of interest and better protection of victims. Of equal importance represents the need to enhance various support mechanisms available to victims of domestic violence, where access to shelters, legal assistance, and financial support altogether play a pivotal role in enabling victims to report domestic violence and to remain engaged in legal proceedings. Moreover, ensuring a more accurate monitoring of domestic violence trends and supporting evidence-based policymaking would necessarily require the improvement of data collection and classification systems. Finally, continued efforts in awareness-raising and prevention are considered essential when addressing the underlying causes of domestic violence and encouraging greater reporting, thereby contributing to a more effective overall response to such destructive legal and social phenomenon.

References

Ahmedi, B., & Mero, A. (2025). *Raport lokal për rajonin e Pollogut: Gjendja e dhunës në familje dhe dhunës seksuale (2022-2024)* [Local report on domestic and sexual violence in the Pollog region]. Mollëkuqja. https://www.mollekuqja.mk/wp-content/uploads/2025/12/Hulumtimi-Mollekuqja-AL.pdf

Council of Europe. (2011). *Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)*. https://www.coe.int/en/web/istanbul-convention/text-of-the-convention

Council of Europe. (2023). *GREVIO's (baseline) evaluation report on legislative and other measures giving effect to the provisions of the Istanbul Convention (North Macedonia)*. https://www.coe.int/en/web/istanbul-convention/north-macedonia

Republic of North Macedonia, Ministry of Internal Affairs. (n.d.). *Analyses and statistics*. https://mvr.gov.mk/en-GB/analizi-i-statistiki/zbirna-analiza

Republic of North Macedonia. (2021). *Law on Prevention and Protection from Violence against Women and Domestic Violence*. https://mvr.gov.mk/en-GB/analizi-i-statistiki/zbirna-analiza

Republic of North Macedonia. (2026). *Law on Amendments and Supplements to the Criminal Code*. Official Gazette of the Republic of North Macedonia, No. 16/2026.

Tupančevski, N. (2024). *Кривичен законик: интегрален текст, предговор, кратки објаснувања и регистар на поими* [Criminal Code: Integrated text, foreword, brief explanations and glossary of terms]. Stobi Trejd.

Xhelili, F. (2025). *Hulumtim: Rritje e raportimit të rasteve të dhunës gjinore dhe seksuale në Pollog*. Mollëkuqja. https://www.mollekuqja.mk/hulumtim-nga-mollekuqja-rritje-alarmante-e-paraqitjes-se-rasteve-te-dhunes-gjinore-dhe-seksuale-ne-pollog/

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Jurisdiction of the Arbitral Tribunal to Decide on Its Own Jurisdiction

Dijana Gjorgjieva

Abstract

Competence de compétence (German: Gerichtsverfassungsrecht; French: Kompetenz-Kompetenz; Spanish: Competencia para determinar la competencia) is a core concept of arbitration procedural law. It is a specific principle aimed at preventing the arbitral process from being undermined at the outset by state courts, as well as eliminating the possibility of a positive conflict of jurisdictions (between arbitrate and state courts).

Simultaneously, by acknowledging the arbitral tribunal's power to rule independently on its own jurisdiction and on any jurisdictional objections raised by the parties, arbitration is affirmed as a separate and autonomous alternative means of resolving disputes.Owing to its efficiency and speed, it increasingly displaces the traditional idea of state court litigation.

For this reason, it can rightly be concluded that the competence de compétence is the cornerstone (pierre angulaire) of arbitration, and thus a challenge for every researcher. This is because, through this doctrine, the autonomy of arbitration vis-vis state adjudication is protected, and the effectiveness of arbitral justice is ensured.

Keywords: Competence de compétence, arbitral jurisdiction, autonomy, state courts, dispute resolution

Introduction

The principle of competence-competence is a fundamental pillar of contemporary arbitration law, empowering an arbitral tribunal to decide on its own jurisdiction, including issues concerning the existence, validity, and scope of the arbitration agreement. By doing so, it reinforces the independence of the arbitral process, promotes procedural efficiency, and reduces early involvement of national courts. In practice, this principle is essential for ensuring quicker and more effective resolution of disputes referred to arbitration.

In the legal system of the Republic of North Macedonia, arbitration is primarily regulated through the provisions of the Law on International Commercial Arbitration, which largely follows the solutions contained in the UNCITRAL Model Law on International Commercial Arbitration. Macedonian arbitration law recognizes the competence of arbitral tribunals to rule on objections relating to their jurisdiction, including objections concerning the validity of the arbitration agreement itself. Such regulation reflects the broader tendency of contemporary arbitration systems to strengthen party autonomy and promote arbitration as an efficient alternative mechanism for dispute resolution.

The jurisdiction of the arbitral tribunal to decide on its own jurisdiction is closely connected with the principle of separability of the arbitration agreement. According to this principle, the arbitration clause is considered legally independent from the main contract in which it is contained. Consequently, even if the main contract is alleged to be null, void, or terminated, the arbitral tribunal may still retain jurisdiction to determine the dispute and assess the validity of the arbitration agreement independently.

In Macedonian arbitration practice, the application of the kompetenz-kompetenz doctrine contributes to greater legal certainty and procedural economy. At the same time, judicial control is not entirely excluded, since national courts preserve the authority to review arbitral jurisdiction at specific stages of the proceedings, particularly during actions for annulment or recognition and enforcement of arbitral awards. Therefore, Macedonian arbitration law attempts to establish a balance between arbitral autonomy and judicial supervision.

The Development of the Competence-Competence Doctrine in Arbitration Procedure Theory

The doctrine of competence de competence originated in German procedural theory. This took place in the 19th century, after arbitration was first recognized as a private means of resolving disputes, which subsequently gave rise to questions about its relationship with state-based adjudication (Jakeli, 2023). The foundation for the emergence of this doctrine lies in a new, revolutionary concept of arbitration that sought to promote arbitral adjudication as a distinct system of justice in the context of the dominance (*imperium*) of state courts.

This modern, revolutionary conception of arbitration developed within German procedural theory (*mos docendi germanicus*) as a reaction to and critique of the traditional French concept of adjudication (*mos docendi gallicus*), which was closely linked to national state protectionism and viewed arbitration with suspicion.

Under the traditional notion of mos docendi gallicus, an arbitral tribunal lacks the authority to independently determine its own jurisdiction (Triva & Uzelac, 2007). This is because the state is sovereign, and only the state is authorized, within its territory (principle of territoriality), to determine which body, state or arbitral, has jurisdiction to resolve disputes arising from civil law relationships (Gorgieva & Doneva, 2025). Allowing arbitral tribunals to decide on their own jurisdiction would imply the existence of two equal judicial sovereignties within the same territory, potentially leading to anarchy, abuse in the administration of justice, and the undermining of the state's *iurisdictio*.

In contrast, the newer revolutionary concept of mos docendi germanicus recognizes that an arbitral tribunal has the authority to independently rule on its own jurisdiction (González de Cossío, 2007). This is because an agreement between the parties to submit disputes to arbitration essentially implies their intention not to resort to state courts for resolving disputes arising from a specific civil law relationship (Boucaron-Nardetto, 2011). Therefore, where there is an agreement between the parties to derogate from state jurisdiction and prorogate arbitral jurisdiction, the arbitral tribunal must be granted the authority (capacity) to decide on its own authority.

Accordingly, the arbitrator, as the judge of its own competence, has both the first and the last word in deciding on jurisdiction, total competence (*Kompetenz-Kompetenz*). This approach prevents procedural misuse, eliminates the risk of parallel proceedings on the same dispute between the same parties in both state and arbitral

forums, and avoids situations where parties attempt to challenge the validity of the arbitration agreement in state court while arbitration is still in progress.

This view in German arbitration procedural theory was instrumental in the development of the principle of competence-competence within Anglo-American law.

Due to the evident shortcomings of both the traditional and the revolutionary concepts regarding the arbitral tribunal's *competence de compétence*, the modern understanding of this doctrine is positioned somewhere between these two approaches. This is because the traditional arbitration framework permits a respondent, simply by challenging the tribunal's jurisdiction, to halt the arbitral process until a state court decides on the question of jurisdiction. On the other hand, the revolutionary concept ignores the fact that arbitration is constructed as a subsystem of state adjudication and, therefore, must be subject to a certain degree of control by state courts.

For this reason, modern arbitration theory adopts a combined concept of *competence de compétence*. This means that the arbitral tribunal may determine its own jurisdiction and assess the validity of the arbitration agreement on its own, although this remains subject to review by a competent state court within appropriate limits.Accordingly, the arbitral tribunal has the first word on its jurisdiction, while the state court has the final say.

In this context, the question arises as to when state courts should exercise control over the arbitral tribunal's decision on jurisdiction, before, during, or after the arbitral proceedings. Although approaches differ across national procedural systems, arbitration doctrine generally considers that a tribunal's positive ruling on its own jurisdiction is not conclusive. Accordingly, such a decision may be subject to review by a state court either during the arbitration in separate non-contentious proceedings, or after the proceedings have ended in an action to set aside the arbitral award.

According to some legislative solutions, certain grounds for lack of jurisdiction (such as arbitrability and public policy) may also be raised during the enforcement proceedings of a domestic arbitral award.

As to whether a state court may determine the arbitral tribunal's jurisdiction before the tribunal has made its own ruling, most national procedural systems answer this question in the negative. This is because such intervention could undermine the arbitral process. Undoubtedly,.the core of the competence-competence doctrine is the respect for the parties' intention to have their disputes resolved by

arbitration, which requires state courts to refrain from intervening until the arbitral tribunal has decided on its own jurisdiction (Triva & Dika, 2004).

However, this does not mean that state courts do not control the jurisdiction of arbitral tribunals. The arbitral tribunal has the right to rule on its own jurisdiction subject to subsequent judicial control (Stanković, 1999). Such judicial oversight of arbitration is carried out through annulment proceedings against the arbitral award, as well as through the procedures governing the recognition and enforcement of arbitral decisions.

Decisions of the Arbitral Tribunal on Its Own Jurisdiction

The arbitral tribunal's authority to rule on its own jurisdiction can be exercised in two forms: by issuing a positive ruling affirming jurisdiction, or by issuing a negative ruling declining jurisdiction over the claim. In both cases, these are independent decisions of the tribunal, made autonomously and free from any interference or pressure by state courts (Samuel, 1989).

The arbitral tribunal will confirm its jurisdiction over a particular dispute where an arbitration agreement is in place, the agreement is valid, and the legal relationship in dispute, for which protection is sought, falls within the scope of that agreement (Stanković, 1999). This is because the arbitral tribunal derives its authority and competence to adjudicate from the arbitration agreement, which represents the foundation (*alpha*) of the arbitral proceedings. A positive decision on jurisdiction is considered a preliminary decision, since arbitration was established as an alternative, not a complete substitute, for civil litigation, i.e., as a form of private adjudication based on the parties expressed will. For that reason, a ruling by which the arbitral tribunal affirms its jurisdiction may be reviewed by state courts either during the arbitration or after it has concluded.

The arbitral tribunal will find that it lacks jurisdiction where no arbitration agreement exists, where the agreement does not satisfy the requirements for validity, where the dispute is not included within or is not clearly covered by the arbitration clause, or where the parties have agreed to arbitrate matters that are not legally arbitrable under applicable law (such as disputes excluded from arbitration).

A negative decision, by which the tribunal rejects the claim and declares itself incompetent, is a final decision that is not subject to state court review, since the parties still retain the right to seek legal protection through regular civil court

proceedings. This is because simply agreeing to arbitration does not eliminate the parties' right to bring their claims before state courts.Furthermore, even though the parties have concluded an arbitration agreement, such an agreement *per se* does not impose an obligation but merely creates the possibility for arbitration. Accordingly, an arbitrator may, at their discretion, accept or refuse to arbitrate a particular dispute (Triva & Uzelac, 2007).

However, whenever the parties have agreed to arbitration, that agreement must be upheld and given effect. In this regard, the competence-competence principle helps prevent abusive or bad-faith conduct, especially when a party knowingly starts court proceedings despite the existence of arbitral jurisdiction or raises objections to the validity of the arbitration clause solely as a delaying tactic.

In this sense, both the effects of the principle of *competence de compétence* act as safeguards against dilatory tactics by parties before or during arbitral proceedings. The relationship between this principle and such tactics is further reflected in the introduction of maximum time limits within which a party may challenge the tribunal's jurisdiction, as well as in the fact that a party cannot appeal the arbitral tribunal's decision once it has declared itself competent and rendered a decision on the dispute.

Benefits (Advantages) of the Legal Recognition and Regulation of the Doctrine of Competence de Competence in Arbitration Law

The primary advantages of regulating the competence-competence doctrine in arbitration law include making arbitral proceedings more efficient and ensuring that the parties' agreement to resolve disputes through arbitration is effectively carried out.

If the arbitrate tribunal renders a decision affirming its jurisdiction to hear and decide a specific claim for legal protection, this means that it potentially has the authority *pro futuro* to rule on objections by the parties challenging its jurisdiction *in concreto* (Boisson de Chazournes, 2010).

Without such *competence de compétence*, the respondent could, by contestingthe tribunal's authority to hear and decide the case (at the latest upon submission of the statement of defense), initiate a potentially lengthy court proceeding before a state court. This would ultimately undermine the very essence of arbitration, its speed and efficiency in decision-making.

On the other hand, allowing state courts in civil proceedings to decide on objections regarding the arbitral tribunal's lack of jurisdiction creates a paradox. For instance, when the parties dispute the validity of the arbitration agreement or raise related issues such as objective or subjective arbitrability, they are ultimately drawn into court proceedings, even though they originally intended to avoid state courts by choosing arbitration.This leads to an ironic situation: the desire to avoid state courts must be realized through recourse to those same courts, which must first permit the parties to proceed with arbitration. Ultimately, this increases litigation rather than relieving the burden on state courts (Hermann, 1994).

From the foregoing, it may be concluded that the doctrine of *competence de compétence* was introduced into arbitration theory and legislation not for theoretical embellishment, but out of practical necessity.

This doctrine contributes both to the faster resolution of domestic and international civil and commercial disputes and to the effective enforcement of the parties' decision to arbitrate. It is closely connected, in principle, to the arbitration agreement itself and to the concept that the arbitration clause is independent and separable from the main contract.

The doctrine of competence-competence and the principle of autonomy of the arbitration agreement are two core concepts in arbitration law, both rooted in the parties' intention to exclude the jurisdiction of state courts and to refer their disputes to arbitration. Nevertheless, they are not the same. The existence of an arbitration clause does not, by itself, guarantee that the arbitral tribunal will uphold its jurisdiction.In this sense, the tribunal's power to affirm its jurisdiction represents, in the strict sense, the practical realization of the parties' decision to resolve disputes through arbitration, thereby giving full effect to their arbitration agreement. At the same time, the invalidity of the main contract does not automatically invalidate the arbitration clause, since the arbitration agreement is considered independent and does not necessarily follow the legal fate of the underlying contract, reflecting the procedural theory of arbitration.

The Doctrine of Competence de Compétence in Comparative Arbitration Procedural Law

In comparative arbitration procedural law, the doctrine of competence-competence is applied with differing boundaries and consequences across national legal systems (Kalantzi, 2023). This becomes evident when comparing different national

legislative solutions governing arbitration. For this purpose, German, French, and Spanish arbitration laws may serve as representative examples within the European continental arbitration tradition.

In German arbitration law, the competence-competence principle is set out in Book 10 of the German Code of Civil Procedure (ZPO), particularly in Sections 1032 and 1040. Under Section 1032 ZPO, an arbitral tribunal is empowered to determine its own jurisdiction, which includes assessing whether an arbitration agreement exists and whether it is valid.Under Section 1040 of the ZPO, if a dispute covered by an arbitration agreement is filed before a state court, the court is required to declare the claim inadmissible, as long as the defendant raises a timely objection before the hearing on the merits begins.

In French arbitration law, the competence-competence principle is governed by Article 1448 of the French Code of Civil Procedure (NCPC). This provision requires state courts, when faced with a dispute covered by an arbitration agreement, to decline jurisdiction unless the arbitral tribunal has not yet been formed or the arbitration agreement is clearly null or incapable of being applied.

Based on the above-mentioned national legislative solutions, it can be concluded that each national arbitration framework independently determines the limits and effects of the principle of *competence de compétence*. In this context, the principle may be regulated either unilaterally or in a binary manner, meaning that the same legal rules may apply to both domestic and international arbitration, or separate regimes may exist.

Unfortunately, in comparative arbitration procedural law there are also legislative systems that do not regulate the principle of *competence de compétence*. A notable example is the Chilean Arbitration Act. Such situations should be addressed and minimized by arbitration theory and practice to the greatest extent possible.

The Competence-Competence Doctrine in Macedonian Arbitration Procedural Law

The competence-competence doctrine in Macedonian arbitration law has been shaped largely by German and French arbitration theory and legislative practice. As a result, Macedonian legislation reflects a limited, rather than absolute, version of this principle, under which the arbitral tribunal has the power to determine its own jurisdiction, but its decisions remain open to later review by state courts. This approach is reflected in the legal rules governing both domestic and international

commercial arbitration in North Macedonia (Zoroska-Kamilovska, 2015).

According to Article 445 of the Law on Civil Procedure (2010), if the parties have agreed to submit a particular dispute to arbitration and one party nonetheless files the same claim before a state court, that court is required, upon the defendant's timely objection, to decline jurisdiction. In such a case, the court must annul any procedural steps already taken and reject the claim. The objection must be submitted no later than the preparatory hearing, or, if no preparatory hearing is held, at the main hearing before the case is argued on its merits.

According to Article 8 of the Macedonian Law on International Commercial Arbitration (2006), when the parties have concluded an arbitration agreement, a state court seised of the same dispute must, upon the defendant's objection, decline jurisdiction, invalidate any procedural actions taken, and reject the claim, unless it determines that the arbitration agreement is void, ineffective, or impossible to perform. At the same time, the existence of court proceedings does not prevent arbitration from being initiated or continued, and an arbitral tribunal may still issue a decision even while the dispute is pending before a state court.

At the same time, Article 16 of the Law on International Commercial Arbitration (2006) provides that the arbitral tribunal has the authority to determine its own jurisdiction, including questions regarding the existence and validity of the arbitration agreement. Any jurisdictional objection must be submitted no later than the filing of the response to the claim. The tribunal may address such objections either in a separate preliminary decision or include its ruling on jurisdiction in the final award on the merits.

Judicial control over the arbitral tribunal's decision on its jurisdiction is exercised after the conclusion of arbitral proceedings, through proceedings for setting aside the arbitral award. In this way, Macedonian arbitration law adopts a solution that recognizes arbitration as an autonomous alternative dispute resolution mechanism in relation to civil litigation, but still within the framework of the state legal system rather than outside it.

An analysis of the doctrine of *competence de compétence* in the regimes governing domestic arbitration and international commercial arbitration in Macedonian law shows that the arbitration agreement typically constitutes a negative procedural precondition for conducting civil litigation. This is clearly reflected in the legal provisions regulating domestic arbitration in disputes arising from civil law relations without a foreign element, where the parties have agreed to arbitration. In such

cases, any positive conflict of jurisdiction (between state courts and arbitral tribunals) is resolved in favor of arbitration through the application of the principle of *competence de compétence*.

Unlike the rules governing domestic arbitration, which generally prevent a dispute from being pursued simultaneously before both state courts and arbitral tribunals, the framework for international commercial arbitration is more permissive and, in certain cases, allows parallel proceedings. This is based on the need for enhanced judicial oversight in disputes with a foreign element, as well as on the objective of supporting and reinforcing the use of arbitration.

In other words, even in international commercial arbitration, the arbitration agreement generally operates as a procedural bar to court litigation. However, if a case is brought both before a state court and an arbitral tribunal, and the court concludes that the arbitration agreement is invalid, inoperative, or unenforceable, it will retain jurisdiction instead of declining it. At the same time, arbitration is not necessarily halted, since the arbitral tribunal may still proceed with the case if it determines that it has jurisdiction.

Concluding Observations

The principle of *competence de compétence* is a fundamental principle of arbitration procedural law. In arbitration theory, it attracts significant interest due to purely practical reasons. This is because, thanks to this principle, arbitration is established as an autonomous form of adjudication alongside state courts, dilatory tactics by parties acting in mala fide before or during arbitration are prevented, and the speed of arbitration proceedings is increased.

The principle of *competence de compétence* in arbitration law was introduced in the mid-19th century by German constitutional procedural theory. Since then, it has become a standard feature of arbitration theory and is legally regulated in almost all national arbitration procedural legislations. Differences between national legislations can be observed in terms of the scope and effects of this principle. These differences reflect varying scholarly positions and understandings regarding the purpose of this principle, originally provided by mos docendi germanicus and mos docendi gallicus. In this context, Macedonian arbitration procedural legislation adopts a modern solution for regulating the principle of *competence de compétence*, consistent with contemporary arbitration understandings of the doctrine as a cornerstone of arbitration.

The key advantages of regulating the competence-competence principle lie in making arbitration proceedings more efficient and in ensuring that arbitration agreements are effectively applied and respected.

References

Boucaron-Nardetto, M. (2011). *Le principe de compétence-compétence en droit de l'arbitrage*. Université Nice Sophia Antipolis (Doctoral thesis).

Boisson de Chazournes, L. (2010). The principle of compétence de la compétence in international adjudication and its role in an era of multiplication of courts and tribunals. In M. Arsanjani, J. Cogan, & S. Weissner (Eds.), *Looking to the future: Essays in honor of W. Michael Reisman* (pp. 1027–1064). Martinus Nijhoff.

González de Cossío, F. (2007). El principio compétence-compétence revisitado. *Revista de Arbitragem e Mediação, 4*(13), 100–122.

Gorgieva, D., & Doneva, N. (2025). Prohibition of double and multiple lis pendens in court proceedings: Solutions and dilemmas in Macedonian law. *The Review of Law, International Politics and Economics, 1*(2), 97–109. https://doi.org/10.5281/zenodo.17931126

Herrmann, G. (1994). The arbitration agreement as the foundation of arbitration and its recognition by the courts. In A. J. van den Berg (Ed.), *International arbitration in a changing world* (ICCA Congress Series, Vol. 6, pp. 41–50). Kluwer Law International.

Jakeli, M. (2023). *Competence-competence principle in international commercial arbitration* [Master's thesis, Mykolas Romeris University].

Kalantzi, A. (2023). Parallel arbitral proceedings: An analysis of the issue of parallel arbitrations in international commercial arbitration within the European legal space. *The Italian Review of International and Comparative Law, 3*(1), 1–27. https://doi.org/10.1163/27725650-03010001

Law on Civil Procedure. (2010). *Official Gazette of the Republic of Macedonia*, No. 116/2010.

Law on International Commercial Arbitration of the Republic of Macedonia. (2006). *Official Gazette of the Republic of Macedonia*, No. 39/2006.

Samuel, A. (1989). *Jurisdictional problems in international commercial arbitration: A study of Belgian, Dutch, English, French, Swedish, Swiss, U.S. and West German law*. Schulthess Polygraphischer Verlag.

Stanković, G. (1999). *Arbitražno procesno pravo*. Pravni fakultet, Niš.

Triva, S., & Dika, M. (2004). *Građansko parnično procesno pravo* [Civil procedural law]. Narodne novine.

Triva, S., & Uzelac, A. (2007). *Hrvatsko arbitražno pravo* [Croatian arbitration law]. Narodne novine.

Zoroska-Kamilovska, T. (2015). *Арбитражно право* [Arbitration Law]. Ss. Cyril and Methodius University, Faculty of Law "Iustinianus Primus".

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Social Media Usage Across Generations: Evidence from North Macedonia

Lumturije Mehmedi-Sinani

Abstract

Social media is now integrated part of every life for most of us, yet people from different generations engage and interact differently with these platforms. It is very important to understand these differences for researchers, business professionals and policy makers. This paper examines the social media patterns of use present among Generation Y (born in 1981-1996) and Generation Z (born in 1997-2012) in North Macedonia. The study investigates generational differences in time spent on social media and platform preferences. Data is gathered from 574 participants and analyzed through Pearson's Chi-Square tests and the results show statistically significant differences between the two generations at the level of $p < 0.001$. The results are interpreted using key theoretical frameworks, including Uses and Gratifications Theory and the Honeycomb Framework of social media. Generation Z spends more time on social media on daily basis while Generation Y use of social media is shorter and more moderated. Regarding the platform preferences Generation Y shows a stronger preference for Instagram and Facebook, while Generation Z mostly uses Instagram, TikTok and Snapchat. Instagram is the most popular and most used platform across both generations. This paper contributes to empirical evidence on generational social media use in North Macedonian context as an area that remains underrepresented in the existing literature.

Keywords: Social media, Generation Y, Generation Z, platform preference, North Macedonia

Introduction

Social media has become central part of everyday life for a lot of people and it influences how people communicate, gather information and interact with each other. The development of technology and the increased use of smartphones, has given users the possibility to stay connected on social media all the time. The increasing use of social media platforms has fundamentally transformed the way people communicate, share information and present themselves to the world. In North Macedonia in October 2025, there have been 1.03 million social media users that equals to around 56% of the population (Kemp, 2026).

McCrindle (2014) notes that there have never been so many generations coexisting simultaneously in families, schools, workplaces and markets. This makes generational analysis more relevant than ever, as generations differ not only in age but also in the values, use of technology and the cultural experiences that have shaped them, resulting in different patterns of social media use (McCrindle, 2014).

Generational differences in social media use have been researched but empirical evidence from North Macedonia remains limited. Most existing studies have been conducted in places that differ from North Macedonia in social, cultural, economic and technological factors. Since these factors are important as they can shape how generations engage with the social media, findings from other contexts cannot be generalized for North Macedonia. This paper examines how Generation Y and Generation Z in North Macedonia differ in their social media usage behaviour focusing on two key dimensions; the amount of time they spend on social media each daily and the specific platforms they choose to use. The study focuses on two hypotheses; there is a significant difference between Generation Y and Z in the time spent in social media daily and there is a difference between Generation Y and Z in the social media platforms they use.

The study is grounded in theorical frameworks and is based on data from 574 respondents which were analyzed using Pearson's Chi-Squared statistics.

Defining Social Media

Social media is an umbrella term that has been defined in multiple ways. Fuchs (2014) describes it as platforms and applications that enable users to create and share content and to participate in social networking (Fuchs, 2014). Kaplan and Haenlein (2010 p.61) offer a technology-centred definition, and they defined the

social media as "a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of user-generated content". Boyd and Ellison (2007) have focused on the structural features of social network sites, defining them as web-based services that has allowed individuals to construct a public or semi-public profile within a bounded system, to articulate a list of other users with whom they share a connection and to view their list of connections and those made by others within the system. While these definitions are useful, they all reflect different disciplinary perspective, with Fusch focusing on participation, Kaplan and Haenlein focus on technology, Boyd focus on structure which suggest that none of the definitions fully captures the complexity of social media.

Boyd (2014) later expanded this conception to include social network sites, video sharing sites, blogging and microblogging platforms and related tools that allow participants to create and share content. This definition is more suitable for the purposes of this study as it includes the diverse of platforms that can be used from participants. Lipschultz (2020) highlights the importance of smartphone technology on the popularisation of social media and notes that the majority of social interactions on these platforms happen on mobile devices.

Baym (2010) points the complexity of social media and raises lots of questions as we try to understand them, such as their place in our lives, their consequences for our personalities and relationships with others. This complexity gives the need to study and analyze the social media behavior considering multidimensional approach and supports the focus of this study on both time spent and platform preferences as two distinct dimensions of social media use.

Theoretical Framework

Theoretical frameworks provide a base to understand how different generations use social media. Among these, the Uses and Gratifications Theory (Katz et al., 1973) and the Honeycomb Framework (Kietzmann et al., 2011) are particularly useful for analysing why Generation Y and Generation Z differ in their platform preferences and usage patterns for social media.

Uses and Gratifications Theory explains that people choose media based on what they need or want (Katz, et al., 1973). Although originally developed in 1973, the theory has relevance in social media contexts as more recent studies have confirmed that different generations seek for platform based on their motivational

needs (Hallinan et al., 2023; Sharma et al., 2023). In terms of social media, it is suggested that different generations use different platforms because they are looking for different things, not just because they know them better (Hallinan et al., 2023).

The Honeycomb Framework, was developed by Kietzmann et al. (2011) and it provides a structured analytical framework through which social media platforms can be compared. They used seven functional building blocks; identity, conversations, sharing, presence, relationships, reputation and groups, to analyze the critical dimensions of user experience in different platforms. Kietzmann et al. (2011) pointed that every platform is based on different blocks depending on what it offers to users, so understanding on what is emphasized helps explain why people prefer certain platforms for certain needs. While the framework has introduced in 2011, its analytical value has been confirmed as the building blocks can explain specific observed behaviors across studies (Kullolli & Trebicka, 2023). For instance, if you are interested in posting photos and sharing moments you will be interested in platform focused on visual sharing and real-time presence. If you are interested in career development and networking you will be focused on platform that is based on professional identity and reputation (Kietzmann et al., 2011). The Honeycomb Framework in this study is used to analyze users behavior and when we used it to the generational research, this framework is particularly useful. Accordingly, we can expect that if Generation Y and Generation Z have different motivation for using the social media, like suggested by Uses and Gratifications Theory (Katz et al., 1973), they are naturally are going to choose platforms whose dominant building blocks best match their needs.

Generational Cohorts: Generation Y and Generation Z

The concept of a generation in biological terms has traditionally been defined as the average time between the birth of parents and the birth of their children, approximately 20-25 years (McCrindle, 2014). Howe et al. (2000) have given a sociological definition and have described a generation as a group of people who share a time and place in history that makes them a collective character. McCrindle has defined generations as united by age and life stage, conditions and technology, events and experiences. In this context, generations are defined as a group of people born in the same era, shaped and influenced by the same times.

For the purposes of this study in the classification of generations is used the classification proposed by Pew Research Center; Generation Y (also known as Millennials)

refers to individuals born between 1981 and 1996, while Generation Z refers to those born between 1997 and 2012 (Dimock, 2019). It must be acknowledged that generational classification is not an exact science and that boundaries and labels vary across countries, so variation within age of each cohort can be considerable.

McCrindle (2014) finds differences between the two generations we are analyzing. Generation Y grew up without technology but learned it as that came into their life, so they are digitally literate yet remember a world before internet. Generation Z on the other hand, was born into a fully digital world. Also, as McCrindle (2014) explains that Generation Z is the most carefully raised and supported generation. They have grown up with structured lifestyles, started formal education earlier and have been strongly influenced by technology, which shaped their everyday activities. These formative differences also carry implications for communication styles. Raslie (2021) finds both similarities and differences between Generation Y and Generation Z in their communication styles. Both generations share a preference for group work and face to face communication but Generation Z tends to expect more instantaneous feedback than Generation Y. This difference in communication expectation is directly important to social media usage, as platforms that offer real time interactions such as TikTok or Instagram stories may be more preferred by Generation Z.

The impact of technology in shaping generations is emphasized from different authors. The generational difference may be understood in light of the fact that Generation Z grew up with digital media as integrated part of their socialisation, giving them different developmental experiences compared to previous generations (Bassiouni & Hackley, 2014). Technology is the most important factor that has influenced the characteristics of Generation Z (Lev, 2021). Also, McCrindle (2014) notes that other factors such as music, fashion, politics and gender relations, which are part of important moments in different time periods have an influence on shaping these generations**.**

The literature review above highlights that Generation Y and Generation Z differ in their relationship with technology, communication style and digital socialization. Based on the theoretical frameworks and evidence reviewed, the hypotheses of this study; Generation Y and Generation Z differ significantly in both the time they spend on social media daily (H1) and the platforms they choose to use (H2) are tested through the methodology outlined in the following section.

Methodology

The study used a quantitative survey design. Data was collected from 574 participants from North Macedonia, 216 individuals from Generation Y and 358 from Generation Z. Generation was determined in accordance with the Pew Research Center classification (Dimock, 2019). Generation Y includes individuals born from 1981 to 1996 and Generation Z includes those born from 1997 to 2012.

Participants were asked to tell the average number of hours they spend on social media per day and also the primary social media platform they use. Responses of the question on hours use of social media were grouped into five categories; less than 1 hour, 1-2 hours, 3-5 hours, 5-7 hours and more than 7 hours. Responses to the question on primary platform use were categorized into five platforms; Facebook, Instagram, LinkedIn, Snapchat and TikTok.

Pearson's Chi-Square test (χ^2) was used to determine whether observed differences in social media usage time and platform preferences between the two generations were statistically significant. The analyses were conducted on the full sample of 574 respondents.

Findings

Time Spent on Social Media Daily

Table 1 shows the distribution of daily social media usage time by generations.

Table 1.

Daily hours spent on social media by generation. Pearson's Chi-Square $\chi^2(4) = 80.84$, $p < 0.001$

Hours on Social Media	Generation Y (number)	Generation Y (percentage)	Generation Z (number)	Generation Z (percentage)
Less than 1 hour	26	12.0%	16	4.5%
1–2 hours	114	52.8%	87	24.3%
3–5 hours	64	29.6%	162	45.2%
5–7 hours	8	3.7%	58	16.2%
More than 7 hours	4	1.9%	35	9.8%
Total	216	100%	358	100%

The data shows clear differences in intensity of usage for the two generations. The most common response category for Generation Y is 1-2 hours per day, accounting for 52.8% (114 of 216) of respondents. Generation Z shows different results, the largest group of respondents with 45.2% (162 of 358) falls in the 3-5 hours category, a further 16.2% (58 of 358) spend 5-7 hours and 9.8% (35 of 358) of respondents reported to spent more than 7 hours per day on social media. In total, data showed that 71.2% (255 respondents of 358) of Generation Z respondents use social media for more than 3 hours per day, compared to only 35.2% (76 of 216) of Generation Y respondents.

Pearson's Chi-Square test result confirms that the difference in usage time between the two generations is statistically significant ($\chi^2(4) = 80.84$, $p < 0.001$). Generation Z shows tendency toward more intensive social media usage. This finding is consistent with the status of generation Z grown up entirely within the digital ecosystem (McCrindle, 2014; Lev, 2021).

Social Media Platform Preferences

Table 2 presents the distribution of responses to primary platform preferences by generation

Table 2.

Primary social media platform by generation. Pearson's Chi-Square: $\chi^2(4) = 168.71$, $p < 0.001$

Platform	Generation Y (number)	Generation Y (percentage)	Generation Z (number)	Generation Z (percentage)
Facebook	71	32.9%	12	3.4%
Instagram	127	58.8%	167	46.5%
LinkedIn	6	2.8%	2	0.6%
Snapchat	5	2.3%	59	16.5%
TikTok	7	3.2%	118	33.0%
Total	216	100%	358	100%

According to the results, Instagram is the most widely used platform across both generations but, its use is noticed to be higher among Generation Y (58.8%) compared to Generation Z (46.5%). Facebook is reported to be used by 32.9% (71 participants) of the participants from Generation Y. On the other hand, only 3.4% (12 participants) from Generation Z respondents reported to use Facebook as primary

social media platform. TikTok is the platform of choice for 33 % (118) of Generation Z respondents and only 3.2% of Generation Y respondents (7 participants). For Snapchat it is noticed a similar pattern, with 16.5% (59) of Generation Z users and only 2.3% (5) of Generation Y users. LinkedIn is among the least used platforms across both generations. This data reflect a clear generational difference in platform preference for these two generations.

The Chi-square test shows significant result ($\chi^2(4) = 168.71$, $p < 0.001$), confirming that there is statistical significant difference on the social media platform preference between Generation Z and Generation Y.

Discussion

The findings of this study for North Macedonia are in line with other existing international findings in the literature on generational differences in social media behaviour. Generation Z spends more time in social media and this is consistent with McCrindle's (2014) characterisation of this generation that has grown up in a fully digital world and social media platform are normal part of their everyday life. Having used the internet from early childhood (Bassiouni & Hackley, 2014), Generation Z members have integrated social media into every aspect of their daily lives, from social interaction, entertainment, learning and self-expression. This is showed clearly in the data, where 45.2% of Generation Z respondents report using social media for 3–5 hours daily, and a further 26% for more than 5 hours, compared to 52.8% of Generation Y respondents who report usage of only 1–2 hours per day.

These findings are consistent and with recent empirical evidence from other contexts. Șchiopu et al. (2023) found similar patterns in Romania, where Generation Z showed a median daily usage of 3-5 hours compared to 1-3 hours for Generation Y. Similarly, Sharma et al. (2023) reported significantly higher social media usage among Generation Z compared to Generation Y in their sample.

The platform preferences found in this study broadly align with comparable regional research, though with some differences. Șchiopu et al. (2023) found Facebook dominant among Romanian Generation Y (98.2%) and Instagram leading for Generation Z (83%), a similar generational split to what was observed here, though Millennial Facebook usage in North Macedonia was considerably lower (32.9%), likely reflecting local context and differences in how platform preference was measured. The strong Gen Z lean toward TikTok and Snapchat is consistent with Kullolli

and Trebicka (2023) and Akbuğa (2025), both of whom found that younger users across Albania and Turkey gravitate toward fast, visual platforms driven by identity expression and social engagement.

The way and time using social media can also be understood through the lens of Uses and Gratifications Theory, which suggests that people actively choose media based on the needs they seek to fulfil (Katz et al., 1973). In this line, Hallinan et al. (2023) found that younger users show stronger preference in entertainment and games content on social media, while older users show preference toward topics that cover family, politics and inspiration. The findings of this study reflect a similar pattern, with Generation Z reporting higher daily social media usage and a wider range of platforms used, suggesting that the two generations approach social media with different motivations and needs.

The difference on the platform preferences for the two generations we have analysed is particularly revealing. The biggest difference in finding concerns Facebook, which was used by 32.9% of Generation Y respondents, but only 3.4% of Generation Z, indicating a sharp generational difference in platform preference. Similarly, TikTok and Snapchat show strong dominance among Generation Z, with 33.0% and 16.5% usage respectively, compared to just 3.2% and 2.3% among Generation Y.

The dominance of TikTok and Snapchat among Generation Z reflects the preference for fast, visual content that disappears quickly and is tailored to their interests. Through the lenses of Honeycomb Framework Kietzmann et al (2011), these platforms can be seen as prioritising the sharing and presence building blocks, allowing users to broadcast moments instantly and engage with algorithmically matched content. Facebook by contrast, appears to built around relationships and groups, which appeals more to Generation Y, a cohort that was already socially connected before mobile social media took over.

LinkedIn shows limited use as a primary platform across both generation with only 2.8% of Generation Y and 0.6% of Generation Z reporting its use. This might be explained with the fact that part of Generation Z are still students or at early stage of entering the job market, so their focus and need is not linked to professional networking social media platform. However, Akbuğa (2025) notes that career planning is increasingly becoming a motivation to Generation Z social media use and this suggests that use of Linked for this generation might grow as they enter the workforce.

Among all platforms, Instagram shows the strongest appeal across both generations in this study. As a platform that combines visual sharing with social networking features, Instagram appears to bridge the gap between the two generations. This is consistent with the findings of Schiopu et al. (2023) that found Instagram to be the platform used from different generation in Romania and with Kullolli and Trebicka (2023) who identifies Instagram as central to Generation Z digital expression. However, Generation Z higher use rate of Instagram observed in this study suggests that this platforms videocentric features, such as reels and stories, may be particularly appealing to younger generations.

Conclusion

This paper has presented empirical evidence on generational differences in social media usage in North Macedonia. Based on data from 574 respondents, two main conclusions emerged. First, Generation Z spends significantly more time on social media compared to Generation Y; 71.2% of Generation Z respondents report spending over three hours daily on these platforms, compared with 35.2% of Generation Y respondents. Second, these two generations prefer to use different platforms, Generation Y favours toward Instagram and Facebook, while most participants from Generation Z have reported to prefer to uses Instagram, TikTok and Snapchat.

The findings of the study carry several practical implications for North Macedonia and similar contexts. For marketers and advertisers, the findings show that platform of social media should be tailored to the target audience. Campaigns that target Generation Y may be more effective on Instagram and Facebook while those for Generation Z should prioritize TikTok, Instagram and Snapchat. For media educators, the significant difference in daily time spent on social media between the two generations shows the need for generation specific digital literacy programs, especially for Generation Z who reported considerably higher use of social media and might be more exposed to risk linked to excessive social media usage.

This study relies on self-reported data, which may be subject to response bias. While respondents can reliably identify their platform preferences, self reported time of daily usage may not precisely reflect actual behaviour, as participants were not required to verify their responses on objective screen time data from their devices. Future studies could conduct the same research in other countries to allow for wider comparisons and use interview-based approaches to better understand how social media habits change across generations and over time.

References

Akbuğa, F. (2025). Social comparison behaviors of Gen Z on social networking sites. *Yeni Medya, 19*, 70–86.

Bassiouni, D. H., & Hackley, C. (2014). Generation Z children's adaptation to digital consumer culture: A critical literature review. *Journal of Business Research, 67*(4), 456–460. https://doi.org/10.1016/j.jbusres.2013.08.003

Baym, N. K. (2010). *Personal connections in the digital age*. Polity Press.

Boyd, D. (2014). *It's complicated: The social lives of networked teens*. Yale University Press.

Boyd, D. M., & Ellison, N. B. (2007). Social network sites: Definition, history, and scholarship. *Journal of Computer-Mediated Communication, 13*(1), 210–230. https://doi.org/10.1111/j.1083-6101.2007.00393.x

Dimock, M. (2019, January 17). Defining generations: Where Millennials end and Generation Z begins. Pew Research Center. https://www.pewresearch.org/short-reads/2019/01/17/where-millennials-end-and-generation-z-begins/

Fuchs, C. (2014). *Social media: A critical introduction*. Sage.

Hallinan, B. K., Scharlach, R., Trillò, T. M., & Shifman, L. (2023). Mapping the transnational imaginary of social media genres. *New Media & Society*, 559–583.

Howe, N., Strauss, W., & Matson, R. (2000). *Millennials rising: The next great generation*. Vintage Books.

Kaplan, A. M., & Haenlein, M. (2010). Users of the world, unite! The challenges and opportunities of social media. *Business Horizons, 53*(1), 59–68.

Katz, E., Blumler, J. G., & Gurevitch, M. (1973). Uses and gratifications research. *Public Opinion Quarterly, 37*(4), 509–523.

Kemp, S. (2026, April 30). Digital 2026: North Macedonia. DataReportal. https://datareportal.com/reports/digital-2026-north-macedonia

Kietzmann, J. H., Hermkens, K., McCarthy, I. P., & Silvestre, B. S. (2011). Social media? Get serious! Understanding the functional building blocks of social media. *Business Horizons, 54*(3), 241–251.

Kullolli, T., & Trebicka, B. (2023). Generation Z and the evolution of social media: A two-decade analysis of impact and usage trends. *Interdisciplinary Journal of Research and Development, 10*(3), 77–87.

Lev, T. A. (2021). Generation Z: Characteristics and challenges to entering the world of work. *Cross-Cultural Management Journal, 23*(1), 107–115.

Lipschultz, J. H. (2020). *Social media communication: Concepts, practices, data, law and ethics*. Routledge.

McCrindle, M. (2014). *The ABC of XYZ: Understanding the global generations*. McCrindle Research Pty Ltd.

Raslie, H. (2021). Gen Y and Gen Z communication style. *Studies of Applied Economics, 39*(1).

Șchiopu, A. F., Nica, A. M., Pădurean, A. M., & Ţală, M. L. (2023). Generation Z vs. Generation Y: Different from or similar? A comparison of centennials and millennials regarding the use of social media for travel purposes. *Cactus Tourism Journal, 5*(1), 20–35.

Sharma, S., Sachdeva, D., Malhotra, J., & Juneja, T. (2023). Social media usage, fear of missing out and personality: A comparative study of Gen Z and Millennials. *International Journal of Indian Psychology, 11*(3).

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Artificial Intelligence and Business Law: Challenges, Regulation, and Future Perspectives in North Macedonia

Seher Mustafa

Abstract

Artificial Intelligence (AI) is fully transforming business aspects and other legal aspects while creating both a lot of opportunities and also complex regulatory challenges. AI technologies become fully integrated into the decision-making processes, many issues such as lack of transparency accountability and other problematic issues related to legal aspects are huge concerns for the business law. Most focusing part of this paper has to do with the examination of the AI and business law, while focusing in the need for a broader analysis of the cases that concern the business law and all aspects of the regulatory frameworks that would have addressed future risks and also current developments. It evaluates the traditional forms of the learning systems and concludes that traditional forms of the learning systems are way too unpredictable and often operates beyond aspects of human predictions. Having in mind our existing literature this paper will try to analyze many concepts on the legal aspect and business law and also other aspects of regulatory frameworks that will need to be in place for a less risk base and flexible AI governance. In the global economy with many problems and other current difficulties this paper will evaluate ecosystem and its role on the strategic importance on the of AI in business law. As a conclusion part will be evaluated a balanced approach as a base of this paper with the focus on the fundamental basic principles of business law and legal aspects of it and AI.

Keywords: AI, business law, AI regulation aspects, legal responsibility, digital governance.

Introduction

AI has undergone a rapid development as one of the main technological transformation for many aspects of the science including the aspects of life even. In the 21st century Ai implications could not be overlooked. Especially in the aspect of business law and legal system, which soon probably will be fully integrated in our daily life. AI is fully integrated in areas such as education, daily life, health care systems, businesses etc. Many businesses fully operate on the Ai newly developed systems and they have optimized operations and also enhance decision making and also gain huge advantages.

Accountability is really an issue that concerns the whole legal system when it comes to business law. As AI systems become more autonomous and capable of learning from itself, it becomes highly difficult to determine who is responsible for their actions and also for their conclusions. Existing legal aspects and other doctrines are generally based on human intent and control, yet AI systems can produce different outcomes that are neither predictable nor directly unpredictable from the human as a solo actor of this system. This is a thing that may create a single liability for the legal aspect and regimes and raises fundamental questions about the adequacy of current legal aspects (Gordon, 2021, p. 1). At this situation the adaptive aspect of Ai system is making huge problems concerning the responsibility aspect (Pagallo et al., 2018, pp. 5–6).

Furthermore to responsibility and in addition aspect of transparency has become more and more difficult for the tools of AI regulation. Some of the algorithmic basis pose a huge risk to the fundamental right for the aspect of equality and especially the due process. Many risks are in the aspect of business law particularly in areas such as recruitment consumer profiling and some relevant situations such as credit scoring etc.

These challenges are further intensified when you think in a global dimension. Unlike other traditional industries, AI technologies can and generally do operate across borders, making purely national regulatory approaches difficult and highly insufficient. This aspect necessitates greater international cooperation in each aspect of business law and the development of harmonized standards to ensure pure consistency and effectiveness in regulations. At the same time, differences in regulatory approaches may be able to create competitive advantages for certain jurisdictions and situations, influencing global investment patterns and technological developments on huge aspect of the scale.

Taking into a consideration the above said this paper seeks to explore the intersection between AI and business law by analyzing all the key legal challenges that can be associated with AI technologies and to be able to evaluate potential regulatory responses. It argues that a shift toward more flexible, more adaptive, and globally fully coordinated legal frameworks is necessary to address the complexities of this system. By examining both theoretical debates now and all other practical implications, the paper aims to contribute to the ongoing discussion on how law can effectively respond to technological change while preserving fundamental values while focusing on business law aspect in North Macedonia.

The Concept of Law and the Rule of Law as Foundations of Business Law in a Globalized Economy

The notion of "law" is inherently broad and encompasses a diverse set of rules and guiding principles that regulate human behavior. From huge perspective of society, law is closely associated with fundamental values like justice, morality aspects, reason, order, and righteousness (Lukings & Habibi Lashkari, 2022, p. 2). From the aspect of legislative, however, law takes the form of law can include statutes, acts, regulations, ordinances, and official orders issued by the authorities. In judicial practices of the law generally it includes court-based mechanisms such as judgments, decrees, injunctions, and procedural rules. Therefore, law should be and must be understood as a comprehensive concept that can integrate both normative values and other institutional expressions, extending to many areas such as jurisprudence, legal theory, and tort law and civil law (Lukings & Habibi Lashkari, 2022, p. 2). This multifaceted perspective emphasizes that law is a dynamic framework that connects formal governing institutions with ethical principles rather than just a set of rules. Ancient philosophical ideas, especially those of Plato and Aristotle, who stressed government based on reason rather than capricious power, are where the idea of the Rule of Law originated. The idea has been further developed in its contemporary version by academics including A. V. Dicey, John Locke, and Samuel Rutherford. The historical root of the Rule of Law be discovered in many different civilizations, such as ancient Greece, Mesopotamia, India, and Rome, demonstrating its enduring and universal nature (Lukings & Habibi Lashkari, 2022, pp. 2-4). This historical continuity shows that the Rule of Law is an evolving concept that has changed over time to fit various political and cultural circumstances rather than being new invention.

The Rule of Law is fundamentally different from regimes that are typified by tyranny or oligarchy, in which the powerful act without regard to the law. However, its presence is not always ensured by the existence of democratic or monarchical institutions. The Rule of Law may progressively degrade in situations when institutional safeguards are insufficient to restore legal order and where legal standards are disregarded, misinterpreted, or laxly enforced. Corruption becomes entrenched in political structures as a result of this degradation, making its reversal more difficult over (Lukings & Habibi Lashkari, 2022, pp. 2-4). This emphasizes the need for robust institutions and efficient enforcement strategies to guarantee that the Rule of Law continues to be a viable and useful concept in any democratic system.

The growth of international trade has heightened interactions between various national legal systems in the field of international economic relations, frequently leading to disputes over intellectual property rights, trade barriers, protectionism, and subsidies (Lukings & Habibi Lashkari, 2022, p. 147). If we could respond to such challenges, the World Trade Organization plays a good role as a mediator among states. Established in 1995, the WTO succeeded in the General Agreement on Tariffs and Trade, which was the base of international trade since 1949 (Lukings & Habibi Lashkari, 2022, p. 147). This is a major example of how the principle of law extends beyond domestic system.

The World Trade Organization and Its Implications for Business Law

The World Trade Organization performs a wide range of essential functions within the global trade systems, primarily aimed at ensuring the stability and predictability of international economic relations but also has huge impact on Business law. Its main responsibilities include supervising the implementation and operation of multilateral trade agreements, among states also providing a structured forum for negotiation between member states and administering mechanisms for dispute resolution among member states. Additionally the WTO plays a crucial role in monitoring national trade policies, especially if they are in alignment with the international convention and agreement and also whether they are promoting transparency, and encouraging coherence between domestic regulations and international obligation. It also offers institutional support to developing and least-developed countries, assisting them in adapting, to the legal and economic disciplines of the global trading system. Furthermore, the organization cooperates with key financial institutions such as IMF and the IBRD to enhance policy coordination at

the international level (Lukings & Habibi Lashkari, 2022, pp. 147-148). This huge functional scope demonstrates that the WTO is not merely a regulatory body, but can be a key pillar of global economic governance with direct implications for how business law operates across jurisdictions.

Importantly, the WTO does not prescribe specific trade outcomes but it establishes a legal framework that will enable within which states implements their trade policies. Its regulatory approach is grounded in the principle of non-discrimination for all, requiring more equal treatment of trading countries, while still allowing limited exceptions for legitimate public interests such as environmental protection and national security. The organization's legal architecture and business law is further supported by key principles including reciprocity, binding and enforceable commitments, transparency and accountability and the inclusion of many safeguard mechanisms (Lukings & Habibi Lashkari, 2022, pp. 147-148). From a business law aspect all these foundational principles are critical, and they can ensure legal certainty for commercial actors, can promote fair competition, and can provide enforceable rights and obligations within cross-border transactions between the countries.

Moreover, the dispute settlement system of the WTO represents one of its most influential contributions to international business law and to legal aspects of it, can offer a formalized process and can have huge impact on resolving any conflict that could be impacted from trade aspect.

When you have these kinds of institutions you can really have significant business environment, especially in transactional economies such as minimizing legal uncertainty.

Most of the time the WTO activities exceed only trade related focus, also it actively shapes the legal infrastructure within which international business operates.

This is high concern when it comes to the independence between international trade law and domestic business law where global conventions and other legal aspects of law significantly influence national regulatory frameworks.

Globalization, Digitalization, and the Expanding Scope of Business Law

During the end of the Cold War, which was symbolizing the fall of berlin wall, was a key point into a shift toward globalization especially in the European continent. This transition triggered significant reforms in many countries especially

in Eastern European countries (Staffler, 2022, p. 16). Also, European countries intensified their collaborations by gradually removing internal barriers, laying the foundation for the free movement of goods, services, capital, and people within the EU, especially in creating Schengen zone etc. (Staffler, 2022, p. 16). As we can see such transformations require lawyers to possess a solid understanding and collaboration of business structures and regulatory other laws in order to effectively navigate increasingly complex economic environments (Jones, 2025, p. 2). This demonstrates not only business law is a global but also that this is a situation that business law ensures legal certainty and economic stability.

If we analyze from beyond the European aspect the reduction of geopolitical tensions also fostered a higher degree of global economic interdependence (Staffler, 2022, p. 17). However, this situation has revealed significant vulnerabilities, particularly in resource-rich regions such as Africa but also some parts of Asia too (Staffler, 2022, p. 17). From a perspective of business law and legal aspect this further reinforces the importance of regulating international transactions and ensuring accountability within global supply systems (Jones, 2025, p. 2). From this point it can be concluded that business law and legal aspects of collaboration and especially technology and AI play crucial role in some parts of globalization.

With the advancement of AI new dimensions of activities are introduced in the legal regulations as well. In one hand it regulates all the aspects for a better system so that the innovation can strengthen the capacity of businesses but in the other hands it also it creates a system that may be blocked by a cybersecurity related crimes, requiring highly effective preventing measures and others tools for a legal frameworks (Staffler, 2022, p. 19). Many aspects of the law significantly encounter cases involving digital transaction cases such as crime related would be evident and its encounter needs a more comprehensive approach (Jones, 2025, p. 2). This is why business law must be flexible and dynamic to the evolving system of technology particularly AI.

Business law extends across multiple domains and professional practices whether in cases involving hidden assets in family disputes or civil matter or complex fraud prosecutions, legal professionals must rely on business law principles and other legal matters to accurately interpret financial structures across the countries and assess the legal responsibility (Jones, 2025, p. 2). At the same time, the broader processes of globalization and economic integration would continue to reshape the aspects of legal environment in which businesses operate, reinforcing the relevance of business law as a base of this discipline (Staffler, 2022, pp. 16-19). Nevertheless,

business law is not only a specific field but as an essential framework that connects economic development, legal regulation and other globalization characteristics.

Introduction to the law of international business transactions

A fundamental distinction in Business law is commonly drawn between international and domestic laws, as well as between public and private laws. Legal problems generally occurs when multiple domains intercept and the problem of jurisdiction emerges especially in the economic transaction and the activities. From this perspective real live cases rarely fit within a single legal category, often requiring a more nuanced and interdisciplinary approach either internationally or domestically (Lukings & Habibi Lashkari, 2022, p. 17). International law generally regulates relationships between sovereign states, particularly in areas such as treaties, trade, and diplomatic relations, mostly focusing on maritime disputes but also on general disputes. Domestic law, by contrast, governs the rights and obligations of individuals and legal entities within a specific state. The general distinction has to do with the fact national law has mechanisms from state institutions, and are centralized by the government, within the judiciary systems. International law doesn't have a mechanism to execute its own rules and regulations, that's why the violation becomes more prominent. Sometimes the protection comes through the UN but still the extensive aspect of it its being violated all the time, lack of mechanism makes it fragile.

Public and private law also can have a more or less a similar distinction. Public law addresses the structure and functioning of the state and its own institutions and its relationship with society, covering areas such as constitutional law and administrative law and criminal law. Private law generally regulates legal relationships between individuals and businesses including contractual obligations which are its main course of the Business law, property rights, and corporate governance (Lukings & Habibi Lashkari, 2022, p. 18). From this aspect we can conclude the obligations created at the international level are mediated through national law before they become binding on individuals and companies on the international level (Vig, 2023, pp. 10-12). The private law dimension governs the day-to-day reality of international business transactions. These typically take the form of commercial contracts in business law between parties located in different jurisdictions, with international sales contracts representing the most common example. Private law conventions such as the United Nations Convention on Contracts for the

International Sale of Goods (CISG) can have directly impact while allowing parties to invoke their provisions in judicial proceedings, provided they have been ratified by the relevant states (Vig, 2023, pp. 10-12).

Public law generally deals with issues that affect society as a whole and there can be included the regulation of inter relations between the state and the general population. Public law is regulation of the legal system itself, rather than the regulation of individuals. Public law can be further broken down into five major subsections: (1) constitutional law; (2) criminal law; (3) taxation law; (4) administrative law; and (5) all procedural law. Private law covers the areas of law arising from legal disputes between two or more individuals, including those relating to personal injury, family law matters, private property, real estate, contractual disputes, corporate law, and business relationships. Legal matters can fall into one or multiple categories, sometimes overlapping public and private legal spheres. For example, a dispute arising from the separation and divorce of a couple with many shared assets 19 (Lukings & Habibi Lashkari, 2022, pp. 17-19).

From a structural perspective, international business transactions can be categorized into two main groups. The first includes independent contracts, such as contracts of sale, technology transfer agreements, and leasing arrangements, which constitute the core of the commercial relationship. If you could analyze the second group that consists of accessory contracts, which facilitate the execution of the primary agreement it may include contracts related to marketing transportation of goods, and international payment mechanisms including offshore payments. Together, these contractual arrangements are forming a complex network that underpins global trade and economic cooperation among states (Vig, 2023, pp. 10-12).

If we could see this from this viewpoint business entities can be understood as flexible arrangements that can be shaped by voluntary agreements among rational actors seeking to maximize economic value, and these actors can be states or big corporations (Means, 2026, p. 18). From this aspect two key elements stand out. First, legal systems provide a variety of organizational forms, each legal system offering a set of default rules from which investors can choose and secondly, a particular form is selected, parties can retain significant freedom to modify these default rules through all the contractual arrangements (Means, 2026, p. 18).

This kind of system has its own limitations. Especially by prioritizing wealth maximization, it tends to overlook non-economic motivations and some other social dimensions of business relationships. For instance, in family-owned enterprises,

interpersonal relationships and long-term considerations often play a key role in shaping the way decision making is being conducted (Means, 2026).

Technology and Business Law: A New Perspective for Future Collaboration

If we could be responding to the rapid rise of artificial intelligence (AI) poses considerable challenges for both businesses and regulators. Some companies must find ways to integrate AI into their operations, while policymakers are tasked with shaping frameworks that can both control risks and stimulate innovation. This difficulty is amplified by the broad scope of AI technologies and the uncertainty surrounding their long-term societal and economic consequences (Fenwick, 2018, p. 82). At the same time, the transformative potential of technology requires continuous reflection on how legal systems can adapt without stifling progress (Burgess, 2021, p. 2).

To navigate this landscape, a combination of regulatory innovation and institutional flexibility is essential. One promising approach is the adoption of "dynamic regulation," including regulatory sandboxes that allow experimentation within controlled environments. Such mechanisms enable businesses to innovate responsibly while giving regulators the opportunity to observe and adjust legal responses in real time (Fenwick, 2018, p. 82). However, regulation alone is insufficient. Equally important is the development of innovation ecosystems that encourage collaboration between established corporations and emerging AI startups, fostering creativity and accelerating technological diffusion. These ecosystems reflect a broader understanding that innovation thrives not in isolation but through interaction and shared knowledge (Burgess, 2021, p. 2).

The economic implications of these developments are already evident, particularly in the business law. Huge investment in AI has grown significantly, particularly in venture capital markets, where both the volume of funding and the number of deals has increased significantly by big corporations and the states (Fenwick, 2018, p. 85). This trend highlights the confidence of investors in AI-driven business models, as well as the growing importance of technology firms in the global economy. Indeed, companies such as Apple, Alphabet, Microsoft, and Amazon have positioned AI at the core of their strategic development, integrating intelligent systems into everyday services and continuously expanding their capabilities, and not to mention also Nvidia, Palantir (PLTR), and other companies that are straight to

the Ai market, also Advanced Micro Devices (AMD) (Fenwick, 2018, p. 82). Yet, the success of such innovations ultimately depends on their continued relevance and utility, as technologies that fail to meet evolving societal needs are likely to be abandoned over time (Burgess, 2021, p. 2).

Artificial Intelligence and Business Law: Regulatory Challenges and Evolving Legal Frameworks

In recent decades, artificial intelligence, (AI) has become a defining force in shaping modern economies and legal systems, transforming everything from contractual practices to regulatory enforcement. While its benefits are evident in efficiency gains, predictive analytics, and automation, AI has simultaneously introduced complex ethical and legal challenges. Issues such as algorithmic bias, lack of transparency in automated decision-making, and risks associated with autonomous systems have raised serious concerns regarding accountability and the protection of fundamental rights (Gordon, 2021, p. 1). Yet these developments are closely tied to the broader trajectory of the digital revolution, where technological systems increasingly rely on adaptive learning and data-driven processes (Pagallo et al., 2018, p. 1). Again, central difficulty in regulating AI lies in determining responsibility within systems that operate with a degree of autonomy. Traditional legal frameworks are built upon clear distinctions between actors, actions, and intent; however, AI disrupts these categories by introducing systems that can learn, adapt, and generate outcomes that are not fully foreseeable. While some scholars entertain the possibility of attributing moral agency to machines, others maintain that responsibility must ultimately remain with human actors (Gordon, 2021, p. 1). Must this position become increasingly difficult to sustain as AI systems evolve through interaction, creating layers of decision-making that cannot be easily traced back to a single human choice (Pagallo et al., 2018, p. 1). From this point, it is necessary to move beyond purely theoretical debates and confront the practical implications for business law. In reality, companies deploying AI systems are already making decisions that affect individuals' rights—ranging from credit scoring to hiring processes—often without clear accountability structures. From this perspective, the question is not whether AI should be granted legal personality, but whether existing legal doctrines are sufficient to allocate responsibility effectively. A more pragmatic approach would focus on risk-based liability models, where responsibility is distributed among developers, deployers, and users based on their level of control and influence over the system.

From another critical dimension is the global nature of AI. Unlike traditional industries, AI systems are not confined by national borders; they operate through digital infrastructures that span multiple jurisdictions. This makes purely domestic regulation insufficient and highlights the need for international coordination (Pagallo et al., 2018, pp.1-6).

From a business perspective, AI is not only a regulatory challenge but also a strategic asset. Companies that successfully integrate AI technologies gain significant competitive advantages, particularly in terms of efficiency, scalability, and decision-making speed. As Fenwick notes, AI technologies vary widely—from simple reactive systems to more advanced, learning-based and potentially autonomous systems (Fenwick, 2018, p. 83). This diversity requires businesses to adopt tailored compliance strategies, as the legal risks associated with each type of AI differ substantially. At the same time, firms must consider reputational risks, as public trust becomes increasingly important in an era of automated decision-making (Gordon, 2021, p. 1).

Moreover, AI challenges some of the most fundamental assumptions of business law. Concepts such as intention, negligence, and foreseeability become increasingly complex when applied to systems that learn and evolve over time. For example, can a company be said to "intend" a harmful outcome produced by an AI system that it cannot fully control? Similarly, how should negligence be assessed when the behavior of the system changes after deployment? These questions illustrate that AI is not simply another regulatory issue but a transformative force that requires a rethinking of core legal doctrines (Pagallo et al., 2018, pp. 1-6). Finally, the future of AI and business law will depend on the ability to strike a balance between innovation and regulation. While technological progress offers immense opportunities, it also carries risks that cannot be ignored. A forward-looking approach should combine adaptive regulation, international cooperation, and continuous evaluation of technological impact. As both Gordon and Pagallo suggest, the goal is not to prevent innovation but to guide it in a way that aligns with fundamental legal principles and societal values (Gordon, 2021, p. 1).

AI and Business Law in North Macedonia

Artificial Intelligence (AI) is becoming an increasingly highly important part of modern business operations around the world, including in North Macedonia. Businesses are using AI technologies for automation, customer service, data

analysis, financial management, marketing, and decision-making processes. As AI continues to develop, it creates both opportunities and legal challenges within the field of business law.

In North Macedonia, the fully legal framework regulating AI is still developing. Although there is no specific law dedicated entirely to artificial intelligence, several existing laws are relevant to the use of AI in business activities. These include laws related to data protection, electronic commerce, intellectual property, consumer protection, labor relations, and cybersecurity threats. Companies using AI systems must ensure that their practices comply with these legal standards in order to protect the rights of consumers, employees, and business partners.

One of the most important legal issues connected with AI is the protection of personal data. AI systems often rely on large amounts of information collected from users and customers. In North Macedonia, businesses must respect privacy rights and process data lawfully, transparently, and securely. Companies that fail to protect personal information may face legal liability and damage to their reputation.

Another important issue is liability for decisions made by AI systems. For example, if an AI-based system causes financial loss, discrimination, or inaccurate business decisions, questions arise regarding who should be held responsible—the developer, the company using the AI, or another party. Current business law in North Macedonia does not yet provide detailed regulations for such situations, which demonstrates the need for future legal reforms.

AI also affects employment and labor law. Many businesses are introducing automated systems that replace certain human tasks. While this can increase efficiency and reduce costs, it may also lead to concerns regarding workers' rights, job security, and workplace discrimination. Employers must ensure that AI technologies are used fairly and ethically in recruitment, evaluation, and workplace management.

Furthermore, intellectual property law is becoming increasingly relevant in the era of AI. Questions arise regarding the ownership of AI-generated content, inventions, software, and creative works. North Macedonia, like many other countries, will need to adapt its legal system to address these new challenges in accordance with international and European legal standards.

In conclusion, AI is transforming the business environment in North Macedonia and creating new legal challenges for companies and institutions. Although the current legal framework provides some level of regulation, future reforms will be necessary to ensure responsible, ethical, and transparent use of AI technologies.

The development of specialized AI legislation and alignment with European Union standards will play an important role in shaping the future of business law in North Macedonia.

Conclusion

If you could see the integration of artificial intelligence into business and legal systems represents both a transformative opportunity and a profound challenge. As AI technologies continue to evolve, they are reshaping not only how businesses operate but also how legal responsibility, accountability, and regulation are conceptualized. The analysis presented in this paper demonstrates that traditional legal frameworks, which are primarily designed around human actors and predictable behavior, are increasingly insufficient in addressing the complexities introduced by autonomous and adaptive systems.

From the very best of one of the central findings is that the issue of responsibility remains unresolved and requires a fundamental rethinking of existing legal doctrines. Rather than attempting to attribute legal personality to AI systems, a more practical approach may involve the development of risk-based liability models that distribute responsibility among developers, operators, and users. Such an approach would better reflect the multi-layered nature of AI systems and provide clearer guidance for both businesses and regulators. At the same time, the importance of transparency and fairness cannot be overstated, as these principles are essential for maintaining public trust in AI-driven decision-making processes.

AI in its global nature also highlights the need for international coordination in regulatory efforts. Fragmented legal approaches may lead to inconsistencies, regulatory arbitrage, and reduced effectiveness of governance mechanisms. Therefore, collaboration at the international level is crucial to establish common standards and ensure that AI development aligns with shared values and principles (Pagallo et al., 2018, p. 2). However, achieving such coordination remains a complex task, given the diversity of political and economic interests across jurisdictions.

From a business perspective, AI should be viewed not only as a source of risk but also as a strategic asset. Companies that successfully integrate AI while ensuring compliance with legal and ethical standards are likely to gain a competitive advantage in the global market. This underscores the need for a balanced regulatory approach that supports innovation while safeguarding fundamental rights.

In conclusion, the future of AI and business law will depend on the ability of legal systems to adapt to rapid technological change. A forward-looking approach—combining legal innovation, ethical considerations, and global cooperation—offers the most promising path toward ensuring that AI contributes positively to both economic development and societal well-being (Gordon, 2021, p. 2).

References

Burgess, P. (2021). *Algorithmic augmentation of democracy: Considering whether technology can enhance the concept of democracy and the rule of law through four hypotheticals*. Springer Nature.

Fenwick, M. (2018). Business and regulatory responses to artificial intelligence: Dynamic regulation, innovation ecosystems and the strategic management of disruptive technology. In M. Corrales, M. Fenwick, & N. Forgó (Eds.), *Perspectives in law, business and innovation* (pp. 81–105). Springer.

Gordon, J.-S. (2021). AI and law: ethical, legal, and socio-political implications. *AI & Society, 36*(2), 403–404. https://doi.org/10.1007/s00146-021-01194-0

Jones, L. (2025). *Business law and practice*. The University of Law Publishing Limited.

Lukings, M., & Habibi Lashkari, A. (2022). *Understanding cybersecurity law and digital privacy: A common law perspective*. Springer.

Means, B. (2026). *The principles of family business law*. Cambridge University Press.

Pagallo, U., Corrales, M., Fenwick, M., & Forgó, N. (2018). The rise of robotics & AI: Technological advances & normative dilemmas. In U. Pagallo, M. Corrales, M. Fenwick, & N. Forgó (Eds.), *Robotics, AI and the future of law* (pp. xx–xx). Springer.

Staffler, L. (2021). *Business criminal law: A primer for management and economics*. Springer.

Vig, Z. (2023). *International business transactions*. Budapest University of Technology and Economics.

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Legal-Criminal Analysis and Practical Judicial Application of the Criminal Offense "Reckless Driving of a Motor Vehicle" Sanctioned Under Article 297-a of the Criminal Code of the Republic of North Macedonia

Shpati Croj

Abstract

Road traffic safety represents one of the most sensitive and at the same time most important areas of criminal legal protection in modern societies. The increase in the number of motor vehicles, the intensification of road traffic, and frequent violations of traffic rules have resulted in an increase in accidents with serious consequences for human life and health. In this context, the legislator of the Republic of North Macedonia, through the amendments of September 2023 to the Criminal Code, introduced the criminal offense "reckless driving of a motor vehicle," sanctioned under Article 297-a of the Criminal Code as a continuation of Article 297 "Endangering Traffic Safety," with the aim of sanctioning particularly dangerous conduct in road traffic.

This paper examines this criminal offense in an expanded and analytical manner, focusing on the object of criminal protection, the subject of the offense, the objective and subjective elements, the forms of guilt, as well as its distinction from traffic misdemeanors and other criminal offenses related to traffic safety. The paper also analyzes the relationship of Article 297-a with criminal offenses that produce concrete consequences, as well as the role of this provision within the criminal system and in the prevention of accidents and traffic-related crime. The analysis is based on legislative, doctrinal, and judicial practice sources, with the aim of contributing to a clearer interpretation and more effective application of this criminal offense.

Keywords: Reckless driving, traffic safety, criminal liability, Article 297-a, Criminal Code

Introduction

Road traffic constitutes one of the most important segments of social and economic life in modern states. The free movement of people and goods is a prerequisite for economic and social development, but at the same time it represents a serious source of danger to the life and health of traffic participants. Road accidents, especially those caused by irresponsible and dangerous conduct of motor vehicle drivers, represent a major social and legal problem.

In an effort to address this issue, states have developed a complex system of legal norms, where in addition to administrative and misdemeanor rules, criminal law also plays an important role. Criminal intervention is considered a measure of last resort (ultima ratio), used in cases where violations of traffic rules reach such a degree of dangerousness that they seriously endanger fundamental social values.

Within this framework, Article 297-a of the Criminal Code of the Republic of North Macedonia criminalizes driving a vehicle in a dangerous and reckless manner, thereby creating a concrete danger to the life, health, and safety of persons. This criminal offense represents a specific form of criminal protection of traffic safety and aims to have both a repressive and preventive effect (Criminal Code of Republic of North Macedonia, 2026).

The purpose of this paper is to analyze in depth this criminal offense, examining its constituent elements, practical problems in its application, as well as its importance within the overall criminal system.

Until 06.09.2023, the Criminal Code of the Republic of North Macedonia contained only Article 297 as previously emphasized, with the amendments of 2023, Article 297 was expanded and Article 297-a was added. In the following, a detailed analysis between the two articles will be presented. It is also important to note that on 28.01.2026, new amendments to the Criminal Code were adopted and entered into force on 01.02.2026, which include Articles 297 and 297-a. Furthermore, it should be emphasized that with the amendments of 28.01.2026, two new articles were added, Article 300-a and Article 300-b, which will be discussed below and which tighten the penal policy and aggravate the position of perpetrators of these criminal offenses, this will be analyzed further below.

"Endangering traffic safety"
Article 297

(1) A participant in traffic on a public road who does not comply with regulations and thereby endangers public traffic by endangering the life or body of persons or property to a significant extent, and as a result a person suffers bodily injury or significant property damage occurs, shall be punished with imprisonment from three months to three years or with a fine.

(2) Whoever does not comply with traffic safety regulations in bus, railway, air and maritime traffic, cable car traffic or traffic by other means of mass public transport, and thereby causes danger to the life or body of persons or property to a significant extent, shall be punished with imprisonment from six months to five years and with a fine.

(3) Whoever commits the criminal offense referred to in paragraphs 1 and 2 through negligence shall be punished with a fine or imprisonment of up to one year (Criminal Code of Republic of North Macedonia, 2026).

"Reckless driving of a motor vehicle"
Article 297-a

A participant in public traffic who does not comply with traffic safety rules and thereby endangers public traffic by driving a vehicle recklessly, in a state of inability to drive caused by the use of alcohol at a concentration of at least 1.50 g/kg in blood, drugs, psychotropic substances or their precursors, by driving in a prohibited direction, by overtaking a column of vehicles in a location where visibility is impossible, or by driving at a speed exceeding 50 km/h within populated areas or 70 km/h outside populated areas above the permitted limit, shall be punished with a fine or imprisonment of up to three years (Criminal Code of Republic of North Macedonia, version in force until 28.01.2026).

"Reckless driving of a motor vehicle"
Article 297-a

(1) A participant in public traffic who does not comply with traffic safety rules and thereby endangers public traffic by driving a motor vehicle recklessly, with a blood alcohol concentration above 1.5 g/kg, under the influence of drugs, psychotropic substances or precursors, by driving in the opposite direction on a public road where traffic lanes are physically separated or on a motorway, by overtaking a column of vehicles at an inappropriate place (without visibility), or by driving at a speed exceeding the permitted speed by at least 50 km/h in a populated area or at least 70 km/h outside a populated area, shall be punished with imprisonment from three months to three years and a fine.

(2) The punishment referred to in paragraph (1) of this Article shall also apply to a person who organizes, participates in, or in any other way enables unauthorized vehicle races, as well as a participant in public traffic who drives a motor vehicle without having passed the driving exam, without a valid driving license, or if a driving prohibition measure has been imposed on him which is still in force at the time of the commission of the offense, or a measure of termination of the validity of the driving license, without possessing a new valid driving license (Criminal Code of Republic of North Macedonia, version adopted on 28.01.2026, no. 08-629/1).

"Mandatory imposition of punishment – prohibition on driving a motor vehicle"
Article 300-a

Under the conditions determined by Article 38 of this Code, for criminal offenses under Articles 297 paragraphs (1) and (2), 297-a and 300 paragraphs (1) and (2), the court shall impose on the perpetrator the security measure – prohibition on driving a motor vehicle for a period of six months to 10 years (Criminal Code of Republic of North Macedonia, 2026).

"Confiscation of the motor vehicle used to commit the criminal offense"
Article 300-b

(1) Under the conditions determined by Article 100-a of this Code, the vehicle used to commit the offense under Article 297 paragraph (1), Article 297-a paragraphs (1) and (2) or Article 300, which is owned by the perpetrator, shall be confiscated if at the time of committing the offense he did not have the right to drive a motor vehicle.

(2) If the vehicle referred to in paragraph (1) of this Article is owned by a third party, it shall be confiscated only if that person knew or was obliged to know that the perpetrator did not have the right to drive a motor vehicle.

(3) Under the conditions determined by Article 100-a of this Code, the vehicle used to commit the offense under Article 297 paragraph (1), Article 297-a paragraphs (1) and (2) or Article 300 may be confiscated if the perpetrator drove at a speed exceeding the permitted speed by at least 70 km/h in a populated area or at least 90 km/h outside a populated area, and the vehicle is owned by the perpetrator.

(4) Under the conditions determined by Article 100-a of this Code, the vehicle used to commit the offense under Article 297 paragraph (1), Article 297-a paragraphs (1) and (2) or Article 300 shall be confiscated if the perpetrator drove at a speed exceeding the permitted speed by at least 70 km/h in a populated area or at least 90 km/h outside a populated area, if he had previously been convicted of a criminal

offense against public traffic safety committed by exceeding the permitted speed by at least 70 km/h in a populated area or at least 90 km/h outside a populated area (Criminal Code of Republic of North Macedonia, 2026).

Article 297 and Article 297-a share the same object of protection: road traffic safety and the protection of life, health, and property of persons. Both provisions sanction conduct that creates serious danger for traffic participants and at the same time constitute among the most frequent criminal offenses in judicial practice in the Republic of North Macedonia.

However, certain differences are observed: Article 297 addresses cases where the violation of rules causes concrete consequences, such as bodily injuries or significant material and non-material damage, whereas Article 297-a is a new provision introduced to address particularly dangerous conduct even when no concrete consequence has occurred (Criminal Code of Republic of North Macedonia, 2026).

An essential element of Article 297-a is the inclusion of driving under the influence of alcohol above 1.5 g/kg in blood, as well as under the influence of drugs, psychotropic substances, or precursors. This clearly shows that the legislator, prompted by serious traffic offenses committed by drivers operating vehicles in a state of incapacity caused by the use of alcohol at a concentration of at least 1.5 g/kg in blood, drugs, psychotropic substances, or their precursors, aimed to sanction not only aggressive or reckless conduct, but also conduct related to the impairment of the ability to drive due to the influence of such substances. Furthermore, other dangerous situations have been added, such as driving in a prohibited direction, dangerous overtaking, exceeding the permitted speed by more than 50 km/h in urban areas or more than 70 km/h outside urban areas, organizing or participating in unauthorized vehicle races, and driving a motor vehicle without having passed the driving exam or without a valid driving license (Criminal Code of Republic of North Macedonia, 2026).

Thus, while Article 297 requires the occurrence of a consequence, Article 297-a has a preventive character, treating dangerous driving and driving under the influence of substances as a criminal offense in itself. This reflects the legislator's effort to protect the life and health of traffic participants by sanctioning conduct that creates serious danger for society even before an accident occurs and a consequence is caused (Criminal Code of Republic of North Macedonia, 2026).

In the following, two statistical tables are presented regarding persons killed and injured in traffic accidents involving one or more persons under the influence of

alcohol, as well as the total number of persons killed and injured in traffic accidents in the Republic of North Macedonia. It is clearly observed that the number of accidents with serious consequences is steadily increasing. It is also evident that victims of traffic accidents include persons who are not drivers of the vehicles causing the accident but merely traffic participants. Furthermore, it is clearly observed that the main perpetrators of accidents are drivers under the influence of alcohol, which constitutes one of the main arguments of the legislator for the proposal of Article 297-a of the Criminal Code.

Table 1

Persons killed and injured in traffic accidents involving one or more persons under the influence of alcohol, by year (2018–2023)

Description	2018	2019	2020	2021	2022	2023
Accidents involving persons killed or injured	361	344	433	468	634	625
Persons killed	10	10	7	2	41	23
Persons injured	591	555	458	424	959	982
Pedestrians and drivers under the influence of alcohol – total	393	368	1,440	1,442	1,169	1,103
Pedestrians	10	9	27	36	13	17
Bicycle riders	22	27	21	19	10	11
Moped riders	0	0	44	39	45	37
Motorcycle riders	27	30	63	41	36	33
Drivers of passenger vehicles	313	289	1,173	1,156	970	908
Drivers of other vehicles	0	0	0	..	..	-
Other persons	21	13	91	151	95	97

(Source: State Statistical Office and the Ministry of Interior of the Republic of North Macedonia)

Table 2

Persons killed and injured in traffic accidents – total (2018–2023)

Year	Killed Total	Killed Drivers	Injured Total	Injured Drivers
2018	133	77	5,860	2,687
2019	132	58	5,164	2,335
2020	125	69	5,741	2,868
2021	116	67	6,659	3,204
2022	124	66	6,296	3,082
2023	127	64	6,978	3,440

(Source: State Statistical Office and the Ministry of Interior of the Republic of North Macedonia)

Object of Criminal Protection

The object of criminal protection in the criminal offense of "reckless driving of a motor vehicle" is road traffic safety as a protected social value. Traffic safety encompasses a number of legal interests, such as the protection of life and health of persons, protection of physical integrity, and protection of property (Constitution of Republic of North Macedonia, 1991).

Unlike classical criminal offenses against life and body, where the direct object of protection is a specific individual, in this criminal offense a broader public interest is protected. Dangerous conduct in traffic does not endanger only one specific person, but an indefinite number of traffic participants, which significantly increases the degree of social dangerousness (Kambovski & Tupanceski, 2011).

For this very reason, the legislator has considered criminal intervention necessary in cases of reckless and uncontrolled driving of a vehicle, even when no concrete consequence in the form of an accident or bodily injury has occurred (Kambovski & Tupanceski, 2011).

Subject of the Criminal Offense

The subject of this criminal offense may be any natural person who drives a motor vehicle in public traffic. The offense has a general character and does not require any special quality of the perpetrator, except the fact that he or she is the driver of the motor vehicle at the moment of committing the offense (Kambovski & Tupanceski, 2011).

In paragraph (2), the circle of subjects is expanded and includes persons who organize or participate in unauthorized motor vehicle races, persons who drive without a driving license, persons against whom a driving prohibition measure is in force, persons with expired or invalid driving licenses. This makes the criminal offense general in nature, without requiring any special characteristic of the perpetrator.

From the perspective of criminal liability, the subject may only be a person who has reached the age of criminal responsibility and who is mentally capable of understanding the significance of his actions and controlling them (Kambovski & Tupanceski, 2011).

Objective Element of the Criminal Offense

The objective element of the criminal offense provided for in Article 297-a consists of the act of driving a motor vehicle in a reckless, uncontrolled, or dangerous manner, in serious violation of road traffic rules.

This conduct may manifest in various forms, such as:

- extreme exceeding of the permitted speed;
- driving under the influence of alcohol or narcotic substances;
- dangerous overtaking;
- failure to comply with traffic signals and right-of-way rules;
- aggressive and uncontrolled driving.

An essential element of this criminal offense is the creation of a concrete danger to the life or health of persons. It is not necessary for this danger to materialize in the form of an accident or concrete consequence; it is sufficient that the conduct of the perpetrator is such that it realistically endangers the safety of traffic participants (Salihu, 2014).

Subjective Element of the Criminal Offense and Forms of Guilt

The subjective element of the criminal offense of "reckless driving of a motor vehicle" relates to the psychological attitude of the perpetrator toward his act and the possible consequences. This criminal offense is committed with guilt, which in practice most frequently appears in the form of negligence, although the possibility of eventual intent is not excluded (Kambovski & Zejneli, 2018).

Negligence exists when the driver of the motor vehicle is aware of the danger posed by his conduct but, without real grounds, believes that the danger will not materialize or that he will be able to avoid it. In the case of reckless driving, this form of guilt is manifested when the driver, despite knowing the traffic rules and the risk arising from their violation, continues to operate the vehicle in a dangerous manner (Kambovski & Zejneli, 2018).

On the other hand, eventual intent exists when the perpetrator is aware that as a result of his action or omission a harmful consequence may occur but accepts its occurrence; that is, his conduct may create danger to the life or health of persons and nevertheless he accepts this risk. In such cases, the driver does not directly aim to cause the consequence but accepts the possibility of its realization. Determining the form of guilt is of particular importance for the individualization of criminal responsibility and for determining the measure of punishment (Kambovski & Zejneli, 2018).

Distinction Between the Criminal Offense and Traffic Misdemeanors

One of the most complex issues in judicial practice is the distinction between the criminal offense provided under Article 297-a and misdemeanors in the field of road traffic. This distinction is not always clear and often depends on the specific assessment of the circumstances of the case (Law on Road Traffic Safety of Republic of North Macedonia, with new amendments, 2015; Law on Misdemeanors of Republic of North Macedonia, 2019).

Traffic misdemeanors generally include formal violations of traffic rules which, although punishable, do not create a serious and concrete danger to the life or health of persons. In contrast, the criminal offense under Article 297-a requires a higher degree of social dangerousness, manifested through the intensity of the violation and the real danger created (Salihu, 2014).

The main distinguishing elements are:

- the degree of violation of traffic rules
- the concrete danger to the life or health of persons
- the manner of driving and the specific circumstances of the case.

In this sense, not every instance of speeding or violation of traffic rules constitutes a criminal offense; only those cases where the driver's conduct is particularly

dangerous and seriously endangers the life and health of traffic participants and traffic safety, and where the criminal elements provided in the Criminal Code are fulfilled (Salihu, 2024).

Judicial Practice

The judicial practice of the courts of the Republic of North Macedonia shows that the criminal offense under Article 297-a is primarily applied in cases of very serious violations of traffic rules. In assessing criminal responsibility, courts pay particular attention to the concrete danger created and the conduct of the perpetrator before and during the driving of the vehicle.

Court decisions indicate that for the existence of this criminal offense it is not necessary for an accident or concrete consequence to occur it is sufficient that the driver's conduct was such that it realistically endangered the life or health of persons and that the elements of the criminal offense provided in the Criminal Code are fulfilled.

Below, the operative part of two final judgments will be presented, one from the Basic Court of Tetovo and the other from the Basic Court of Debar, concerning the criminal offense "reckless driving of a motor vehicle" under Article 297-a, and the fulfillment of the elements of this criminal offense by the perpetrators or convicted persons will be analyzed.

-Note: Since the new amendments to the Criminal Code of the Republic of North Macedonia were adopted on 28.01.2026, the judgments analyzed below were rendered on the basis of Article 297-a, version of the Penal Code of the Republic of North Macedonia that was in force until 28.01.2026.

Case No. **K-750/25** taken from the Basic Court of Tetovo:

IN THE NAME OF THE CITIZENS OF
THE REPUBLIC OF NORTH MACEDONIA!

The Basic Court Tetovo, as a first-instance criminal court, with Judge J. V. as a single judge, and court recorder I. A., deciding upon the proposal for issuing a penal order of the Public Prosecutor's Office – Tetovo, No. V KO. ....., dated 03.11.2025, against the defendant M. R. from T., for the criminal offense RECKLESS DRIVING OF A MOTOR VEHICLE under Article 297-a of the Criminal Code, pursuant to Article 499 paragraph 1 of the Criminal Procedure Code, on 07.11.2025, rendered and publicly announced the following:

JUDGMENT
WITH A PROPOSAL FOR A PENAL ORDER

THE DEFENDANT:

M. R., daughter of A. and A., born in ... in T., where she resides at ..., with Personal Identification Number, previously not convicted, Albanian, citizen of the Republic of North Macedonia.

IS GUILTY

BECAUSE:

On 31.08.2025 at 15:28, on M. T. Boulevard, specifically at the "M." intersection in T., the defendant, as a participant in public traffic, by failing to comply with traffic safety rules, through reckless driving of a motor vehicle, endangered public traffic, in the following manner:

She drove a passenger vehicle "Passat" with license plates TE-.....-AK, within a populated area, at a measured speed of 105 km/h, acting contrary to Article 36 of the Law on Road Traffic Safety, aware that on that road the permitted speed indicated by traffic sign is limited to 50 km/h, and aware of the possible harmful consequences of such excessive speeding, and nevertheless drove at a speed 55 km/h higher than permitted.

By which act she committed the criminal offense **RECKLESS DRIVING OF A MOTOR VEHICLE under Article 297-a** of the Criminal Code.

On the basis of this provision, as well as Articles 33, 38 and 39 of the Criminal Code,

SENTENCED

To a fine in the amount of 100 daily fines.

The value of one daily fine is 10 EURO, equivalent to 61.5 denars, totaling **1000 EURO**, equivalent to **61,500.00 denars**.

Pursuant to Article 38-v of the Criminal Code, the following is also imposed:

PROHIBITION ON DRIVING A MOTOR VEHICLE

The prohibition on driving a motor vehicle shall last for a period of 6 (six) months after the judgment becomes final and shall apply to category "B" motor vehicles (K-750/25, Basic Court Tetovo).

Analysis of the above-mentioned judgment No.**K-750/25**.

The subject of this criminal offense may be any participant in public traffic who drives a motor vehicle. In the present case, the defendant was the driver of a passenger vehicle and therefore had the capacity of active subject of this criminal offense. This element is fully fulfilled, as the defendant was driving a vehicle on a public road within a populated area (Kambovski & Zejneli, 2018).

The objective element consists of non-compliance with traffic safety rules and driving in a reckless and particularly dangerous manner. Article 297-a enumerates forms of prohibited conduct, including exceeding the speed limit by more than 50 km/h in a populated area. In this case, the defendant drove at 105 km/h where the permitted speed was 50 km/h, thus exceeding the limit by 55 km/h, surpassing the criminal threshold provided under Article 297-a. Therefore, the defendant's conduct fulfills the legal elements of this criminal offense.

Endangerment of public traffic. For the criminal offense under Article 297-a, it is not required that a concrete consequence (accident, injury, or damage) occur; serious endangerment of public traffic is sufficient. In this case, the extremely high speed within a populated area in itself creates serious danger to the life and body of traffic participants. The Court correctly established that the endangerment was realized solely through the defendant's conduct, without the need for further consequences.

The subjective element (guilt). The offense under Article 297-a is committed with intent, and from the judgment it results that the defendant was aware of the speed limit (50 km/h) and aware of the danger arising from such extreme speeding, yet consciously continued driving at a high and prohibited speed. This constitutes eventual intent, since the perpetrator accepts the possibility of dangerous consequences and reconciles herself with them (Kambovski & Zejneli, 2018).

From the analysis of this judgment, it is concluded that the defendant's conduct fulfilled the criminal elements of the offense provided under Article 297-a of the Criminal Code. From the analysis, it results that there exists a criminally responsible subject, there exists an act prohibited by law, there exists endangerment of public traffic, and there exists culpability (eventual intent) (Kambovski & Zejneli, 2018).

-Case no**. К-7/2026** taken from the Basic Court of Debar:

IN THE NAME OF THE CITIZENS OF THE REPUBLIC OF NORTH MACEDONIA

THE BASIC COURT DIBËR, as a first-instance criminal court, through Judge O. A., acting as a single judge, with court clerk A. D., proceeding upon the proposal for issuance of a Penal Order by the Basic Public Prosecutor's Office – Dibër, no. KO.173/2025, dated 20.01.2026, against the defendant P P from Dibër, for the criminal offense "Reckless Driving of a Motor Vehicle" under Article 297-a of the Criminal Code, in accordance with Article 499 of the Criminal Procedure Code, today, on ….2026, rendered the following:

JUDGMENT
WITH A PROPOSAL FOR A PENAL ORDER

THE DEFENDANT:

P P, son of ….. and mother ……, born on …… in Dibër, where he permanently resides, at address "……." Street, of Albanian nationality, employed, with average financial status, previously not convicted, unmarried, with completed higher education, citizen of the Republic of North Macedonia,

IS GUILTY

BECAUSE:

On 18.11.2025, at around 00:10 hours, as a participant in road traffic, while operating a passenger motor vehicle of the make Volkswagen ……, with registration plates DB-….-AB, owned by the company "……..", he endangered public traffic by driving the vehicle recklessly, in a state of driving incapacity caused by alcohol consumption, in such a way that the defendant drove the vehicle on the regional road in the direction from the Bllato border crossing toward Dibër, at a speed not adjusted to the characteristics and condition of the road, visibility, transparency, weather conditions, and other traffic conditions, so as to be able to stop the vehicle in time before any obstacle, and under the influence of alcohol with 1.86 per mille (contrary to Article 228 paragraph 8 of the Law on Road Traffic Safety), at the critical moment and place, before the entrance to the road for the village ……., with the front part of the vehicle he struck the rear part and bumper of the motor vehicle DACIA, property of the Ministry of Interior, with police registration plates ……, which at that moment was moving in the same direction ahead of him.

As a result of the traffic accident, material damage was caused to both vehicles, while there were no injured persons.

By the above-mentioned actions, the defendant P.P. from Dibër committed the criminal offense "**Reckless Driving of a Motor Vehicle**" under Article 297-a of the Criminal Code.

On the basis of the cited legal provision, as well as Articles 32, 33, 39, 48, 48-a, 49 and 50 of the Criminal Code and Articles 102, 105 and 114 paragraph 2 of the Criminal Procedure Code, the court imposes upon the defendant:

ALTERNATIVE MEASURE
SUSPENDED SENTENCE

The defendant is sentenced to imprisonment for a term of 3 (three) months, and at the same time it is determined that this sentence shall not be executed if the defendant, within a period of 1 (one) year from the day the judgment becomes final, does not commit another criminal offense.

The Court, pursuant to Article 38-v of the Criminal Code, also imposes upon the defendant the supplementary penalty – prohibition of driving a category B motor vehicle for a duration of 3 (three) months, after the judgment becomes final.

Analysis of the above-mentioned judgment no**. K-7/2026** of the Basic Court of Debar.

The subject of the criminal offense under Article 297-a of Criminal Code is any participant in traffic who operates a motor vehicle; in the present case, the defendant was the driver of a passenger motor vehicle, was traveling on a public regional road, had full legal status and criminal capacity; the court established the existence of the active subject of the criminal offense, without the need for any special quality, treating the offense as a general criminal offense (Kambovski & Zejneli, 2018).

-Object of criminal protection and its consummation.

The object of protection under Article 297-a is the safety of public traffic, the life, health, and property of traffic participants.

In the present case, the court established that: driving the vehicle under the influence of alcohol at 1.86 per mille, at a speed not adjusted to road and visibility conditions, resulted in a traffic accident with material damages, which clearly indicates that the safety of public traffic was realistically endangered, thereby fully consummating the protected object of the criminal offense, and the court assessed

that the danger was not abstract, but concrete and realized in the form of an accident (Kambovski & Zejneli, 2018).

-The subject of the criminal offense under Article 297-a CC is any participant in traffic who operates a motor vehicle; in the present case, the defendant was the driver of a passenger motor vehicle, was traveling on a public regional road, had full legal status and criminal capacity; the court established the existence of the active subject of the criminal offense, without the need for any special quality, treating the offense as a general criminal offense (Kambovski & Zejneli, 2018).

-The objective element of the criminal offense and its consummation.

In the judgment, the court identified several cumulative elements of the objective element and the consummation of the elements of the criminal offense provided under Article 297-a of the Criminal Code, such as: Driving under the influence of alcohol – 1.86 per mille of alcohol in the blood, which significantly exceeds the criminal threshold provided in Article 297-a; Driving at excessive speed – contrary to the principle of vehicle control and Article 228 paragraph 8 of the Law on Road Traffic Safety; and Creation of a concrete danger realized through collision with another vehicle in traffic.

The court assessed that the conduct of the defendant consummates the criminal elements of the offense provided under Article 297-a of the Criminal Code (Kambovski & Zejneli, 2018).

-The subjective element (culpability) and the reasoning of the court.

Criminal offenses under Article 297-aof Criminal Code are usually committed with eventual intent (doluseventualis).

In the present case, the court reasoned that the defendant was aware of his intoxicated condition under the influence of alcohol, was aware that driving in such a condition violates traffic rules, nevertheless accepted the risk and continued driving the vehicle.

This form of culpability fulfills the standard of acceptance of risk, which is sufficient for criminal liability in offenses of concrete endangerment (Kambovski & Zejneli, 2018).

-Reasoning regarding the criminal sanction.

The court applied a suspended sentence and a supplementary penalty – prohibition of driving a motor vehicle for a duration of 3 months; this reasoning reflects the

principle of individualization of punishment, considering the personal characteristics of the perpetrator, evaluating the evidence, and considering the mitigating and aggravating circumstances that influenced the determination of the sentence (Kambovski & Zejneli, 2018).

The analysis of the judgment indicates that the defendant's conduct satisfies the constitutive elements of the offence prescribed under Article 297-a of the Criminal Code.

Conclusion

The criminal offense of "Reckless Driving of a Motor Vehicle," provided under Article 297-a of the Criminal Code of the Republic of North Macedonia, represents an important instrument of criminal protection in the field of road traffic safety. The analysis conducted in this paper shows that this criminal norm aims to punish particularly dangerous conduct which seriously endangers the life and health of persons, even in the absence of concrete consequences.

Through this norm, the legislator seeks to strengthen preventive criminal policy and to influence the change of behavior of motor vehicle drivers, and the safety of all of us as citizens in traffic. Nevertheless, the effectiveness of this criminal offense largely depends on its proper and consistent application by the competent authorities.

In conclusion, it may be established that Article 297-a constitutes an indispensable component of the contemporary criminal system in the Republic of North Macedonia, contributing to the protection of public safety and the prevention of road crime.

References

Basic Court Debar. (2026). *Case No. K-7/2026*.

Basic Court Tetovo. (2025). *Case No. K-750/25*.

Constitution of the Republic of North Macedonia. (1991). Official Gazette of the Republic of North Macedonia.

Criminal Code of the Republic of North Macedonia. (1996). Official Gazette of the Republic of North Macedonia (with subsequent amendments and supplements, No. 08-629/1, January 28, 2026, effective February 1, 2026).

Kambovski, V., & Tupanceski, N. (2011). *Criminal law – Special part*. Skopje.

Kambovski, V., & Zejneli, I. (2018). *Criminal law – General part*. Tetovo.

Law on Misdemeanors. (2019). Official Gazette of the Republic of North Macedonia.

Law on Road Traffic Safety of the Republic of North Macedonia. (2015). *Official Gazette of the Republic of North Macedonia*, No. 169/2015 (with subsequent amendments).

Salihu, I. (2014). *Criminal law – Special part*. Prishtina.

World Health Organization. (2018). *Global status report on road safety 2018*

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BALKAN JOURNALS

The Role of the Probation Officer in the Criminal Justice System: A Comparative Analysis between Kosovo and the Countries of the Region

Fat Mustafa, Ismail Zejneli

Abstract

Recent developments in criminal justice systems indicate a gradual transition from strictly punitive approaches toward more balanced models that emphasize rehabilitation, reintegration, and long-term social protection. Within this evolving framework, the probation officer has assumed an increasingly important role, functioning as an intermediary between judicial institutions, correctional authorities, and the community.

This paper examines the role and significance of probation officers within the criminal justice system of Kosovo while providing a comparative analysis with the probation systems of Albania, North Macedonia, Serbia, and Bosnia and Herzegovina. The study underlines the contribution of probation services to reducing recidivism, easing prison overcrowding, promoting restorative justice, and facilitating the reintegration of offenders into society.

The paper employs a comparative legal and analytical methodology based on national legislation, institutional reports, international standards, and regional practices. Particular attention is devoted to the legal framework regulating probation services, the practical implementation of alternative sanctions, and the institutional challenges faced by probation officers in Kosovo and neighboring countries.

The findings indicate that although Kosovo has established a relatively solid legal framework for probation services, several structural and practical challenges continue to affect the effectiveness of the system, including limited institutional capacities, insufficient professional training, weak inter-institutional coordination, and the absence of comprehensive statistical mechanisms for measuring recidivism and rehabilitation outcomes.

The study concludes that strengthening probation services is essential for the development of a modern and sustainable criminal justice system based on rehabilitation and social reintegration. It further recommends increased investment in professional training, digitalization, institutional cooperation, and evidence-based criminal policies.

Keywords: Probation officer, criminal justice, alternative measures, rehabilitation, recidivism

Introduction

The reform of modern criminal justice systems has increasingly encouraged the use of alternative sanctions and non-custodial measures as substitutes for imprisonment, particularly in cases involving less serious criminal offences. Such measures aim to avoid the harmful social consequences of incarceration while promoting rehabilitation and reintegration within the community.

Alternative sanctions are intended to provide courts with mechanisms through which offenders may be supervised and rehabilitated outside prison institutions whenever deprivation of liberty is not considered necessary. These measures are especially important in preventing prison overcrowding and reducing the negative effects of institutionalization.

Within this context, the role of the probation officer has become increasingly important. Probation officers serve as a bridge between the offender, judicial authorities, correctional institutions, and society. Their work includes supervising offenders subjected to alternative sanctions, preparing social and risk assessment reports, monitoring compliance with judicial obligations, and assisting offenders in their reintegration into society.

The purpose of this study is to analyse the legal and institutional role of probation officers in Kosovo and compare it with probation systems in Albania, North Macedonia, Serbia, and Bosnia and Herzegovina. Through this comparative approach, the paper seeks to identify similarities, differences, institutional challenges, and opportunities for improving probation services within the region.

The study also aims to highlight the importance of probation services in the implementation of contemporary criminal policies focused on rehabilitation, restorative justice, and crime prevention.

Literature Review

The development of probation services has been closely connected with the broader transformation of criminal justice systems from punitive-oriented models toward rehabilitative and restorative approaches. Contemporary criminological and legal literature increasingly emphasizes that imprisonment should be used as a measure of last resort, particularly for offenders who do not present a high level of social danger.

According to international criminal justice standards, probation and alternative sanctions represent important mechanisms for promoting rehabilitation while simultaneously protecting society. The United Nations Standard Minimum Rules for Non-custodial Measures (United Nations, 1990) encourage states to expand the use of community-based sanctions and to strengthen institutional mechanisms that support offender reintegration.

Scholars of criminal law and criminology have argued that probation systems contribute significantly to reducing recidivism and improving offender accountability. Zejneli and Kambovski (2018) emphasize that alternative measures provide more humane and socially effective responses to criminality compared to short-term imprisonment. They further note that rehabilitation and reintegration should remain central objectives of contemporary penal policy.

Research conducted by the United Nations Office on Drugs and Crime (UNODC) has demonstrated that well-organized probation systems, combined with individualized supervision and rehabilitation programmes, can substantially reduce reoffending rates. International reports indicate that offenders supervised through structured community-based programmes are more likely to maintain employment, preserve family relationships, and successfully reintegrate into society.

Academic literature also highlights the multidimensional role of probation officers. Beyond legal supervision, probation officers frequently perform social, psychological, and rehabilitative functions. They assess offender risk, identify social and personal needs, coordinate with social institutions, and assist offenders in accessing employment, education, healthcare, and counselling services.

In the Balkan region, the development of probation services has generally occurred as part of broader judicial reforms supported by European institutions and international organizations. Albania, Serbia, and North Macedonia have gradually strengthened their probation systems through legislative reforms, professional training programmes, and institutional cooperation projects supported by the European Union.

Despite these developments, several studies continue to identify common challenges affecting probation systems in transitional societies. These challenges include insufficient institutional resources, limited professional capacities, inconsistent implementation of alternative sanctions, weak inter-institutional coordination, and social stigma directed toward offenders.

Existing literature further suggests that effective probation systems require strong institutional support, adequate professional training, reliable statistical monitoring, and coordinated cooperation between judicial institutions, correctional services, social welfare agencies, healthcare institutions, and civil society organizations.

Therefore, the probation officer is increasingly viewed not merely as a supervisory authority but as a central actor in the implementation of modern criminal justice policies focused on rehabilitation, prevention of recidivism, and social reintegration.

Legal and Functional Framework in Kosovo

The Kosovo Probation Service (KPS) represents an important component of the criminal justice system and operates under the authority of the Ministry of Justice. The service is responsible for supervising and implementing alternative sanctions and measures imposed by the courts (Perteshi, 2021).

The legal basis for the functioning of the Kosovo Probation Service is primarily regulated by Law No. 08/L-002 on the Execution of Criminal Sanctions, the Criminal Code of the Republic of Kosovo, the Criminal Procedure Code, and the Juvenile Justice Code. The probation officer performs a central role in supervising offenders subjected to alternative sanctions such as suspended sentences, parole, community service, and protective supervision measures. In practice, probation officers cooperate closely with courts, prosecutors, police authorities, social work centres, educational institutions, and non-governmental organizations.

Their responsibilities include:

- Supervising the execution of alternative sanctions;
- Preparing social inquiry and risk assessment reports;
- Monitoring compliance with judicial obligations;
- Assisting offenders with rehabilitation and reintegration;
- Coordinating with institutions providing social and psychological services;
- Reporting violations of imposed conditions to competent judicial authorities.

In recent years, Kosovo has made important progress in strengthening probation services. Nevertheless, challenges remain evident, particularly regarding insufficient staffing, limited financial resources, weak institutional coordination, and the

lack of specialized professional training (Criminal Code of the Republic of Kosovo, 2019; Law No. 08/L-002 on the Execution of Criminal Sanctions, 2021; Juvenile Justice Code, 2010)..

Comparative Practices in Regional Countries

Albania

The Probation Service in Albania was established in 2009 and currently functions under Law No. 78/2020 on the Organization and Functioning of the Probation Service (2020). The Albanian probation system operates under the Ministry of Justice and performs duties similar to those exercised in Kosovo.

Albania has significantly expanded the territorial presence of probation offices and has benefited from continuous support from European Union projects aimed at strengthening institutional and professional capacities.

The Albanian Criminal Code regulates the suspension of imprisonment and probation supervision through Article 59. Courts may suspend prison sentences under certain conditions and place offenders under probation supervision where rehabilitation outside prison is considered possible (Criminal Code of Albania, 1995).

The probation system in Albania also emphasizes the imposition of additional obligations on offenders, including employment obligations, educational programmes, medical treatment, restrictions on movement, and participation in rehabilitation activities.

Republic of North Macedonia

The probation service in North Macedonia functions within the Directorate for the Execution of Sanctions. The Law on the Probation Service was adopted in 2015 and entered into force in 2016.

The probation officer in North Macedonia performs both supervisory and rehabilitative functions. Individual treatment programmes are prepared for each offender based on risk assessment, personal characteristics, professional qualifications, and rehabilitation needs.

North Macedonia places particular emphasis on conditional sentences with protective supervision. Courts may impose intensified supervision when necessary to prevent further criminal behaviour.

Serbia

Serbia has established a relatively structured probation system through the Service for the Execution of Criminal Sanctions. Since the adoption of the Law on Probation, specialized probation units have been created throughout major cities.

Serbia has also benefited from European Union IPA projects supporting the digitalization of probation case management systems and strengthening institutional efficiency.

Bosnia and Herzegovina

Bosnia and Herzegovina has a decentralized probation structure due to its constitutional organization. Probation services operate separately within the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District.

Although this decentralization creates challenges concerning coordination and standardization, efforts have been made toward harmonizing probation practices and strengthening institutional cooperation.

Comparative regional experiences demonstrate that countries such as Croatia, Slovenia, and Serbia have made notable progress in establishing professional probation systems characterized by continuous training, stronger institutional coordination, and broader implementation of alternative sanctions.

Importance of Probation Officers in Criminal Policy

The probation officer plays an essential role in the implementation of modern criminal policy. Contemporary criminal justice systems increasingly recognize that punishment alone is insufficient for reducing criminality and ensuring long-term public safety.

Probation services contribute significantly to:

- Reducing recidivism;
- Supporting rehabilitation and reintegration;
- Preventing prison overcrowding;
- Encouraging restorative justice;
- Protecting social and family relationships;
- Promoting individualized treatment of offenders.

Through direct contact with offenders and community institutions, probation officers contribute to identifying risk factors and developing rehabilitation strategies adapted to the specific needs of each individual.

Multidisciplinary Nature of Probation Work

The work of probation officers requires a multidisciplinary approach involving legal, psychological, social, and economic dimensions.

Psychological Dimension

Probation officers frequently work with offenders experiencing behavioural difficulties, mental health problems, addiction issues, or trauma-related conditions. Effective supervision therefore requires communication skills and psychological understanding.

Social Dimension

Probation officers assist offenders in rebuilding family and social relationships and reconnecting with the community.

Economic Dimension

Employment and economic stability are essential for reducing recidivism. Probation officers often cooperate with employment agencies, vocational training institutions, and social welfare services.

In Kosovo, these components are not yet fully integrated into a coordinated rehabilitation framework.

Role in Preventing Recidivism

Recidivism remains one of the principal concerns of criminal justice systems. Repeated criminal behaviour demonstrates both the limitations of punitive sanctions and the need for effective rehabilitation policies.

Research conducted by international organizations such as UNODC indicates that structured supervision and rehabilitation programmes can significantly reduce recidivism rates.

The probation officer contributes to preventing reoffending by:

- Monitoring offender behaviour;
- Providing guidance and counselling;

- Encouraging education and employment;
- Facilitating access to treatment programmes;
- Strengthening social support mechanisms.

Kosovo still lacks a comprehensive statistical system for measuring the long-term effectiveness of probation measures and rehabilitation outcomes, which limits the development of evidence-based criminal policies.

Challenges and Recommendations

Despite the progress achieved in the development of probation systems, several important challenges continue to affect their effectiveness in Kosovo and the region.

Main Challenges

- Limited financial and human resources;
- Insufficient professional training;
- Weak inter-institutional coordination;
- Lack of digitalized case management systems;
- Social stigmatization of offenders;
- Limited public awareness regarding alternative sanctions.

Recommendations

In order to strengthen the probation system in Kosovo and improve regional cooperation, the following measures are recommended:

1. Increase institutional investment in probation services;
2. Expand professional training programmes for probation officers;
3. Strengthen cooperation between courts, prosecutors, social services, and correctional institutions;
4. Develop comprehensive digital case management systems;
5. Improve statistical monitoring and recidivism measurement;
6. Promote public awareness regarding the importance of rehabilitation and alternative sanctions;
7. Encourage regional cooperation and exchange of best practices.

Alternative Sanctions as Instruments of Social Justice

Alternative sanctions represent one of the central elements of modern criminal justice reform. Their purpose is to reduce unnecessary imprisonment while promoting rehabilitation and social reintegration.

International standards, including the Tokyo Rules and European recommendations on community sanctions, emphasize that imprisonment should be used only as a last resort.

Community service represents one of the most important alternative sanctions. It allows offenders to contribute positively to society while avoiding the harmful effects of incarceration.

Under the Criminal Code of Kosovo, community service for adults may range from 40 to 240 hours and must be completed within six months. For juveniles, the maximum duration is lower and focuses primarily on educational and rehabilitative objectives.

The preventive and rehabilitative nature of community service contributes to reducing recidivism, strengthening offender responsibility, and facilitating social reintegration.

Conclusion

The probation officer represents a fundamental component of contemporary criminal justice systems and serves as an essential intermediary between punishment and rehabilitation.

The role of probation officers extends beyond legal supervision and includes social support, rehabilitation, risk assessment, and institutional coordination. Through these functions, probation officers contribute significantly to reducing recidivism, supporting reintegration, and promoting safer communities.

In Kosovo, important progress has been achieved in establishing the legal and institutional foundations of probation services. Nevertheless, several challenges continue to affect the effectiveness of the system, including limited resources, insufficient professional capacities, weak inter-institutional cooperation, and the absence of comprehensive monitoring mechanisms.

Future reforms should focus on strengthening institutional capacities, expanding professional training, improving coordination among justice and social institutions, and promoting evidence-based criminal policies.

Ultimately, the development of effective probation services is essential for building a criminal justice system that not only punishes criminal behaviour but also promotes rehabilitation, social responsibility, and long-term reintegration.

References

Criminal Code of the Republic of Albania. (1995). *Official Gazette of the Republic of Albania* (consolidated version as amended up to 2023).

Criminal Code of the Republic of Kosovo (Code No. 06/L-074). (2019). *Official Gazette of the Republic of Kosovo*.Criminal Code of the Republic of North Macedonia. (2021).

Juvenile Justice Code (Code No. 03/L-193). (2010). *Official Gazette of the Republic of Kosovo*.

Kambovski, V., & Zejneli, I. (2018). *E drejta penale: pjesa e përgjithshme* [General criminal law: general part]. SEEU.

Law No. 08/L-002 on the Execution of Criminal Sanctions. (2021). *Official Gazette of the Republic of Kosovo*.

Law No. 78/2020 on the Organization and Functioning of the Probation Service in Albania. (2020).

Perteshi, S. (2021). *Baseline assessment for the Kosovo Probation Service*. Kosovar Centre for Security Studies.

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules). (1990). United Nations.

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BALKAN JOURNALS

Hybrid Warfare and Persistently Contested Sovereignty in the Western Balkans: The Role of Regional Cooperation

Denur K. Paçaku

Abstract

This study examines how hybrid warfare undermines state sovereignty in the Western Balkans and evaluates the role of regional cooperation in reducing vulnerability gaps and strengthening regional security. It argues that hybrid threats, particularly disinformation and the exploitation of transnational organized crime networks, operate as interconnected mechanisms that amplify structural weaknesses in institutionally fragile states. The research adopts a qualitative approach based on academic literature, policy documents, and regional security reports, focusing on the interaction between hybrid interference, governance deficits, weak intelligence capacities, and fragmented institutional responses.

The findings show that hybrid warfare functions as a continuous and multidimensional process that erodes institutional authority and reinforces contested sovereignty. Transnational organized crime emerges as a key intermediary, facilitating political influence and destabilization through financial and operational networks. Fragmented national responses increase exposure to hybrid threats, while regional cooperation enhances resilience through intelligence sharing, coordinated law enforcement, joint early-warning systems, and policy harmonization. The study contributes to theoretical debates by conceptualizing sovereignty as a dynamic and continuously contested process under hybrid threat conditions. It concludes that effective security governance in the Western Balkans requires the integration of national institutional capacities, intelligence-led resilience, rule-of-law strengthening, and institutionalized regional cooperation.

Keywords: hybrid warfare, contested sovereignty, regional cooperation, transnational organized crime, Western Balkans

Introduction

The Western Balkans constitutes a fragile and fragmented security space where post-conflict legacies, weak institutional consolidation, and contemporary geopolitical pressures intersect. Incomplete reconciliation after the wars of the 1990s, prolonged democratic transitions, and unresolved political disputes have created persistent instability. A report by the NATO Parliamentary Assembly highlights that, unresolved relations between Kosovo and Serbia, alongside political tensions in Bosnia and Herzegovina, continue to risk destabilizing the region and create opportunities for criminal networks and external influence (NATO Parliamentary Assembly, 2024). The repercussions of Russia's aggression against Ukraine have further re-centered the Western Balkans within European security concerns, especially as hybrid threats increasingly intersect with ethnic tensions, economic vulnerabilities, and intensified regional defense cooperation (Gardner, 2025). Consequently, the region should be understood as a strategic space where geopolitical competition converges with institutional fragility.

A key challenge lies in the interaction between longstanding structural weaknesses and emerging hybrid threats. Transnational organized crime, corruption, and weak governance structures create fertile ground for destabilization. Criminal networks have moved beyond traditional trafficking by exploiting political corruption and institutional weaknesses, forming systems that protect illicit activities and influence political processes (Global Initiative Against Transnational Organized Crime (GI-TOC), 2023). These networks intersect with political financing and external influence, reinforcing systemic vulnerability. Hybrid warfare intensifies these dynamics by combining military and non-military tools, including disinformation, cyber operations, and economic coercion, to undermine institutional integrity without overt conflict. The Western Balkans remain particularly susceptible because of fragile political and societal structures, while limited domestic reforms sustain exposure to hybrid interference despite the stabilizing effects of NATO and European Union integration (Dolan, 2022). Recent cyberattacks and coordinated disinformation campaigns further illustrate how hybrid operations exploit low institutional trust and political polarization (Kovalčíková et al., 2024).

Disinformation and corruption operate as central instruments of hybrid warfare, often reinforced by local actors and media ecosystems. External actors exploit economic dependencies and energy relations to maintain influence, particularly in countries such as Serbia and Bosnia and Herzegovina (Support4Partnership, 2025; Vangeli, 2020). These dynamics show that hybrid warfare extends beyond the information

domain and includes economic leverage, institutional capture, and the manipulation of governance vulnerabilities. The intersection of hybrid threats with organized crime fundamentally challenges sovereignty, as criminal networks can serve as intermediaries for financing, influence, and destabilization. Coordinated law enforcement operations demonstrate that such threats cannot be addressed by individual states alone (Europol, 2023). Reports also emphasize that institutional fragmentation and weak cooperation mechanisms increase vulnerability, making regional cooperation essential for strengthening resilience and security (Zorić et al., 2024).

Theoretical perspectives reinforce this argument. Regional Security Complex Theory highlights the interdependence of threats across borders (Buzan & Wæver, 2003), while securitization theory explains how threats are constructed as security issues (Buzan et al., 1998). State capacity theory further emphasizes the importance of institutional effectiveness and intelligence systems in managing security risks (Migdal, 2001; Born & Leigh, 2005). In the Western Balkans, weaknesses in these areas limit the ability to anticipate and counter hybrid threats. Empirical evidence shows that even where capacities remain limited, coordinated regional and international efforts can produce tangible results, including reductions in irregular migration and the disruption of criminal networks (Frontex, 2024). Public trust is also critical, as institutional transparency and performance increase resilience against disinformation and external interference (Kapetanović, 2025).

Against this background, regional cooperation emerges as a key mechanism for reducing vulnerability gaps. Initiatives involving intelligence sharing, coordinated operations, and policy harmonization demonstrate that collective approaches can transform structural weaknesses into functional advantages (Zorić et al., 2024). However, political divisions and limited trust continue to constrain the effectiveness of such cooperation. This study addresses a gap in the existing literature by integrating hybrid warfare, organized crime, intelligence capacities, and regional cooperation into a single analytical framework. While previous studies often focus on individual dimensions, this research examines their interaction and combined impact on sovereignty. The guiding research question is: How does hybrid warfare continuously undermine sovereignty in the Western Balkans, and in what ways can regional cooperation reduce vulnerability gaps and strengthen regional security?

The study analyzes forms of hybrid interference, the role of criminal networks, and vulnerabilities in intelligence and border management, while assessing the effectiveness of regional cooperation mechanisms. It aims to contribute to both theory and practice by offering an integrated perspective on security governance in the Western Balkans.

Literature Review

A growing body of scholars identifies the Western Balkans as a critical space for understanding the transformation of the European security order. Russia's aggression against Ukraine has accelerated shifts in security thinking across Europe, increasing military spending and fostering new frameworks for defense cooperation. Gardner (2025) highlights intensified militarization, new partnerships, and modernization of armed forces. Initiatives such as trilateral cooperation between Albania, Croatia, and Kosovo, alongside Serbia's agreement with Hungary, reflect evolving alliance patterns and a broader reconfiguration of regional security dynamics. Rising defense budgets in Kosovo and Serbia further support military modernization and the acquisition of advanced capabilities (Gardner, 2025). These developments indicate that responding to hybrid threats requires both intelligence capacities and conventional preparedness, particularly in contexts where structural fragility limits institutional effectiveness and rapid response capabilities.

The war in Ukraine has also reshaped the European Union's approach, shifting from soft power toward more assertive geopolitical instruments. The Western Balkans has become a zone of strategic competition between Russia and the West, with persistent influence exercised through political narratives, public opinion, and strategic partnerships, particularly in Serbia (Support4Partnership, 2025). Enlargement fatigue and inconsistent EU commitments contribute to a political environment marked by ambiguity, which hybrid actors exploit to reinforce anti-European narratives, deepen polarization, and obstruct reform processes. In this sense, hybrid interference is not an isolated phenomenon, but rather embedded within broader geopolitical dynamics that shape domestic political trajectories and institutional behavior.

Structural vulnerabilities remain central to exposure to hybrid threats. Institutional fragmentation, corruption, and weak administrative capacity enable both internal and external actors to exert influence with relative ease. Threats such as organized crime, disinformation, cyberattacks, and political interference transcend national borders and require coordinated responses, yet regional cooperation remains uneven and insufficiently institutionalized (Zorić et al., 2024). The persistence of legal and institutional gaps allows non-state actors and criminal networks to operate across borders with limited constraint, reinforcing patterns of systemic vulnerability. Democratic regression, politicization of institutions, and weakened media independence further facilitate hybrid interference (Freedom House, 2024; European Commission, 2020). These dynamics indicate that institutional weakness is

not merely a background condition, but an active enabling factor that shapes both the intensity and effectiveness of hybrid operations.

Information manipulation represents a key dimension of hybrid warfare. Shared linguistic and cultural spaces facilitate cross-border disinformation, blurring the distinction between internal and external narratives (European Audiovisual Observatory, 2025). As externally generated content is often internalized within domestic discourse, the identification of foreign influence becomes increasingly complex. This dynamic undermines epistemic clarity and weakens public trust in institutions, creating conditions in which hybrid actors can more effectively shape perceptions and political attitudes. Addressing this challenge requires coordinated approaches combining media monitoring, civic education, and institutional responses, as well as sustained efforts to strengthen information resilience at both societal and institutional levels.

The literature also emphasizes the need to reposition the Western Balkans within the European security architecture. Rather than being treated solely as a recipient of security, the region is increasingly viewed as a potential contributor to broader European stability. Experts highlight grey-zone threats such as disinformation, illicit financing, and technological interference, which require anticipatory and coordinated responses (Royal United Services Institute (RUSI), 2025; George C. Marshall European Center for Security Studies, 2025). Recent incidents, including tensions in Kosovo and Bosnia and Herzegovina, illustrate how unresolved disputes and weak governance structures create opportunities for hybrid actors to exploit existing divisions (NATO Parliamentary Assembly, 2024). These developments demonstrate that insecurity in the Western Balkans is not episodic, but structurally embedded and continuously reproduced through the interaction of political fragility and external pressure.

Empirical evidence shows that regional cooperation can produce measurable results. Strengthened coordination has reduced irregular migration flows and improved law enforcement cooperation across borders (Frontex, 2024; European Commission, 2023). Initiatives such as the Berlin Process and the Regional Cooperation Council further demonstrate that sustained political commitment can translate into practical security outcomes. At the same time, these efforts reveal that cooperation is most effective when supported by institutional alignment, shared strategic priorities, and mechanisms for information exchange and joint operations.

Theoretical frameworks provide important insights into these dynamics. From a broader theoretical perspective, the transformation of security in the Western Balkans reflects the wider process of the globalization of security, in which authority and security provision are no longer monopolized by the state but are increasingly shaped by complex interactions between state and non-state actors (Mabee, 2009). Regional Security Complex Theory highlights the interdependence of security dynamics across states (Buzan & Wæver, 2003), suggesting that threats in the Western Balkans cannot be effectively addressed within isolated national frameworks. Securitization theory explains how issues such as migration and disinformation are constructed as security threats (Buzan et al., 1998), although such framing remains insufficient without corresponding institutional capacity. State capacity theory emphasizes the importance of governance effectiveness, territorial control, and intelligence systems in managing security risks (Migdal, 2001). These theoretical perspectives converge in highlighting that institutional capability is central to both resilience and vulnerability in hybrid threat environments.

Empirical studies demonstrate how contested sovereignty and institutional fragility shape hybrid warfare. Corruption and low public trust increase vulnerability to disinformation and external influence (Transparency International, 2023; RAND Corporation, 2019). In such contexts, hybrid actors do not necessarily need to generate new conflicts but rather amplify existing divisions and institutional weaknesses. Organized crime acts as a key facilitator, providing financial and operational support to hybrid actors (Shelley, 2014; Hoffman, 2007). This interaction between criminal networks and political structures further complicates the security landscape, blurring the distinction between legal and illicit forms of power.

The information domain remains central, with disinformation campaigns exploiting societal divisions and weakening institutional legitimacy (NATO Strategic Communications Centre of Excellence, 2019; EUvsDisinfo, 2023; Kapetanović, 2025; Rid, 2020). By shaping perceptions and generating uncertainty, information warfare undermines both civic engagement and democratic accountability. External actors employ diverse hybrid instruments, as seen in the Montenegro coup attempt and similar patterns in North Macedonia (Bellingcat, 2017; Galeotti, 2017). These cases illustrate that hybrid strategies are often aimed not at achieving direct control, but at maintaining instability and limiting the consolidation of democratic institutions.

Regional cooperation remains essential, strengthening resilience through intelligence sharing, legislative harmonization, and coordinated responses (RAND

Corporation, 2019; Zorić et al., 2024). However, geopolitical divisions and unresolved disputes, particularly between Kosovo and Serbia, continue to constrain cooperation and create vulnerability spaces that hybrid actors can exploit (Support4Partnership, 2025). The effectiveness of cooperation is therefore contingent upon political trust, institutional alignment, and the gradual resolution of bilateral tensions.

The literature also underscores the need for stronger intelligence capacities, emphasizing professionalism, institutional independence, and democratic oversight (Born & Leigh, 2005). Strengthening intelligence systems enhances early warning capabilities, improves risk assessment, and supports more effective policy responses to hybrid threats. At the same time, coordination among international actors remains essential. The European Union, the United States, and NATO must align their strategies to counter hybrid threats, support institutional reforms, and strengthen resilience across the region.

Regarding this discussion, hybrid warfare in the Western Balkans operates through the interaction of structural vulnerabilities, external pressures, and institutional weaknesses. Regional cooperation and integration into Euro-Atlantic structures remain critical for reducing vulnerability gaps and strengthening long-term stability.

The security environment in the Western Balkans reflects the interaction between external pressures and internal vulnerabilities, where hybrid threats operate across multiple domains. Cyber-enabled interference, disinformation, and foreign influence have become key instruments for destabilizing governance structures (European Union Institute for Security Studies (EUISS), 2024). At the same time, corruption and weak institutional oversight enable hybrid actors to exploit systemic gaps and reinforce political fragmentation (European Western Balkans (EWB), 2025). NATO emphasizes that hybrid threats constitute a central dimension of contemporary security, requiring coordinated responses and resilience-building across sectors (North Atlantic Treaty Organization (NATO), 2022, 2023).

From a theoretical perspective, hybrid warfare blurs the boundaries between conventional and non-conventional conflict, combining multiple instruments to challenge traditional security frameworks (Renz & Smith, 2016). In regions with contested sovereignty, such as the Western Balkans, limited state consolidation constrains institutional authority. As a result, sovereignty emerges as a dynamic and continuously contested condition shaped by both internal and external pressures (Weller, 2009).

Building on the theoretical perspectives and empirical evidence discussed above, this study advances a structured analytical framework to examine the mechanisms through which hybrid warfare interacts with institutional vulnerabilities and shapes security outcomes in the Western Balkans. The analysis demonstrates that hybrid threats operate through the combined effects of disinformation, organized crime, and political influence, while exploiting weaknesses in intelligence capacities, governance structures, and regional coordination. Accordingly, the study develops a set of hypotheses that capture the relationships between national intelligence capacities, hybrid warfare activities, regional cooperation, and their effects on border security, contested sovereignty, and regional stability.

H1. *The strengthening of national intelligence capacities in the Western Balkans has a positive effect on the effectiveness of border security*.

National intelligence capacities represent the independent variable (X1), while the effectiveness of border security represents the dependent variable (Y1). National intelligence capacities refer to the resources, professional expertise, technological tools, cyber intelligence capabilities, and legal-institutional frameworks available to intelligence agencies within each state. These capacities are essential for collecting, analyzing, and using information to identify potential cross-border threats. In this framework, the effectiveness of border security refers to the ability of state institutions to prevent, detect, and respond to such threats, including irregular border crossings, smuggling and trafficking networks, terrorist or criminal activities in border areas, and violations of law at border crossing points.

Analysis H1:

National intelligence capacities (X1), including staff professionalization, advanced data collection technologies, cyber analysis, and functional legal frameworks, enhance the ability of institutions to identify cross-border threats in a timely manner. Since border security relies on intelligence-based decision-making, improved analytical and detection systems enable proactive prevention and more rapid responses. As a result, the effectiveness of border security (Y1) increases, reflected in reduced irregular crossings, improved detection of smuggling networks, and more effective law enforcement at border areas. The relationship between these variables is therefore positive and direct (X1 → Y1).

This relationship is supported by the intelligence-led policing (ILP) model, which integrates intelligence collection, analysis, and operational decision-making to improve security outcomes. According to the Organization for Security and

Co-operation in Europe (OSCE, 2023), border policing should be embedded within national intelligence systems to ensure continuous data collection and analysis. Empirical evidence from the Western Balkans indicates that weaknesses in intelligence capacities, such as limited data availability, reduce the effectiveness of border security, whereas investments in intelligence systems and integrated border management strategies significantly improve threat detection and prevention. Consequently, strengthening intelligence capacities constitutes a key mechanism for enhancing border protection.

H2: *Hybrid warfare conducted by internal actors in the Western Balkans contributes to the persistent contestation of state sovereignty by undermining institutional capacity and political authority*.

Hybrid warfare activities of internal actors represent the independent variable (X2), while contested sovereignty represents the dependent variable (Y2). Hybrid warfare activities of internal actors refer to domestic forms of destabilization, including information manipulation and disinformation, collaboration with or support from organized crime networks, political capture of institutions, and interference in state governance mechanisms. These activities weaken the capacity of the state to function effectively and undermine institutional legitimacy from within. In this framework, contested sovereignty refers to the erosion of state authority, the delegitimation of public institutions, and the fragmentation of territorial and political control, which together reduce the ability of the state to exercise coherent and legitimate governance.

Analysis H2:

Hybrid warfare activities conducted by internal actors (X2), including information manipulation, links with organized crime, and institutional capture, disrupt state functioning and create conditions for destabilization. These mechanisms weaken political authority and institutional capacity, leading to increased contested sovereignty (Y2), reflected in the erosion of state authority, delegitimation of institutions, and fragmentation of control. The relationship between the variables is therefore direct and negative for state sovereignty (X2 → Y2).

Hybrid warfare is conceptualized as the combined use of military, political, informational, and economic instruments to undermine state capacity (Hoffman, 2007). In the Western Balkans, internal actors employ disinformation, institutional manipulation, and the exploitation of ethnic tensions, reinforcing a persistent condition of contested sovereignty. The region's patterns of competitive authoritarianism

further align with hybrid strategies of media control, judicial manipulation, and state capture (Bieber, 2018), while the politicization of security services weakens institutional legitimacy (OSCE, 2023). Empirical evidence shows that organized crime is often intertwined with political structures, and domestic disinformation campaigns contribute to internal destabilization (UNODC, 2021; KCSS, 2023). Such dynamics illustrate that sovereignty becomes fragile when institutions are unable to exercise effective authority (Krasner, 1999).

H3: *Regional cooperation in the Western Balkans reduces the impact of hybrid warfare and contributes to the strengthening of regional security*.

Regional cooperation represents the independent variable (X3), the reduction of hybrid influence functions as the mediating variable (M3), and regional security represents the dependent variable (Y3). Regional cooperation refers to mechanisms of intelligence and information sharing, joint security operations, policy harmonization, and institutional coordination between states. These forms of cooperation can reduce hybrid influence by limiting the spread of disinformation and propaganda, weakening political interference and non-conventional pressures, and disrupting criminal networks and influence channels used by hybrid actors. In this framework, regional security refers to political stability among states in the region, the reduction of cross-border threats such as organized crime, trafficking, and extremism, and the collective capacity of states to respond effectively to shared risks and crises.

Analysis H3:

Regional cooperation (X3) strengthens intelligence sharing, operational coordination, and policy harmonization, thereby limiting the operational space of hybrid actors. These mechanisms contribute to the reduction of hybrid influence (M3) by decreasing disinformation, political interference, and cross-border criminal activities. As a result, regional security (Y3) improves through greater political stability, reduced transnational threats, and enhanced collective capacity for risk management. The relationship is therefore positive and mediated (X3 → M3 → Y3).

The literature emphasizes that regional cooperation is essential in contexts characterized by institutional fragility (Buzan & Wæver, 2003). Fragmented institutional environments create opportunities for hybrid operations, whereas coordinated responses and harmonized strategic communication enhance resilience (NATO Strategic Communications Centre of Excellence, 2019). Empirical evidence shows that joint analytical networks and coordinated law enforcement operations reduce the

ability of criminal organizations to exploit cross-border gaps (Frontex, 2024). Regional cooperation further strengthens interdependence and trust among states, limiting opportunities for destabilizing interference (Bechev, 2019). However, persistent political tensions, particularly between Kosovo and Serbia, continue to constrain cooperation and create vulnerability spaces that hybrid actors can exploit.

Research Methodology

This study adopts a qualitative research approach, selected in light of the complex, multidimensional, and interdisciplinary nature of hybrid warfare and contested sovereignties in the Western Balkans. The primary objective of the study is not the statistical measurement of variables or the quantitative testing of hypotheses, but rather the analysis of the mechanisms through which hybrid threats, organized crime, and institutional weaknesses interact to undermine state sovereignty and generate persistent vulnerability gaps at both national and regional levels. The methodology is grounded in an analytical and interpretive research design, aimed at explaining processes, patterns, and causal relationships within a broader political, institutional, and security context. The Western Balkans is conceptualized as a regional security complex, in which hybrid threats and forms of insecurity are interconnected and transcend state borders, thereby necessitating a regional rather than a purely national perspective.

The study relies exclusively on the use of secondary sources, selected through a systematic and critical process. These sources include academic literature from the fields of security studies and international relations, institutional reports produced by international and European organizations, strategic documents of the European Union and NATO, and analyses by credible think tanks addressing regional security, organized crime, and hybrid warfare. The primary method of data collection is documentary analysis, which enables the examination of official discourses, security strategies, analytical reports, and policy documents in order to identify key themes and recurring patterns of hybrid interference. This method allows for the comparison of institutional narratives with academic analyses and facilitates the identification of gaps between declared policies and actual implementation capacities.

Data analysis is conducted through a combination of thematic analysis and theoretical interpretation. Information extracted from the documents is categorized according to key themes such as intelligence capacities, border management,

disinformation, organized crime, and regional cooperation, and subsequently interpreted in light of established theoretical frameworks, including regional security complex theory, securitization theory, state capacity theory, and theoretical approaches addressing the globalization of security and interactions between state and non-state actors. The study's conceptual framework maps the relationships between independent variables, such as national intelligence capacities and internal actors' hybrid warfare activities, and dependent variables, including the effectiveness of border security and the degree of contested sovereignty. These relationships are operationalized through qualitative indicators related to institutional professionalism, risk analysis, interagency coordination, and the effectiveness of regional cooperation mechanisms.

This methodological approach allows for the analytical testing of the proposed hypotheses and creates space for in-depth interpretation of findings in relation to the specific context of the Western Balkans. By focusing on mechanisms of influence rather than solely on observable outcomes, the study seeks to provide a robust and scientifically grounded analysis of how hybrid warfare undermines sovereignty and how regional cooperation can reduce vulnerability gaps. Although the absence of primary data limits the ability to directly capture individual perceptions of local actors, the use of a broad range of secondary sources and their triangulation enhances the study's credibility, coherence, and analytical validity. This methodological choice is appropriate for an analysis aimed at capturing the structural and institutional dynamics of regional security.

Findings

The findings confirm that the Western Balkans constitutes a structurally vulnerable environment in which contested sovereignties, fragile institutions, and persistent political tensions create favorable conditions for the emergence and intensification of hybrid warfare. Legacies of past conflicts, incomplete democratic transitions, and weak institutional consolidation have produced a fragmented security order characterized by limited state capacity and dependence on external support. These structural weaknesses increase exposure to hybrid interference that exploits governance deficits, undermines institutional cohesion, and reinforces a persistent condition of contested sovereignty.

Hybrid warfare in the region operates not as isolated incidents, but as a continuous and multidimensional strategy that combines disinformation, economic pressure,

political influence, and organized crime. These mechanisms interact with existing vulnerabilities, blurring the distinction between internal and external dynamics and generating an environment of sustained uncertainty. As a result, sovereignty is weakened both by external interference and by limited domestic capacity to build resilient institutions capable of managing complex threats.

A key finding is the central role of transnational organized crime as an intermediary and amplifier of hybrid warfare. Criminal networks facilitate financing, logistics, and political influence, reinforcing corruption and weakening the rule of law. This convergence significantly limits the ability of individual states to address security challenges independently.

The analysis also highlights the importance of state capacities, particularly in intelligence and border management. Weak professionalism, politicization of intelligence services, and technological limitations constrain the ability to anticipate and counter hybrid threats. Conversely, cases involving institutional reforms and enhanced cooperation with international partners demonstrate that strengthened national capacities improve threat detection and border security outcomes.

Regional cooperation emerges as the most effective mechanism for reducing vulnerability gaps. Joint operations, intelligence sharing, and coordinated responses produce tangible security outcomes and transform fragmentation into functional interdependence. However, such cooperation remains uneven due to political mistrust, institutional constraints, and unresolved disputes, particularly between Kosovo and Serbia, which continue to generate significant vulnerability spaces for hybrid actors.

The findings of this study indicate that sovereignty in the Western Balkans should be understood as a dynamic and continuously contested process shaped by the interaction of domestic weaknesses, hybrid interference, and the level of regional cooperation. Strengthening sovereignty therefore requires an integrated approach combining institutional resilience, intelligence capacity, and sustained regional cooperation.

Discussion

This section interprets the findings in relation to the research question on how hybrid warfare undermines sovereignty in the Western Balkans and how regional cooperation can reduce vulnerability gaps. The analysis confirms that the region

faces interconnected and transnational security challenges rather than isolated threats, aligning with theoretical perspectives on regional security complexes and the multidimensional nature of contemporary insecurity.

The findings demonstrate that hybrid warfare operates as a continuous and cumulative process. Both internal and external actors exploit institutional weaknesses, corruption, political polarization, and low levels of public trust to exert influence without overt conflict. Disinformation, economic pressure, and criminal networks interact with existing socio-political tensions, blurring the boundary between internal and external dynamics. In this context, sovereignty emerges as a dynamic and continuously contested process rather than a stable condition.

A key insight concerns the role of transnational organized crime as an intermediary of hybrid warfare. Criminal networks facilitate financing, influence, and institutional erosion, reinforcing the argument that combating organized crime is integral to protecting sovereignty. At the same time, weaknesses in intelligence systems, border management, and institutional coordination limit states' ability to anticipate and counter hybrid threats, while reforms and international cooperation improve resilience and security outcomes.

The discussion further supports the relevance of the regional security complex approach, emphasizing that threats transcend national borders and require coordinated responses. Securitization alone is insufficient without operational capacities and institutionalized cooperation. Regional cooperation emerges as the most effective mechanism for reducing vulnerability gaps, as joint operations, intelligence sharing, and policy coordination enhance collective resilience. However, such cooperation remains constrained by political mistrust and unresolved disputes, particularly between Kosovo and Serbia, which continue to create significant vulnerability spaces for hybrid actors.

The findings suggest that sovereignty in hybrid threat environments cannot be sustained through traditional state-centric approaches alone, but requires institutional resilience, societal trust, and structured regional cooperation. In this sense, the Western Balkans should be understood not only as a security consumer but also as a potential contributor to broader European security.

Theoretical Implications

The findings of this study reinforce the regional security complex approach by demonstrating that hybrid threats in the Western Balkans are inherently transboundary and shaped by political, economic, and societal interdependencies among the states of the region. In this context, sovereignty does not appear as a consolidated condition but as a dynamic and continuously contested process, exposed to hybrid interference that exploits institutional weaknesses, corruption, and political fragmentation. The study indicates that discursive securitization alone is insufficient in the absence of real operational capacities, highlighting the need to distinguish between formal and functional securitization in the analysis of regional security.

At the same time, the study contributes to theoretical debates on the globalization and networking of security by arguing that security provision in the Western Balkans depends on multi-level interactions between state and non-state actors. The systematic linkage between hybrid warfare, organized crime, and institutional capture challenges traditional state-centric approaches and calls for an integrated theoretical framework combining regional security, state capacity, and network-based analyses of influence. This perspective enables a more accurate understanding of insecurity in regions characterized by contested sovereignty and limited institutional resilience.

Practical Implications

The findings of this study indicate that addressing hybrid threats in the Western Balkans requires a shift from fragmented and reactive security approaches toward an integrated, intelligence-led model. Strengthening national intelligence capacities, improving border management, and safeguarding security institutions from political interference emerge as essential elements for reducing the structural vulnerabilities exploited by hybrid actors. Investments in professionalism, analytical capabilities, and cyber intelligence should be understood as integral components of sovereignty protection rather than merely technical reforms. At the same time, the fight against organized crime must be embedded within broader security strategies, as criminal networks function as key intermediaries of hybrid interference through financing, logistics, and political influence.

The study also underscores that regional cooperation is not a political alternative but a practical necessity for enhancing security. Structured intelligence sharing, joint operational mechanisms, and the harmonization of security policies

significantly constrain the operational space of hybrid actors and increase collective capacity for crisis management. However, the effectiveness of such cooperation depends on political trust, institutional resilience, and progress in resolving unresolved bilateral disputes, particularly between Kosovo and Serbia. For the EU and NATO, the findings suggest that engagement with the Western Balkans should simultaneously prioritize institutional resilience, the rule of law, and operational cooperation, treating the region not only as a consumer of security but as an active contributor to long-term regional and European stability.

Conclusion

This study has examined how hybrid warfare contributes to the persistent contestation of sovereignty in the Western Balkans and how regional cooperation can reduce vulnerability gaps in a fragmented security environment. The central argument of the article is that hybrid warfare in the region does not operate only through direct external interference or isolated destabilizing incidents. Rather, it functions as a continuous and multidimensional process that exploits institutional weaknesses, political polarization, corruption, disinformation, organized crime, and unresolved bilateral disputes. In this context, sovereignty cannot be understood as a fixed legal condition alone, but as a practical and contested capacity of the state to exercise authority, maintain institutional legitimacy, control security risks, and respond effectively to internal and external pressures.

The findings show that the Western Balkans remain particularly exposed to hybrid threats because of the interaction between structural fragility and geopolitical competition. Weak governance, limited institutional trust, politicized security structures, and incomplete democratic consolidation create an environment in which hybrid actors can operate below the threshold of open conflict. Disinformation campaigns weaken public confidence and deepen societal divisions, while economic leverage and political influence create additional channels for external pressure. These dynamics are especially dangerous because they do not necessarily seek immediate territorial control, but rather the gradual erosion of institutional authority and the maintenance of permanent uncertainty.

A major conclusion of the study is that transnational organized crime plays a central role in amplifying hybrid warfare. Criminal networks are not merely a separate security problem, but a functional intermediary through which hybrid influence can be financed, protected, and operationalized. Their links with corruption, illicit

markets, political actors, and weak border management systems make them particularly relevant to the contestation of sovereignty. When criminal networks penetrate institutions or exploit cross-border gaps, they reduce the capacity of states to act independently and coherently. Therefore, combating organized crime should be understood not only as a law enforcement priority, but also as a core component of sovereignty protection and regional security.

The analysis also demonstrates that national intelligence capacities and border security remain essential for reducing exposure to hybrid threats. Professional intelligence services, effective risk analysis, cyber capabilities, and interagency coordination strengthen the ability of states to detect, anticipate, and prevent destabilizing activities. However, national capacities alone are insufficient in a region where threats are transnational, mobile, and interconnected. Hybrid warfare benefits from fragmentation, mistrust, and institutional asymmetry between neighboring states. For this reason, isolated national responses often leave operational spaces that can be exploited by external actors, domestic spoilers, and criminal networks.

Regional cooperation emerges as the most important mechanism for transforming vulnerability into resilience. Intelligence sharing, coordinated law enforcement operations, joint early-warning mechanisms, policy harmonization, and cooperation with Euro-Atlantic institutions can reduce the operational space of hybrid actors. Such cooperation strengthens regional security not only by improving technical capacities, but also by building habits of institutional trust and collective response. Nevertheless, the effectiveness of regional cooperation remains constrained by unresolved disputes, especially the Kosovo and Serbia relationship, as well as by political mistrust and uneven institutional development across the region.

The article contributes theoretically by conceptualizing sovereignty in the Western Balkans as a dynamic and persistently contested process shaped by hybrid interference and institutional capacity. It also contributes practically by showing that resilience against hybrid threats requires an integrated model that connects rule of law, intelligence reform, border management, counter-disinformation measures, and regional cooperation. Future research should further examine specific country cases and include primary data from policymakers, security practitioners, journalists, and civil society actors. Such research would deepen understanding of how hybrid threats are experienced, interpreted, and managed at the national and local levels. Overall, the study concludes that the protection of sovereignty in the Western Balkans depends not only on stronger states, but also on stronger regional cooperation and a more coherent European security framework.

References

Bellingcat. (2017). *The Montenegro coup attempt: A Russian intelligence operation*. Bellingcat Investigations.

Bechev, D. (2019). *Rival power: Russia in Southeast Europe*. Yale University Press.

Bieber, F. (2018). Patterns of competitive authoritarianism in the Western Balkans. *East European Politics, 34*(3), 337-354. https://doi.org/10.1080/21599165.2018.1490272

Born, H., & Leigh, I. (2005). *Making intelligence accountable: Legal standards and good practice for oversight of intelligence services*. Geneva Centre for the Democratic Control of Armed Forces.

Buzan, B., & Wæver, O. (2003). *Regions and powers: The structure of international security*. Cambridge University Press. https://doi.org/10.1017/CBO9780511491252

Buzan, B., Wæver, O., & de Wilde, J. (1998). *Security: A new framework for analysis*. Lynne Rienner Publishers. https://doi.org/10.1515/9781685853808

Dolan, K. (2022). Hybrid warfare in the Western Balkans: Vulnerabilities and resilience. *SEEU Review, 17*(1), 19-43. https://doi.org/10.2478/seeur-2022-0018

European Audiovisual Observatory. (2025). *Foreign information manipulation and interference in the Western Balkans*.Council of Europe.

European Commission. (2020). *Enhancing the accession process: A credible EU perspective for the Western Balkans*. European Commission.

European Commission. (2023). *EU counter-terrorism agenda for the Western Balkans*.European Commission.

European Union Institute for Security Studies (EUISS). (2024). *Cyber-enabled hybrid interference and foreign information manipulation in the Western Balkans*.EUISS.

European Western Balkans (EWB). (2025). *Hybrid threats and corruption as foreign influence: Discussion at the Belgrade Security Conference*. European Western Balkans.

Europol. (2023). *Serious and organised crime threat assessment (SOCTA)*. European Union Agency for Law Enforcement Cooperation.

EUvsDisinfo. (2023). *Disinformation trends in the Western Balkans*. European External Action Service.

Freedom House. (2024). *Nations in transit 2024*. Freedom House.

Frontex. (2024). *Irregular migration into the European Union: Annual overview*. European Border and Coast Guard Agency.

Galeotti, M. (2017). The "Gerasimov doctrine" and Russian non-linear war. *Journal of Strategic Studies, 40*(3), 282-298.

Gardner, C. (2025). Western Balkans security environment: Defence trends and regional dynamics. *European Security & Defence*.

George C. Marshall European Center for Security Studies. (2025). *Western Balkans forum on security*. Marshall Center.

Global Initiative Against Transnational Organized Crime (GI-TOC). (2023). *Global organized crime index 2023*.GI-TOC.

Hoffman, F. G. (2007). *Conflict in the 21st century: The rise of hybrid wars*. Potomac Institute for Policy Studies.

Kapetanović, A. (2025). *SecuriMeter 2025: Regional security perceptions in the Western Balkans*. Regional Cooperation Council.

Krasner, S. D. (1999). *Sovereignty: Organized hypocrisy*. Princeton University Press.

Kosovo Center for Security Studies (KCSS). (2023). *Hybrid threats and disinformation in Kosovo*. KCSS.

Kovalčíková, V., et al. (2024). *Hybrid threats in the Western Balkans: Trends and responses*. GLOBSEC.

Mabee, B. (2009). *The globalization of security: State power, security provision and legitimacy*. Palgrave Macmillan. https://doi.org/10.1057/9780230234123

Migdal, J. S. (2001). *State in society*. Cambridge University Press. https://doi.org/10.1017/CBO9780511613067

NATO Parliamentary Assembly. (2024). *The Western Balkans: Stability, security and Euro-Atlantic integration*. NATO PA.

NATO Strategic Communications Centre of Excellence. (2019). *Hybrid threats: A strategic communications perspective*. https://stratcomcoe.org/publications/hybrid-threats-a-strategic-communications-perspective/79

North Atlantic Treaty Organization (NATO). (2022). *NATO 2022 strategic concept*. NATO.

North Atlantic Treaty Organization (NATO). (2023). *NATO's engagement in the Western Balkans*. NATO.

Organization for Security and Co-operation in Europe (OSCE). (2023). *Irregular migration along the Western Balkan route*. OSCE.

RAND Corporation. (2019). *Building resilience against hybrid threats*. RAND Corporation.

Renz, B., & Smith, H. (2016). *Russia and hybrid warfare: Going beyond the label* (Aleksanteri Papers No. 1/2016). Kikimora Publications.

Rid, T. (2020). *Active measures: The secret history of disinformation and political warfare*. Farrar, Straus and Giroux.

Royal United Services Institute (RUSI). (2025). *Western Balkans security roundtable*. RUSI.

Shelley, L. I. (2014). *Dirty entanglements: Corruption, crime, and terrorism*. Cambridge University Press. https://doi.org/10.1017/CBO9781139059039

Support4Partnership. (2025). *The Western Balkans and Russia*. Support4Partnership.

Transparency International. (2023). *Corruption perceptions index 2023*. Transparency International.

United Nations Office on Drugs and Crime (UNODC). (2021). *Measuring organized crime in the Western Balkans*. UNODC.

Vangeli, A. (2019). China. In F. Bieber & N. Tzifakis (Eds.), *The Western Balkans in the world: Linkages and relations with non-Western countries* (Chapter 11). Routledge. https://doi.org/10.4324/9780429243349-11

Weller, M. (2009). *Contested statehood: Kosovo's struggle for independence*. Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199566167.001.0001

Zorić, B., Džankić, J., Barbullushi, O., Ilazi, R., & Vladisavljević, S. (2024). *Regional security cooperation in the Western Balkans*. Open Society Foundations.

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