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UDC:

342-027.511(497.7)

**GLOBALIZIMI I SË DREJTËS DHE EFEKTET E TIJ NË SISTEMET
JURIDIKE TË SHTETEVE, ME THEKS TË VEÇANTË TË
REPUBLIKËS SË MAQEDONISË**

**ГЛОБАЛИЗАЦИЈА НА ПРАВОТО И НЕЈЗИНИТЕ ЕФЕКТИ
КОН ПРАВНИТЕ СИСТЕМИ НА ДРЖАВИТЕ СО ПОСЕБЕН
ОСВРТ НА РЕПУБЛИКА МАКЕДОНИЈА**

**GLOBALIZATION OF LAW AND ITS EFFECT ON THE LEGAL
SYSTEMS OF THE STATES WITH SPECIAL REFERENCE TO
THE REPUBLIC OF MACEDONIA**

ABSTRACT

Globalization of law is a process of creating a unified global legal system. The globalization process begins by the appearance of law, before the four millennia. Given the way to achieve globalization, in the history of the globalization of law, can be discerned three forms of it. These are: forced globalization that is accomplished by imposing own legal system to the population in the conquered territories, after previously successfully conducted wars of conquest; spontaneous globalization which is a result of interaction of the subsystems of world civilizations and cultures; legally based globalization that is characterized by the fact that the national legal acts of state are made on the basis of international documents that these countries have signed and ratified.

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These forms of globalization are mutually intertwined and one of them is always dominant.

The process of creating the European Union imposed the need to harmonize the law of countries aspiring for EU membership, to European Union law. Republic Macedonia has received candidate status for EU membership in 2005. Since then, the process of harmonizing of its law with the law of the Union gained intensity. Today, the legal system of the Republic of Macedonia is in the final stage of harmonization with all its positive and negative impacts.

Key words: globalization, law, government, process, legal system.

INTRODUCTION

Globalization of law represents the process of creating a unified global legal system. Given the way to achieve globalization, in the history of law can be discerned three forms of globalization. First form is forced globalization that can be accomplished by imposing own law on the population of the captured territories after previously successfully conducted wars of conquest. In contrast to the forced globalization, nonforced -spontaneous globalization comes as a result of interaction of the subsystems of world civilization and culture. After World War II, process of legally based globalization is appeared. This form of globalization is characterized by the fact that the national legal acts of states are made on the basis of international documents that these states have signed and ratified, and therefore they are obliged to incorporate them into their national legislation.

Forced and spontaneous globalization follow human society from the appearance of law, to the present day. In the history of development of human society forced globalization is dominant. The process spontaneously globalization becomes apparent after Napolen's legislation, in the first decade of nineteenth century and after World War II becomes dominant process.

The beginnings of globalization of law can be discerned in the ancient times. Roman law in fact, represents a global legal system, created with the aim to establish a uniform legal standards in the regulation and functioning of social relations in the empire.

Canon law, in the Middle Ages, represents a set of legal standards established by the canonical principles of the world's great religions.

French Civil Code from 1804 laid the foundations of standardization of civil legal relations regulation of capitalist society in continental Europe and beyond, in the countries that were influenced by European continental law.

The creation of international organizations will create conditions for more intense globalization of law. Thus, by the creation of the International Red Cross and Red Crescent, sixties of nineteenth century, begins the process of standardization of international humanitarian law. Standardization of labor law, in the international frameworks, starts in 1919, by the creation of International Labour Organisation. The standardization of health law begins by the creation of World Health Organization.

The process of intensive standardization of law, on a global scale, begins in 1945 with the creation of the United Nations. Charter of the United Nations, adopted on 24 October 1945, represents a sort of global constitution. Based on it, within the UN system, numerous declarations, conventions, protocols and other international legal acts are made. By ratification of the state legislative organs, these acts become an integral part of the legal system of countries.

Specific, economic, political and cultural conditions of some regions in the world, impose the adoption of international legal acts of regional importance. Thus, in November 1950, the European countries have adopted the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights). Nineteen years later, in November 1969, the American Convention on Human Rights is adopted. Finally, in October 1986, the African Charter on Human Rights is adopted.

The evolutionary process of creating European Union that started in the early fifties of the last century created the conditions for the start of evolutionary process of regional law globalization at the European continent through the convergence of legal systems of the Member States of the European Communities: the European Coal and Steel Community, the European Economic Community, the European Atomic Energy Community (EURATOM) in the areas for which they are established.

The creation of the European Union, by the Treaty of Maastricht in 1992, has imposed the need of harmonization of the laws of the member states and candidate countries. Harmonization is nothing other than the construction of European legal system with national legal

systems of the Member States of the Union that will be at the most mutually agreed and thereby will enable efficient implementation of commodity-money relations, as basic relations in the economy and society of unified continent.

Harmonisation of the legal system of the country with the law of the European Union represents a process of convergence of regulatory solutions of national law to the law of the Union. In the framework of the Union harmonization should enable a creation of a single European area of freedom, security and justice, as well as single market which will generate economic functions of the Union.

The Republic of Macedonia received Status of candidates for membership of the European Union in December 2005. As a candidate country for EU membership, Macedonia has had to work on the process of harmonizing its legal system with the European Union. The process of harmonization of the Macedonian legal system with the European Union law, during ten years candidate status of the Republic of Macedonia is well under way.

In the process are apparent two negative phenomena which, by adverse effect to the macedonian legal system, are in dialectical unity.

The first negative phenomenon is subservient attitude of macedonian officials and experts to their European counterparts. Obsessed with such relations, representatives of the Republic of Macedonia in the European institutions, permanently or ad hoc, accept uncritically the views of representatives from bodies of the European Union. This can negatively impact on domestic politics in all spheres of social life that reflects to the legal regulation of social relations.

Another negative phenomenon is blind acceptance and copying legal solutions in the legal documents of the European Union, without taking into account the specificities of social relations in the Republic of Macedonia. This, often leads to legislative solutions in the legal regulation of social relations in the Republic that, simply, can not be put into practice. Therefore, there is a big conflict between the law and reality, which is a serious disease of the legislations of many states and toughest of the Macedonian legislation.

GLOBALIZATION OF LAW AS A HISTORICAL PROCESS

The globalization of law is historical process that begins with the formation of large states in the region of the Near and Middle East. Thus, the Babylonian emperor Hammurabi created a state that has engulfed the territories of today's Iraq and southern Iran. After successful wars of conquest which expanded state, he

set out to its internal tidying up and ordering. One of the first moves on this plan was his creation of a single legal system. This is done by passing the Code, which by his name, is titled as Code of Hammurabi [5, 34-63].

At the beginning of the first millennium BC, the great Roman Empire is created. It, at the time of largest expansion, embraced the territory of the Persian Gulf, in the east, to the Atlantic Ocean, the border of Scotland and the North Sea coast - to the west; the territory of today's German - Danish border, southern Germany, Czech Republic, Slovakia, Romania, Caucasus, to the shores of the Caspian Sea in the north and the whole of north Africa, in the south [6, attached chart]. Vast state, of more millions square kilometers, required unique legal system. This system was created during several centuries in order to be completed with the Theodosius Code (Codex Theodosioanus), from the first half of the fifth century AD [8, 536]. A full picture of the unique legal system of the great Roman Empire gives us Justinian Code (Codex Justinianus) that was created during the reign of the Emperor of the Eastern Roman Empire, Justinian the first (527-565 years AD) [8,536].

The Roman legal system, as a global system, is a base of modern European continental law system of civil law.

The Middle Ages represents a kind astray in the development of law, but not in the process of its globalization. This is because the Roman legal system in the Middle Ages was replaced by canon law systems, which were also the global legal systems. At the European area existed two such systems. These are: the system of Ecclesiastical law (Christian) and the system of Sharia law.

The system Ecclesiastical law included the Christian countries of Europe. The system of Sharia law included the territory former Arab caliphate. These are the countries of the present Arab world, as well as the Iberian Peninsula, Southern Italy, Sicily and Malta. After several centuries, with the expansion of Turkish rule in the Asian, African and

European regions, the system of Sharia law spread to Balkan countries, Caucasus, the territories of the Islamic states in the south of the former Soviet Union, as well as the territory of present-day western China (Xinjiang Province), Afghanistan and Iran. In the region of the Balkan Peninsula, this system existed as parallel with the system of Ecclesiastical law which applied to the Christian population of the Peninsula.

Time is running. Evolution makes its own. At the time of the Renaissance, firstly in Italy and then in other European countries, the Roman legal system is beginning to renew. On the foundations of this system, which consists of Justinian's *Corpus iuris civilis*, the European continental legal system started to develop. A major step forward in its development was made by adopting the French Civil Code (*Code Civil*) from 1804. [5, 261-279]. This code is the first that regulates the relations of the new bourgeois - civil society whose social foundations are firmly placed by the French Revolution from 1879.

French Civil Code made a great impact on civil law legislation in a large number of countries. First of all, it's still in use, with certain modifications, in addition to France and in Belgium, Luxembourg, Quebec and Louisiana. It served as a template for making a series of civil codes in many countries in the world: Bolivia, the Netherlands, Romania, Italy, Portugal, Uruguay, Egypt, Costa Rica, Colombia, Spain, Bulgaria, Honduras, Peru, Venezuela and others [10,13].

Four years later French Code of Criminal Procedure (*Code d'Instruction criminelle*) [5, 307-335] is adopted, and two years after it, the French Penal Code (*Penal Code*) [5.297 to 307].

Legal regulation of social relations in Napoleon's France had its echo in the east of Europe, in the Ottoman Turkey, which has sought to europeise herself. Thus, in mid nineteenth century, modeled on Napoleon's legislation, several laws which regulated social relations in more areas of social life, are passed. A little later, in the seventies of nineteenth century, is passed the first, although incomplete, Turkish Civil Code, so-called *Medzele*.

Following the model of the French Civil Code, 1811 was enacted the Austrian Civil Code, which, even though it is based on the traditions of Roman law, significantly differs from its predecessor, because it accepts a number of provisions of customary law, and to some extent Feudal and Canon law [7,14].

The Austrian Civil Code has had a major impact on the Serbian Civil Code which was adopted on 25 of March, 1844 [7.34-36]. This

Code, in fact, represents an abridged version of the Austrian Civil Code with the introduction of smaller parts of St. Sava's Zakonopravila and Serbian customary law. The Austrian Civil Code had 1,592 paragraphs. This number in the Serbian Civil Code is reduced to 950 paragraphs. Shortening resulted that many legal institutes are incompletely regulated, and compressing more provisions into one, led to a number of uncertainties. In any case, it should be pointed out that Serbia is the third European country to regulate, by a code, civil law relations, significantly prior to other countries.

When we are in our - Yugoslav countries, it should not fail to mention the General Property Code for the Principality of Montenegro [7.37] whose creator was Valtazar Bogishich, a history of law professor at the University of Odessa. The Code represents a compilation of the Montenegrin customary law and civil law institutes in previously issued codes on European soil. Signed on the day of the Annunciation - March 25, 1888, it entered into force in May of the same year.

France and Austria are the first European countries that have codified their civil law. The codification of civil law in other European countries, except Serbia, was done much later. Thus, in Germany, it was done in 1896, with the adoption of the German Civil Code which entered into force on the first day of the twentieth century [7,16]. After Germany, Switzerland made a codification of its civil law. This was done in 1908 with the adoption of the Swiss Civil Code which entered into force in 1912 [7,16].

Swiss Civil Code was a model for the legislation of the Republic of Turkey. The great reformer of the Turkish state, Mustafa Kemal Pasha - Ataturk, determined to modernize the Turkish legal system from the time of the Ottoman Empire, left the legal traditions of Napoleon's France and turned to contemporary and modern Swiss traditions. Thus, the present legal system of the Republic of Turkey is based on the foundations of the legal system of the Swiss Confederation. On this basis over a good deal of Turkish laws are made and passed. Among them, the most significant is the Turkish Civil Code from 1926. The provisions of this Code on the family relations encountered resistance from the numerous Turkish conservative population, especially in rural areas. It did not accept civil form of marriage that became mandatory, and it still continued to apply religious form of marriage, ignoring the legal provisions. After the beliefs of the population, religious marriages were legal, and therefore the children of these marriages were legal.

Consequences in relation to the children of these marriages were offset the adoption of other laws. This is an obvious contribution to, in science generally accepted, standpoint that the laws of a state should not be copied in other states, but it should be taken into account the specificities of social relations in these states, and to adapt laws to these relations.

The civil legal system of the Kingdom of Yugoslavia was not unified [7.34-38]. In countries that, before the creation of the Kingdom, were under Austrian domination, the Austrian Civil Code was used. In Serbia and Macedonia Serbian Civil Code was in force. In Montenegro the General Property Code is applied with the amendments of 1889. Such disunity of civil law is a result of the previous globalization processes that took place on Yugoslav soil on other grounds. The new globalization process which began by uniting Yugoslav nations, has not resulted in the arrangement of civil – law's relations due to the relatively short duration of the first common state of South Slavs (less than 23 years).

In criminal matters, in the territory of the Kingdom, from April 1922, to January 1929, is applied the Criminal Code of the Kingdom of Serbia, whose use was extended to the entire territory of the then Kingdom of Serbs, Croats and Slovenes, as it was the official name of the Kingdom. In the month of January 1929, the Criminal Code of the Kingdom of Serbs, Croats and Slovenes [4,496] is passed, which in October of the same year was renamed the Kingdom of Yugoslavia.

Commendable is the fact that the Kingdom of Yugoslavia committed a codification of administrative procedural law among first countries (fourth) in the world. This was done in 1930, by the adoption of the Law on Administrative Procedure, which entered into force in January 1931. This is the result of globalization tendencies in the regulation of administrative relations in the countries of the world. This speaks to the fact that our nations are involved in the processes of globalization of law among the first nations of the world.

GLOBALIZATION OF LAW AFTER THE SECOND WORLD WAR

The globalization of law after the Second World War was largely spontaneous. However, spontaneity does not take place elementally, as it was before, but in terms of the existence of legal grounds for the process of globalization, contained in the documents of the UN and

other acts. If the state signed the act, it is obliged to incorporate it into their legislation. In this case, we have a legally based form of globalization

The legal basis for the globalization of law are found, primarily, in the basic documents of the UN, namely: the UN Charter, the Statute of the International Court of Justice, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights [2.13 to 78].

For the process of law globalization, the provision of Article 1, paragraph 3, of the Charter is of particular importance. It stipulates that the goals of the United Nations, among others, are the following: to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, as well as encouragement and developing respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. This provision excludes the use of force in the international relations. Countries of the world community should be addressed to cooperation in solving the problems. Through cooperation between the countries of the world, ideas for all the issues and problems that arise from the international community can be exchanged. Development of human rights and fundamental freedoms refers to the creation of an international system of human rights and fundamental freedoms which will be a base for normative regulation of these rights and freedoms in the constitutions of member states of the Organization.

The system of human rights and fundamental freedoms laid with the adoption of the Universal Declaration of Human Rights, which was adopted and published by the UN General Assembly on tenth day of October 1948.

According to the preamble to the Declaration, it represents a general standard that should reach all people and nations. With this, Preamble specifies the universal character of the Declaration. This character of the Declaration clearly and precisely is potentiated by the provisions of Articles 1. and 2.

According to Article 1. of the Declaration, all human beings are born free and equal in rights and dignity. They are endowed with reason and conscience and should act towards one another in a spirit of universal human origin. Article 2 of the Declaration stipulates that all rights and freedoms, set forth in the Declaration, belong to all people,

regardless of their differences, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Thus, human rights are universal. They belong to all people of the world community, and as such, should be respected everywhere, and all of each. Normative regulation of the system of human rights and fundamental freedoms, at the level of the UN, are circled by the adoption of the two covenants that are integral parts of the Universal Declaration. These are: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Both Covenants were adopted by resolution of the UN General Assembly on December 16, 1966 and entered into force ten years later - in 1976.

Starting from the fact that certain regions of the world have their own cultural, economic and political specificities, three regional documents on human rights were adopted later. Thus, in November 1950, in Rome, the Convention for the Protection of Human Rights and Fundamental Freedoms or shortly, named as European Convention on Human Rights is adopted. Twenty years after the adoption of the Universal Declaration of Human Rights, 1969, the American Convention on Human Rights is adopted. Finally, 37 years later, in 1986, the African Charter on Human and Peoples is adopted. All three conventions refer to the provisions of the UN Charter and the Universal Declaration of Human Rights. So, by them, the system of human rights and fundamental freedoms in accordance with the specifics of European, African and American continents is regulated [2.231 to 286].

The provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, of the International Covenant on Civil and Political Rights and listed regional human rights documents have been incorporated into the constitutions of member states of the UN. Human rights recognized to citizens of the world in those provisions are regulated in detail in national legislation which regulates social relations in various spheres of social life of these countries. Thereby has been achieved the greatest degree of globalization of law worldwide.

In addition to these international documents on human rights, after the Second World War, in the context of normative-regulatory system of the United Nations and regional security systems, many other documents have been adopted. In those documents, human rights are regulated in a variety of situations in which human beings, living their

lives on planet Earth, can be found. So, numerous international documents prohibiting discrimination of human beings, documents on the prohibition of war crimes and crimes against humanity and international law, including the crime of genocide; documents on the prohibition of slavery and similar practices; documents on human rights in the area of justice; documents for the protection of refugees and children, documents for the protection of peace and security in the world, etc., are passed.

For the Globalisation of law of immeasurable importance are international legal acts enacted in the system of the International Labour Organisation, the World Health Organization and other organizations.

Speaking on the globalization of law, we must not lose sight of the tremendous work and the enormous merit of International Organizations of Red Cross and Red Crescent Societies. In the field of international protection of man in time of war, this organization started working much earlier than the UN - in 1864 when the first Geneva Convention for the Amelioration of Fate of Wounded in the Armies on the Battlefield is adopted.

After this Convention, a number of conventions, treaties, protocols and other international documents on the protection of man during the war, are adopted. The crown of work of this organization represents the four Geneva Conventions from 1949 and two Additional Protocols from 1977 [2.298 to 491]. The Conventions and Protocols prescribed many restrictions and bans for use of resources, means and methods of warfare, with the aim to protect people from unnecessary suffering in time of war. These prohibitions are incorporated in the national criminal laws of all countries of the world in a special chapter titled Offences Against Humanity and International Law.

In addition to the globalization of law which is carried out by incorporating international legal acts in the national legislations of the countries, there is another less visible form of globalization of law. It is a production of national legal acts modeled after the acts of other states. Thus, the laws that have proved to be good in certain countries, are taken in other countries, with certain modifications to comply with the specifics of social relations in each country or without such changes. This kind of normative regulation of social relations is quite risky, if it does not take into account the specificities of social relations in own country. States, even neighboring, differ from one another, and even social relations in them are different. It should to have always in mind.

As we have seen, after the Second World War, there are two dominant forms of globalization. These are legally based form of globalilization with certain elements of spontaneity and spontaneous forms of globalization of law. There is also forced form of globali- zation, which is usually achieved by using a lot more refined and subtle use of violence than has been the case in earlier centuries. The point is that the great powers, to achieve their interests, often help opposition forces in the states. The assistance is always moral. In a number of cases, the moral support is supplemented by financial help, but not rare by military help. When assisted forces come to power, the model of organization of social relationship that is at the will of helpers, is imposed. Social relations are regulated by legal norms contained in the legislation which is drafted and enacted by the will of helpers. Careg- ivers often do not take into account the degree of evolutionary develop- ment of social relations in concerned country, and impose normative regulation that does not correspond to these social relations. So, if the laws of the developed Western democracies, are intruded to a conser- vative, patriarchal environment, the law in this environment could not be in function. Order and rule will not be achieved. There will be chaos. Therefore reteilores of the world, let evolution to do its job. It, over time, will finish successfully its job, on satisfaction of assistant and assisted. The society does not tolerate violence. Violence and democracy do not go together.

LEGAL SYSTEM OF THE REPUBLIC OF MACEDONIA IN THE PROCESS OF GLOBALIZATION OF LAW

Republic of Macedonia, as a member of the UN, could not remain aloof from the process of globalization of law. One of the fundamental values of the constitutional order of the Republic is the respect generally accepted norms of international law.

As a member of the Yugoslav federation (SFRY), the Republic of Macedonia has inherited all international legal documents signed and ratified by the Federation. This was done by the Article 5, paragraph 1, of the Constitutional Law for Implementation of the Constitution of the Republic of Macedonia. This provision stipulates that the existing federal regulations are taken, as a republican, with the competence of state bodies established by the Constitution of the Republic. Therefore, the laws for the ratification of international treaties which Yugoslavia ratified, are adopted as regulations of the Republic of Macedonia.

The provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the European Convention on Human Rights have been incorporated in the Constitution of the Republic of Macedonia. The Constitution contains a special chapter entitled as Basic Freedoms and Rights of Man and Citizen in which all human rights and fundamental freedoms which are guaranteed to citizens of the world by these international human rights acts, are incorporated.

Fourteen years after independence and adopting the Constitution, the Republic of Macedonia became a candidate for membership in the European Union. Immediately, after achieving candidate status, in the Republic of Macedonia, started the process of harmonization its legal system with the European Union law. During the 11 years that takes its candidate status, it can be said that the Republic of Macedonia is in the final stage of the harmonization process.

The obligation on the harmonization of legislation of the Republic of Macedonia with the law of the European Union derives from Article 68 of the Stabilisation and Association Agreement with the European Communities and Their Members Countries which is signed on the ninth of April 2001 and entered into force on the first of April 2004.

For successful implementation of the harmonization process, or, more precisely, to coordinate activities on harmonization and successful monitoring of these operations, a Methodology for Harmonization of National Legislation of the Republic of Macedonia with the European Union, has been prepared.

According to the Methodology, harmonization process takes place in four phases. These are: a preparatory phase, analytical phase, the phase of transposition and implementation phase [9].

In the preparatory phase shall be the establishment of the necessary institutions for the implementation process. In addition, certain activities of technical character, such as: distribution and presentation of European legal acts in concrete areas of social life and presentations of the principle of harmonization in general, are performed.

The analytical step involves the translation of European legal acts in the Macedonian language and their incorporation in the program for approximation of national legislation to European Union legislation, normally, in accordance with the previously defined priorities.

In the phase of transposition, the operational elaboration of new legislation in accordance with the above-defined plan is done. At this stage takes place the true convergence of macedonian legislation to the European Union law. This is the stage where the national experts and EU experts have to prepare new draft of laws or to propose amendments to existing laws and regulations, with the aim of achieving compatibility between the legal system of the Republic of Macedonia and the European Union law.

The implementation stage includes the adoption of new laws in the Assembly (Parliament), or amendments to the existing ones, their proper implementation in practice and manage the effect that they have in the areas of social life in which they were passed.

The process of harmonization applies to the whole community law (*acquis communautaire*) of the European Union which covers all contracts, European law, international agreements, standards, court rulings, the provisions on fundamental rights, equality and non-discrimination, or, in short, the entire European law. In this process must be in accordance (harmonized) with European law, laws and by-laws on the free movement of goods and services; free movement of workers; on the right of establishment and freedom of service industries, providing services; free movement of capital; on public procurement; on the right to trade associations; right on intellectual property; competition policy; financial services; information society and media; on agriculture and rural development; food safety, veterinary and phytosanitary policy; on fishing; transport policy; on energy; on taxation; on economic and monetary policy; on statistics; on social policy and employment; on enterprises and industrial policy; the trans-European networks; on regional policy; on coordination of structural instruments; on judiciary and fundamental rights; on justice, freedom and security; science and research; on education and culture; the environment; consumer protection and health care; customs union; on foreign affairs, foreign, security and defence policy; financial control and budgetary provisions; on institutions, as well as other issues for which there is a need to be regulated by the laws and by-laws [9].

Frequent amendments to the laws point to imperfection of labor in the third and fourth phase of harmonization.

In the third phase is not done complete overview of the state of social relations which should be regulated by law and prediction of their development in the future. Life is a dynamic category, while the law is

static. The law should regulate the current state of social relations, but it should be useable in the future. In order to achieve this, the expert teams, in addition to lawyers, should engage sociologists and experts from appropriate areas of social life. The law which after adoption is changed several times, even several times a year, is not good law. Often changing the law greatly complicates orientation of lawyers and other professionals who need to apply it.

It often happens that Macedonian experts who work in expert teams are unable to compete with foreign experts, which in turn is sufficiently familiar with the state of affairs in the Republic. Not enough by knowing it, they propose solutions that are not, or not fully applicable. Blindly copying normative solutions of foreign countries, without their adaptation to the state of social relations in Macedonia, leads to the inability to apply the law. A law that is not applicable is violate. By violation of the law, the order and rule in the area of social life which is regulated by this law, are undermined.

Imperfections in the fourth stage of harmonization are mostly result of imperfections in the third stage of labor on it. Besides them, there are also disadvantages relating to monitoring in implementation and enforcement the law in practice and managing of their implementation effect. Successful implementation of laws in practice, requires good monitoring and quick overview on the imperfections in the implementation. Quick overview on imperfections enable rapid intervention to its remedy: providing authentic and professional interpretation of laws, issuing regulations, instructions and other subacts for their implementation. Unfortunately, in practice, it does not act so, however, good laws are often poorly implemented due to lack of familiarity of implementer to do so.

Management with effect of law in the areas of social life, in the far-case, involves sanctioning implementer who, due to irresponsibility in work, badly applied law or intentionally violated it. Due to the high degree of corruption and nepotism in the society, sanctions measures are rarely applied. A consequence is loose and irresponsible attitude of citizens towards legal obligations. This creates a high degree of disorder in the society and has a negative impact on the state of social relations in all spheres of social life in the Republic of Macedonia.

In general, the globalization of rights has a positive impact on the legal system of the Republic. In it, it felts new, fresh streams, introduces new ideas and it is modernized. However, modern legal system with

modern laws, do not serve to the improvement of social relations, if these laws are not enforced, or are not sufficiently implemented in practice. Non-implementation, or poor implementation of the law in practice is difficult plague of the Macedonian legal system.

From the above, it follows that the legal system of the Republic of Macedonia is basically built on the basis of international legal acts and legal acts of the European Union. Thus, in the construction of the Macedonian legal system, legally based form of globalization was dominant. Spontaneous form of globalization has come to the fore until the beginning of the process of integration of the Republic in the European Union. It was created by the influence of the law of former Yugoslavia, from which, after gaining independence of republics, practically almost all of the laws was taken over, of course, with some adaptations to specific and emerging social relations that are created after the changes in the socio-political system of the Republic.

CONCLUSION

The globalization of law is as old as the the law is old. Between social communities has always been an interactions. In these interactions all that was good in others, was accepted, and rejected all that was wrong. So, good practices in social relations were accepted, and rejected the bad. With the advent of the state appeared the written law. Among the countries came to interactions. Interactions can be peaceful and violent. The war is the most extreme form of violent interaction. Territories of other countries were conquered by war. By conquest large state systems (states) that cover large territories in certain parts of the world, were created. Large state system requires harmonious functioning on the entire territory. The basic requirement for such functioning is the existence of uniform rules of conduct. Therefore, great statesmen, such as Hammurabi, immediately after the wars of conquest, crossed to the efforts aimed at internal stabilization of the states. One of the first tasks on the internal stabilization is the creation a single legal system in the entire territory. Thus, the famous Code of Hammurabi was created. The aim of its creation is to establish uniform rules for the organization of social relations on the whole territory of large Hamburaby's empire. By the adoption of the Code of Hammurabi began a process of forced globalization of law.

Later, through a process of forced globalization the Roman legal system is imposed to defeated nations. In the Middle Ages are imposed to them canonical legal systems of Ecclesiastical and Sharia law.

The forced globalization of law, as the dominant form of globalization, follows human society until the creation of Napoleon's legislation. After its creation process of spontaneous (nonforced) globalization of law is dominant. In Napoleon's legislation the most important are three codes. These are: the French Civil Code, Criminal Code and Criminal Procedure Code. These codes achieved great impact on legislation of other European countries. Among it, French Civil Code is especially important. Following the example of the Code, civil codes in other countries were adopted. In them, more or less, normative regulation of social relations contained in Code was incorporated. So, after nine years, in Austria, the Austrian Civil Code was adopted. Following the example of this Code, Serbian Civil Code of 1844 was passed. In the seventies of the same, nineteenth, century the Turkish Civil Code, named Medzele, was adopted. At the end of the nine decades of the century, General Property Code for the Principality of Montenegro, was adopted. At the end of the century was passed the German Civil Code and in the first decade of the twentieth century, Swiss Civil Code was passed. Following the example of the Swiss Civil Legislation, in twenties of century, civil legislation of Ataturk's Republic of Turkey, is written.

Swiss Civil Legislation has had a major impact on the civil legislation of former Yugoslavia, and through it, to the civil legislation of the countries that have emerged from it.

After World War II, a unique international legal system began creating. The legal basis for its creation are contained in the provisions of the UN Charter and international legal acts which were adopted on the basis of it. These are: the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

On the basis of the provisions of the Charter and the Universal Declaration of Human Rights, and due to the specific needs and interests of certain of global regions in the world, three regional documents of international significance have been adopted. These are: the European Convention on Human Rights, the American Convention on Human Rights and the African Charter on Man and Peoples.

In addition to these international legal acts, within the UN system, acts of other international organizations in the areas of labor, health, safety and other areas of importance to the life and survival of humans on Planet Earth, were adopted.

The provisions of international legal acts have been introduced in the Constitutions of most countries of the world, as well as in their legislation in various areas of social life. On the pier is the creation of a global legal system on Planet Earth. It is created by evolutionary way, through the process of legally based globalization.

In addition to legally based globalization, unfortunately, exists a form of forced globalization. It is carried out by interference in the internal affairs of countries which is made by some, big powers with encouraging and helping some opposition forces, often with providing military assistance and after their victory, by legal regulations, by introducing its model of organization of socio-political and economic system in these countries. Evolution does not tolerate violence. All achieved with violence, as opposed to evolutionary processes. It is short-lived, because evolution has not created the preconditions for its maintenance. This is most clearly demonstrated by communist experiment in the Eastern European and some Medium European communist countries which failed because of that.

Globalization of law affects the legal system of the Republic of Macedonia. It is created through the spontaneous process of globalization, downloading the legislation of the former Yugoslavia which is created by influence of Western European legislation, and, in the beginning, by influence of Soviet legislation.

After candidacy for membership in the European Union, the influence of legally based form of globalization is dominant. Macedonian legal system is built through a process of harmonization with European law. On this field the Republic is well advanced. However, due to lack of compliance of the adopted laws with the specific social relations in the Republic, the emergence of impossibility of their consistent implementation in practice of social life of the Republic, is present. This causes a considerable discrepancy between the law and reality in some areas of social life in the Republic.

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