

FAILURE TO COMPLY WITH HEALTH REGULATIONS DURING AN EPIDEMIC - MACEDONIAN CRIMINAL CASES DURING THE COVID-19 PANDEMICS

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The criminal act “Failure to comply with health regulations during an epidemic”, as stipulated in Article 206 of the Macedonian Criminal Code, became particularly popular in 2020 when the COVID-19 pandemics spread all over the world. This act falls under Chapter 21, which encompasses several criminal acts whose main object of protection is human health.

Having in mind the above, by analysing the legal framework from the aspect of the criminal policy, the trend of movement of this act shall be determined. Furthermore, with the help of scientific analysis and description of the statistical data, the detecting and proving activities of the Macedonian law enforcement organs shall be noted through the submitted criminal reports, initiated accusations and delivered judgments for sanctioning of the perpetrators that had failed to comply with health regulations during an epidemic. Finally, the Paper shall elaborate on specific court cases in which the subject was this criminal act.

Keywords: Health regulations; Epidemic; COVID-19; Criminal Code; Macedonian cases.

I. INTRODUCTION

“This is the first pandemic caused by a coronavirus” stated Dr Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization (WHO). In his opening remarks given on 11.03.2020 at the media briefing on COVID-19, he pointed out that they had assessed that COVID-19 can be characterized as a pandemic, and at the same time he noted that they have never before seen a pandemic sparked by a coronavirus.¹ Essentially, the term “epidemic” can be defined as a disease that affects a large number of people within a community, population, or region. Furthermore, the pandemic is an epidemic that’s spread over multiple countries or continents. A simple way to know the difference between an epidemic and a pandemic is to remember the “P” in a pandemic, which means a pandemic has a passport. A pandemic is an epidemic that travels.²

As specified by the Secretary-General of the Council of Europe, Marija Pejčinović Burić, “The virus is destroying many lives and much else of what is very dear to us. We should not let it destroy our core values and free societies.” She also observed that “The major social, political and legal challenge facing our member states will be their ability to respond to this crisis effectively, whilst ensuring that the measures they take do not undermine our genuine long-term interest in safeguarding Europe’s

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¹ See: T. A. Ghebreyesus: *Opening remarks given on 11.03.2020 at the media briefing on COVID-19*, 2020, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

² For more, see: Intermountain Healthcare: *What’s the difference between a pandemic, an epidemic, endemic, and an outbreak?*, 2020, <https://intermountainhealthcare.org/blogs/topics/live-well/2020/04/whats-the-difference-between-a-pandemic-an-epidemic-endemic-and-an-outbreak/>.

founding values of human rights, democracy and the rule of law.”³ The COVID-19 also generated a serious disturbance in the Macedonian society, causing a state of emergency to be declared. Based on the Government’s proposal, the Decision to establish the existence of a state of emergency was delivered on 18.03.2020 by the President Stevo Pendarovski.⁴ Namely, as the Government announced, at the session held on 18.03.2020, based on Constitution’s Article 125 Paragraph 1,⁵ a conclusion was made to submit to the Macedonian Assembly a proposal to determine the existence of a state of emergency on the whole territory of the country in order to prevent the introduction, spread and management of COVID-19.⁶ It should be noted that the Decision to establish the existence of a state of emergency was delivered by the President since the Assembly was dissolved due to the announced elections. Also, for the first time in the history of the country, a state of emergency was pronounced. This state of emergency caused a so-called “police curfew” to be introduced, i.e. based on the Article 58 Paragraph 1 Item 3 of the Law on Protection of the Population from Infectious Diseases,⁷ the Government in its session held on 21.03.2020 delivered the Decision for a prohibition and a special regime of movement on the territory,⁸ by which it prohibited the movement of all citizens on the Macedonian territory in the period from 21.00 to 6.00 the next day.

II. CRIMINAL-LEGAL FRAMEWORK

The economic, social and cultural rights are systematized within the basic freedoms and rights of the individual and citizen guaranteed by the Macedonian Constitution. Among them is Article 39 which guarantees the right to health care, as well as the right and the duty of the citizens to protect and promote their own health and health of the others. Furthermore, the Criminal Code (CC) dedicates a separate chapter for the thirteen criminal acts whose object of protection is human health (Articles 205 – 217).⁹ Another characteristic of these criminal acts is that they can be classified into four categories based on their narrow object of protection, as well as the way of endangering the protected object: acts of endangering health with infectious diseases; medical acts; acts in the field of drug addiction; and acts of endangering health by harmful healing and other products.¹⁰ The acts of this Chapter have the consequence of endangering the health of the people (creating an abstract or concrete danger), and the consequence of the grave acts may consist of severe bodily injury or severe damage to the health or death of one or more persons.¹¹

One of the main characteristics of these acts is that they contain terms which meaning should be searched in other laws, implying that the Macedonian criminal legislature is not restricted only to the

³ See: Council of Europe: *News of 08.04.2020 - Coronavirus: guidance to governments on respecting human rights, democracy and the rule of law*, Strasbourg, 2020, <https://www.coe.int/en/web/human-rights-rule-of-law/-/coronavirus-guidance-to-governments-on-respecting-human-rights-democracy-and-the-rule-of-law>.

⁴ Decision to establish the existence of a state of emergency (“Official Gazette of the Republic of Macedonia” No. 68/2020).

⁵ Constitution of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia” No. 52/1991) and its Amendments (“Official Gazette of the Republic of Macedonia” No. 01/1992, 31/1998, 91/2001, 84/2003, 107/2005, 03/2009, 13/2009, 49/2011, 06/2019).

⁶ For more, see: Government: *News of 18.03.2020 - Decisions from the 22nd session of the Government: The Government proposed the Assembly to determine the existence of a state of emergency on the territory of the Republic of Macedonia in order to prevent the introduction, spread and management of Coronavirus*, Skopje, 2020, <https://vlada.mk/node/20588>.

⁷ Law on Protection of the Population from Infectious Diseases (“Official Gazette of the Republic of Macedonia” No. 66/2004, 139/2008, 99/2009, 149/2014, 150/2015, 37/2016, 257/2020).

⁸ For more, see: O. Spasovski: *Statement of 21.03.2020 - Police curfew from tomorrow - the health of the citizens is a priority*, Skopje, 2020, <https://mia.mk/spasovski-od-utre-policiski-chas-prv-pat-volku-rigorozna-merka-zdrav-eto-na-granite-prioritet-2/>.

⁹ Criminal Code - CC (“Official Gazette of the Republic of Macedonia” No. 37/1996, 80/1999, 04/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 07/2008, 139/2008, 114/2009, 51/2011 - two changes and amendments, 135/2011, 185/2011, 142/2012, 166/2012, 55/2013, 82/2013, 14/2014, 27/2014, 28/2014, 41/2014, 115/2014, 132/2014, 160/2014, 199/2014, 196/2015, 226/2015, 97/2017, 248/2018).

¹⁰ See: V. Kambovski & N. Tupančevski: *Kazneno pravo - poseben del (petto, izmeneto i dopolneto izdanie)*, Skopje, 2011, p. 240-241.

¹¹ See: Đ. Đorđević: *Krivično pravo: posebni deo*, Beograd, 2009, p. 149.

provisions stipulated by the CC, but also encompasses in itself the provisions contained in other legislation. Therefore, special attention should be given to the Law on Protection of the Population from Infectious Diseases, since it determines the measures for prevention of the occurrence, early detection, prevention of the spread and suppression of infectious diseases and infections, the rights and obligations of the health institutions, legal and natural persons, as well as the supervision over the implementation of the measures, to protect the population from infectious diseases.

In relation to the above, the criminal act of Failure to comply with health regulations during an epidemic, defined in Article 206, falls under the first category, i.e. criminal acts of endangering health with infectious diseases. As prescribed in 1996, this act is performed by a person who, during an epidemic of a dangerous infectious disease, does not act in accordance with the regulations and orders that determine measures for its suppression or prevention.

It should be pointed out that it is an act of abstract endangerment, with a note that the danger of transmitting a contagious disease is only a legislative motive for incrimination, but if the disease is transmitted, then the perpetrator will be held accountable for the criminal act Transmitting a contagious disease (Article 205).¹² In addition, the perpetrator of the act of Article 206 shall be punished with a fine, or with imprisonment of up to one year. In 2004, after Paragraph 1, a new Paragraph 2 was added, stipulating that if this criminal act was committed by a legal entity then it shall be punished with a fine. In the years that followed (2009 and 2011), Article 206 was subject to two amendments, but they had only nomotechnical character.

Furthermore, since CC does not define the terms that are used in the disposition, it's necessary to look for their meaning in the Law on Protection of the Population from Infectious Diseases. For example, as defined by this law, "infectious disease" is a disease caused by a biological agent (bacteria, viruses, parasites, fungi) or their toxins that can be transmitted directly or indirectly to humans, an "epidemic" is an increase of the diseases from a particular infectious disease that in time and place exceeds the usual number of cases in the previous period, as well as an unusual increase in the number of patients with complications or death, the occurrence of two or more interrelated infectious diseases who has never or in many years appeared in one area or the occurrence of a number of diseases of an unknown source followed by a febrile condition. On the same ground is the Law on Public Health, which among other things, defines the term "epidemic of infectious disease" as an increase of diseases from a certain infectious disease that in time and place exceeds the usual number of cases in the previous period, as well as an unusual increase in the number of patients with complications or fatal outcome (Article 3 Paragraph 1 Item 5).¹³

If the above legal acts are considered together, and in connection with the Government's decisions regarding COVID -19 (Decision for a prohibition and a special regime of movement on the territory;¹⁴ Decision on measures to prevent the introduction and spread of Coronavirus COVID-19;¹⁵ Decision on preventive recommendations, temporary measures, ordered measures, purposeful protocols, plans and algorithms for action to protect the health of the population from the infectious disease COVID-19 caused by the virus SARS-COV-2, the cases and the period of their application¹⁶), then an emphasis

¹² See: V. Kambovski & N. Tupančevski: *Kazneno pravo - poseben del (petto, izmeneto i dopolneto izdanie)*, Skopje, 2011, p. 241.

¹³ Law on Public Health ("Official Gazette of the Republic of Macedonia" No. 22/2010, 136/2011, 144/2014, 149/2015, 37/2016).

¹⁴ Decision for a prohibition and a special regime of movement on the territory ("Official Gazette of the Republic of Macedonia" No. 72/2020, 74/2020, 76/2020, 78/2020 89/2020, 92/2020, 100/2020, 105/2020, 107/2020, 111/2020, 119/2020, 125/2020, 130/2020, 134/2020, 136/2020, 147/2020).

¹⁵ Decision on measures to prevent introduction and spread of Coronavirus COVID-19 ("Official Gazette of the Republic of Macedonia" No. 62/2020, 63/2020, 64/2020, 66/2020, 70/2020, 72/2020, 92/2020, 100/2020, 107/2020, 109/2020, 119/2020, 123/2020, 125/2020, 126/2020, 134/2020, 136/2020, 140/2020, 147/2020, 153/2020, 154/2020, 156/2020, 157/2020, 163/2020, 166/2020, 169/2020, 170/2020, 175/2020, 180/2020, 181/2020, 185/2020, 190/2020, 195/2020, 201/2020, 204/2020, 208/2020, 212/2020, 215/2020, 217/2020, 226/2020, 229/2020, 235/2020, 236/2020, 240/2020, 242/2020, 247/2020, 252/2020, 254/2020, 257/2020).

¹⁶ Decision on preventive recommendations, temporary measures, ordered measures, purposeful protocols, plans and algorithms for action to protect the health of the population from the infectious disease COVID-19 caused by the virus SARS-COV-2, the cases and the period of their application ("Official Gazette of the Republic of Macedonia" No.

should be given to the document titled “Information on cases of the Basic Public Prosecutor’s Offices under the Article 205 or 206 of the Criminal Code, as well as on reports of non-compliance with measures for prevention or suppression of a dangerous infectious disease – Coronavirus COVID-19 (updated 20 July 2020)” published by the Public Prosecution Office.¹⁷ The Information further classifies the violations of the CC’s Article 206 into five categories: a. Did not adhere to self-isolation; b. Violated the police curfew; c. Provided catering services; d. Prohibited grouping and e. Permission without grounds.

III. AVAILABLE STATISTICAL DATA

The Failure to comply with health regulations during an epidemic became a very “popular” criminal act during the COVID-19 pandemics because there were numerous cases where the perpetrators did not comply with the health regulations, especially to the Law on Protection of the Population from Infectious Diseases. It should be observed that there is no official statistical data for this criminal act provided by the Macedonian State Statistical Office because its reports and MAKStat Database contain only five segments of data – for the whole of Chapter 21, the act of Article 207 (Unscrupulous treatment of the diseased), the act of Article 215 (Unauthorized production and release for the trade of narcotic drugs, psychotropic substances and precursors), the act of Article 216 (Enabling the use of narcotic drugs, psychotropic substances and precursors) and the rest of the acts.¹⁸ Therefore, the previously mentioned Public Prosecution Office’s Information should be taken into account, with a note that it systematises the data by Basic Public Prosecutor’s Offices, as well as by date, CC’s article, number of persons, event and public prosecutor’s decision.

Basic Public Prosecutor’s Office	CC’s article	Number of cases	Number of persons (natural and legal persons)	Did not adhere to self-isolation	Violated the police curfew	Provided catering services	Prohibited grouping	Permission without grounds
Kavadarci	206	17	78	13	65	0	0	0
Gevgelija	206	16	121	6	115	0	0	0
Gostivar	206	39	143	1	136	6	0	0
Strumica	206	16	275	9	262	4	0	0
Bitola	206	42	226	16	184	26	0	0
Kumanovo	206	23	61	6	54	1	0	0
Prilep	206	29	237	8	229	0	0	0
Debar	206	17	29	0	23	6	0	0
Kocani	206	7	81	3	78	0	0	0
Skopje	206	96	1373	27	1314	4	27	1
	205	1	1	1	0	0	0	0
Struga	206	33	98	13	71	14	0	0
Resen	206	17	54	2	52	0	0	0
Kicevo	206	1	1	1	0	0	0	0

263/2020, 269/2020, 275/2020, 287/2020, 292/2020, 298/2020, 304/2020, 306/2020, 317/2020, 13/2021, 45/2021, 53/2021, 55/2021, 58/2021, 64/2021, 65/2021, 75/2021, 87/2021, 94/2021, 100/2021, 106/2021, 109/2021, 113/2021, 116/2021, 119/2021, 126/2021, 133/2021, 139/2021, 141/2021, 146/2021, 153/2021, 162/2021, 176/2021, 187/2021, 193/2021, 199/2021, 204/2021, 220/2021, 234/2021, 237/2021, 242/2021, 261/2021, 291/2021, 50/2022).

¹⁷ For more statistical data, see: Public Prosecution Office: *Information on cases of the Basic Public Prosecutor’s Offices under Article 205 or 206 of the Criminal Code, as well as on reports of non-compliance with measures for prevention or suppression of a dangerous infectious disease - Coronavirus COVID-19 (updated 20 July 2020)*, Skopje, 2020, (<https://jorm.gov.mk/informacija-za-predmeti-vo-osnovnite-javni-obvinitelstva-po-chlen-205-ili-206-od-krivichniot-zakonik-kako-i-po-prijavi-za-nepochituvane-na-merki-za-sprechuvane-ili-suzbivane-na-opasna-zarazna-bolest/>).

¹⁸ See State Statistical Office: *Publications - Perpetrators of criminal acts*, <https://www.stat.gov.mk/PublikaciiPoOblast.aspx?id=43&rbrObl=6>; State Statistical Office: *MAKStat Database*, <https://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/?rxid=46ee0f64-2992-4b45-a2d9-cb4e5f7ec5ef>.

Ohrid	206	9	16	5	11	0	0	0
Stip	206	33	136	7	129	0	0	0
Sveti Nikole	206	7	8	3	5	0	0	0
Berovo	206	10	26	0	26	0	0	0
Radovis	206	16	59	2	57	0	0	0
Veles	206	24	132	0	132	0	0	0
Delcevo	206	8	40	1	39	0	0	0
Tetovo	206	69	233	0	233	0	0	0
Article 206		529	3427	123	3215	61	27	1
Article 205		1	1	1	0	0	0	0

According to the Public Prosecution Office's Information, in the given period there were 529 cases in which 3427 persons were accused for the Article 206. Furthermore, 93,8% of the persons were accused because they violated the police curfew (3215 persons), 3,59% because they did not adhere to self-isolation (123 persons), 1,78% because they provided catering services (61 persons), 0,79% because they were grouping (27 persons) and 0,029% because he/she had permission without grounds (1 person). As to be expected, the most active was the Basic Public Prosecutor's Office – Skopje with 96 cases and 1373 accused persons. It is interesting to note, that the Basic Public Prosecutor's Offices in Berovo, Veles and Tetovo have registered only violations regarding the police curfew, and Basic Public Prosecutor's Office – Kicevo has registered only one violation – only one person was accused because he/she did not adhere to self-isolation.

As notable from the Table, only one person was accused (and afterwards sanctioned) of the criminal act of Article 205, or Transmitting a contagious disease.¹⁹

IV. MACEDONIAN JURISPRUDENCE

Consequently to the Public Prosecution Office's Information, if Failure to comply with health regulations during an epidemic is chosen as search criteria of the Court's portal (a database that provides access to the jurisprudence of the Macedonian courts), numerous judgements are given as a result of the search.

For example, the First Instance Criminal Court - Skopje on 18.06.2020 delivered the Judgement K.No.1201/20 based on the acknowledgement of guilt and sentenced the accused person Z.A. to an alternative measure - conditional sentence, i.e. to imprisonment of one year, but the sentence will not be executed if he does not commit a new criminal act within 3 years from the day that the judgement has entered into force.²⁰ As mentioned in the Judgement, the accused person on 26.04.2020 at 20.30, during the pandemic of the dangerous infectious disease COVID-19, declared by the WHO, did not act according to the regulations, orders and decisions published by the Macedonian Government for prohibition and special regime of movement on the territory, which prohibited the movement of the population during the weekends Saturday and Sunday, as well as the prohibition of movement in the period from 15.00 on Saturday to 5.00 on Monday, to suppress and prevent the spread of COVID-19. In essence, without having permission for movement, the accused person walked on the St. "Aminta Treti" in Skopje, near Blvd. "Ilinden", where he was found outside of his home by the police officers of the Police Station Centar. The accused person explained that on a critical day, there was permission for the dog owners to walk their dogs in the period from 20.00 to 20.30. He was walking his dog unchained because the dog was old, tame and had never run away. However, the dog saw other dogs

¹⁹ The Doctor N.C.B. was fined 10000 Euros for transmitting a contagious disease. She was punished because after returning from a winter holiday in Italy, instead of going into self-isolation, she continued to go to work, and also gave a lecture on a symposium, which put in danger all the participants, lecturers, and organizers and employees of the Clinic of Dermatovenerology. She transmitted the virus to seven of her colleagues and later was admitted to the Infectious Diseases Clinic with a positive Covid-19 test. More info: <https://www.mkd.mk/makedonija/sudstvo/doktorkata-nina-cacabiljanovska-kazneta-so-10000-evra-za-prenesuvanje-zarazna>.

²⁰ See: First Instance Criminal Court - Skopje: *Judgement K.No.1201/20 of 18.06.2020*, <http://www.vsrn.mk/wps/portal/central/sud/odluki>.

and started to run towards them, so the accused person started running to catch his dog. When he was running, he was intercepted by police officers and was detained because he did not have an identity document. Dissatisfied with the first instance judgement in the part of the sentence, the accused person filed an appeal and proposed a milder criminal sanction be imposed. However, the Court of Second Instance - Skopje on 22.07.2020 delivered the Judgement KZ-499/20, by which it rejected the appeal as unfounded and confirmed the first instance judgement.²¹

In the next case, on 18.05.2020 the Court of First Instance - Gostivar delivered the Judgement K.No. 441/20 for issuing a penal warrant,²² by which it declared the three accused persons for being guilty of committing the criminal act of Article 206 Paragraph 1, and sentenced them to a fine of 100 daily fines (the value of one daily fine was set at 10 Euros in Denars). Namely, on 12.05.2020 at 22.00 during the epidemic of dangerous disease COVID-19, they did not act according to the regulations and instructions which determined measures for suppression and prevention of infectious disease. During the prohibition on the movement of the population from 19.00 to 05.00, the first reported person G.E. as the owner of catering facility Teahouse "P." located in the village D., contrary to the Government's regulations and instructions, served his guests in the internal premises of the catering facility, while the second reported person H.V. and the third reported person A.M. committed the criminal act in a way that they were found in the catering facility Teahouse "P."

Similar to the above is the Judgement K.No. 46/21 dated 04.02.2021 of the Court of First Instance - Gostivar,²³ in which a penal warrant was issued for the accused person A.Z. During the epidemic of the dangerous disease COVID-19, and at a period when organizing parties and grouping of people was prohibited, the accused person did not act according to the regulations and instructions by which measures for suppression and prevention of infectious disease were determined, in a way that in the house owned by his father Z.A., he organized a family party with a live music, the guests were dancing folk dances, and on several tables, a food was served. As in the previous case, he was sentenced to a fine (but in the published judgement there was no data about the number of the daily fines and their amount).

Furthermore, the Court of First Instance - Radovis with the Judgement K.No. 18/21 of 14.01.2021 for issuing a penal warrant,²⁴ sentenced the accused person I.M. to a fine of 100 daily fines (the value of one daily fine was set at 15 Euros in Denars), because on 17.12.2020 in front of his family home, he organized a private gathering for a wedding party to which he invited a large number of guests, and a large group of people gathered on the street as a public place. By doing so, he violated the Government's Decision on preventive recommendations, temporary measures, ordered measures, purposeful protocols, plans and algorithms for action to protect the health of the population from the infectious disease COVID-19, which prohibited grouping in homes on the occasion of family celebrations and other gatherings in groups of more than four people who do not live in the same community or household, as well as grouping of more than four people in a public place.

Contrary to the above cases, the First Instance Criminal Court - Skopje on 17.12.2020 delivered the Judgement K.No. 2540/20,²⁵ and rejected the accusation based on the Article 402 Paragraph 1 Item 3 of the Law on Criminal Procedure (LCP),²⁶ i.e. the Public Prosecutor dropped the charges while giving his closing arguments at the main hearing. Previously, the Public Prosecutor's Office - Skopje submitted a penal warrant against the accused person B.P. because on 24.03.2020 at 01.12, without

²¹ See: Court of Second Instance - Skopje: *Judgement KZ-499/20 of 22.07.2020*, <http://www.vsrn.mk/wps/portal/central/sud/odluki>.

²² See: Court of First Instance - Gostivar: *Judgement K.No. 441/20 of 18.05.2020*, <http://www.vsrn.mk/wps/portal/central/sud/odluki>.

²³ See: Court of First Instance - Gostivar: *Judgement K.No. 46/21 of 04.02.2021*, <http://www.vsrn.mk/wps/portal/central/sud/odluki>.

²⁴ See: Court of First Instance - Radovis: *Judgement K.No. 18/21 of 14.01.2021*, <http://www.vsrn.mk/wps/portal/central/sud/odluki>.

²⁵ See: First Instance Criminal Court - Skopje: *Judgement K.No. 2540/20 of 17.12.2020*, <http://www.vsrn.mk/wps/portal/central/sud/odluki>.

²⁶ Law on Criminal Procedure - LCP ("Official Gazette of the Republic of Macedonia" No. 150/2010, 100/2012, 142/2016, 198/2018).

having a permit to move, he drove the truck "Mercedes Sprinter" on the St. "Dolno Lisice", where after being stopped and controlled by police officers, he was deprived of liberty. By doing so, during the epidemic of the dangerous disease COVID-19, he did not act in accordance with the regulations, orders and decisions for prohibition and special regime of movement on the territory. Acting on the indictment, First Instance Criminal Court - Skopje scheduled and held the main hearing, where among the evidence permissions for movement of an employee due to shift and night work were presented. At the end of the main hearing, i.e. at the closing arguments, the Public Prosecutor noted that the vehicle in which the accused person was caught (the "Mercedes Sprinter"), was owned by the company in which he was employed as a distributor of bakery products implying that on the critical morning of 24.03.2020 at 01.12 when he was stopped by the authorized police officers, he had a permission to move, i.e. to perform his shift work. He submitted the permission to the police officers, but it was not known for what reasons the permission was not taken into account. Having in mind the circumstances of the case - the accused person had permission to move because of his work shifts, the Public Prosecutor withdrew the indictment since there was no criminal act committed.

In another case, the accused person D.K. was acquitted from the indictment based on the Judgement K.No. 446/20 dated 08.10.2020 of the Court of First Instance - Strumica,²⁷ because the act that he had been accused of was not a criminal act according to the law (LCP's Article 403 Paragraph 1 Item 1). According to the indictment, the accused person did not act in accordance with the regulations or orders that determine measures for suppression or prevention of COVID-19, because after his entry into the country through the Border Crossing Point "T" from the country G., classified by WHO as a medium-risk country, he did not remain in mandatory self-isolation of 14 days in his home. Instead, on 26.03.2020 he left his home, due to which the same day during the control performed by an authorized police officers he was not found in his family house. Giving his closing arguments, the defender of the accused person pointed out that upon his entry into the country a statement of self-isolation was not given to the accused person, as well as the other passengers were not in solitary confinement at the time, nor were controlled by the police, nor were punished. From the social networks, the accused person found out that the people who had signed such statements at the border should be in isolation, hence with his movement he did not think that he was committing a crime at all. Until the date of the control on 26.03.2020, no one informed him that he should stay at home nor did he receive a decision from a competent body for self-isolation. Given the factual situation, the Court of First Instance - Strumica concluded that the actions of the accused person did not contain the essential elements of the criminal act under CC's Article 206 Paragraph 1, because the deliberate action by the accused person was missing as a subjective element of the case in question.

V. CONCLUSION

"COVID-19 will reshape our world. We don't yet know when the crisis will end. But we can be sure that by the time it does, our world will look very different. How different will depend on the choices we make today." was started by Josep Borrell, High Representative of the European Union for Foreign Affairs and Security Policy.²⁸ This statement was given on 23.03.2020, and up today the world is still fighting COVID-19. The same stands for the Macedonian society - because of the COVID-19, a state of emergency was pronounced for the first time in the history of the country, causing several acts to be adopted to prevent the introduction, and spread and management of COVID-19. Furthermore, having in mind the data disposable to the Public Prosecution Office, as well as the numerous judgements published at the Court's portal, it can be noted there is an "epidemic" of committing the criminal act of Failure to comply with health regulations during an epidemic. This implies that the Macedonian

²⁷ See: Court of First Instance - Strumica: *Judgement K.No. 446/20 of 08.10.2020*, <http://www.vsrn.mk/wps/portal/central/sud/odluki>.

²⁸ For more, see: European Union - European External Action Service: *News of 23.03.2020 - The Coronavirus pandemic and the new world it is creating*, 2020, https://www.eeas.europa.eu/eeas/coronavirus-pandemic-and-new-world-it-creating_en.

citizens are not keen to comply with the health regulations, especially to respect the prohibition not to move during the police curfew, as well as to adhere to self-isolation.

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