CRIMINAL LAW AND CRIMINOLOGICAL ASPECTS OF MONEY LAUNDERING IN THE REPUBLIC OF NORTH MACEDONIA AND THE REPUBLIC OF SERBIA

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Abstract: Money laundering is a security and financial problem which is even more pronounced than the globalization process, quite intense with capital movements and economic cooperation, especially with the latest rapid development of information technology and the development of communications. Investing of illegal money of criminal groups in legal businesses does not recognize borders, it only recognizes disorganized national economies and a messy legal system for achieving the sole purpose of gaining higher profits and avoiding penal responsibility. The fight against organized crime also involves illuminating the elements of legalization of criminal proceeds, i.e. money laundering and securing criminal proceeds and enabling their confiscation by national and foreign states. This is also the purpose of the paper, an analysis of criminal offenses with elements of money laundering in two neighbouring states, and an analysis of the legal measures and actions applied in criminal and financial research, as well as an analysis of the course of proceedings against perpetrators of money laundering and that of investigating reported, charged and convicted money laundering offenders and thereby drawing conclusions on efficiency in providing relevant evidence relevant to convicting offenders.

Keywords: money laundering, criminal money, crime, criminal investigation, financial investigation

INTRODUCTION

Money laundering has many forms of criminal activity and that is why international legal acts give recommendations to national legislation for criminalizing these activities at all stages of the money laundering process and to foresee the ways, measures and actions for detection, illumination and providing evidence of crime with elements of money laundering, and also for crimes that are indicating money laundering.

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Money laundering involves various methods through which criminals hide the source, origin and ownership of illegally obtained money by participating in transactions that externally indicate that the funds have a legitimate source. The very term “money laundering” is used to describe the procedure in which “money” derived from illegal and criminal activities is converted into legal form, in a manner that conceals their origin or property. While money laundering schemes can be of varying degrees of sophistication, they are all designed to accomplish the very purpose - to blur, or if it is possible to remove attempts at control. The various ways and modus operandi that follow the money laundering of dirty money are only limited by the creative imagination and expertise of the entrepreneurs who make these schemes (Mihajlova, 1997: 17).

The international community’s latest endeavours to criminalize money laundering and distinguish it from any kind of crime, the efforts to provide maximum opportunities for detecting criminal offenses and their perpetrators, as well as all the more prominent efforts to improve the confiscation opportunities that come to be widely accepted and implemented in national legislations, impose the need to extend the definitions of money laundering with the element of avoiding the legal consequences of such an action.

The RN Macedonia has in recent years paid particular attention to the harmonization of criminal law with the criminal offense of “Money Laundering and Other Proceeds from Crime” which has undergone numerous amendments as a result of the recommendations of international conventions and the recommendations of international bodies and committees. Reforms have also been made in criminal procedure legislation in terms of providing appropriate measures and actions to be applied in the criminal and financial investigation of this crime.

The two states, the Republic North Macedonia (RNA) and the Republic of Serbia (RS), are in the process of ongoing reform and harmonization of legislation with international recommendations, and in this regard, criminal offenses with elements of money laundering are analysed and the criminal offenses under the penal legislation.

THE CONCEPT AND THE PROCESS OF MONEY LAUNDERING

Money laundering by its definition is a process or procedure in which perpetrators carry out criminal activity sequentially, or one phase without the other is not possible. It is not possible to transfer money or move it from account to account if it is not placed in an account. Or it is not possible to withdraw from other accounts if it is not transferred to two or more accounts or is not split from one account to multiple accounts in one or more countries (Nikoloska: 2014). Perpetrators are using the global financial system with multiple entry opportunities, extremely fast fund transfer opportunities, the great disparity between countries in terms of the extent to which banking and other financial transactions are supervised and controlled, the susceptibility of members of the legal financial system to blackmail and corruption, the existence of parallel or informal economies in many countries that are beyond the control of governments and the enormous mass of financial transactions that hinder export, thereby controlling the illegal activities (Vilijams, 1997).

The money laundering process is adopted in three phases that are covered by all definitions of this phenomenon, a complex process that crosses national boundaries. In order to cover up criminally obtained money criminals use appropriate techniques and tactics to transfer money from nation-states to "safe places" outside the "reach of law enforcement authorities". And these money laundering operations give "security to criminals to think criminal money is safe and use it after a period of time in returning to national economies as foreign investment or safe", to corrupt if they are prosecuted for crimes. The purpose of combating crime, in particular organized crime, is not only to provide evidence and convict the offenders with prison sentences; the aim should be comprehensive detection and sanctioning of the perpetrators, but also to secure and confiscate the criminal proceeds and property (Čudan & Nikoloska, 2018).

CRIMINAL OFFENSE WITH MONEY LAUNDERING ELEMENTS IN MACEDONIAN AND SERBIAN CRIMINAL MATERIAL LAW

Money laundering and other proceeds of crime under the Macedonian criminal law

Money laundering as a criminal conduct was first criminalized in 1996 with the adoption of the first Macedonian Criminal Code (Criminal Code of the RM, Official Gazette of the RM, No. 37/96) entitled "Money laundering and other criminal proceeds". The crime is systematized in the Chapter on Crimes against Public Finance, Payment Operations and the Economy. The criminalization itself provides for several modes of criminal activity that allow money from criminal sources to be found in banking, financial or other transaction operations. A facility of this act is money obtained from trafficking in narcotics, arms selling or other criminal activity (Kambovski, 2003).

Following the recommendations of the Vienna, Strasbourg and Palermo Conventions, Article 273 has been amended (Criminal Code of the RM, Official Gazette of the RM, No. 19/04), "Money Laundering and Others" has been changed and "proceeds of crime" is included, specifying punitive conduct with elements of money laundering, introducing liability for legal entities and instituting liability based on the subjective circumstances of the offenders, including laundering criminal proceeds of negligence, i.e. when the offender did not know but that the proceeds derived from a criminal offense. Such an approach to negligent conduct in this context is consistent with Recommendation No. 6 of the FATF and has been adopted in the penal legislation of several European countries (Netherlands, Norway, Sweden, etc.) (Nikoloska, 2014). A gradation has also been made in respect of the damage done or the property gain of the perpetrators (Art. 122 para. 26 Criminal Code of the RM, Official Gazette of the RM No. 19/04). The measure of confiscation of property was also introduced, namely immediate and extended confiscation, i.e. gaining property and money acquired by crime and transferred to third parties.

In 2009, complete redefinition of economic and financial crimes was made, and in particular the crime of money laundering and other proceeds of crime (Criminal Code of the RM, Official Gazette of the RM No. 114/09). The recommendations of MONEYVAL and FATF (Kambovski, 2003), which have not been implemented before, have been reviewed and implemented, and therefore the standards set by the Vienna Convention and the Palermo Convention have not been fully met. The changes are essential, first the "threshold" of the amount of property gain or damage of greater value is removed, which is a value of up to five average salaries at the time the offense is committed. Perhaps the greatest qualitative element is that it is not always necessary to prove a "predicate offense", only to prove objective circumstances that "money or property derives from criminal activity". Criminal responsibility for financial institution officials for failing to report "suspicious" financial transactions and "suspicious" clients is provided for, as well as for their responsibility for "disclosing confidential financial investigation data" (Nikoloska, 2015).

The crime "Money Laundering and Other Proceeds from Crime" with these amendments is the most complex and comprehensive criminal offense in the Macedonian Criminal Code (Criminal Code of the RM No. 19/04 and 114/09).

The work itself is structured in 13 paragraphs as follows:

P. 1 A person who puts into circulation, receives, takes over, substitutes or forfeits money or other property which he has acquired by a criminal offense or knows to have been acquired by a criminal offense, or by conversion, alteration, transfer or otherwise concealing that it came from such a source or concealing its location, movement or ownership shall be punishable by imprisonment of one to ten years.

P. 2 The punishment referred to in paragraph 1 of this Article shall also apply to a person possessing or using property or objects which he knows to have been acquired by committing an offense or by falsifying documents, failing to report facts or otherwise concealing the origin, or conceals their location, movement and ownership.

P. 3 If the offense referred to in paragraphs 1 and 2 has been committed in banking, financial or other business or if the transaction has been avoided, the offender shall be required to report cases provided for by law, and the offender shall be punished by imprisonment of at least three years.

P. 4 Anyone who commits the offense referred to in paragraphs 1, 2 and 3 and is liable and entitled to know that the money, property and other proceeds of crime have been obtained by the offense, shall be punishable by a fine, or by imprisonment of up to three years.

P. 5 A person who commits the offense referred to in paragraphs 1, 2 and 3 as a member of a group or other association engaged in money laundering, the unlawful acquisition of property or other proceeds of crime, or with the assistance of foreign banks, financial institutions or persons , will be sentenced to imprisonment of at least five years.

P. 6 An official, a bank officer, an insurance company, a gambling company, an exchange office, money exchange or any other financial institution, a lawyer, unless acting as a lawyer, notary public or any other person with public authorizations or performing public works that enables or permits a transaction or business relationship against his/her statutory duty or performs a transaction in spite of a prohibition imposed by a competent authority or a provisional measure ordered by a court or fails to report money laundering, that he has learned about in the course of his/her function or duty shall be punishable by imprisonment of at least five years.

P. 7 An official, responsible person in a bank or other financial institution, or a person performing public interest affairs, who is authorized by law to apply measures and actions for the prevention of money laundering and other proceeds of crime, who would reveal data relating to investigation of suspicious transactions to clients or an unauthorized person, shall be punishable by imprisonment of three months to five years.

P. 8 If the offense is committed for profit or for purposes of data abuse abroad, the offender shall be punished by imprisonment of at least one year.

P. 9 If the crime referred to in paragraph 7 of this Article has been committed out of negligence the offender shall be punished with a fine, or with imprisonment of up to three years.

P. 10 If there are factual or legal obstacles to establishing an earlier offense and prosecuting its offender, the existence of such offense shall be determined on the basis of the factual circumstances of the case and the existence of a reasonable suspicion that the property was acquired by such offense.

P. 11 The offender's knowledge, that is, his duty and ability to know that the property was acquired by a criminal offense, may be determined on the basis of the objective factual circumstances of the case.

P. 12 If the offense referred to in paragraph 1 is committed by a legal person, it shall be punished by a fine.

P. 13 The proceeds of crime shall be confiscated and, if such confiscation is not possible, the offender shall be deprived of any property corresponding to his value.

Money laundering in the Serbian Criminal Code

In the Serbian criminal legislation, for the first time, the criminal case "Money Laundering" was systematized in the Law on Prevention of Money Laundering in 2001. Later, the criminal offense is systematized in the Criminal Code in Chapter 22 of Criminal Offenses against the Economy in Article 231 (Criminal Code, Official Gazette of the RS, No. 85/2005, 88/2005 - corrections, 107/2005 - corrections, 72/2009, 111/2009 and 121/2012).

The crime is structured in 7 paragraphs as follows:

P. 1 A person who converts or transfers property with the knowledge that such property originates from a crime, with the intention of concealing or misrepresenting the unlawful origin of property, or concealing or misrepresenting the fact of property with knowledge that such property derives from a criminal offense, or is acquired, held or uses property with knowledge at the time of admission, that such property derives from a criminal offense, shall be punishable by imprisonment of 6 months to 5 years, or by a fine.

P. 2 If the amount of the money or property referred to in the preceding paragraph exceeds one million five hundred thousand dinars, the offender shall be punished by imprisonment of one to ten years and a fine.

P. 3. A person who commits the offense referred to in paragraphs 1 and 2 with property which he has himself acquired by committing a crime shall be punished by the same penalties provided for in the relevant paragraphs and by a fine.

P. 4 If the offense set forth in paragraphs 1 and 2 is committed by a group, it shall be punishable by imprisonment of two to twelve years and a fine.

P. 5 Anyone who has committed the offense referred to in paragraphs 1 and 2 may or may have been obliged to know that money and property constitute income derived from a criminal offense shall be punished by imprisonment of up to three years.

P. 6 A responsible person in a legal person who commits the offense referred to in paragraphs 1, 2 and 5 shall be punished by the prescribed penalty for that offense if he knew, could have known or was obliged to know that the money or property constitutes income derived from a criminal offense.

P. 7 Money and property from paragraphs 1 to 6 shall be confiscated.

COMPARISON OF CRIMINAL OFFENSES FROM THE TWO CRIMINAL LAWS

The criminal offenses in both penal legislations include criminal conduct that corresponds to the definition of money laundering and the three-phase money laundering process itself, which involves placement, transfer and integration.

The object of protection is defined as: 1) monetary, financial, and 2) legally, in terms of acquiring and disposing of money and property in economic operation (Petrović, 2009: 810). As an object of protection in this crime the following is important: 1) whether the money or property was acquired through the commission of a previous crime or there were reasonable suspicions that the money or property was of an illegal source; 2) to determine the characteristics, status and criminal role of the perpetrators in the criminal operation; 3) the structure and functioning of a criminal gang, in order to detect whether the money laundering is an offense committed by an organized criminal group or gang; 4) ascertain involvement of official, responsible persons or persons performing public interest activities; 5) type and amount of money sent.

The object of protection comes first from the money that comes from the crime, but also from the money that comes from other illegal activities (*exempli causa*), but the term of illegal activities is not clearly defined (*lex certa* infringement), usually considered to be money originating from a "grey economy" or finances obtained by performing an unregistered activity (Đorđević, 2016).

The Macedonian legislator provides a broader framework for prosecuting perpetrators and in cases of inability to prove a predicate offense in cases of factual circumstances and a reasonable suspicion that the money originates from criminal or other unlawful activities, as well as the existence of legal obstacles to the detection of predicate criminal activity. In the area of sanctions, the Macedonian legislator provides for stricter penalties for the basic form of the offense from paragraph 1, imprisonment from one to ten years, and the punishments of at least 5 years imprisonment for perpetrators of organized crime group or perpetrators with the status of official persons in financial institutions. Serbian lawmakers are imposing a prison sentence of six months to five years for the basic form of the offense referred to in paragraph 1, and the maximum sentence of up to 12 years for offenders acting in an organized crime group.

MEASURES AND ACTIONS IN MACEDONIAN AND SERBIAN CRIMINAL PROCEDURAL LEGISLATION

The criminal procedural legislation provides the procedural framework of legal police authorizations, and these are operational-tactical measures and actions, investigative measures and actions and special investigative measures. It also stipulates which state authorities have police powers to investigate tax-codified criminal offenses and for crimes that result in the acquisition of unlawful property gain or damages above the legally prescribed amount. Namely, all the authorizations and all criminal acts are held by the Police and the Public Prosecutor's Office, and the Financial Police, they are responsible for investigating and providing evidence for several financial crimes: money laundering and other proceeds of crime, illicit trafficking, smuggling, tax evasion and other crimes with unlawful property gain of considerable value (Art. 47, paragraph 1 of the Law on criminal Procedure, Official Gazette of the RM, No 150/10).

Measures and actions according to the Macedonian criminal procedural legislation

In 2010, the Republic of Macedonia changed the concept of pre-investigation and investigation procedures, especially in the part for increasing the role of the public prosecutor who has a key role in the pre-investigation and investigation procedures, that of the coordinator of the bodies with police authorizations, that is, the public prosecution also leads the pre-investigation and the investigation procedures and instead of an investigative judge in the part of carrying out certain orders and authorizations there is a judge in a pre-trial procedure. In the criminal and financial investigation of money laundering, as well as other criminal offenses for which there are reasonable doubts, the Macedonian Penal Procedures Act provides for an investigative action for "**Handling data that is bank secrecy, property in a bank safe, payment transactions and transactions on accounts and temporary suspension of execution of certain financial transactions"** (Art. 200 of the Law on Criminal Procedure of the RM, Official Gazette of RM No. 150/10).

The above investigative action is applied in the cases: "If there is a reasonable suspicion that a person in his bank accounts receives, stores, transfers or otherwise disposes of proceeds from a criminal offense, and that proceeds are important for the investigative procedure of that criminal offense or according to the court is liable for forcible seizure, upon a reasoned request from the public prosecutor, the court may issue a decision by which it will order the bank or other financial institutions to submit documentation and data on bank accounts and other finances transactions and the work of that person, as well as for the persons who are believed to be involved in those financial transactions or works of the suspect, if such data could be evidence in the criminal procedure. The public prosecutor's request refers to data of a legal entity or natural person, for all proceeds that it receives, stores, transfers or otherwise disposes of. If the person is kept in a bank safe, or in some other way has proceeds from a criminal offense, and that proceeds are important for the investigative procedure of that criminal act or is subject to forcible seizure, upon a reasoned request from the public prosecutor, the court may issue a decision by which it will instruct the bank to provide the public prosecutor with access to the safe deposit box. The decisions shall specify the deadline within which the bank or other financial institution must act upon them. Before the beginning and during the investigative procedure, a decision on the request of the public prosecutor shall be made by the judge of the previous procedure, and after the indictment is raised in the court before which the hearing will be held. The preliminary procedure judge decides upon the request of the public prosecutor immediately, and no later than 12 hours after the receipt of the request. If the preliminary procedure judge does not accept the request of the public prosecutor, he shall without delay request a decision to be taken by the council within 24 hours from the receipt of the request. Also, upon an elaborated proposal by the public prosecutor, the preliminary procedure judge may by a decision instruct the bank or the other financial institution to monitor the payment operations, transactions in the accounts or other affairs of a certain person and regularly inform the public prosecutor about the time determined in the decision. After an elaborated proposal by the public prosecutor, the court may order a financial institution or a legal entity to temporarily suspend the execution of a particular financial transaction or work, and the property is temporarily confiscated with a decision. In urgent cases, the public prosecutor may determine the measures without a court order. The public prosecutor shall immediately notify the preliminary procedure judge, who shall issue the order within 72 hours. In case the judge of the preliminary procedure does not issue an order, the public prosecutor will return the data without opening them.

Measures and actions under the Serbian criminal procedural legislation

The Law on Criminal Procedure of the Republic of Serbia provides for appropriate measures and actions that are necessary in the process of criminal and financial investigation of crime with elements of money laundering, in addition to classical operational-tactical measures and investigative actions, a specific measure is also foreseen that refers to checking accounts and controlling and tracking suspicious transactions.

Checking bills and suspicious transactions is a measure applied in the following cases: (Art. 143 - 146 of the Criminal Procedure Code of the RS, Official Gazette RS No. 72/11, 101/11, 121/12, 32 / 13, 45/13, 55/14)

1. If there are grounds for suspicion that the suspect committed a criminal offense for which a sentence of four years of imprisonment or a more severe sentence is prescribed, i.e. a criminal act, display, acquire and possess pornographic material and use a juvenile for pornography, money laundering, receiving a bribe;

2. Possessing accounts and performing transactions.

3. The state authority that administers the procedure may order to check the accounts and suspicious transactions by:

- The acquisition of data, which is a measure of the public prosecutor who can give a written order to a bank or other financial institution to submit data on: the accounts of the suspect or accounts that he controls and the type and amount of financial assets on the accounts of the records of data. The bank or other financial institution is obliged to keep the secrecy that it acted by providing data to the public prosecutor. If criminal proceedings are not initiated against the suspect within a period of 6 months, the public prosecutor shall issue a decision for annulment of the provided data. The suspect is informed of this and the data are destroyed under the supervision of the public prosecutor, and a report is compiled on it.

• Supervision over suspicious transactions is a measure that the public prosecutor, with a written explanation, submits a request for its determination with a decision by the judge in a pre-trial procedure. The order should contain data on the suspect, his account and the need for an obligation for the bank or other financial institution to submit periodic reports to the public prosecutor within the specified period, which may last for a maximum of three months, with a further three months' duration. Supervision is terminated if the reasons for its application cease to exist. If the order is not precisely specified in the order, the bank or other financial institution shall be obliged before each transaction to inform the public prosecutor that a particular transaction will be executed and indicate the time period within which it will be executed, or if the transaction is not executed within the stated deadline explain the reasons for this. In this case, the measure is a secret, and if no criminal procedure is initiated within six months, the bank or other financial institution will destroy the data in the presence of a public prosecutor for which a minutes will be prepared.

• Temporary suspension of suspicious transactions, if there are legal requirements for this and if there are grounds for suspicion that the suspect performs transactions that are under supervision, i.e. a measure for supervision over suspicious ones is determined, upon a written and reasoned request from the public prosecutor, the judge in a pre-trial procedure may issue an order to the bank or other financial institution for the temporary suspension of a particular transaction. The interim injunction can be the longest within 72 hours, and in the event that in the period there are also non-working days it can be continued for a maximum of 48 hours. And this measure is a secret.

In the Macedonian criminal procedural legislation regarding the verification, monitoring and blocking of dubious financial transactions, all actions are envisaged in one article of the law, and the condition for determining the measure is the level of "reasonable doubt", while in the Serbian penal procedure legislation the actions are contained in four provisions and there is a lower degree of doubt "grounds of doubt". In the part of the essence of the provisions, the Serbian legislation also specifies the criminal acts from which "suspicious finances" originate, but as a special criminal activity money laundering is indicated, in the remaining part the content is almost identical, with the fact that the Macedonian law is more precise and deals with financial assets that are in bank safes.

The analysis of these provisions indicates that the two countries have paid due attention to the harmonization of the penal procedural legislation with the European criminal legislation, which fulfils the conditions for realization of international cooperation, primarily in the area of criminal and financial investigation of money laundering.

SCOPE, STRUCTURE AND DYNAMICS OF MONEY LAUNDERING IN THE REPUBLIC OF NORTH MACEDONIA AND THE REPUBLIC OF SERBIA

Research has been done on the course of criminal offenders with money laundering in both countries, but there is a difference in the way the data are presented, but the aim is to obtain the indicators of the conviction rate of perpetrators in both countries, because Reports from the international community indicate a small number of cases, insignificant number of convicts and poor confiscation of money and other proceeds of crime.

Table 1: *Scope, structure and dynamics of reported, charged and convicted perpetrators of the crime of "Money laundering and other proceeds of crime" under Art. 273 of the Criminal Code of the RM*

Year	Reported offenders under Art. 273	Accused perpetrators under Art. 273	Convicted perpetrators under Art. 273 %
2008	7	19	19
2009	12	1	1
2010	14	1	0
2011	13	7	6
2012	19	8	8
2013	14	20	20
2014	0	27	27
2015	8	15	15
2016	4	5	4
2017	3	3	3
Total	94	106	103

In the RNM in the investigated period 2008-2017, according to the analysis of the data from the State Statistical Office, indicators can be extracted that there were 94 reported perpetrators of the investigated crime in total, while in the investigation procedure circumstances were increased and the number increased of the defendants in relation to the reported perpetrators, 106 of them and 103 of them were convicted. These data point to the fact that the investigators and the prosecution have been paying close attention to the investigation into the full clearance of the "money flow" and all persons involved in the money laundering process and to whom all relevant evidence has been provided, the court has rendered valid court verdict. It can be concluded that out of the total number of defendants, only three perpetrators have not been given a final verdict. These data indicate that the Macedonian prosecution authorities pay attention to illuminating criminal situations for full disclosure and in the financial proceeds of crime and providing evidence of secondary crime with elements of money laundering. Predictable crimes include abuse of power and authority, tax evasion, unauthorized drug trafficking and migrant smuggling. Criminal money is placed through the banking sector, and accountants are the category of professionals involved in money laundering schemes (Report published by the Financial Intelligence Service of the Republic of Macedonia, 2016).

Table 2: *Scope, structure and dynamics of reported, accused and convicted perpetrators of the crime of money laundering under Art. 231 of the Criminal Code of the RS*

Year	Reported offenders under Art. 231	Accused perpetrators under Art. 231	Convicted perpetrators under Art. 231
2008	15	4	4
2009	8	6	6
2010	34	0	0
2011	23	4	3
2012	21	1	1
2013	3	10	3
2014	9	2	2
2015	14	8	2
2016	13	11	11
2017	13	2	1
Total	153	47	34

In the Republic of Serbia in the period 2008-2017, according to the State Statistical Office data, 153 perpetrators were reported, 47 perpetrators of which were accused and 34 convicted. These data indicate a low indictment of 30.7%, and an even lower degree of conviction in relation to the reporting of 22.2%. The low level of conviction of the perpetrators may be an indicator of incomplete illumination of criminal situations, insufficient commitment to financial investigation and providing evidence of "cash flow" from criminal activities, but also an indicator of corruption. This is also part of the data that has been researched and analysed in order for the Republic of Serbia to receive a negative report on anti-money laundering action. However, some progress is shown in Moneyval's 2018 Recommendations for the Republic of Serbia, but it remains a State to be monitored after a negative 2016 report where nine out of ten recommendations were assessed by Moneyval being "partially fulfilled" or "unfulfilled", there are no recommendations in the latest report on the non-fulfilment of the recommendations.

CONCLUSION

The Macedonian and Serbian material penal legislation has systematized special offenses with elements of money laundering, including criminal offenses that have similar criminal characteristics. The acts in both legislations are harmonized with the recommendations of the international documents, while the incrimination in the Macedonian legislation is more complex and covers criminal activities for officials in financial institutions, but these acts also have the character of offenses, so if the perpetrators are found to be involved in money laundering they may be liable to either money laundering or abuse of office.

There is an evident difference in penal policy, with the Republic of North Macedonia providing for shorter prison terms of at least five years, while in the Republic of Serbia the most severe punishment is up to twelve years in prison. The most severe punishments are for criminal activity within organized criminal groups and associations.

A particular indicator is the efficiency of the prosecution and judiciary, which is that in the RNM almost all the perpetrators who are indicted and accused are convicted and it is particularly emphasized that during the investigation they were provided with more persons than those reported, which points to the fact of a dedicated financial investigation. These are indicators that should be recommended to investigators for commitment in the process of criminal and financial investigation and improvement of the situation with the prevention of money laundering and the application of more effective prevention by the competent state authorities and institutions.

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