

**PRESIDENTIAL PARDON OF THE PRESIDENT GJORGE IVANOV
FROM THE PERSPECTIVE OF THE CONSTITUTIONAL LAW OF
THE REPUBLIC OF NORTH MACEDONIA**

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Abstract

Presidential pardons constitute a constitutional category recognized in almost all constitutions around the world. In the Republic of North Macedonia, this power falls within the competences of the President of the Republic. The content and implementation of this legal institution are regulated by a special law, as well as by several legal provisions in the Criminal Code. This paper examines the Presidential Pardon from the perspective of the constitutional law of the Republic of North Macedonia, with particular emphasis on the paradox arising from the pardons granted by the fourth President, Gjorge Ivanov. On 12 April 2016, relying on the Constitution as the highest legal act, he issued a decision granting pardons based on Article 1 and 11 of the Law on Pardons, that is, on a provision that had been repealed in 2009 through legal amendments and supplements adopted by the Assembly. Following significant public reaction to the granted pardons, the political authorities were compelled, later that same year and for political reasons, to reinstate the relevant provision by introducing a new article into the law, namely Article 11-a. Through this paper, and by means of scientific legal analysis, we aim to clarify the dilemmas and differing legal interpretations related to this case by examining relevant legal acts and decisions of the Constitutional Court of the Republic of North Macedonia.

Keywords: *Constitution, law, Presidential Pardon, decision, President of the Republic*

INTRODUCTION

Legal and linguistic sources commonly define a presidential pardon as an act of mercy or clemency, historically associated with monarchical authority. Although the concept predates modern constitutional systems, it has evolved significantly over time. In earlier periods, particularly under absolute monarchies, the power to pardon was closely linked to the sovereign's authority, often justified as deriving from divine will. As a result, the ruler exercised both punitive and merciful powers over subjects, with limited legal constraints. Historical evidence suggests that such powers were rarely exercised in a consistent or transparent manner and were often subject to misuse, particularly in favor of individuals connected to the royal court.

In contemporary constitutional systems, this traditional prerogative has been transferred to the head of state and redefined within the framework of the rule of law and the principle of separation of powers. In this context, the power of pardon serves as a corrective mechanism within the criminal justice system, aiming to balance legal rigidity with considerations of justice, equity, and public interest.

A presidential pardon may therefore be defined as a constitutional competence of the head of state to grant relief to specific individuals from the execution of a criminal sentence. Its primary purpose is the resocialization of the convicted person, while in broader terms it may also contribute to social stability and the resolution of political or societal tensions. At the same time, the exercise of this power remains subject to legal and scholarly debate, particularly in cases where it is perceived as being influenced by political consideration.

For analytical clarity, it is necessary to distinguish between pardon and amnesty. Under the legal framework of the Republic of North Macedonia, pardon constitutes a competence of the President of the Republic and applies to individually determined persons. By contrast, amnesty falls within the competence of the Assembly and is granted by law, applying to an unspecified group of individuals by providing full or partial exemption from prosecution or punishment.

1. The President's power to grant pardons under the Constitution of the Republic of North Macedonia

The President of the Republic of North Macedonia, based on the constitutional powers provided in Article 84, paragraph 1, subparagraph 10: "grants pardons in accordance with the law" (Constitution of the Republic of North Macedonia).

This constitutional article emphasizes that the Constitution regulates this institution in a concise manner, recognizing it primarily as an exclusive

competence of the President of the Republic. Pursuant to Article 84, paragraph 1, subparagraph 10 of the Constitution, the President is vested with the authority to grant pardons, thereby affirming the constitutional status of this power as one of the prerogatives of the Head of State. The constitutional formulation that the President "grants pardons in accordance with the law" is particularly significant, as it demonstrates that while the source of the power derives directly from the Constitution, its exercise is subject to statutory regulation. Consequently, the Constitution establishes the holder of the competence, whereas the legislature is entrusted with defining the substantive conditions, procedural requirements and legal limitations governing its implementation. This constitutional arrangement reflects a balance between presidential discretion and the principle of the rule of law, ensuring that the power of pardon is not exercised arbitrarily. Furthermore, the exclusive nature of this competence underlines the special constitutional role of the President, as no other state authority may exercise this power on his or her behalf, thereby reinforcing the unique character of the presidential pardon as an individual act of constitutional authority.

The Macedonian legislator, on the basis of constitutional authorization, prescribes provisions in the Criminal Code of the Republic of North Macedonia, where, in addition to amnesty as a competence of the Assembly of the Republic of North Macedonia, the presidential pardon is also envisaged as a competence of the President of the Republic of North Macedonia. The Criminal Code provides only the substantive content of the presidential pardon, but not the procedure for its implementation. Proceeding from this, the legislator considered it reasonable for the presidential pardon to be regulated and further specified through a separate law.

This broad constitutional authorization may be problematic in countries with less developed democratic traditions. Different types of presidential pardons may be prescribed by law. The Constitution of the Republic of North Macedonia has entrusted this issue to the discretion of the Assembly. Even under the current legal framework, this legal institution has not been sufficiently developed in the Republic of North Macedonia. Therefore, the lack of a precise determination of its content, legal nature, and other constitutional and legal formalities has created room for abuse and has frequently been the subject of broader legal and political debates, as a consequence of the failure of the presidential pardon to fully achieve the function for which it was established.

2. The right to grant pardon pursuant to the Law on Pardon and the Criminal Code

The Law on Pardon in the Republic of North Macedonia, was enacted in 1993 and subsequently amended and supplemented in 2009 and 2016.

Due to the legal shortcomings identified in practice, there have been repeated attempts to introduce a new law; however, to date, such attempts have not been successful. One such example is the initiative undertaken by the Ministry of Justice in 2023, which proposed a new Law on Pardon. The proposal was justified by the shortcomings of the existing legal framework, and during its preparation, comparative experiences from the legal systems of the member states of the European Union were taken into account (Alon, 2023).

Recently, on 20 February 2026, a scientific and professional debate was held at the Faculty of Law in Skopje regarding the Draft Law on Pardon. During this debate, it was emphasized that one of the essential changes proposed in the draft law is that the President would grant pardons only in relation to sanction, and not in relation to criminal prosecution of individuals, namely by abolishing the possibility of granting abolition (MIA, 2026).

According to the Law on Pardon in force since 1993, the President of the Republic of North Macedonia grants pardons to persons convicted of criminal offenses provided for by the laws of the Republic of North Macedonia, in accordance with the Criminal Code and the provisions of this law (Law on Pardon, Article 1).

The Criminal Code of the Republic of North Macedonia regulates pardon more broadly, defining it as a competence of the President of the Republic, who, by granting pardon to specified persons, may exempt them from prosecution, fully or partially releases them from serving a sentence, replaces the imposed sentence with a lighter sentence or alternative measures, or determines the annulment of the sentence. It may also determine a shorter duration of the legal consequences arising from conviction or from the sentence itself. Furthermore, the Criminal Code provides that a pardon may result in the annulment or reduction in duration of penalties such as prohibition from exercising a profession or activity, prohibition from performing certain duties, prohibition from driving motor vehicle for offenders who are drivers by profession, as well as the expulsion of foreigners from the country (Criminal Code, Article 114).

2.1. Procedure and Pardon Commission

The pardon procedure may be initiated by the convicted person or ex officio. A request for pardon may also be submitted on behalf of the convicted person by a spouse, a blood relative, a brother, a sister, an adoptee, a guardian or a custodian. The procedure may be initiated ex officio by the Minister of Justice (Law on Pardon, Article 2).

The procedure for granting pardon in relation to criminal prosecution is initiated exclusively ex officio and may be initiated at any stage of the criminal proceedings (Law on Pardon, Article 3). This is also supported by the relevant provisions of the Law on Criminal Procedure, which provide that the Public Prosecutor shall, by decision, dismiss the criminal charge itself that the act does

not constitute a criminal offense prosecuted *ex officio*; if the prosecution is statute-barred; if the offence has been covered by an amnesty or pardon; if there are other circumstances excluding prosecution; or if there are no well-founded suspicions that the accused has committed the criminal offence. Furthermore, the Public Prosecutor shall, by order, terminate the investigative procedure if, *inter alia*, the prosecution is statute-barred or the offence has been included in an act of amnesty or pardon (Law on Criminal Procedure, Article 288 and 304).

As regards the court, the Law on Criminal Procedure provide that, in a judgment dismissing the indictment, the court shall, *inter alia*, determine whether criminal prosecution is barred by the statute of limitations, or whether other circumstances exist that preclude prosecution. Furthermore, a final judgment may be modified without reopening the criminal proceedings where, *inter alias*, a single sentence imposed for multiple criminal offences cannot be enforced in part due to amnesty, pardon or other reasons (Law on Criminal Procedure, Article 402 and 447).

The pardon procedure under the Law on Pardon is urgent. A pardon request is submitted to the President of the Republic through the court that rendered the first instance judgment. If the request is submitted to another body or institution, it shall be forwarded without delay to the competent court. A person serving a sentence shall submit the pardon request through the administration of the Institution for Punishment and Correction, which shall, upon receipt, promptly forward it to the competent court together with the report on conduct of the convicted person and other relevant data necessary for decision-making. If the pardon request for the person serving the sentence is submitted directly to the court, the court shall, without delay, obtain the necessary report and data from the institution where the sentence is being served (Law on Pardon, Articles 4 and 5).

A pardon request may be submitted after the decision has become final. A subsequent request may be filed after the expiry of a three-month period from the date of the decision on the previous request in cases where a prison sentence or juvenile detention of up to one year has been imposed. In cases where the imposed sentence is between one to three years, a new request may be submitted after six months. Where the imposed sentence exceeds three years, a new request may be submitted after the expiry of one year (Law on Pardon, Article 6).

The court shall dismiss the pardon request by a decision where it has been submitted by an authorized person, where a pardon is not permitted, or where the request is resubmitted before the expiry of the prescribed deadline. An appeal against this decision may be filed with the competent higher court within eight days from the date of service of the decision. The higher court shall decide on the appeal in accordance with the provisions of the Law on Criminal Procedure governing appeals.

In the pardon procedure, the court and other competent bodies may collect the data and information necessary for the consideration of the pardon

request from other bodies and institutions. Before submitting the request to the Ministry of Justice, the court shall examine the relevant facts and circumstances referred to by the applicant in the request and in the accompanying report (Law on Pardon, Article 7 and 8).

Upon receipt of the request, the Minister of Justice shall examine the request and the accompanying documents and forward them, together with a proposal, to the President of the Republic. The court or, as the case may be, the Ministry shall terminate the pardon procedure if the convicted person has served the sentence or if the legal consequences of the sentence or the security measure have ceased (Law on Pardon, Article 10).

Where a sentence is replaced by a suspended sentence through a pardon, the provisions of the Criminal Code governing suspended sentences shall apply. However, the period of supervision may not exceed three years, and the convicted person shall not be subject to supervision or to any specific obligations. Where a sentence is commuted by a pardon, such commutation shall not be limited by the type of criminal offence or the length of the sentence imposed (Law on Pardon, Article 12 and 13).

With the amendments to the Law on Pardon adopted in 2009, Article 11 was repealed. This provision had allowed the President of the Republic, on an exceptional basis, to grant a pardon without initiating the prescribed pardon procedure, where this was in the interest of the Republic or where specific circumstances relating to the offender or the criminal offence justified such a decision (Official Gazette of the Republic of Macedonia, No. 12/2009). These amendments were adopted in a context where the then Prime Minister, Nikola Gruevski, opposed the granting of a pardon in the so-called “Global” case, in which the former Mayor of Strumica, Zoran Zaev, had been accused of misappropriating 8 million euros and was subsequently pardoned by a decision of the President of the Republic, Branko Crvenkovski (Шкарик, 2018).

Also, with legal amendments of 2009, Article 5 of the Law on Pardon of 1993 was supplemented with a new Article 5-a, which provided for the Pardon Commission.

This commission is established by a decision of the President of the Republic of North Macedonia and determines the composition as well as the number of members of the commission, and adopts the Rules of Procedures regarding the manner of its work (Law on Pardon, Article 5-a, paragraph 1).

The commission, during the preparation of pardon proposals, must take into account several legal criteria, namely: the nature, type and gravity of the criminal offense committed; the personality of the convicted person and his/her previous life; the behavior of the convicted person after sentencing and during the period of serving the sentence, particularly in relation to the criminal offense committed; previous convictions; the degree of achieved resocialization; the age and health condition of the convicted person; family circumstances; as well as the impact of act of pardon on the environment from which the convicted person

comes and the environment in which he/she committed the criminal offense (Law on Pardon, Article 5-a, paragraph 2).

3. Decision on Pardon of 12 April 2016, by the President of the Republic, Gjorge Ivanov

On 12 April 2016, President Gjorge Ivanov, pursuant to Article 84 paragraph 1 subparagraph 9 of the Constitution of the Republic of North Macedonia, issued a decision granting individual pardons to 56 persons. The decision was also based on Article 1 and 11 of the Law on Pardons, in conjunction with Article 114 paragraph 1 of the Criminal Code. It is noteworthy that the decision does not contain any justification for the granting of these pardons, apparat from referring to the title of the decision on pardon and release from prosecution without conducting a procedure (Official Gazette of the Republic of Macedonia, No. 72/2016).

According to Svetomir Skaric, Professor of Constitutional Law, these pardons are null and void and, as such, produce no legal effects, as they are based on a legal provision that no longer exists. As administrative acts, they lack a legal basis in the Law on Pardons as a *lex specialis* (Шкарик, 2018).

In essence, the question arises as to what happened to presidential pardons. As noted above, in 2009, upon the proposal of the Government, the Parliament of the Republic of North Macedonia, repealed Article 11 of the Law on Pardons. In 2016, however, amidst significant political turmoil and public demands for the detention of suspects in cases initiated by the Special Prosecution Office, the parliamentary majority led by VMRO-DPMNE decided to reintroduce the repealed provision into the Law on Pardons. This effectively enabled the President of the Republic, Gjorge Ivanov, to grant pardons without conducting a special pardon procedure (Шкарик, 2018).

Furthermore, a new Article 11-a, was introduced, providing that the President of the Republic may, within 30 days from the entry into force of the law, revoke a pardon granted without a prior procedure and is not required to provide justification for such a decision. The person concerned may request the revocation of the pardon, upon which the President is obliged to decide within 30 days (Official Gazette of the Republic of Macedonia, No. 99/2016).

The pardons of 12 April 2016, lacking a legal basis, were also legally deficient, as they contained inaccuracies regarding the identification of the pardoned persons. In the published decision, individuals were identified only by their first name, last name, and place of birth, which could lead to the identification of multiple individuals and thereby create legal uncertainty. Furthermore, the decision included persons against whom no pre-investigative or investigative procedure had been conducted, meaning that they did not require a

pardon. Moreover, through these decisions, some individuals were granted pardons more than once (Deskoska, 2023, p. 511 & Шкарин, 2018).

On 27 May 2016, the President of the Republic, Gjorge Ivanov, issued a decision revoking the pardons granted to 22 persons. The justification provided for this decision was that no one should be above the law or considered untouchable (Helsinki Committee of Republic of North Macedonia, 2016, p.3). Nevertheless, this situation generated considerable public outrage, as senior political figures escaped criminal accountability, whereas the revocation of their pardons gave rise to legal consequences at both the domestic and international levels (Shasivari, 2024).

This situation ultimately necessitated the involvement of the Constitutional Court of the Republic of North Macedonia.

4. Constitutional Court Decisions on the Law on Pardons

The Law on Pardons of 1993, has often been the subject of constitutional review before the Constitutional Court. In 2016, the Court adopted a decision repealing the Law Amending and Supplementing the Law on Pardons of 2009. This law provided for the repeal of Article 11, which gave the President of the Republic the right to grant pardons even without conducting the procedure provided for by this law, when it is in the interest of the Republic or when specific circumstances relating to the person or the criminal offence indicate that it is reasonable.

The 2009 amendments were broader in scope and, inter alia, granted the President of the Republic the right to issue individual pardons for criminal offences under the Criminal Code of another state, provided that the perpetrator was a Macedonian citizen. The amendments also introduced restrictions on the President regarding the types of criminal offences and the circumstances in which pardons may not be granted, as well as other provisions concerning this presidential power.

In this case, the Constitutional Court confirmed that the power of pardon constitutes an inviolable constitutional and legal prerogative of the President of the Republic, which may be exercised at his discretion within the framework established by law and for reasons that are not necessarily of a criminal nature. As such, it does not fall within the factual and legal assessment of the courts. A pardon may be granted both before the imposition of a sentence, in the form of release from criminal prosecution, and after a final judgment has been rendered. Furthermore, the manner in which criminal offences are defined in domestic law does not provide sufficient grounds for the legislator to exclude certain offences from the possibility of pardon. According to the Court, such limitations would constitute interference with the constitutional powers of the President.

The Court further emphasized that if the legislator were to have such authority, the question would arise as to the limits and criteria for imposing such

restrictions, and whether this would undermine the very essence of the constitutional institution of pardon. Pardon, as such, is linked to the individualization of the offender rather than to a general categorization of offences excluded from pardon, since generality is the characteristic of amnesty, not pardon.

The Constitution of the Republic of North Macedonia does not specify which criminal offences may or may not be subject to pardon. Consequently, any general legislative definition limiting the scope of pardon lacks a constitutional basis. This is because the Constitution does not provide for a general enumeration of criminal offences in this context. On the contrary, it is based on the principle that pardon is inherently linked to the individualization of the offender.

According to the Court, the 2016 amendments and supplements contain provisions that violate the fundamental values of the constitutional order, including the principle of separation of powers among the legislative, executive, and judicial branches. They also unjustifiably limit the President's power to grant pardons, infringe the constitutional right to equality of citizens, and regulate matters concerning the organization and functioning of the institution of the President without a constitutional basis. For these reasons, the Court found that these amendments are incompatible with the rule of law, the principle of equality, and the constitutional powers of the President as guaranteed by the Constitution (Constitutional Court of the Republic of North Macedonia, Decision U.br.19/2016-1, 2016).

In 2016, the Constitutional Court once again reviewed the amendments and supplements to the Law on Pardons of 1993. According to the initiator of the initiative, these amendments introduced additional powers and functions for the President of the Republic that were not provided by the Constitution. By analogy, with these provisions, the President acquired further competences, such as the annulment of pardons, i.e. the withdrawal of decisions on pardon. This development undermined the principle of the rule of law and the legal certainty of the citizens of the Republic of North Macedonia.

According to the Court, this law establishes a legal basis on which a granted pardon may be annulled. However, such regulation falls outside the powers conferred upon the President by the Constitution. It may also call into question the principle of the rule of law and the legal certainty of citizens, as the power to annul a pardon could lead to unequal treatment of individuals. This is not in accordance with the Constitution, which grants the President of the Republic only the authority to grant pardons, not to revoke them. Furthermore, the Court has taken into consideration the practice of several European Union countries, indicating that such a possibility does not exist in European legal system. A decision on pardon issued by the President of the Republic constitutes a *sui generis* act, which is neither an administrative act (subject to review by the

Administrative Court) nor a normative act (subject to review by the Constitutional Court).

In its decision, the Constitutional Court also referred to the well-known case of *Lexa v. Slovenia*, before the European Court of Human Rights in Strasbourg, which examined in detail the issue of the withdrawal of amnesty from a human rights perspective, concluding that such withdrawal constitutes a violation of the European Convention on Human Rights. According to the Strasbourg Court, the decisive factor was that the pardon had been lawfully granted, whereas its withdrawal was not provided for by the Constitution. In such circumstances, the Court indicated that the criminal proceedings should be discontinued and the case treated as *res judicata* (CCRN, Decision U.br.163/2016, 2019).

Subsequently, the Constitutional Court adopted a decision terminating the proceeding for the review of the constitutionality of the Law on Amendments and Supplements to the Law on Amendments and Supplements to the Law on Pardons. In its reasoning, the Court stated that the contested law, due to its temporal nature, had been exhausted in its application and could no longer produce legal effects. As such, this constituted a procedural obstacle to the continuation of the proceedings. Furthermore, the Court noted that the initiation of the procedure had been based on an incorrect factual situation (CCRN, Decision U.br. 163/2016, 2020).

Regarding this decision, Judge Sali Murati delivered a dissenting opinion. He argued that the Constitutional Court's repealing Decision No. 19/2016, which annulled the Law on Amendments and Supplements to the Law on Pardons (2009), in its entirety, should not be interpreted as restoring Article 11 of the original Law on Pardons. This is because the deletion of that article entered into force in 2009 and produced legal effects that remain valid to this day. Those effects cannot be altered by the Court's repealing decision, which operates only prospectively. Accordingly, the only logical conclusion is that there was no legal basis for the President's abolition decisions of April 2016, and therefore they cannot produce legal effects. Furthermore, the judge emphasized that it is incorrect to infer, from the introduction of Article 11-a in 2016, that Article 11 continues to exist in the legal order. That provision was repealed in 2009 and has not existed in the legal system since then. This is the only argument that should be considered when determining whether a provision forms part of the legal order. Decisions should not be based on the legislative technique used to supplement a law, which in this case served solely to introduce a new provision (Article 11-a), rather than to confirm or re-establish the existence of Article 11 in the original text of the Law. In essence, this means that a legal provision repealed by the Assembly can be reinstated only through new legislation adopted by the legislator, and not through intervention by the Constitutional Court, whose role is that of a negative legislator. The judge, also relied on the report of the Legislative-Legal Committee of the Assembly of the Republic of North Macedonia

concerning the request for an authentic interpretation of Article 11 of the Law on Pardons. That report states, *inter alia*, that all acts of pardon issued by the President on the basis of Article 11 after 2009 are unlawful and therefore invalid (CCRNМ, Dissenting Opinion, U.br. 163/2016, 2020).

The fact that Article 11 of the Law on Pardons has frequently been subject to constitutional review before the Constitutional Court is also evidenced by Decision No. 96/2016, in which the Court rejected the initiative. In its reasoning, the Court noted that Article 11 had already been subject to constitutional review, referring to Decision No. 144/1999 of 15 September 1999, in which it decided not to initiate proceedings for the assessment of its constitutionality, as no grounds were found to justify such a review (CCRNМ, Decision, U.br. 96/2016, 2018).

In the dissenting opinion, it is emphasized that Article 11 of the Law on Pardons was repealed as of 5 February 2009 by Article 10 of the Law on Amendments and Supplements to the Law on Pardons. From that date onward, it is considered to have been removed from the legal order (CCRNМ, Dissenting Opinion U.br. 96/2016, 2018).

These decision of the Constitutional Court, particularly the exclusion of the public when ruling on this matter through expedited procedures in early February 2016, immediately following the initiation of investigations into electoral fraud by the Special Prosecutor's Office, gave rise to reasonable suspicions that the Constitutional Court was acting to protect the interests of the ruling party (Илкарпак, 2018 & Arifi, 2017, p. 53).

From this perspective, the case of the 2016 presidential pardons remains an illustrative example of how institutional weaknesses and the absence of a clear separation between political power and constitutional review can undermine public confidence in the judiciary, transforming the Constitutional Court from a guarantor of constitutionality into an institution whose independence and impartiality become the subject of public controversy.

Conclusion

The case of the presidential pardons of 2016 represents one of the most complex and controversial episodes in the constitutional and legal history of the Republic of North Macedonia. Through normative analysis and practice, this study demonstrates that the pardons granted by Gjorge Ivanov do not merely constitute the most controversial example of the application of the pardon institution in North Macedonia; they also exposed the structural weaknesses of the country's legal and constitutional system. The developments that followed the repeal of Article 11 of the Law on Pardons, the interpretation of the Constitutional Court's decision, and the subsequent adoption of Article 11-a demonstrated that legal uncertainty was not the result of the absence of legal norms, but rather of

institutional actions that were inconsistent with the logic and functioning of the legal order.

The legal paradox of 2016 lies in the fact that a repealed provision was treated as if it still formed part of the legal order, while another provision was used to produce legal effects despite serious disputes regarding its validity. This created a situation in which not only the pardons themselves, but also their revocation, became accompanied by profound constitutional and legal dilemmas. In this way, the institution that were expected to guarantee legal certainty transformed themselves into a source of legal uncertainty. Precisely for this reason, the events of 2016 should serve as an important lesson for the future.

Comparative constitutional practice further demonstrates that neither constitutional systems nor legal frameworks governing presidential pardons provide examples of the revocation of granted pardons. This is generally justified by the straightforward legal argument that a pardon constitutes an acquired right and that its revocation raises serious concerns regarding the principle of legal certainty and the protection of citizens' legitimate expectations.

Every setback carries a lesson. Therefore, in order to prevent similar controversies in the future, the Republic of North Macedonia should, during the process of reforming the institution of presidential pardon, consider adopting the Greek model as an ideal framework. Under this model, the President does not exercise the power of pardon autonomously; rather, its exercise is conditioned upon the proposal of the Minister of Justice and the opinion of the competent judicial body, namely the Judicial Council. Such an approach provides a balance between the institution of pardon, the executive branch and the judiciary, while at the same time preventing an excessive concentration of discretionary authority.

For this reason, reform of the institution of pardon should be regarded as one of the future priorities of both criminal and constitutional legislation. A new Law on Pardons in the Republic of North Macedonia should be founded upon the principle that no person may benefit from a presidential pardon before his or her guilt has been established by a final and binding court judgment. Any alternative solution undermines the presumption of innocence, risks interference with the functioning of the judiciary and creates opportunities for the political instrumentalization of a constitutional power which, by its very nature, should remain an exception rather than the rule.

Furthermore, the law should establish an obligation to provide a reasoned justification for every decision granting a pardon. This also necessitates the harmonization of the Criminal Procedure Law, which currently recognizes pardon as a ground for the termination or prevention of criminal proceedings. The determination of criminal liability must remain the exclusive function of the judiciary, and no legal mechanism should be allowed to compromise this fundamental principle of the rule of law.

The experience of 2016 should serve as a compelling reminder that no constitutional prerogative, irrespective of its importance, can be exercised beyond

the constraints imposed by the principle of legal certainty, the rule of law, and equality before the law. Adherence to these principles represents the primary safeguard against the recurrence of similar constitutional crises and an indispensable condition for reinforcing public trust in the state's constitutional and legal framework.

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