

THE ROLE AND SIGNIFICANCE OF THE STATE'S ATTORNEY OFFICE IN THE JUDICIAL SYSTEM OF THE REPUBLIC OF MACEDONIA (II)

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Abstract

This paper is the second paper resulting from the scientific research project: "*The role and significance of the State Attorney's Office in the judicial system of the Republic of Macedonia*"¹ conducted by the authors as researchers. This project and the purpose of its research has special significance because it is a state body that in our country, according to the findings of the research team of this project, has not been researched on scientific level and represents a neglected segment in the entire judicial system, rather than having central place in it.

While the first paper presents the historical development of the State's Attorney Office in the legal system of the Republic of Macedonia, this second paper is committed to presenting the data resulting from three different research activities. Firstly, the paper aims to present the results of analyze of the annual reports in certain period of the work and success in resolving cases of this state body. The second research activity was conducting a survey among the citizens in the eastern region of Republic of Macedonia² in order to collect data about the perception and the knowledge that citizens have regarding this important state body, as well as to analyze the existing communication between the State's Attorney Office and the citizens in matters of protecting property interests of the state.

The third activity was conducting an interview with the representatives of the State's Attorney Office in the eastern region of Republic of Macedonia. The request for interview was send to representatives of the

¹ This project is financed by the Fond on scientific research activity at the Goce Delchev University in Shtip.

² The survey was conducted on representative sample of 300 respondents originating from Probishitip, Ship, Kocani and Strumica.

State's Attorney Office - the State Attorneys acting in Shtip, Kocani, Strumica and Veles. The research team has received only one official response from the State's Attorney Office representative in Kocani, which was negative³. Due to this negative answer as well as the incontactability and the silence of the other representatives of the State's Attorney Office, unfortunately we were not able to conduct this research activity. On the other hand, the conduct of the representatives in this matter is considered a solid ground for making conclusions, which will be presented in the concluding remarks.

All of the three research activities together aimed to reach findings and conclusions as to what extent the State's Attorney Office is the appropriate mechanism to protect state interests and at what level are the possibilities of the State Attorney in terms of its function to provide this adequate protection of the property interests of the state. The answer to these questions alone should answer the question whether there is need for reorganization, strengthening the role and increasing the quality of work of the State's Attorney Office of the Republic Macedonia.

Keywords: *State's Attorney Office, judicial system, civil proceedings, administrative dispute, legal opinion.*

Introduction

Very often the state is a party in a civil proceedings in which the State Attorney General is the legal representative of the state and undertakes legal measures and uses legal instruments in front of courts and other competent bodies, for the purpose of realization of property rights and interests of the state, its organs and organizations, as well as other legal persons. A solid base founded organization of the State's Attorney Office as well as the proper regulation of the material and legal position of the State's Attorney Office is a condition sine qua non for efficient and quality protection of the states' property and property interests. This is especially true for transition countries, like Republic of Macedonia, where individuals attempt to gain property rights on property that once was property of socialistic government that was subsequently transformed to state property of the republic They are using the weaknesses of the overall legal system, gaps in legal regulations, and the division of responsibilities to attain their goal.

The State's Attorney Office of the Republic of Macedonia is established by the Law on the State's Attorney Office⁴ which regulates the organization and

³ R. No. 10-47/18 from 19.06.2018 in Kochani, State's Attorney Office of Republic of Macedonia

⁴ Official Gazette of the Republic of Macedonia No. 87/07.

competence of the State's Attorney Office of the Republic of Macedonia, the conditions and the procedure for the appointment and dismissal of the State Attorney of the Republic Macedonia and the state attorneys for certain regions, their powers, rights and duties, the means of work, the access to information, the cooperation with the state administration bodies and other issues of importance for the work.

The State's Attorney Office of the Republic of Macedonia is a state body that undertakes measures and legal means for the purpose of legal protection of the property rights and interests of the Republic of Macedonia.

Pursuant to the Decision No. 19-6641 / 1 of 2 January 2008, the Government of the Republic of Macedonia established 15 headquarters of the state attorneys and the areas of the courts where the State's Attorney Office will be held, Skopje, Prilep, Kavadarci, Gevgelija, Strumica, Shtip, Bitola, Veles, Kocani, Kumanovo, Tetovo, Struga, Kichevo, Gostivar and Ohrid.

By Decision No. 19-6641 / 2 of 02 January 2008, the Government of the Republic of Macedonia determined the number of attorneys in the State's Attorney Office of the Republic of Macedonia, ten state attorneys for the region of Skopje, three state attorneys for the region of Gostivar, two each for the regions of Bitola, Veles, Kocani, Kumanovo, Tetovo, Struga and Kichevo and one each for the regions of Ohrid, Prilep, Kavadarci, Gevgelija, Strumica and Stip.

Analyses of the annual reports refer to the work of all of these state attorney representatives, though the analysis of the public opinion and knowledge of this state body refers only for the eastern region of Republic of Macedonia.

1. Analyses of annual reports of the State's Attorney Office

The subject of analyze were the annual reports published on the official site of the State's Attorney Office for the period from 2007-2016.⁵ There is a legal obligation of this state body provided in article 34 of the Law on State's Attorney Office to submit annual reports to the Government of Republic of Macedonia.⁶ The limitation of this analysis is the lack of statistical data on the number of resolved and unsolved cases, because for a certain period that is subject to analysis they have not been published on the official side of the State's Attorney Office, but we received them via e-mail from the State's Attorney Office.⁷ The State's Attorney Office of the Republic

⁵ They are available only in Macedonian language on <http://www.drzavnopravobranitelstvo.gov.mk/index.php/mk/2013-12-24-20-32-22>, last visited on 20.10.018.

⁶ Official Gazette no. 87/07.

⁷ The research team contacted officially the State's Attorney Office with a request for the unpublished data from 2012-2016 and received answer from them. They send us the summarized reviews of the statistics from 2013-2016. We also asked the State's Attorney Office why they stopped publishing these data in 2012. This question was not

of Macedonia in the period from January 01, 2007 until December 31, 2016, acted on all types of cases that fall within its competence. For this period, a total of 2,160,522 items were in operation. A detailed overview of these data is shown in Table 1. In the rest of the analysis, data will be analyzed and presented according to the types of cases handled by the State's Attorney Office.

	Total number of cases in procedure
2007	113,016
2008	187,676
2009	231,324
2010	260,609
2011	254,988
2012	243,253
2013	224,739
2014	216,922
2015	221,627
2016	206,368
Total	2,160,522

Table 1

The aim was to summarize the percentage of success in resolving cases in different areas of action: litigation procedure, administrative procedure, executive procedure, non-contentious procedure, bankruptcy procedure, adhesion procedure and providing legal opinions in order to see if the State's Attorney Office is the appropriate mechanism to protect property state interests as well as to determine at what level might the State Attorney, in terms of its function, provide adequate protection of the property interests of the state.

1.1. Litigation procedure

The litigation cases are the most complex cases that are included in the work of the State's Attorney Office, which can take a long time in resolving. The State's Attorney Office in the litigation cases, representing the rights and interests of the Republic of Macedonia, participates as a party in the litigation procedure, and therefore does not affect the duration of the procedures and their completion. The question of the legal nature of the State's Attorney Office in this procedure is another

answered. The communication was through a request based on the Law on Free Access to Information of Public Character ("Official Gazette of the Republic of Macedonia" No. 13/06).

theoretical and legal question that results in different theories and views among scholars and legislations (Šago & Domić, 2013).⁸

For the period 2007-2016, there are 116, 224 litigation cases in total. What is important to note in the calculations of the total number is that the total number of pending items at the last month at the end of the calendar year is in fact the starting number of items that enter into operation at the beginning of the month in the next calendar year. Hence, the total number of cases in operation can not be identified with the total number of cases for which the State's Attorney Office generally acts, because a large number of cases that are in operation during one calendar year continue to be an object of work a number of years. A detailed overview of these data is shown in Table 2.

	Total number of cases into procedure	Resolved cases	Unsolved cases	Percentage of success
2007	9,249	2,230	7,019	24.11
2008	9,480	2,631	6,800	27.75
2009	9,249	2,631	6,800	28.44
2010	11,965	3,192	8,773	26.67
2011	14,166	3,993	10,173	28.18
2012	13,000	3,684	9,316	28.33
2013	12,724	3,388	9,336	26.62
2014	13,429	5,852	7,577	43.57
2015	11,469	3,781	7,688	32.96
2016	11,493	2,624	8,869	22.83
total	116,224	33,806	82,351	29.08

Table 2

The tendencies of increasing and decreasing the number of litigation procedures are shown in Chart 1 below.

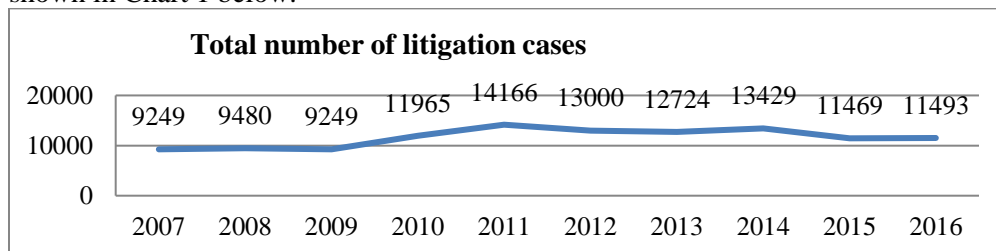


Chart 1

⁸ See more: Dinka Šago, Rozana Domić, *The role of the State Attorney in the Litigation Procedure*, Collection of papers, Faculty of Law in Split, 50,1/2013, p. 199-222.

The annual reports of the State's Attorney Office, which are published on the official website, do not include statistical data on the number of resolved and unresolved cases for the period from 2013 to 2016. They contain only the total number of objects in operation. The information for 2013, 2014 and 2016 was received upon a request of the research team. Hence, the subject of this part of the analysis lacked information only for year 2015. The analyses of the statistical data showed that the percentage of success during this period is constantly under 30%.

1.2. Administrative procedures and administrative disputes

The work on administrative cases, procedures referring to the initiation and management of administrative procedures for the implementation of the urban planning that refers to the deprivation of possession of an undeveloped plot of land, expropriation of real estate and revocation or restriction of the right to use state-owned real estate. These cases also include the receipt of certificates by the Agency for Real Estate Cadaster, which refer to the change of the content of the real estate in the property lists, on behalf of the natural or legal persons, or on behalf of the Republic of Macedonia. The numbers are presented below, in Table 3.

	Total number of administrative cases in procedure	Resolved cases	Unsolved cases	Percentage of success
2007	11,187	7,750	3,437	69.27
2008	19,001	14,605	4,396	76.86
2009	8,219	3,492	4,727	42.48
2010	8,284	2,177	6,107	26.27
2011	9,964	1,883	8,081	18.89
2012	14,738	3,407	11,331	23.11
2013	15,033	4,292	10,741	28.55
2014	15,419	4,394	11,025	28.49
2015	14,505	3,530	10,975	24.33
2016	13,876	2,283	11,593	16.45
Total	130,226	47,813	82,413	36.71

Table 3

Another type of cases of administrative nature is the administrative disputes. Administrative disputes arise from denationalization procedures. Most of them are

misdeemeanor procedures in accordance with Article 42-a of the Law on Amending and Supplementing the Law on Administrative Disputes⁹:

"The parties can appeal against decisions of the Administrative Court within a period of 15 days from the date of delivery of the decision through the Administrative Court to the Higher administrative Court. Against the decision of the Administrative Court, the body whose act was subject to the administrative dispute can appeal through the State Attorney of the Republic of Macedonia. The Higher Administrative Court decides upon an appeal in a three-member council."

This way, starting from 2010 an obligation of the State's Attorney Office to participate in an administrative procedure was established.¹⁰

The annual reports on the work of the State Attorney's Office contain data on administrative disputes for the period 2013-2016. The total administrative disputes at work were 19,788. The total number of complaints for administrative dispute initiated by the State Attorney's Office of the Republic of Macedonia was 258, and a total of 231 cases were filed against the decisions of the Administrative Court to the Higher Administrative Court. A detailed overview of these data is shown in a Table 4. The annual reports for this period do not contain the number of resolved and unsolved cases, so we could not calculate the percentage of success in administrative disputes.

	Administrative disputes in procedure	Lawsuits	Appeals in front of the Higher Administrative Court
2013	1,859	50	58
2014	4,512	111	95
2015	5,939	46	50
2016	7,478	51	28
Total	19,788	258	231

Table 4

⁹ "Official Gazette of the Republic of Macedonia" No.150/2010.

¹⁰ The Administrative Court based in Skopje, as one of the holders of the judicial power in the judicial system of the Republic of Macedonia, was established in accordance with the Law on Courts "Official Gazette of the Republic of Macedonia" No.58/ 06 and started working on December 5, 2007, by taking over unresolved cases from the administrative area, from the Supreme Court of the Republic of Macedonia.

1.3. Executive criminal and misdemeanor cases

Pursuant to the Law on Enforcement¹¹, Article 2, paragraph 4 states that the enforcement for the collection of court expenses in misdemeanor and criminal proceedings, as well as the fines imposed in those proceedings, starts at the request of the Public Attorney.¹² This provision gave a great deal of authority to this office and created a large influx of executive cases. Then it was amended with the Law on Amending and Supplementing the Law on enforcement from 2006¹³ with the provision that the enforcement for the collection of fines and costs imposed in litigation, misdemeanor, criminal and administrative proceedings, starts at the request of the Public Attorney of the Republic of Macedonia. This paragraph of the Article 2 was deleted in 2010.¹⁴ By adopting the Law on Amending and Supplementing the Law on Public Revenue Office¹⁵ the Public Revenue Office manages the charging of fines, that is, the fines and costs imposed in the misdemeanor and criminal procedures in favor of the Republic of Macedonia. Thus, in 2011, the State Attorney of the Republic of Macedonia and the Director of the Public Revenue Office established a Commission for transferring the enforcement cases. In 2011 and 2012, the State Attorney's Office transferred a total of 58,471 items to the Ministry of Finance.

For the reasons given above, the object of analysis was the executive criminal and misdemeanor cases in the period from 2007-2012. The total number of executive criminal cases that were taken into procedure is 89,033. Only 11,003 or 12.36% of them are solved, and 78,035 or 87.64% of them are not solved. The summarized data are presented in Table 5.

¹¹ Law on enforcement, Official Gazette No. 35/2005.

¹² In this period the term Public Attorney of Republic of Macedonia was used to refer to this state body. Later it is changed with the term State Attorney of Republic of Macedonia.

¹³ Official Gazette No. 50/06.

¹⁴ Official Gazette No. 50/2010.

¹⁵ Official Gazette No. 145 from 05.11.2010, Article 1 and Article 4. This Law is not in effect today because a new law was adopted in 2014 and is in effect together with the amendments adopted later, Official Gazette No.43/14, 61/15, 27/16, 35/18 and 83/18. The new legislation kept the regulation regarding the matter of managing the charging of fines, that is, the fines and costs imposed in the misdemeanor and criminal procedures in favor of the Republic of Macedonia with Article 4 (5).

	Total number of executive criminal cases in procedure	Finished cases	Unfinished cases	Percentage of success
2007	7,328	727	6,606	9.92
2008	11,766	1,113	10,653	9.45
2009	17,035	1,197	15,838	7.02
2010	20,603	1,269	19,334	6.15
2011	19,392	6,483	12,909	33.43
2012	12,909	214	12,695	1.65
Total	89,033	11,003	78,035	12.35

Table 5

Another type of executive case that was analyzed was the executive misdemeanors. In this period, the State's Attorney Office has acted in total of 721, 633 executive misdemeanors. The total number of resolved cases is 74, 275 or 10.29%, and the total number of unsolved cases is 647,357 or 89.71%. The detail overview for each year is presented in the Table 6.

	Total number of executive misdemeanors taken into procedure	Resolved cases	Unsolved cases	Percentage of success
2007	46,529	5,726	40,803	12.30
2008	98,488	11,240	87,248	11.41
2009	139,416	14,052	125,364	10.07
2010	161,449	12,512	148,937	7.74
2011	148,939	22,126	126,812	14.85
2012	126,812	8,619	118,193	6.79

Table 6

1.4. Bankruptcy procedure

The State Attorney's Office as a legal representative of the Republic of Macedonia participates in bankruptcy proceedings protecting the property rights and interests of the Republic of Macedonia when it or any of its bodies appears as a creditor in the bankruptcy estate. If it is a larger claim that the Republic of Macedonia has declared in the bankruptcy estate, then the Republic of Macedonia participates in the Board of Creditors by representing the Republic of Macedonia or its body. The number of bankruptcies in operation in the analyzed period is 42,427. Namely, the highest number of bankruptcies was in 2016 (4,669), and the least in 2009 (3,539). A detailed overview of these data by years is shown in Table 7 below.

	Total number of cases in procedure	Resolved cases	Unresolved cases	Percentage of success
2007	4,664	1,099	3,565	23.56
2008	3,825	617	3,208	16.13
2009	3,539	154	3,385	4.35
2010	3,944	366	3,578	9.27
2011	3,973	368	3,605	9.26
2012	4,203	504	3,699	11.99
2013	4,015	398	3,617	9.91
2014	4,740	512	4,228	10.80
2015	4,855	1,148	3,707	23.64
2016	4,669	542	4,127	12.12
Total	42,427	5,708	36,719	13.45

Table 7

For the period (2007-2016), for which there are statistical data in the Annual Reports of the State's Attorney Office, it is noted that the percentage of success in resolved cases is, without large oscillations, constantly mostly below 20% of success in deciding the bankruptcy cases.

1.5. Non-contentious procedures

In the period from 2007 to 2016, the State's Attorney Office of the Republic of Macedonia acted in a total of 14,885 non-contentious cases. A detailed overview of these data is shown in Table 8. Non-contentious cases are mostly related to the determination of compensation for construction land repossessed by the government, expropriated real estate, as well as objects for physical division of goods owned by the Republic of Macedonia.

	Total number of non-contentious cases in procedure	Resolved cases	Unresolved cases	Percentage of success
2007	778	205	573	26.34
2008	915	263	652	28.74
2009	1,062	277	785	26.08
2010	1,256	390	866	31.05
2011	1,281	523	758	40.82
2012	1,578	469	1,109	29.72
2013	1,958	768	1,190	39.22

2014	1,900	693	1,207	36.47
2015	1,972	490	1,482	24.84
2016	2,185	457	1,728	20.91
Total	14,885	4,175	10,863	28.04

Table 8

1.6. Adhesion procedure

These are cases where the State's Attorney Office acts in an adhesion, that is, an additional procedure of some main procedure that is conducted before the courts or other competent authority. Thus, the adhesion procedure is conducted in the criminal procedure, where the State's Attorney Office of the Republic of Macedonia submits legal and property claims directed to the defendants in the criminal procedure. The data regarding the adhesion items is shown in Table 9. The total number of adhesion items in the analyzed period is 9,329 items. These are investigative and criminal proceedings initiated by the Public Prosecutor's Office, which procedures relate to cases of abuse of official position and authorizations, corruptive actions.

	Total number of adhesion cases into procedure	Resolved cases	Unsolved cases	Percentage of success
2007	638	196	442	30.72
2008	738	121	617	16.39
2009	961	169	792	17.58
2010	1,005	144	861	14.32
2011	1,081	350	731	32.37
2012	987	208	779	21.07
2013	1,086	304	782	27.99
2014	969	199	770	20.53
2015	918	147	771	16.01
2016	946	160	786	16.91
Total	9,329	1,998	7,331	21.41

Table 9

1.7. Legal Opinions

The last data from the annual reports that will be presented in this paper are the legal opinions. Legal opinions are a special kind of case that fall under the preview

of the State's Attorney Office, and opinions on which, according to the legal authorizations, are given by the State Attorney of the Republic of Macedonia. A great number of the total legal opinions are based on a provision in the Law on Notary. In order to verify certain documents, the notary public is obliged to examine whether an opinion has been obtained from the State Attorney in every case of transfer of the right to ownership, physical division of real estate, i.e. exchange of real estate, where one of the contractual parties is the Republic of Macedonia. The notary public shall postpone the preparation of the document until the opinion is given, and at the latest within 30 days. If the Public Attorney does not deliver an opinion within the determined deadline, the notary will prepare the notary public's document as if a positive opinion was given. The role of the Attorney General in giving a legal opinion is of great importance since the notary publications drafted contrary to such provisions do not have the status of a public document and do not produce a legal effect.

In the period under review in the field of legal opinions, there were 212,830 cases in operation, the most, 39,847 items, being in operation in 2012 and the least in 2007, when the total number of cases in operation was 1,091. The overview of these data is shown in the Table 10.

	Total number of cases in operation	Received cases during the calendar year	Resolved cases	Unsolved cases	Percentage of success
2007	1,091	662	613	478	56.15
2008	1,361	883	882	479	64.80
2009	2,015	1,536	1,112	903	55.18
2010	22,976	22,073	15,709	7,267	68.37
2011	29,520	22,253	15,468	14,052	52.39
2012	39,847	25,795	30,770	9077	77,22
2013	28,857	19,780	20,883	7974	72,36
2014	22,182	14,208	9,329	12,853	42,05
2015	31,136	18,283	17,863	13,273	57.37
2016	33,845	15,982	13,670	20,175	40.39
Total	212,830	141,455	126,299	86,531	59.30

Table 10

2. Presentation and analyze of survey results

The survey was conducted in the eastern region of Republic of Macedonia of a representative sample of 300 respondents from Shtip, Probishtip, Kocani, and Strumica. 40.9% of the respondents were at the age from 18-38, 46% were at the age from 39- 59, and 12.4% were older than 60 years. Most of them (92.7%) were Macedonians by ethnicity, only 2.9% were Vlachs, 0.7 % were Albanian, 0.7% are Turks and 1.5% were other ethnicity. 74.5% of the respondents have completed higher education, 19% of the respondents have completed only secondary education and 3.6% of them have completed only primary education.¹⁶ Most of the respondents answered that they were familiar with the State's Attorney Office, though not fully knowledgeable. Only 21.17% of them were fully familiar with this state body. There is also a great percent of respondents (20.44%) that were not familiar at all (see Chart 2). However, the majority of the respondents (64.96%) were aware that the State's Attorney Office and the Ombudsman are different state bodies, although they have terminological similarities in the Macedonian language. (see Chart 3).

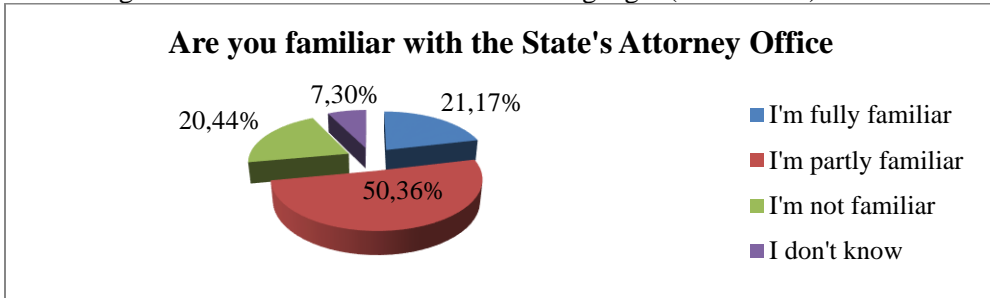


Chart 2

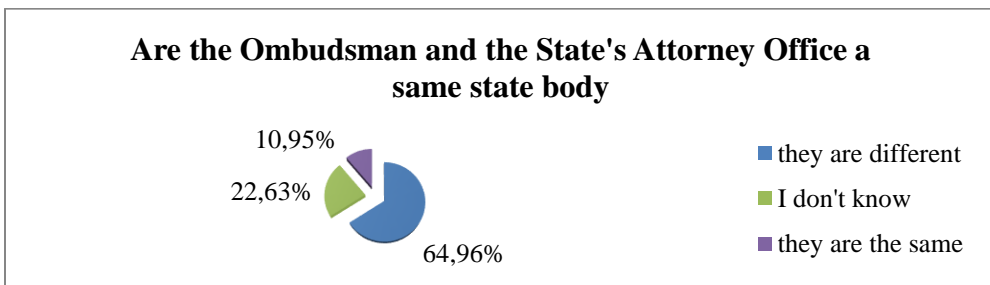


Chart 3

¹⁶ Most of the respondents are employed in the public sector (45.3%) and the private sector (25.5%). The others are in retirement (13.1%), unemployed (8.8%) and students (2.2%).

Although the State's Attorney Office is recognizable for a certain number of the respondents, and they can differentiate it from the similar institutions, still the knowledge that the respondents have on the actual work of this state body, its competences, its powers and obligations is very poor. It is a negative data result keeping in mind that the State's Attorney Office should have one of the central places in the judicial system of Republic of Macedonia and it should be recognized by its work among the citizens.

The significance and role of the State's Attorney Office is especially evident at the time of the current transitional changes through which Republic of Macedonia passes. State's Attorney Office is a condition sine qua non for efficient and quality protection of the states' property and property interests in countries like ours where individuals attempt to gain property rights on property that once was property of socialistic government that was subsequently transformed to state property of the republic. They are using the weaknesses of the overall legal system, gaps in legal regulations, and the division of responsibilities to attain their goal.¹⁷

On the other hand, the State's Attorney Office is not defined as an independent authority and according to its systemic position; it belongs to the system of the state administration bodies that has specific competences separate court procedures. (Snezana Guseva, 2016). Because of this position the State's Attorney Office, the scholars have the opinion that it is a part of the justice system and that the effort to raise its system status on the level of constitutional category is justified. (Kambovski, 2010).

The detail data on this survey are presented in Chart 4. The analysis of the survey results showed that one of the reasons for the lack of knowledge on the matter of State's Attorney Office is the poor level of communication between the state body and the citizens. This refers to both being party in a procedure where the other party is the State's Attorney and being addressed with a request for information regarding protection of state property or property interests. The detailed data is presented in Chart 5 and Chart 6.

¹⁷ Same problem is detected in other transition countries, see Foundation of State Attorneys in Federation of Bosnia and Hercegovina, *Project: Reform of the State's Attorney function in Federation of Bosnia and Hercegovina*, February 2011

Are you familiar with the powers of the State's Attorney Office

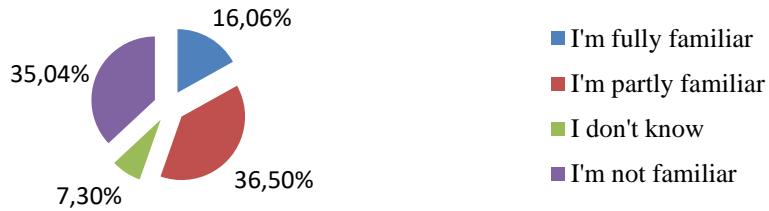


Chart 4

Have you ever been party of a procedure in front of court or another state body where the other party was the State Attorney

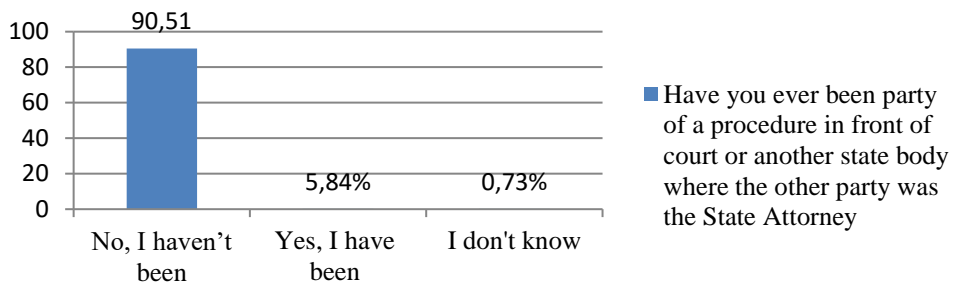


Chart 5

Has the State's Attorney Office addressed you with a request for information regarding protection of state property or interests

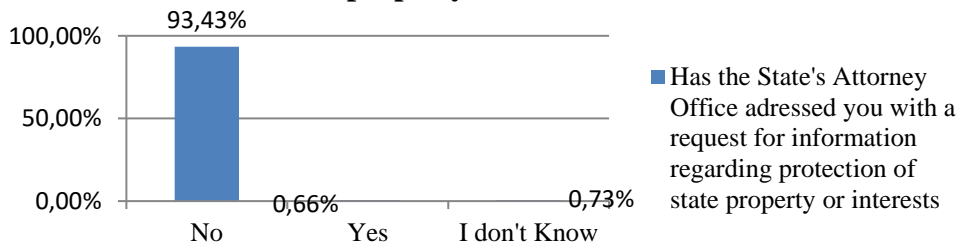


Chart 6

The last chart, Chart 7 shows the results of the survey question if the respondents are familiar how to contact the State's Attorney Office. Only 34.31% of them know how to contact the state body, and the other 36.50% of them don't know how to contact it.

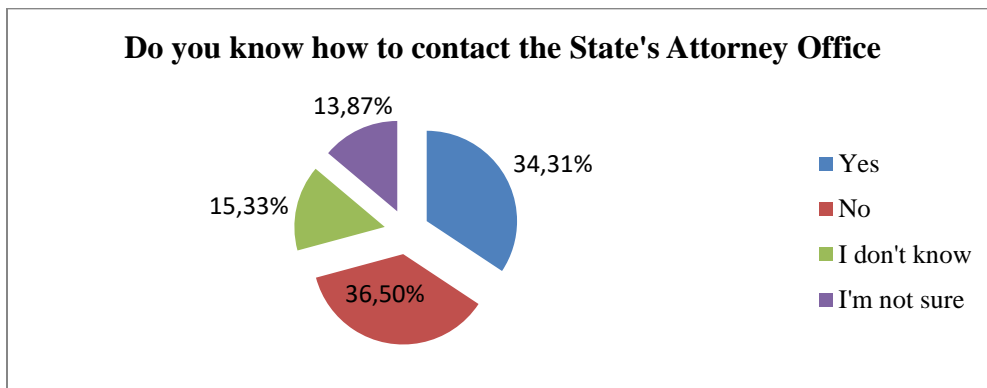


Chart 7

Concluding remarks

The Annual Reports of the work of the State's Attorney Office that are published on their official web site consist of incomplete data on most of the procedures. The method of presenting the statistical data is confusing and non-transparent and it does not present the public with the information on the actual situation of state property interests. The analysis of the available data showed that during the years in question, there are no significant oscillations in the percentage of success in resolved cases. It is always moves below 30% success in resolving litigation cases. Although the litigation procedure includes other subjects' actions (different from the State's Attorney Office) which can influence the procedure itself, the percentage of success is still very low.

The involvement of State's Attorney Office in administrative procedure is also presented in the annual reports though with incomplete data regarding the number of resolved and unsolved cases in the period 2012-2016. What is noticeable for the period of 2007-2012 is that at the beginning of this period the percentage of success was 69% but in the period that follows it has a tendency to decrease to a much lower percentage of success. Regarding the success in administrative disputes it is impossible to form any kind of conclusion for two reasons: incomplete data, and nonexistence of data for resolved and unsolved cases in the reports.

The reports concerning the work of the State's Attorney Office in executive cases refer only for the period 2007-2012. This is due to a change of legislation and

transfer of executive cases to the Ministry of Finance, the Revenue Office. Analysis of the period 2007-2012 showed that this was a justified legal solution, especially realizing the low percentage of success in resolving executive criminal and misdemeanor cases. Only 11,003 or 12.36% of criminal cases were solved, and 78,035 or 87.64% of them were not solved. The total number of resolved misdemeanor cases is 74, 275 or 10.29%, and the total number of unsolved cases was 647,357 or 89.71%.

Regarding the bankruptcy procedure, even knowing that the bankruptcy procedure is one of the most complex cases in which the State's Attorney Office participates and that these cases last for a longer period of time than other cases, still the number of resolved cases is relatively small, constantly below 15%. The same situation is found in the matter of adhesion procedures, with exception to 2007 and 2011 when the success was around 30 %.

It can be concluded that only in the matter of legal opinions there is significantly greater success (max 70%), unlike the other cases. The State Attorney has a high degree of diligence when deciding these cases, bearing in mind that his work does not depend on undertaking actions and actions by others subjects.

However, the general conclusion is that in the period of 2007-2016, in which we calculate the percentage of success, there was an existence of a continuous actual situation of more than half the cases being unsolved, in some area even more than 70 % rate of unsolved cases. Unfortunately, the interview with the state attorneys did not happen and the research team did not receive any indications of the reasons for this negative result situation. After 2012 most of the researched procedures that involve the State's Attorney Office are not presented to the public in matters of resolved and unresolved cases.

Another general conclusion at this stage of the research is that the State's Attorney Office is rather secluded from the public's eye, and does not show any continuous strategy to present itself to the public, or to introduce to the public the work that they do and the results of this work. As we said in the beginning, the work of the State's Attorney Office is not researched in our country on scientific level, and the state attorneys in the eastern region of Republic of Macedonia turn out to be closed to the idea of cooperation with the scientific researches. They seem to lack of interest in improving the legal and practical basis of their work through a scientific project.

All of the presented results in this paper lead us to the conclusion that the State's Attorney Office in Republic of Macedonia at present does not have the corresponding place of a significant state body in the juridical system. Also, the State's Attorney Office shows no efficiency in their operation. The low percentages of success in resolving cases indicates that the organizational and functional legal and practical structure of this state body should be closely revised and subjected to adequate changes in the direction of more successful protection of the state property and property interests. The legal, organizational and structural basis of the State's Attorney Office were not an object of this research and the research team does have

any finding on this matter. We were only able to established the initial need for more commitment by citizens, scientists, and the state. The results showed that for efficient work of the State's Attorney Office a reform needs to be done. This might be possible since in November 2017 the Government of Republic of Macedonia adopted "Information for preparation of Strategy for reform in the judicial system"¹⁸ but unfortunately the State's Attorney Office was not included in the existing "Draft strategy for reform of the judicial sector for the period 2017-2021, with action plan."¹⁹

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¹⁸ <https://vlada.mk/node/13793> last visited on 29.10.2018.

¹⁹ Available only in Macedonian language

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