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TOWARD PROVISION OF FREE ONLINE ACCESS TO CONSOLIDATED TEXTS OF NORTH MACEDONIA'S LEGISLATION

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-abstract-

Access to public information has been promoted throughout a myriad of international and national documents of high significance, such as: the Universal Declaration of Human Rights, the European Convention on Human Rights, the Constitution of the Republic of North Macedonia, and the Law on Free Access to Public Information. The citizens of North Macedonia are obliged to respect the Constitution and the laws, but the latter are subjected to frequent changes, making it very difficult for the citizens to get hold of the version in use. While the European Union and most of its member states provide free of charge online access to consolidated versions of laws and other relevant legislative texts, in North Macedonia this service is available only upon payment. The Covid-19 crisis has merely intensified the ongoing trends of computer and internet-based business doing, and the dynamic digital environment should nonetheless be followed up by a convenient and easily accessible legislation repositories. Adhering to the Free Access to Law Movement and taking into consideration the variety of approaches deployed by various European countries, we are talking to legal practitioners and relevant stakeholders in North Macedonia, revealing their viewpoints on the topic. At the end we are laying out recommendations on the steps that need to be taken and the model that needs to be implemented toward the provision of free online access to consolidated texts of North Macedonia's legislation.

Keywords: online, free access, consolidated legislation

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I. INTRODUCTION

Article 51 of the Constitution of Republic of North Macedonia stipulates that everyone should respect the laws¹. The Law on Free Access to Information of Public Character complements the Constitution by promoting and protecting the right of every citizen to seek and receive information from the state and the public institutions². In essence this paper signifies the starting point of a journey that should end with provision of free online access to consolidated laws and bylaws. In this respect we might refer to this paper as a part of an action research³ that will evolve as we pursue the final goal.

The goal of this research is to give an overview of the European and broader trends with regards to provision of free online access to consolidated legislation, to present the status in North Macedonia, to reveal the expectations of legal practitioners, and finally to suggest possible ways forward toward provision of free online access to consolidated legislation in North Macedonia. We plan to meet the declared goals through data gathering consisting of reviewing selected legislation, articles published in scientific journals, as well as carrying out semi-structured interviews with lawyers, students, and legal practitioners. Applying the convenience sampling method for selection of the respondents⁴, we have carried out interviews with 10 lawyers, 10 law practitioners and 5 students. Framework analysis⁵ was used for analyzing gathered data. The paper begins with review of the legal arguments and initiatives for provision of free online access to consolidated legislation, followed by a detailed review of European Union's (EU) and the status of other European countries with regards to the provision of free online access to consolidated legislation. Next, we lay out several impressive international cases of transition toward provision of free online access to consolidated legislation. Next, we do an analysis of North Macedonia's status with regards to the availability of free online consolidated legislative texts including interviews with some relevant stakeholders. Finally, we lay out an analysis of the best international practices and offer some recommendation that we find applicable toward achieving availability of free online consolidated legislative texts in North Macedonia.

II. LEGAL BASIS FOR PROVISION OF FREE ACCESS TO LAW

The provision of free access to knowledge has been a "burning topic" for quite a while among the academic community. Those advocating on behalf of the free access, point out to the benefits of fast and unimpeded spread of knowledge all over the planet⁶. In this sense the author Kunle Ola considers the provision of access to knowledge through the platform of the internet and the

¹ Устав на Република Северна Македонија (Сл. Весник 1/1992, 31/1998, 91/2001, 84/2003, 107/2005, 3/2009, 13/2009, 49/2011, 6/2019), член 51.

² Закон за слободен пристап до информации од јавен карактер (Сл. Весник 101/2019).

³ Colin Robson and Kieran McCartan, *Real World Research* (4th edn, Wiley 2016) 199.

⁴ Ibid.

⁵ Anne Lacey and Donna Luff, *Trent focus for research and development in primary health care: an introduction to qualitative analysis* (Trent Focus 2001).

⁶ Darshana Shah, 'Open access: pros, cons, and current threats' (2017) <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiNkZzzyKv0AhXrh_0HHQNiDyQQFnoECA8QAQ&url=http%3A%2F%2Fmids.marshall.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1151%26context%3Dmj&usg=AOvVaw22F-SGt0TcJaOFhm8bgHra> accessed 22 November 2021

cooperation of scholars, as a legal revolution against the current legal structure restricting access to knowledge⁷. Intuitively, we cannot assert our rights if we are not informed about them. Knowledge about our rights is the first step towards winning respect for them. This also seems to be the conclusion of the UNDP's Commission on Legal Empowerment of the Poor, which states in its report that: "Empowering the poor through improved dissemination of legal information and formation of peer groups (self-help) are first-step strategies towards justice"⁸. On the other hand, there are voices raising concerns that free access to academic research practice has influenced the increase in the quantity but decrease in the quality of the published materials, especially through the emergence of plethora of newly established scientific journals and publishers with utterly dubious credibility⁹. However, in the everyday world a lot of academics, legal practitioners or students do extensively use free access platforms or other internet-based tools to get hold of valuable information. The idea for provision of free access to legislation could be traced back to the Article 19 of the Universal Declaration of Human Rights, reading: "Everyone has the right to... seek, receive and impart information and ideas through any media and regardless of frontiers"¹⁰. The development of information technology led to the pioneering efforts in publishing legislation at some of the renowned law schools in the United States such as: Cornell, Georgetown, Villanova, Emory, and others¹¹. The activities at the Cornell Law School resulted in establishment of the Free Access to Law Movement (FALM), an international movement and organization devoted to providing free online access to legal information such as case law, legislation, treaties, law reform proposals and legal scholarships, at present listing more than 63 member organizations worldwide. The work of the FALM culminated with the adoption of the Montreal Declaration on Free Access to Law at the meeting of the legal information institutes held in 2002. The Declaration advocates for promotion and support of free access to law via internet initiatives as well as provision of assistance to organizations in developing countries¹².

III. THE EU PERSPECTIVE ON FREE ACCESS TO LAW

From the perspective of the free access to law via internet, the European Union is acting in full compliance with the principles of the FALM movement. The web portal for publishing legislation of the European Union is open to everyone, comprehensive and easy to use¹³. Consolidated versions of all EU legislation, acts of the governing bodies of the EU, as well as rulings of the Court of Justice of the European Union could be accessed via internet by every person holding interest in its content. The legal basis for online publication of EU's legislation resides in article

⁷ Kunle Ola, 'Theories of Open Access' (2018) 6(1) JOAL <<https://ojs.law.cornell.edu/index.php/joal/article/view/75>> accessed 22 November 2021

⁸ Commission on Legal Empowerment of the Poor and United Nations Development Programme (2008). Making the Law Work for Everyone, Volume I, UNDP, p. 64.

⁹ Nadia Zuabi and Mark Langdorf, 'Open Access Journals: the Good, the Bad and the Ugly' (2014) XV WestJem Open Access Journals <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjY5Me1_qv0AhWWhf0HHYIIBDcQFnoECC4QAQ&url=https%3A%2F%2Fwww.aaem.org%2FUserFiles%2Fcalaaem%2FWestJEMNovember2014.pdf&usg=AOvVaw1Ty65QfLnWJQI2N5p8xiJd> accessed 22 November 2021

¹⁰ Universal Declaration of Human Rights, 1948.

¹¹ Daniel Poulin, 'Free Access to Law in Canada' (2012) 12 LIM pp. 165–172 <<http://journals.cambridge.org/LIM>> accessed 23 November 2021.

¹² Declaration on Free Access to Law 2002 <<http://www.fatlm.org/declaration/>> accessed 23 November 2021.

¹³ <https://eur-lex.europa.eu/homepage.html>

297 of the Treaty on the Functioning of the European Union¹⁴, as well as in the Council's Regulation No. 216/2013 on the electronic publication of the Official Journal of the European Union, where the Council stipulates that the Official Journal of the EU shall be published in electronic form and that the electronic edition of the Official Journal shall be authentic and shall produce legal effects¹⁵. The rationale behind making EU legislation widely available via the internet resides in Council's commitment for provision of faster and more economical access to Union's law for its citizens, as well as meeting the agenda for development of internal digital market¹⁶. The commitment of the EU toward winning and maintaining the trust of the citizens through provision of a variety of free online legal services is also confirmed by the Director-general of the Publication Office of the European Union when presenting the upward trend of constant increase of the number of users of EU's digital services¹⁷. With regards to the provision of free access to consolidated legislation among member countries of the EU, the free access is available in the following 19 countries: Austria, Belgium, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, and Sweden¹⁸. The EU does not impose any legal obligations upon member countries to follow EU's model on provision of free access to consolidated texts of EU legislation, therefore every EU member country is in discretion to choose the most appropriate model with regards to availability of consolidated texts of its legislation. Outside of EU only five other European countries provide free access to consolidated legislation: Iceland, Lichtenstein, Norway, Serbia, and Switzerland¹⁹. According to the institution responsible for publishing of consolidated texts, in most of the previously mentioned states the state established Official Gazettes bear responsibility for publishing consolidated text. In other states Ministries of Justice, Governments' administrative services or the Parliament bear responsibility for publishing consolidated texts²⁰.

Classification according to the state institution responsible for publishing consolidated legislative texts in various European countries				
Official Gazette	Parliament	Government	Ministry of Justice	Ministry of Interior
Finland Latvia Liechtenstein Luxemburg Norway Portugal Romania Serbia Slovakia	Iceland Lithuania Poland	Austria France Italy Slovenia	Belgium Estonia Germany Hungary Malta	Netherlands

¹⁴ Consolidated version of the Treaty on the Functioning of the European Union [2016] OJ C 202.

¹⁵ Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the Official Journal of the European Union [2013] OJ L 69/1.

¹⁶ Ibid.

¹⁷ Rudolf W. Strohmeier, Can official publishers win the trust of citizens? (Publications Office of the European Union 2016).

¹⁸ European Forum of Official Gazettes, 'Official Journals in Europe' <<https://op.europa.eu/en/web/forum/european-union>> accessed 30 November 2021.

¹⁹ Ibid.

²⁰ Ibid.

Spain				
Sweden				
Switzerland				

Table 1 Institution responsible for publishing of consolidated texts for each of the respective countries listed under this table

IV. A DISPLAY OF SEVERAL INTERNATIONAL PRACTICES ON FREE ACCESS TO CONSOLIDATED LEGAL TEXTS

According to the National Laws Survey of the Global Open Data Index, 80 countries worldwide provide publicly available and free of charge access to the respective national legislation²¹, while approximately 20 countries provide openly licensed and consolidated version of their national legislation²². The countries that provide free of charge access to consolidated version of their national legislation use different modalities for provision of these services.

1. The Canadian virtual law library

The case of Canada toward establishment of online access to legislation and judicial practice is particularly interesting because it involves extensive cooperation between the academia and the legal societies. The journey toward the establishment of the Canadian virtual law library (CanLII) had begun when the Supreme Court of Canada (2004) decided against Canadian legal publishers, who have tried to dispute the right of third parties offering copying services from their law libraries²³. In 1999, the Federation of Law Societies of Canada (FLSC), an umbrella organization of all law societies in the country, decided to form a committee to study the feasibility of establishing a Canadian virtual law library. The committee set to work on a report where the issues and choices confronting the law societies would be identified and recommendations set out. The report presented a vision that, first, the future Canadian virtual law library (or CanLII) was to be freely accessible. Second, CanLII was to serve not only the legal profession but also the general public. Consequently, access to the site was not to be password-controlled but instead remain as simple as possible to use, and therefore less complex and costly to operate. Fourth, the new site was to devote itself to publishing primary legal material, legislation, and case law. It was suggested that the FLSC's stake in CanLII should be entrusted to a distinct not-for-profit society. Finally, a funding model was proposed. It was rather simple; all law society members were to contribute a yearly amount. This sound funding model was to be of paramount importance for ensuring a stable financial basis and to permit CanLII to reach the level of quality required for professional use. In 2000 a pilot project in partnership with the University of Montreal's Centre de Recherche en Droit Public (LexUM) was launched. The pilot project site was to evolve into what is CanLII today. Five months later, a first contract was established between FLSC and LexUM. That contract was to remain the basis for the parties' uninterrupted collaboration for the next ten years. The sustainability model for CanLII suggests that the users' choice to reinvest in a free-access-to-law project is both testimony to its usefulness and a prerequisite for its continuation. In the first years of a FAL project, such reinvestment requires user confidence in the future because the practical

²¹ Global Open Data Index, 'National Laws' <<https://index.okfn.org/dataset/law/>> accessed 27 January 2022.

²² Ibid.

²³ Daniel Poulin, 'Free Access to Law in Canada' (2012) 12 LIM pp. 165–172 <<http://journals.cambridge.org/LIM>> accessed 23 November 2021.

value of the nascent legal information database is still limited. In its first years, CanLII could count on only few dozen databases and their historical coverage was shallow. Nevertheless, stakeholders took notice of CanLII's progress. With CanLII, all the legal content accessible for free could now be found on a single consistent site and the scope of the databases was growing. A virtuous circle then began, law societies kept investing in CanLII and CanLII grew better²⁴. A survey conducted in February 2008 and completed by over 2,000 lawyers revealed that CanLII was the electronic resource they used most frequently. It was used once a week or more by 39% of the respondents. Many respondents, 43%, said that they could accomplish more than half their legal research with CanLII²⁵. According to the same survey, 71% of lawyers said that CanLII allowed them to reduce their legal information costs and almost one half (43%) estimated that CanLII had significant impact on reducing their costs²⁶. CanLII's usage has since continued to grow and CanLII is now solidly established. Today, CanLII's databases contain one million judgments and hundreds of thousands of legislative texts. Overall, more than 165 case law databases are maintained of which 40 cover courts and the rest administrative tribunals. Generally, databases for courts of appeal provide all published judgments for the last 20 years, and those for superior courts for the last 10 to 20 years. The historical scope of databases for other courts and tribunals varies. Decisions received are published twice a day, between 2,000 and 3,000 are published weekly. The CanLII website offers advanced search mechanisms. Reflex, a citator – a tool for exploiting references between documents – was added in 2005. By 2009, all legislation was being republished in a point-in-time manner. This means that the legislation on CanLII can now be searched with date criteria. Some databases of legislation go back to 2003. Legislative databases are updated on a weekly basis. Of course, the web site is bilingual. Recently, a long-term agreement has been established between the Federation of Law Societies of Canada and LexUM to ensure the future of the CanLII website. The roles and the relationship have been revisited for the first time since CanLII's inception. Under the new agreement, LexUM, which is now a private company²⁷, will provide website maintenance and operation services to the not-for-profit society, the Canadian Legal Information Institute²⁸. This new commitment could certainly be interpreted as reinvestment by a community well served.

2. The Norwegian model for free access to legislation

In Norway consolidated version of national legislation and bylaws is available to everyone via internet. Lovdata is the name of the foundation sponsored by the Norwegian Government which is responsible for publishing the legislation. Apart from the free access content, Lovdata is charging for the use of the “pro” option, offering in depth legal analysis intended for legal

²⁴ Ibid.

²⁵ Ivan Mokanov, ‘2008 survey: CanLII is the most frequently used electronic legal resource in Canada. CanLII’s’ (2008) blog, 2 September 2008. Source: <http://www.canlii.org/en/blog/index.php?/archives/22-2008-survey-CanLII-is-the-most-frequently-used-electronic-legal-resource-in-Canada.html> accessed 23 November 2021.

²⁶ Ibid.

²⁷ LexUM, the former University of Montreal laboratory, is now a private company specializing in legal informatics. Lexum provides the expertise, software and infrastructure required for the CanLII website. Lexum operates and maintains the CanLII website under contract for CanLII.

²⁸ The Canadian Legal Information Institute (CanLII) is a not-for-profit organization established by and belonging to the Federation of Law Societies of Canada. CanLII is governed by an independent board, and it owns the CanLII website. CanLII has one employee, a president, who operates under a very broad mandate. The president liaises with all stakeholders, negotiates with the legal institutions and manages the relationship with LexUM.

professionals²⁹. Parallel to Lovdata, Rettsdata is a commercial company that is charging for its services³⁰. Rettsdata is also providing free access to the consolidated version of the national legislation and bylaws but also offering other services like linking laws with casework, offering tools and templates. More than 300 external legal associates are writing legal comments and opinions published by Rettsdata³¹.

3. The Maryland State Law Library model for free access to legislation

The model for free access to legislation used by Maryland State Law Library³² is another interesting approach. Recognizing the constant trend of self-presented litigants, Maryland State Law Library launched a statewide legal information and self-help website named People's Law Library (PLL), seeking to connect the self-presented litigants with a wide range of resources to help them better understand the legal issues relevant to their situation as well as the court processes and procedures that must be followed³³. The PLL was initially established with funding from the Open Society Institute and other grant sources, but the financial stability of the project was achieved once the Maryland State Law Library took over the financing of the project. PLL is organized around topic areas, namely: consumer issues (e.g., contracts, debts); criminal; domestic violence; education; employment; family law; government benefits and services; health; housing; motor vehicles; senior citizens; wills/estates/probate; youth law; and other legal issues (e.g., immigration, personal injury). Within each topic area, issues of substantive law and procedure are both addressed. In addition to links to official judiciary forms, key information resources include: Links to applicable laws and relevant information available through other state, as well as federal, agencies; Research guides in a number of areas that explain how to access relevant electronic and print resources (e.g., statutes, case law, court rules, regulations, treatises, and policy documents); Guidance regarding court processes and procedures; Interactive quizzes to aid individuals in the decision-making process; A legal services directory that provides a listing of free and low cost legal services providers; and A list of other resources of possible interest to SRLs, including information on how to find representation, as well as links to self-help services, help services, mediation services; and non-legal assistance/community services³⁴.

V. THE STATUS AND THE AVAILABILITY OF FREE ONLINE ACCESS TO CONSOLIDATED TEXTS OF NORTH MACEDONIA'S LEGISLATION

According to the Rules of Procedure for the work of the Parliament of North Macedonia the Parliamentary Committee on Legal Issues is authorized to redact consolidated versions of laws that are subject of frequent change³⁵, but the Parliamentary Committee does not exercise this right

²⁹ Lovdata. <<https://lovdata.no/>> accessed 30 January 2022.

³⁰ Rettsdata. <<https://www.rettsdata.no/>> accessed 30 January 2022.

³¹ Correspondance with Henrik Fagerholt, Head of Product, Gyldendal Rettsdata (Oslo, Norway, 16 December 2021).

³² An agency of Maryland judiciary.

³³ Ursula Gorham, "Facilitating Access to Legal Information by Self-Represented Litigants: An Exploratory Case Study of the People's Law Library of Maryland" (2014) Journal of Open Access to Law Vol. 2 No. 1 <<https://ojs.law.cornell.edu/index.php/joal/article/view/8>> accessed 30 November 2021.

³⁴ Ibid.

³⁵ Деловник на Собранието на Република Македонија (Сл. Весник 91/2008, 101/2008, 14/2010, 119/2010, 130/2010, 23/2013, 54/2013, 152/2019), член 177.

frequently. Instead In North Macedonia there are at least three different companies offering online access to data bases of consolidated national laws and bylaws. Two of these services³⁶ operate on strictly commercial basis, selling their services to the clients, while the third one The Official Gazette of Republic of North Macedonia is a state established company with privileged marked position compared to other companies. The privileged position of the Official Gazette resides in the fact that the company is the solely designated publisher of all laws, bylaws and other legal acts produced by the state and the affiliated public entities³⁷. In addition, the Official Gazette is designated as exclusive publisher for the various public announcements that both legal and physical persons must publish in accordance with the law and pay certain fee for the service of publishing. The law does not forbid republishing of the legislation that was originally published on the web portal of the Official Gazette. The costs for annual subscription to the Official Gazette's database of consolidated legislation amount 250 €. For those who do not need continuous access the Official Gazette offers a monthly subscription package at a cost of 35 €. The Official Gazette is setting the commercial prices for its services upon decision from the Governance Board, based on the running costs³⁸. Most of the revenues of the Official Gazette come from selling advertising space, while much smaller income portion is generated by selling subscriptions on the electronic database of consolidated legislation. In order to allow free access to the electronic database, the Official Gazette needs to find an alternative income source to compensate for the eventual lost of money that will occur should the subscription gets terminated³⁹. On the other hand, a privately owned company managing the legal portal "dejure.mk" is offering access to consolidated versions of legal texts, judicial practice and more at cost of only 35 € per annum. Apart from the above-mentioned sources of consolidated legal texts, interested parties could also occasionally find consolidated legislation (available free of charge) on the web sites of various ministries and other state entities or on the web-based database of laws, bylaws, and other legislation, operated by the Ministry of Justice of North Macedonia⁴⁰.

The results from the survey reveal that all of the 25 interviewed users are of opinion that the internet based service of consolidated legislative texts should be available to everyone free of charge⁴¹. Several interviewed lawyers have pointed out to the Constitution of North Macedonia and its provision that everyone should respect the laws⁴², using this provision as an argument in favor of their stance that the work of the Official Gazette should be sponsored by the state and the access to Official Gazette's services should be free of charge. At the same time, 7 of this group of 25 respondents also expressed willingness to pay for the access to consolidated legislative texts. Six of this group of respondents were lawyers and their rationale behind their argument was that quality services cost money and therefore the need for provision of quality access to legislative texts goes hand in hand with paying for the service in question.

³⁶ www.akademika.com.mk and www.dejure.mk

³⁷ Закон за објавување на законите и другите прописи и акти во "Службен Весник на Република Македонија" (Сл. Весник 56/1999,43/2002,21/2021), членови 2 и 3.

³⁸ Interview with Snezana Kuzmanovska Official Gazette of North Macedonia (Skopje, N.Macedonia, 17 November 2021).

³⁹ Ibid.

⁴⁰ Ministry of Justice of North Macedonia, 'Database of laws bylaws and other regulations' <<https://ldbis.pravda.gov.mk/>> accessed 7 January 2022.

⁴¹ See Figure 1.

⁴² Устав на Република Северна Македонија (Сл. Весник 1/1992, 31/1998, 91/2001, 84/2003, 107/2005, 3/2009, 13/2009, 49/2011, 6/2019), член 51.

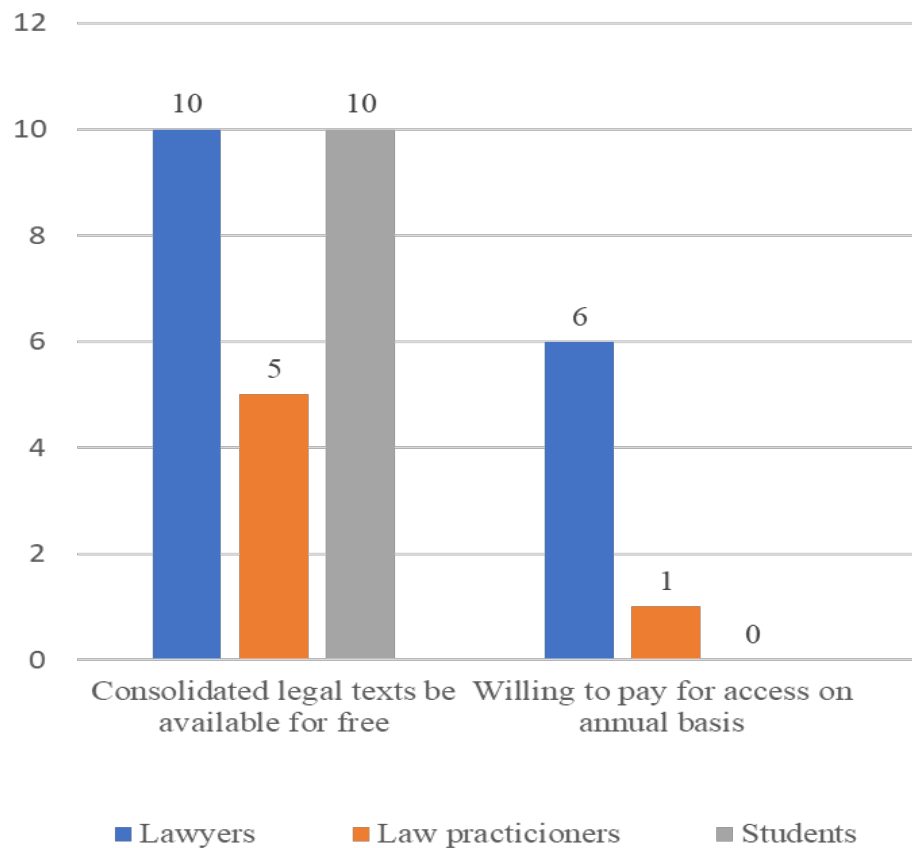


Figure 1 User's viewpoint on whether legislation should be available free of charge

Nineteen respondents⁴³ from our survey stated that they are using the free of charge available sources to get hold of various legislation, and only six said that they are using one of the subscription-based websites for accessing consolidated legislative texts. All six respondents were lawyers.

A representative from the Macedonian Bar Association hailed the idea for provision of free access to consolidated legislation for North Macedonian lawyers, informing that few years ago the Bar Association managed to negotiate huge discounts for their members for purchase of access to the services of the Official Gazette, but there was very scarce incentive on lawyer's behalf on utilizing the opportunity.⁴⁴

⁴³ See Figure 2.

⁴⁴ Interview with Roberto Petkovic, Macedonian Bar Association (Skopje, N.Macedonia, 8 January 2022).

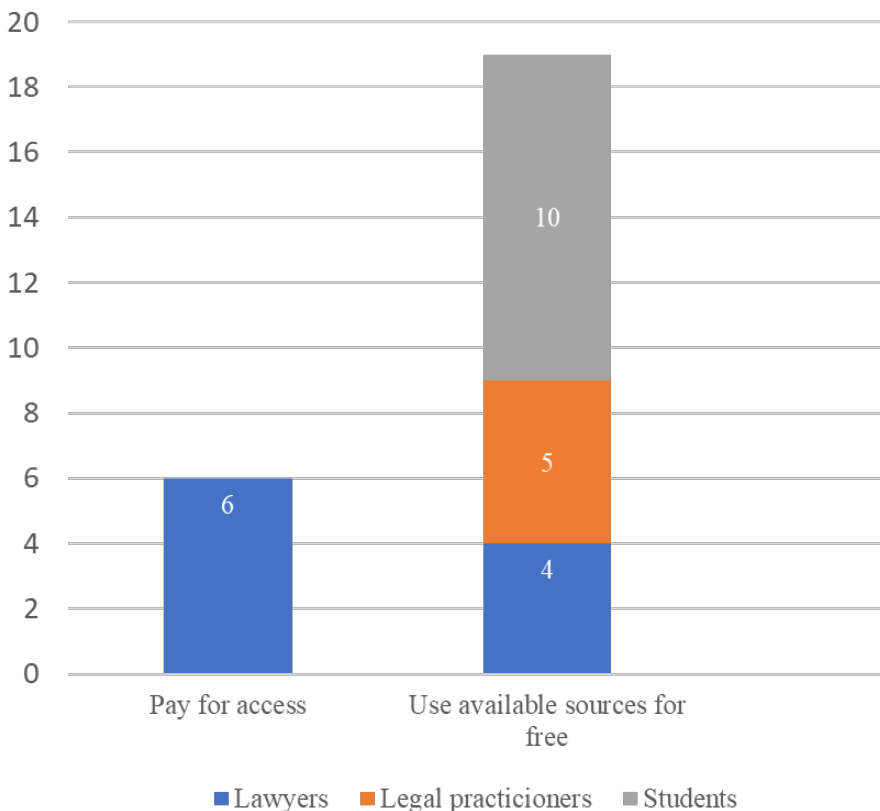


Figure 2 Users answers on whether they pay for access to legislation

VI. DISCUSSION

The provision of free online access to consolidated legislative texts seems to be a raising trend. Along with the European Union, more than 2/3 of the EU member states and more than 20 other states worldwide are also providing free access to consolidated versions of their respective national legislation via the internet. The legal rationale for pursuing the efforts for provision of free access to consolidated legislation via internet could be found in Article 19 of the Universal Declaration of Human Rights, article 297 of the Treaty on the Functioning of the European Union or Article 51 of the Constitution of Republic of North Macedonia. While the moral rationale on pursuing the efforts for provision of free online access to consolidated legislative texts resides in the fact that the right of the citizens to be informed and have access to the valid legal provisions should be considered as one of the basic rights belonging to the corpus of *lex naturalis*. In addition, we are living in the age of digitalization and massive communication where all legal texts worldwide are produced in digital format and making them available to the public in consolidated format is virtually next to no effort for any state administration. If so, why the states do not make all the legislation available to everyone over the internet? It seems that one of the main reasons is because the business of charging for access to consolidated legislation via internet is lucrative to certain private companies and that politicians are often protecting the position of the private publishers simply by not showing incentive to make the legislation publicly accessible. It is logical to assume that these “corrupted” politicians receive certain material or other compensations for the roles they

have been playing in impeding the free access to law from happening. We have mentioned before that in approximately 40 states worldwide internet based free access to consolidated legislation for everyone is available nowadays. However, the road toward achieving this was paved with waging legal and political battles. A good example of the later is the Canadian story, where the Supreme Court of Canada ruled against Canadian legal publishers in a sense that the legal publishers cannot stop other parties from publishing or republishing laws claiming authorship over the content of the Canadian legislation⁴⁵.

With regards to the free online access to consolidated legislation in North Macedonia, a vast majority of the lawyers included in our survey declared that the state should find a way forward on provision of free online access to consolidated legislation. The lawyers were referring to article 51 from the Constitution of North Macedonia, stipulating that everyone should respect the laws. Therefore, if the Constitution requires that everyone should respect the law, then the state should provide practical and easy access to everyone to be able to read, understand and use the legal provisions. Bearing in mind that North Macedonia is indisputably one of the poorest states in Europe and many people who need legal help from a lawyer simply cannot afford hiring one, the free online access to consolidated legislation goes in favor of helping the so called self-presented litigants to better defend their interests in various legal matters⁴⁶. Of course we should be aware of the risk of seeming to be partisan on advocating for introduction of free online access to consolidated legislation at any cost, therefore we are taking into consideration the worries of the Official Gazette that allowing free of charge access to their database of consolidated legislation will result in unsurmountable deficit in company's annual budget which will impede company's stability⁴⁷.

As a conclusion it should be noted that the trend of provision of free online access to consolidated legislation is on a constant rise not only in Europe but throughout the world too. The rapid development of information technology has undoubtedly played an important role in advancement of the tools which are easing the access and the navigation throughout the voluminous databases of legal texts. North Macedonia should follow the raising trend of provision of free online access to consolidated legislation and should not wait to be among the last countries in Europe to make this service available. The changing trends call for resilience from all the actors involved in the process of legislation publishing, and operation models that were set a long time ago should be under constant scrutiny with tendency for adjustment to the actual standards. From the perspective of North Macedonia, the former should suggest that all important actors involving the Parliament, the Ministry of Justice, the Official Gazette, other publishers as well as the Bar Association and others, should commence a process of mutual cooperation toward finding a viable model toward provision of free online access to consolidated legislation.

VII. RECOMMENDATIONS

We are aware that the quest toward provision of free online access to consolidated legislation in North Macedonia is a challenge, but based on the data and the knowledge we have gathered in the course of working on turning this idea into reality, we think we might be able to offer several

⁴⁵ See Daniel Poulin, 'Free Access to Law in Canada' (2012) 12 LIM pp. 165–172 <<http://journals.cambridge.org/LIM>>

⁴⁶ See section "The Maryland State Law Library model for free access to legislation".

⁴⁷ Interview with Snezana Kuzmanovska Official Gazette of North Macedonia (Skopje, N.Macedonia, 17 November 2021).

recommendations that might be used as a solid starting point or a viable option at some later stage on the road toward finding the optimal model for provision of free online access to consolidated legislation.

As a starter we will suggest that a working group should be established under the auspices of the Ministry of Justice. A group that will include all interested parties and make a commitment toward working in transparent and inclusive manner toward searching for the optimal models for provision of free online access to consolidated legislation.

One possible direction toward provision of free online access to consolidated legislation could be allowing unrestricted access to the electronic database of the Official Gazette. Under this scenario the Official Gazette should get financial compensation for the income that will be lost due to abolishing subscription⁴⁸. Maybe it will be a good idea to ask every registered lawyer, notary, and enforcement agent to agree to an obligatory purchase of a small subscription for access to the electronic database of the Official Gazette⁴⁹. Maybe even the state could complement this idea through making a commitment to give a small financial contribution on a regular basis. Another approach would be a possible public-private partnership where one of the private companies that are offering access to databases of consolidated legislation might get certain remuneration from the state or from the law practicing professional associations, and in return they will allow free access. The law faculties could also assist by committing a certain number of students who will be working on consolidation of legal texts as part of their practical work. If this model proves inefficient on covering the costs of publishing and maintenance of the portal than maybe a symbolic price for provision of access to the database could be introduced, but not exceeding 2-3 euros per month.

Finally, the Parliamentary Committee on Legal Issues could work directly with law and information technology (IT) faculties on establishing an internet platform that would be designed and run by IT students, and the law students will be working on producing the content i.e., the consolidated legal texts. The partners of this venture will establish instruction and manuals for provision of training for every next generation of students, professors, parliamentary staff and members of the Parliamentary Committee, on how to proceed with the running and the maintenance of the platform. Thus, both the Parliament and the universities would show a commitment toward running a project of greater benefit for the whole society on a voluntary basis. At the end we would like to point out that throughout the eventual process of searching for the optimal model for provision of free online access to consolidated legislation the focus should be primarily put on utilizing the existing resources with intention of finding a model that will take into consideration the interests of both the Official Gazette and the private companies.

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⁴⁸ Bear in mind that larger portion of the revenues of the Official Gazette come from selling advertising space, while much smaller income portion is generated by selling subscriptions on the electronic database of consolidated legislation.

⁴⁹ See the Canadian model on page 5.

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