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Authorisations of the Public Prosecutor under the New Law on Criminal Procedure in North Macedonia

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Abstract: Taking into account the fact that North Macedonia is a country aspiring to membership in the European family, it continuously seeks to harmonise its domestic legislation and practices with European legislation. In this regard, during the amendments to the Criminal Procedure Code, provisions were introduced that are in line with the spirit of European legislation. The purpose of this paper is to highlight the changes undergone by the Public Prosecution and the transformation of its role in criminal proceedings. This paper primarily relies on available theoretical sources that regulate this field, with particular emphasis on criminal procedure legislation. Through the analysis of the amendments to the Criminal Procedure Code, it has been established that the new legal framework grants the Public Prosecution a more active role in criminal proceedings.In contrast, the court's role remains primarily to direct proceedings and to serve as the main guarantor of human rights and fundamental freedoms throughout the criminal process. With the amendments introduced by the Criminal Procedure Code, the burden of proving the truth in criminal proceedings

has been assigned to the Public Prosecution. In contrast, the court remains responsible for ensuring the lawful conduct of the proceedings and guaranteeing respect for human rights and fundamental freedoms in criminal proceedings. These changes constitute essential reforms that have significantly affected the roles of the two leading actors in criminal proceedings. Through such amendments to the Criminal Procedure Code, the legislator has aimed, through its application, among other objectives, to exert a preventive effect and to contribute to the successful fight against crime.

Keywords: Public prosecutor, Criminal procedure Law, New law of criminal procedure, Increase of authorisation with the new law.

Introduction

The public prosecution is a vital institution in every legal system, whose main task is to prosecute and investigate perpetrators of criminal offences. As such, this institution makes a significant contribution to the protection of society in general and the individual in particular in the path to preserving the most vital values for a healthy society 18, because the criminal acts that are under the prosecution's authorization for prosecution and investigation are acts that violate the most fundamental human rights, such as life, physical integrity, freedom, etc. without the protection and security of which there can be no normal functioning of society.

However, in the prosecution of criminal acts and their perpetrators, many other factors play a role. They are integral to the prosecution's success or failure in investigating and prosecuting criminality in general. Such factors are numerous and diverse, with each of them having a greater or lesser impact on the successful completion of this process.

Undoubtedly, in the investigation and prosecution of crime in general, it is also indispensable to study and analyse the roles and functions of other factors, such as the law and state bodies on the one hand, and the people's and society's consciousness on the other.

This institution is important because it has been entrusted with a key function: suppressing all criminal forms that continuously disturb human society and often leave irreparable consequences. This body is at the same time a shield that protects the most vital values of society and promotes citizens' legal security.

The process of combating crime is an extremely difficult and complicated process that requires the involvement of many factors in order to successfully combat this negative social phenomenon, where, in such a process, the role of the prosecution is very important, because the prosecution is the initiator and is very active in combating crime, especially the perpetrators of various criminal forms.

The Public Prosecution Office performs its functions within the framework of the Constitution of the Republic of North Macedonia, laws, and ratified international agreements. Under the Law on Criminal Procedure (LCP), which adopted the concept of prosecutorial investigation, the public prosecutor is the competent authority to lead the preliminary procedure, initiate and conduct the investigative procedure, and do so with the assistance of the judicial police, that is, authorized bodies involved in detecting criminal offenses (Buzharovska et al.,2015, & Sulejmanov & Pivovarov,2004).

The role of the public prosecutor as an authority responsible for prosecuting perpetrators and detecting criminal offences has been significantly strengthened under the new law. This strengthening of authority gives the prosecutor a more active and dominant role throughout the criminal procedure, from the preliminary stage through the investigative phase, up to the filing of the indictment and its defence at the main hearing.

Under the mixed accusatory system, where the indictment forms the basis for criminal prosecution and without which criminal proceedings cannot continue, the public prosecutor has a central role not only in the legal system generally but also specifically within criminal proceedings.

For a criminal offence to exist, a protected social value must have been violated. All natural persons, as well as legal entities, have the right and duty to report such violations. The police, as the authority closest to the detection of criminal offences, usually receive the first notification. However, the fact that the police are actively involved in detecting and identifying criminal acts does not exempt other state bodies from the obligation to report criminal offences when they become aware of them. In certain cases, failure to report a criminal offence may itself constitute a punishable act (Buzharovska, Kalajxhiev, Mososki, & Ilic, 2015; Sulejmanov & Pivovarov, 2004).

Research Problem

With the amendments to the Criminal Procedure Code, the new powers granted to the Public Prosecutor enhance the effectiveness of the fight against crime, since, as an investigative body, the prosecutor plays an active role throughout the entire criminal procedure. At the same time, the rights of the parties are protected, as the Public Prosecutor gathers evidence both against and in favour of the accused. Therefore, the analysis in this paper focuses on procedural efficiency while also ensuring the protection of rights in accordance with all European conventions on fundamental freedoms and human rights.

These amendments also increase citizens' trust in the justice system, since under the previous law, the judge held a dominant, and sometimes even excessive, role throughout the criminal procedure. However, a drawback of this legislative change is the insufficient coordination between the court and the prosecution, which often encounter conflicts in granting approvals to each other, as well as the excessive freedoms granted to the accused, who may admit guilt at any stage of the procedure. This can sometimes be misused by the accused, knowing that they can admit guilt at any time, and that ultimately such an admission can result in a mitigation of the sentence.

Research Focus, Aim, and Research Questions

My scientific paper will be divided into three parts, which will also be analysed as follows:

1. Criminal Reports, Preliminary Procedure and the Investigative Procedure

2. Filing of the Indictment
3. The course of criminal proceedings after the indictment is received in court

Methodology

During the preparation of this paper, I have used various methods, including the normative legal method, the analysis of theoretical sources, the descriptive method, the method of analysis and synthesis, and the comparative method.

With the help of these methods, I have been able to clarify the primary role and the manner of organization of the public prosecution in terms of carrying out its functions, namely the investigation and prosecution of criminal offenses, the positive legal norms that have been adopted to regulate the overall work of the public prosecution, the legal changes that have affected the authorizations of the public prosecution and their impact on its effectiveness, the analysis and clarification of the factors and circumstances of change that indicate the work of the public prosecution, the connection between them in relation to its effectiveness, as well as the comparison of the functioning of the public prosecution with some legal systems similar to our system.

Research Design

The research is grounded in a normative and analytical legal framework, focusing on the interpretation and evaluation of statutory provisions governing prosecutorial powers in criminal proceedings. The study adopts a descriptive–analytical approach to explain the evolution of the prosecutorial investigation model and an evaluative approach to assess its effectiveness in preventing and repressing criminality.

Data Collection Methods

Data for this research were collected through systematic analysis of primary and secondary legal sources. Primary sources include the Law on Criminal Procedure of the Republic of North Macedonia, relevant constitutional provisions, and applicable by-laws. Secondary sources include academic literature, such as monographs, peer-reviewed journal articles, commentaries, and expert analyses, on criminal procedure and prosecutorial systems.

The study draws upon a wide range of sources, including:

- National legislation and official gazette publications
- Academic works by domestic authors

Data Analysis

The collected legal materials were analysed using a comparative and legal-dogmatic method, with particular emphasis on the comparison between the former and the current Law on Criminal Procedure of the Republic of North Macedonia. Special attention was devoted to identifying substantive and procedural differences between the pre-2010 investigative model and the prosecutorial investigation model introduced by the new Law on Criminal Procedure, which has been in force since 2010.

The analysis focused on key procedural elements, including the allocation of investigative powers, the public prosecutor's role, the court's position during the investigative phase, and safeguards for defendants' rights. By comparing the normative solutions contained in the old and new legal frameworks, the study assesses the extent to which the reform has enhanced procedural efficiency, accountability, and compliance with fundamental legal principles.

The findings of the comparative analysis were synthesised to evaluate whether the post-2010 procedural model aligns substantively with European criminal justice standards and whether the adopted reforms contribute to more effective prevention and prosecution of criminal offences.

Research Limitations

The research is limited to a normative and doctrinal analysis and does not include empirical data such as interviews or statistical case analysis. Nevertheless, the chosen methodology provides a solid theoretical foundation for assessing the legal framework and contributes to the academic discourse on prosecutorial reforms in criminal justice systems.

Criminal Reports, Preliminary Procedure and the Investigative Procedure

All state bodies, especially the police, play an important role in reporting criminal offences. Once suspicion arises that a criminal offence has been committed, the police are usually the first body notified. They collect facts and evidence and submit them to the public prosecutor through a criminal report.

A criminal report is not the only way to report a criminal offence. It may also be submitted orally, by telephone, or electronically, by any person who has information or indications that a criminal offence has been committed. When a report is made by telephone, the public prosecutor must record it officially and register it as a criminal offence (Buzharovska, 2015).

After receiving the report or information, the public prosecutor analyses the evidence and relevant facts to determine whether there is a legal basis for initiating criminal prosecution ex officio or whether the matter may proceed by private complaint.

Although the prosecution does not directly command the Judicial Police, the Financial Police, or the Customs Directorate, these bodies assist the prosecution by collecting evidence, facts, and other relevant information, which are made available to the prosecution to identify perpetrators and detect criminal offences. At the same time, the prosecutor, as an independent authority, has the right to collect evidence directly during the preliminary procedure to strengthen the legal basis for a future indictment and to strengthen the public prosecutor's role in the ongoing investigation up to the filing of the indictment.

The preliminary procedure includes a wide range of activities aimed at collecting as much relevant information as possible in order to establish a legal basis for filing an indictment. It is often difficult to draw a precise line between police activities and investigative activities. Logically, this boundary is crossed when the prosecutor formally decides to initiate the investigative procedure, although, in legal theory, investigative actions may also include operative-investigative activities undertaken before the formal opening of an investigation, which are actually pre-criminal procedure and criminal procedure (Law in Criminal Procedure, 2010).

In criminal procedure, and due to the significant assistance provided by these bodies, the activities of the public prosecutor are not limited or merely supervisory. However, the prosecutor also acts independently as a body that conducts the detection and collection of facts, even though such bodies are strong segments placed at the disposal of the prosecution to enable it to perform its work more effectively.

The bodies of the criminal police, according to jurisprudence, during the securing of facts and important evidence for clarifying a specific case, have the right to undertake various activities such as: stopping citizens in order to obtain important information concerning a particular situation, taking care to prevent the escape of the perpetrator of criminal offenses, securing traces of criminal offenses where such traces exist, as well as collecting other evidence (Avziu,2015), which they ultimately submit to the public prosecutor for appropriate processing.

Today, in our country as well as in all European countries, investigations are conducted by the public prosecutor and the criminal police, otherwise known as the criminalistics police (Avziu, 2015).

Thus, the pre-investigative procedure generally aims to collect all relevant information to clarify the criminal offence and apprehend its perpetrator. This stage of the procedure also involves collecting and securing evidence, facts, and arguments. It therefore still appears as an "evaluation procedure," since even though different bodies are involved in carrying it out, the prosecution must still secure various arguments. Therefore, it should not be presumed in advance that a criminal offence has indeed been committed and that an indictment must necessarily be filed and the procedure conducted.

This procedure is still directed by the public prosecutor, who has the right to undertake a series of different activities, such as summoning a person or an institution that has initiated the action and monitoring them, as well as summoning other persons in the capacity of witnesses in order to obtain and accumulate as much information as possible that will contribute to clarifying the case (Law in Criminal Procedure, 2010).

Likewise, during the pre-investigative procedure, all state institutions and other bodies are obliged to provide the public prosecutor with the necessary information upon request (Law in Criminal Procedure, 2010). In practice, however, situations may arise in which the necessary information is not provided to the public prosecutor when requested.

In cases of failure to provide the required information, the law also imposes sanctions on such bodies. However, such interference may not be unlimited, since the public prosecutor, even as an authority provided for by law, his power is not limited because by his own may request, investigate and uncover various pieces of evidence, circumstances and facts for the investigation and detection of witch, in principle, the Ministry of Internal Affairs, the Customs Directorate and the Financial Police are competent (Law in Criminal Procedure, 2010).

After the public prosecutor has collected data, facts, evidence, and other materials, the investigative procedure for a specific case may still be initiated by the prosecutor's order.

The investigative procedure is also led by the public prosecutor, who bears primary responsibility for all activities conducted during this phase. Unlike the previous Law on Criminal Procedure, where the preliminary and investigative procedures were clearly separated in terms of who was leading the preliminary and investigative procedure, the new law of criminal procedure treats the pre-trial procedure as a single whole, divided only formally into two phases, in pre-investigative and investigative procedure (Buzharovska et al.,2015).

The prosecutor issues an order to initiate the investigative procedure when there are reasonable grounds to suspect that a criminal offence prosecuted ex officio has been committed and the prescribed principal penalty exceeds five years' imprisonment. For offences punishable by a fine or imprisonment of up to five years, the shortened procedure (proposal indictment) applies.

An investigative procedure is also not initiated when a settlement has been reached between the prosecutor and the suspect, or when the prosecutor dismisses the criminal report under Article 288 of the LCP (Buzharovska & Kalajxhiev, 2015; Sulejmanov & Pivovarov, 2015).

This stage of the investigative procedure is only a continuation of the previous pre-investigative procedure, in which the primary duty of the public prosecutor is to establish and analyse all the collected evidence in order to determine whether there is a legal basis for filing an indictment or for withdrawing from criminal prosecution (Law in Criminal Procedure, 2010).

Before issuing the order for investigation, the prosecutor may question the suspect. The order includes the suspect's personal data, a description of the suspected criminal offence, and a specification of the investigative actions to be undertaken, the undertaking of specific investigative actions, as well as the questioning of various persons and the taking of other necessary measures for the achievement of the purpose of the procedure (Law in Criminal Procedure, 2010).

The role of the prosecutor in the investigative procedure is not only to collect evidence and facts that are determental to the defendant, but also to consider those circumstances that go to his/her determinant as well as those in his/her favor (Sahiti&Zejneli,2017) since, as has been emphasized, the primary purpose of the prosecution is not necessarily to secure the conviction of anyone, but rather its main objective is the discovery of the factual truth and the establishment of justice, this therefore represents the main characteristic that makes the prosecutorial body more dignified and more trustworthy in the fight against criminalit

During the investigative procedure, the prosecutor may take a range of actions, such as ordering searches, temporary seizure of property, questioning of suspects and witnesses, expert examinations, reconstructions, and special investigative measures. In urgent cases, some of these measures may be undertaken even before the formal opening of the investigation if there is a risk of delay according to law (Sahiti & Zejneli, 2017).

During the investigative procedure, a session to verify facts may also be held, convened by the prosecutor or the defendant in some cases, such as when a witness, due to personal reasons such as illness or death, cannot take part in the main hearing. In this case, the expertise is read, but the facts that have to do with the person, the scene, or the place, the condition of which may be subject to unavoidable changes, or when the witness, based on concrete circumstances, was exposed to violence, threats, or promises of money in order not to testify, or was intimidated (Law in Criminal Procedure, 2010), while the procedure for verifying facts is led by the trial judge (Law in Criminal Procedure, 2010).

If, during the preliminary procedure, all facts, evidence, and information of importance are collected, then the question arises as to why the preliminary procedure must continue and why it should proceed to the investigation phase, when, to a large extent, it does not differ much from the preliminary procedure and why an indictment should be filed.

However, taking into account that in the preliminary procedure the public prosecutor is presented with various arguments that give rise to suspicion that a criminal offense has been committed, in the investigative procedure this phenomenon becomes clarified through more concrete actions by the public prosecutor, making it clear that a criminal offense has indeed been committed and that the initiation and development of criminal proceedings is inevitable.

Therefore, in cases where, in the preliminary procedure, there is merely suspicion that elements of a criminal offence have been committed, in the investigative procedure that suspicion becomes more clearly outlined or further concretised. Approximately all of these arguments, once more concretely established, will be used in the drafting of the indictment, which will be relied upon in the main hearing, and approximately the same will be presented in the indictment, with certain exceptions provided by law. Another reason that can be given why even in the pre-investigation and investigative procedure the prosecutor must undertake almost the same actions, such as summoning the party or person who has presented evidence that a criminal offense has been committed, is that the actions that were undertaken in the pre-investigation procedure for the relevant facts may be lost or no longer be present in the investigative procedure. At the same time, the main reason for opening the investigative procedure lies in the fact that by the decision of the public prosecutor, the statute of limitations for prosecuting the criminal offense is formally interrupted because, based on Article 19, paragraph 1 of this law, the criminal procedure is considered to have begun with the adoption of the decision to conduct the investigative procedure, if no investigative activity has been conducted previously (Buzharovska et al.,2015).

Here, it should be emphasised that all evidence and other relevant facts that the prosecutor has collected in the preliminary procedure should not be collected again, since even though they were collected in the pre-investigation procedure, their importance is the same as if they were collected at this stage of the procedure. It should be emphasised that during the pre-investigation procedure, the prosecutor may postpone criminal prosecution if he assesses that the criminal offence for which the defendant is suspected is punishable by imprisonment for up to 3 years. The prosecutor may issue a decision postponing the criminal prosecution on condition that the defendant behaves according to the instructions of the public prosecutor by eliminating the danger he caused cby his offence, to stop the concern that was the basis for the criminal offence. As such in the future, the perpetrator is reintegrated into a healthy society. Such cases may include eliminating the danger, compensating for the damage, or returning the items taken (Criminal Procedure, 2010).

The position the new law has given the public prosecutor in criminal proceedings gives him full legal power in all areas of action, such as collecting all the information necessary for the prosecution of a criminal offence and terminating it if he finds that such evidence is insufficient for such a prosecution. However, also the engagement of many other state bodies that have been made available to the prosecution body in the most successful, most efficient and most professional performance of its work, shows that based on legal provisions this body is equipped with various ways and legal methods witch ensure greater efficiency in the realization on his rights and obligations towards the detection of criminal offenses and their perpetrators.

Filing of the Indictment

The indictment is a procedural act of the authorised prosecutor, submitted in legal form, requesting the court to decide on a criminal case against a specific person for a specific criminal offence and to schedule the main hearing. An indictment represents the second stage of the criminal procedure.

In accordance with the accusatory principle, it depends on the discretion of the authorised prosecutor whether a claim will be brought before the court and what its content and scope will be (Buzharovska et al., 2011

After collecting sufficient evidence, the public prosecutor files the indictment with the competent court. The indictment must contain:

- the full identity and personal data of the accused,
- information and time spent on pre-trial detention,
- a precise description of the criminal offence (time, place, manner),
- legal qualification of the offence under the Criminal Code,
- evidence supporting the charges,
- designation of the competent court.

The indictment must be based on concrete, detailed, and well-argued facts, not on general or vague assertions, because the prosecutor's role is not to harass individuals, but to protect rights guaranteed by the Constitution and law.

The moment of filing the indictment marks the end of the investigative or evidence-collection procedure. This period may last up to 6 months from the issuance of the order to open the investigative procedure, which may be extended for another 6 months by the highest prosecutor for complex criminal cases upon request. In exceptional cases, the Public Prosecutor of the Republic of North Macedonia may extend this deadline by another 3 months, while for criminal offences related to organised crime, the Public Prosecutor of the Republic of North Macedonia may extend this deadline by another 6 months. In case of irregularities or postponement of the investigative procedure, the defendant, his defence counsel and the injured party may appeal to the High Public Prosecutor. The prosecutor will evaluate and analyse these complaints. If he finds that they have a legal basis, he will take certain measures to conclude the criminal procedure or to eliminate the irregularities (Law in Criminal Procedure, 2010). The public prosecutor must notify the suspect of all evidence and facts that he possesses against him if he has not previously informed him. After the completion of the investigative procedure, when the prosecutor confirms that there is sufficient evidence to support a guilty verdict, he prepares the indictment. He submits it to the competent court (Law in Criminal Procedure, 2010).

The legal system recognises three types of indictments:

1. Indictment filed by the public prosecutor in regular criminal proceedings, where its filing is preceded by the preliminary development of the criminal proceedings
2. Proposal for a lawsuit filed by the public prosecutor during the abbreviated procedure, which does not foresee the development of any investigative procedure, but which does not limit the taking of certain investigative actions, and
3. Private lawsuit filed by the private plaintiff as a natural person who is authorised to initiate criminal prosecution, for criminal offences where, according to the Criminal Code, it is foreseen that the prosecution depends on the position of the private plaintiff (Buzharovska,2015).

In cases where the public prosecutor will prove that there is sufficient evidence that a conviction can be expected for a criminal offense that is punishable by up to 10 years in prison, the judge for the assessment of the indictment (single judge) is responsible for the assessment of the indictment, while in cases where for the committed criminal offense it is proven that there is sufficient evidence that is punishable by a prison sentence of 10 years or a more severe punishment, the Council for the Assessment of the Indictment is responsible for the assessment of the indictment 139 The prosecutor's indictment must be clear, concrete, following all legal definitions of how an indictment should be formulated, including:

- the name and surname of the suspect with personal information 140, with other data, whether he is in custody and since when he has been in custody or is at large, if he has been released, the time he was held in custody,
- a description of the criminal offence, the legal definitions arising from that criminal offence, the time, place and manner of committing the criminal offence, as well as other circumstances important for the precise definition of the criminal offence,
- The legal determinability of the criminal offence based on the Criminal Code that must be applied upon the plaintiff's proposal

- the determination of the competent court before which the main hearing will be held and
- The evidence on which the indictment is based

In the indictment, the public prosecutor submits material evidence, minutes, and recordings of the interrogation of persons, and also provides lists of evidence that he proposes to present at the main hearing (Law in Criminal Procedure, 2010).

The course of criminal proceedings after the indictment is received in court

At the stage of evaluating the indictment, the court, for the first time, has the authority to decide whether the proceedings will proceed to the next stage (the main examination) or that the indictment will be assessed as unfounded.

After the indictment has been submitted to the competent court, the judge or the Council for the Evaluation of the Indictment checks it, and if it finds any technical errors, then returns it to the public prosecutor, who is obliged to correct the errors within three days. When the indictment lacks any legal limitation or other technical error, the court accepts it and immediately notifies the suspect who is at large. In contrast, if the person is in custody, he must be notified within 24 hours of receiving the indictment from the court (Law in Criminal Procedure, 2010).

Even though the party has been informed during the preliminary procedure about the collection of evidence and is suspected of the existence of acts that constitute the commission of a criminal offence, which in the subsequent procedure may be used against the same person, at this stage, the accusation directed by the prosecution becomes more concrete and defined. At this stage, the party may contest it, may also accept guilt without opening a judicial dispute by admitting guilt, and may submit a list of evidence it proposes to present during the main hearing (Law in Criminal Procedure, 2010). If the suspect does not accept the indictment, a hearing is scheduled at which the suspect, the prosecutor, and the defence counsel (if any) are summoned to present evidence and facts of their own (Law in Criminal Procedure, 2010). If, during the presentation of facts and evidence, the judge or the Council for the Evaluation of the Indictment decides to accept the basis of the indictment, the hearing to evaluate the indictment is concluded (Law in Criminal Procedure, 2010). If, however, the judge contests any part of it, the prosecutor is informed to correct that part if it contains technical errors, and the prosecutor is obliged to correct the errors within three days (Law in Criminal Procedure, 2010). There are cases in which some of the evidence or materials secured by the public prosecutor are unlawful or obtained in violation of human rights or the Constitution. In such cases, the court will not accept them and will order their removal from the indictment (Law in Criminal Procedure, 2010). During the hearing on the indictment, the accused may also admit guilt. However, even if the accused admits guilt, the court must verify that the admission was freely, consciously, and voluntarily made, and that the accused understands the legal consequences, the property claims, and the costs of the criminal procedure. There must also be sufficient evidence to confirm the guilt of the accused. The statement of admission of guilt is registered in the record. If the judge or the Council for the Evaluation of the Indictment accepts the declaration of guilt by the accused, at the proposal of the accused, the defence counsel, or the public prosecutor, the hearing may be postponed in order to apply the plea agreement procedure and submit a proposed agreement, which may be postponed for up to fifteen days. If the Council does not accept the declaration of guilt or the judge for the evaluation of the indictment, notifying those present that the procedure for evaluating the indictment continues (Law in Criminal Procedure, 2010). Once the investigative procedure is completed and the court accepts the indictment, the main hearing continues, which represents the third and final stage before the issuance of a final acquittal or conviction judgment. During this stage, all evidence is presented by the prosecutor and the defence, and all procedural principles become clearly visible, such as the principle of publicity, adversarial proceedings, oral proceedings, legality, the right to trial within a reasonable time, the right to interpretation when necessary, and the right to a fair trial.

In this part of the procedure, the court plays a passive role in presenting facts and evidence, as this duty lies with the prosecutor and the accused (or defence counsel), while its role is to guide and supervise. For the preparation of the main hearing, the president of the judicial council determines the place and time of the hearing, orders separation of cases if necessary, summons the parties, verifies that the council is legally constituted, presides over the main hearing, verifies the identity of the accused, interrupts the procedure if necessary, and undertakes other measures required for the development of the procedure. The main parties without whom the main hearing cannot be held are the prosecutor, the accused, the defence counsel, and the interpreter, if their presence is necessary (Law in Criminal Procedure, 2010). Once the president of the judicial council ensures that the criminal procedural issue is properly formulated in accordance with legal provisions, the hearing begins by giving the floor first to the prosecutor to present the facts and evidence, then to the defence. The floor is given first to the prosecutor and then to the defence during the evidentiary procedure, and both have the right to reply and counter-reply. During the presentation of evidence at the main hearing, cross-examination is incorporated: the prosecution presents its evidence first, followed by the defence, then the prosecution's rebuttal, and finally the defence's rebuttal. Cross-examination of evidence and facts also occurs during the parties' presentation of evidence at the main hearing and during the questioning of experts (Buzharovska et al., 2015). After the witnesses and experts have been heard, the prosecutor, as the plaintiff, presents all the evidence and facts on which the accusation is based, arguing the guilt of the accused, as well as any mitigating or aggravating circumstances and their legal basis. Finally, the accused and the defence counsel are given the floor. It should be emphasised that even at this stage, the institution of admission of guilt by the accused is permitted. If the accused admits guilt at this stage of the criminal procedure, the procedure continues only with the presentation of evidence related to the decision on the criminal sanction (Law in Criminal Procedure, 2010).

During the main hearing, significant changes to the factual situation established in the preliminary procedure may occur, especially concerning the persons involved in the commission of the criminal offence. Such changes result in the presentation of new findings and proposals that may be completely different from those in the written indictment (Buzharovska, Kalajhiev, & Mososki, 2011).

It should be emphasised that during the main hearing, the public prosecutor may modify or expand the indictment if the factual situation described in the indictment has changed. In such cases, the main hearing is postponed to allow the defence to prepare, and this does not constitute verification of the indictment. The indictment may also be expanded if, during the main hearing, the accused commits a criminal offence or if another criminal offence committed earlier by the accused is discovered. In such cases, the judicial council may expand the main hearing to include that criminal offence, for which no appeal is allowed. The court may postpone the hearing to allow the defence to prepare, or to decide that the offence will be tried separately (Law in Criminal Procedure, 2010).

Although the Criminal Procedure Code does not explicitly emphasise it, expansion of the indictment also includes expanding the group of accused persons. It may happen during the main hearing that the prosecutor determines that another person is a co-perpetrator of the criminal offence contained in the Indictment; in this case, the Indictment can be expanded and include the newly discovered person as a perpetrator.

The authorisations of the public prosecution continue even after the issuance of the judgment, as the prosecution remains active until the judgment becomes final, both through regular and extraordinary legal remedies. In modern criminal procedure systems, participants in the procedure may avail themselves of legal remedies to challenge a first-instance judgment for potential errors during the conduct of the criminal trial (Buzharovska, Kalajxhiev, Mososki, & Ilic, 2015).

If the prosecution is not satisfied with the outcome, it may exercise its right by appealing the first-instance judgment through regular or extraordinary legal remedies. After the completion of the main hearing and the issuance of the first-instance judgment, the regular criminal procedure may proceed to the appellate stage before the higher court by filing a regular legal remedy (Buzharovska et al., 2015).

If, upon appeal, the case is sent to the second-instance court within three days of receipt of the files, a reporting judge is appointed. If the case concerns criminal offences prosecuted at the prosecutor's request, the reporting judge forwards the files without delay to the competent public prosecutor, who is obliged to review and return them within no more than fifteen days, and, for complex cases, no more than thirty days. The public prosecutor may submit a written proposal to the court or declare that it will do so during the council session. In contrast, the public prosecutor will be informed about the Council session (Law in Criminal Procedure, 2010).

Other authorizations that the public prosecutor has in the use of regular or extraordinary legal remedies are, for example, in cases where a hearing is scheduled before the Council, which decides on the basis of an appeal to the court of first instance, the prosecutor has the right to partially or completely withdraw from the indictment or change it in favor of the accused (Law in Criminal Procedure, 2010), if the court has issued a decision dismissing the indictment without a hearing, if before the start of the main hearing the indictment was dropped or terminated according to law or when the procedure was terminated by a decision, at the request of the public prosecutor, the repetition of the criminal procedure may be allowed if new evidence is submitted on the basis of which the court may conclude that there are conditions for the re-initiation of the criminal procedure (Law in Criminal Procedure, 2010), during the repetition of the criminal procedure on the basis of an extraordinary legal remedy and when we are dealing with acts whose prosecution is under the authorization of the public prosecutor, then the chairman of the Council deciding on the extraordinary legal remedy must send all the case files to the public prosecutor who without delay, the same must be returned, attaching the opinion (Law in Criminal Procedure, 2010), to the final judicial decisions. The Public Prosecutor of the Republic of North Macedonia has the right to file an extraordinary legal remedy, namely a request for the protection of legality, if the Constitution of the Republic of Macedonia, the law or international agreements ratified in accordance with the Constitution of the Republic of North Macedonia have been violated (Law in Criminal Procedure, 2010).

The new law on criminal procedure also provides for expedited procedures, the resolution of which is carried out more quickly. Such are the procedures for agreement of the parties, the procedure for the order of punishment, and the procedure for mediation. In the first two procedures, the public prosecutor is presented to us as a body that can issue or request that such a procedure be carried out, whereas in the latter, at the private plaintiff's request. In both of the above-mentioned procedures, due to the speedy resolution and cost-effectiveness, the legislator has foreseen their resolution without the need to continue the main session. To ensure the validity of all these procedures, it must be ensured that the criminal offences for which they are presumed to have been committed are punishable by imprisonment for up to 5 years or by a fine.

In this case, it is not that such acts are not important, but the intensity of the danger is not great. their resolution does not necessarily require the investigative procedure we used for the other aforementioned acts. However, the possibility of pursuing some investigative actions during the development of such a procedure cannot be ruled out.

From everything that has been said so far, starting from the emergence of suspicion that there is evidence that a criminal offense has been committed or that the Criminal Code has been violated, then the stage of collecting evidence and facts in the pre-investigation procedure, as well as in the investigative procedure where the facts, evidence and various materials collected in the preliminary procedure, their verification and the decision regarding the filing of an indictment, the role of the public prosecutor's office appears to us as an unreserved guardian and its intervention every time it appears necessary, substitutionally makes us aware of the great importance given to it by the new law on criminal procedure. In this case, its role is even more active and dominant at all times, showing itself to be more than active both in the preparation of the indictment as well as in the phase when this indictment must be verified and defended before the judicial bodies, increasing the competence of the action and quality of this body. Its engagement does not stop only at finding evidence, facts, and other circumstances that aggravate the suspicion of a criminal offence; the prosecution body also acts and takes into account all other evidence in favour of the suspect. Therefore, it should not be understood that the prosecution body, by granting additional powers, presents itself as an aggressor body solely to protect its own interests and to declare someone guilty, but to ensure that justice is served and that the perpetrator of a criminal offence is punished and receives the deserved punishment. Numerous cases demonstrate its positive contribution even when it goes in favor of the party, for example during the procedure of the parties' reconciliation, where throughout the entire investigative procedure, from the evaluation of the indictment to the start of the main session, it allows for crimes that are punishable by up to 3 years in prison to have an agreement with the perpetrator if the admission of guilt by the accused is declared based on the will of the party and that the same is accepted by the court, testifying to the two-dimensional role that this body has in terms of protecting the most vital values of society.

Discussion

The function of the prosecution body is present throughout an entire criminal process, both in the preliminary investigative phases and in the subsequent phases, which gives it the possibility to make contact with all subjects involved in the procedure, such as the injured party or their defense counsel, the defendant or their defense counsel, various experts, the court, and all other subjects involved in the procedure. It can be said without hesitation that the prosecution body, in addition to serving as the guardian of this procedure, also serves as a connecting link among all participants in the process.

The great importance of the prosecution body, which the legislator has entrusted within the penal-legal system, can also be seen in recent changes, with a noticeable increase in its competencies aimed at improving the performance of its work. If we analyse this body more closely in carrying out the tasks delegated to it, it is clear that this body holds a dominant position, standing on its own at the core of the overall criminal-legal procedure in the fight the prosecution has undertaken against crime in general, as it appears in society.

In addition to the unquestionable positive aspects this body enjoys by law, it is nevertheless necessary to provide a brief analysis of that part of criminal procedure we could potentially change, specifically regarding the activities of this body, to make it even more successful in its work. On the other hand, it is necessary to place considerable importance protectingon to protect individuals from unnecessary concerns and ensuring that their concerns have a shorter time limit.

Conclusions

With the amendment of the new law on criminal procedure and the granting of many competencies to the public prosecutor, it is clear that the manner in which criminal offences are discovered and prosecuted in our legal system has been improved. However, it is also evident that the manner in which the prosecution approaches the fight against crime has improved, although there remains room for further improvement. If this change had been combined with judicial practice in the resolution of concrete criminal procedure cases, it would have produced positive results.

Such changes will usually have a positive effect by increasing citizens' confidence that no one can circumvent the law or manipulate it. However, once it is established that a person has committed a criminal offence, their final epilogue will be known in advance. The only flaw that may arise in the realisation of this goal will be the lack of long-term judicial practice in our legal system, given the short period of our state's existence.

Suggestions for Future Research

The harmonisation and amendment of the new Criminal Procedure Code, specifically regarding the powers of the Public Prosecution in North Macedonia, have introduced innovations and simultaneously aligned the system with those of European countries, particularly Germany, from which several elements have been incorporated into the new law of our country. Nevertheless, this reform still requires further analysis.

Although North Macedonia has adopted and embraced the accusatorial system of criminal procedure, many provisions of the new law are not yet fully applied due to limited practical experience since its enactment and the relative inexperience of the authorities implementing it. For future studies, an important line of analysis would be to examine cases in our judicial practice, focusing on similar cases that have ended with different outcomes. It is necessary to analyse why many cases of the same nature in our judicial practice result in divergent judgments. From this, it may be concluded that either our continental legal system should be supplemented by elements of the Anglo-Saxon system, or judicial practice should rely on comparative case law as a basis for determining final sentences. It is illogical for judicial cases with similar or nearly identical elements to produce different sentencing outcomes. This situation may also reflect the discretionary power judges have to decide based on facts and evidence, which can sometimes be misused, potentially resulting in judgments that are detrimental to the parties involved. Therefore, the analysis of finalised judicial decisions will be an important subject of study in the future and should receive considerable attention.

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