FINANCIAL INVESTIGATIONS AND CONFISCATION OF PROPERTY AND OTHER CRIMINAL RELATIONS IN THE REPUBLIC OF NORTH MACEDONIA

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INTRODUCTION

Organized crime is a special form of professional crime that became actualized in the middle years of the 20th century, and especially for "white collar" crime, for which Sutherland gave an explanation in 1939 and in his definition emphasized the status properties and abuse of power of the perpetrators as well as the emerging forms of criminal activity. However, the problem of legalization of criminally acquired proceeds, that is, money laundering, is getting more popular, especially with the case of Al Capone and his accountant Meyer Lensky. Crime is getting more and more organized by involving some of the criminal structures with people from the government structures from the lowest (administrative) positions, all the way to the highest, those who "are in power". This problem is even more serious, particulary among countries in transition, in which the Republic of North Macedonia (RSM) has been for over three decades.

The Republic of North Macedonia in the long transition road is constantly facing challenges in which the goals of prosperity will be achieved for entry into NATO, where it is a full member, but also on the road to accession negotiations with the European Union for participation with organising crime and corruption. In that direction, activities are constantly undertaken for reforms and harmonization of national legislation in the direction of improving laws, establishing certain state institutions and bodies, but also implementing problems with the detection of

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criminal cases and the prosecution of perpetrators, especially the perpetrators who abused their position, power or contributed to the high level of corruption. In recent years, several researches have been carried out on financially motivated crime, where knowledge has been obtained that the structure of this crime is dominated by crimes against official duty and crimes against public finances, payment transactions and the economy (Arnaudovski, Nanev and Nikoloska, 2009), and the criminal offenses "Abuse of official position and authority" and "Tax evasion" (Nikoloska, 2013 and 2015). In the published Report on the conducted assessment of the risk of money laundering and financing of terrorism published by the Financial Intelligence Authority in 2020 for the research period 2016 - 2018, it is presented that the listed crimes have a high degree of risk of connection with money laundering.

This research is aimed at collecting data on the scope, structure and dynamics of the mentioned crimes based on the statistical data published by the Ministry of Internal Affairs and the Financial Police Administration as directly competent state authorities, as well as data on the amount of damage caused, that is, the illegally acquired property benefit, as an indicator of the need for a financial investigation and enabling its confiscation.

FINANCIAL INVESTIGATION

Every organized state should work on developing concepts and work on the application of efficient means and methods for dealing with organized crime by revealing criminal structures, forms and forms of criminal activity, the spread of the criminal network, and especially on clarification of the involvement of "officials", their criminal roles and especially to determine the type, amount and flows of criminal proceeds in all forms of money, movable and immovable property, property rights, etc.

The international community, especially the international bodies, in their documents emphasize the issue of financial investigation, which is necessary for the full disclosure, clarification and provision of evidence for the crime from which the criminals result in high criminal profits. The need for recognition of the value of financial information and its provision, analysis in the direction of discovery, timely provision and enabling the confiscation of criminally acquired proceeds, regardless of their amount, shape, etc., is increasingly highlighted, as well as the work of international cooperation and securing and confiscating property and other proceeds "sheltered" abroad. The non-identification of criminal profits is a "victory" for crime and a sufficient motive for the perpetrators to develop their criminal activity by acquiring new riches. Of course, a part of the funds is used for corrupt activities against civil servants and politicians who support the realization of the criminal activities of organized criminal groups and individuals. (Nikoloska, 2022)

The financial investigation is a specialized criminal investigation that aims to determine and document the criminal profits, that is, to find the entire illegally acquired property and property benefit that is the result of committing a crime and to confiscate it in a prescribed legal procedure. As part of the general prevention to prevent the commission of crimes, where economic profit is the leading motive of the perpetrators, and the leading motive for the investigators is finding, securing and enabling the confiscation of all criminal property and other proceeds of crimes, as the main demotivation to the perpetrators should be the confiscation. (Simonovski & Evgo: 2022)

FATF Recommendation 30 defines a financial investigation as: "an investigation of financial matters related to criminal activities with the aim, among other things, of identifying and tracing the proceeds of crime, terrorist funds or any other assets that are, or may become, subject to confiscation".

The financial investigation is undertaken in parallel with the criminal investigation in order to promptly take measures to secure the illegally acquired property, money and other financial returns in the early stages of the procedure, which is key to the efficient and complete investigation of the criminal case, especially in cases of organized crime, but also of individual financially motivated crime.

The foundations of the financial investigation derive from the provisions of the international conventions that provide recommendations for the incrimination of money laundering as a separate crime, as well as recommendations for legal provisions for enabling the monitoring, securing and confiscation of criminally acquired proceeds. The Vienna Convention recommends the incrimination of money laundering with multiple criminal activities, especially in the part of "hiding or concealing the true nature, source, place, disposition, movement, rights in relation to ownership or over property, which originate from crime. The Strasbourg Convention specifies some of the provisions of the Vienna Convention, and one of its goals is to facilitate international cooperation in the investigation, seizure and confiscation of proceeds from all types of crime. The Palermo Convention provides recommendations for dealing with organized crime, and especially money laundering as a crime that is connected to predicate crimes, and in order for them to be fully clarified, in addition to the charge for first-degree crime, a charge for money laundering is also recommended, as the investigation should focus on providing evidence of financial flows from which the origin of the money and the connection to the predicate crimes can be established. International conventions for proving knowledge, intent or purpose according to objective factual circumstances, should be strictly legally elaborated and specified, in terms of determining which circumstances should be considered as elements of such relevant factual situation (the manner, the place, the subject, the amount of the payment, the basis for the executed transaction, etc.) (Nikoloska, 2015).

The financial investigation is a problem that is continuously paid attention to, so that there is more and more talk about the financial investigation and connection with the financial flows, i.e. "path of financial transactions" through legal financial flows in the country and abroad and strengthening of international cooperation. Almost all international acts emphasize that the monitoring of financial flows should be focused on the proceeds generated from criminal activities (tax evasion, illicit drug trade, corrupt crimes, money laundering, etc.) and from proceeds generated by organized and serious crime such as violent property crimes, illegal human trafficking and illegal migration, etc. This is highlighted in the "Coherent policies for combating Illicit Financial Flows" adopted by the UN and OECD in 2016 (Coherent policies for combatting Illicit Financial Flows, https://www.un-.org/esa/ffd/wp-content/uploads/2016/01/Coherent-policies-for-combatting-Illicit-Financial-Flows_UNODC-OECD_IATF-Issue-Brief.pdf).

At the United Nations Conference on Trade and Development (UNCTAD) in collaboration with the United Nations Office on Drugs and Crime (UNODC) at the Expert Meeting on Setting Indicators for Determining Illegal Financial Flows, held in December 2017, two elements were identified that reflect the illegal capital of illegal financial flows (that which is generated based on the misuse of state funds and the proceeds of crime) and the legal capital of illegal financial flows (that which is generated from tax evasion and tax avoidance or misuse of regulations). According to them, measuring the amount of illegal financial flows is problematic, because the common element among the types of illegal financial flows is not illegality, but the use of financial secrecy that remains unnoticed by the public and regulatory institutions. (Simonovski & Evdo, 2022)

In many cases, financial investigations are necessary to develop evidence against sophisticated high-level criminals in order to dismantle transnational and organized crime networks. Financial investigations can also contribute to a jurisdiction's National Risk Assessment, as it provides knowledge of crime patterns. Its benefits are evident in assisting the criminal investigation against all serious and organized criminals through:

- Identifying motives, associations and connections with people and places.

- Identifying the use of other services such as telephones, transport and amenities relevant to the case.

- Locating or identifying suspects, witnesses or victims.

- Providing information on the suspect's movements (proactive, covert use of financial information).

- Providing information to address the problem of prolific and priority offenders where no previous method has been successful.

- Tracking of persons, including the missing persons. (https://home-affairs.ec.europa.eu/financial-investigation_en)

The forensic investigation of organized, as well as other forms of property-motivated crime, can be improved by the selective use of various methods of financial investigation, with which, as a modern achievement of forensic science, it is possible to come to:

- Information that makes it possible to identify, send and value property that can be subject to seizure (confiscation).
- Information on the investment of illegally acquired funds in legal business operations.
- Information about legal entities that are used as a "cover" for criminal activities.
- Additional relevant evidence contained in the documentation on the economic activity of criminal organizations.
- Disclosure of evidence of existence or concealment of illegally acquired property.
- Detection of evidence of previously unknown activities of criminal organizations or individuals.
- Discovery of previously unknown witnesses, as well as other persons and business entities involved in criminal activity.
- Information relating to other crimes committed, which may help to clarify the wider criminal activity of individuals and criminal organisations.
- Discovery of international financial links and operations between criminal organizations located in different countries.
- Discovery of high-quality evidence contained in various financial documents, on the basis of which the method of transfer, the time of transfer and the place of investment of the illegally acquired funds can be determined.
- Information that enables the application of freezing measures due to the prevention of any handling, transfer or placement of illegally acquired property.
- Other information important for the criminal processing of cases with organized, i.e, property-motivated crime. (Bošković & Marinković, 2010).

The national criminal legislation of the Republic of North Macedonia (Criminal Code and the Law on Criminal Procedure) provide for a series of measures according to which temporary confiscation, i.e. freezing of property or property benefit is enabled. These provisions allow the financial investigation to be conducted in parallel with the criminal investigation. All these measures for seizure of property and property benefit for the purpose of security are imposed by a court order passed on the proposal of the public prosecutor, and they can also be imposed on third parties.

In order to achieve effectiveness in the prevention and fight against all forms of crime, the financial investigation should be focused on four basic postulates:

1. Monitoring the flow of money.
2. Freezing.
3. Forfeiture and
4. Confiscation of the proceeds generated by all forms of crime.

Financial investigations are aimed at identifying financial flows that can become illegal in three ways: from the beginning, when they are earned by a predicate crime, when legally earned money is transferred through the financial system in ways that make it illegal, and when they are used for the purposes of corruption or tax evasion, or when, through a series of bank transactions, a process of money laundering is carried out through the domestic or foreign financial system. (https://globalinitiative.net/wp-content/uploads/2020/08/)

Asset tracking and identification involves the process of criminal and financial investigation to find, locate and secure money, assets or other proceeds of the suspect or members of his family, as well as other persons involved in any way in the criminal situation.

A financial investigation is a secret procedure and should always be conducted without drawing attention to the suspect/s. According to the Law on Criminal Procedure, the Public Prosecutor is responsible for the implementation of the criminal and financial investigation, while the investigative authorities, through an order received from the Public Prosecutor, take measures and activities in the direction of providing evidence for a criminal offense, proceeds that are generated from the crime, as well as a process of money laundering through which criminals seek to distance illegally obtained proceeds from their true source.

After tracking and identifying the property and after the case moves into the open phase of the investigation, the property should be subject to freezing, seizure or retention, in order to prevent its movement in the period until confiscation, that is, before a final judgment is passed. If the property is not frozen or seized, the suspected perpetrator may move the property in an attempt to conceal or dispose of it. The measure of freezing and confiscation is carried out by a court order after an Order submitted by a competent Public Prosecutor and after a financial analysis and investigation and also locating the proceeds of crime. When property is subject to a court freezing order, it stays where it is, for example, the subject of the freeze could be a bank account. When the property is subject to a court order of seizure, it is taken into the ownership of the state; for example, the subject of seizure may be a car. Freeze and seizure are also known as “sequestration”. The term “retainer” is used to describe the temporary prohibition of the transfer, conversion, sale or movement of property owned by a particular person, also by court order. In that case, the property usually remains with the owner. A restraining order is usually issued for a person, not property, although the property may be referred to as “retained” or the subject of a restraining order. “Freeze” or “seizure” shall mean the temporary prohibition of the transfer, conversion, sale or movement of property or the temporary assumption of supervision or control of property, pursuant to an order issued by a court or other competent authority. (https://archive.rai-see.org/wp-content/uploads/2020/02/Handbook-int-coop-MK-web.pdf)

An effective financial investigation assumes that the competent authorities involved in the financial investigation have the opportunity to obtain a complete financial picture of the suspected natural and juridical persons and their close relatives and other persons connected with them. It is imperative to enable the widest possible access to state databases for police officers, by raising the level of cooperation with the competent state authorities and institutions whose databases contain precisely the data on movable and immovable property and property rights.

The priority in that cooperation is the protection of personal data and respect for human rights, and in that direction is the Platform for Interoperability with the aim of exchanging information in a systematic, simple, safe and functional way. According to the Platform, financial investigations should be proportionate, conducted without discrimination and be justified in view of the suspicion of a crime committed. There are two activities particularly important:

- Recording the movement of property during the execution of the crime
- Sharing information with other authorities involved in the financial or criminal investigation of the specific crime or suspect.

An effective financial investigation aimed at the confiscation of illegal assets assumes that the competent authorities involved in the financial investigation have the opportunity to obtain a complete financial picture of the suspected natural and juridical persons and their close relatives and other persons connected with them. The full picture implies insight into databases related to ownership of vehicles, engines, vessels, aircraft, real estate, securities, employment data, bank account data, share of ownership in legal entities, etc. All these data are located in certain electronic or written databases, which are managed (collected, updated and processed) by certain institutions. At the same time, for the efficient implementation of the actions that constitute the financial investigation, two aspects are relevant:

- The way in which the authorities conducting financial investigations obtain data from the institutions that manage the databases

• The speed of obtaining the data.

The scope of the financial investigation must include investigative and analytical activities relating to:

• Searching and identifying a property benefit and discovering the type, value and recipient of the property benefit.

• Identification of all possible transfers of property benefit by suspects or other recipients of property benefit to close relatives or other related persons and all circumstances related to those transfers.

• Discovery of other property in the possession of the perpetrator of the crime and the recipient of the property benefit.

• Disclosure of the circumstances of the action and behavior of the suspect or the recipient of the property benefit, which would indicate a danger that the property benefit will be used for further incriminating action or that there is a specific danger that the confiscation of the property will be impossible or difficult after the completion of the criminal procedure.

The financial investigation should result in the discovery of other property corresponding to the unlawfully acquired property benefit that would be subject to confiscation, in the event that the property acquired by the crime is not found. For a successful and effective financial investigation, it is necessary to define the cooperation, which must imply targeted, coordinated and efficient work of the bodies that deal with criminal investigations and conduct financial investigations, under the direction of the public prosecutor. The goal is to discover the crimes and their perpetrators and gather enough evidence needed for a reasoned public prosecutor's decision. (Strategy for strengthening the capacities for conducting financial investigations and confiscation of property for the period 2021 - 2023 with an action plan.)

MEASURES AND ACTIONS OF THE FINANCIAL INVESTIGAION

The financial investigation is carried out in parallel with the criminal investigation and they are intertwined in the sense of taking concrete operational-tactical measures and actions, especially with the review of parts of buildings and insight into business documentation, relevant data and facts about economic-financial documentation and connection of juridical entities, natural persons in the country and abroad and based on that, the financial investigation monitors the flow of money, especially its generation and the existence of elements of money laundering.

The complexity of criminal cases and the use of new methods and tactics of criminal action require the need for new criminal tactics and methods of criminal investigation, but the old traditional tactics and methods should not be neglected and appropriate operational combinations should be made. Criminal cases can be simpler, but also quite complex, and the provision of relevant evidence is a complex procedure in which new methods developed by forensics should be applied, for this criminality the forensic audit is significant, which has its own specific methods and tactics for securing of evidence of this criminality. (Cvetković & Kešetović, 2018)

In order to obtain relevant data on financial transactions and bank accounts, Article 200 of the Law on Criminal Procedure provides for the investigative action "Handling of data that is a bank secret, property in a bank safe, monitoring of payment transactions and account transactions and temporary suspension on the execution of certain financial transactions" (The Official Gazette of the Republic of Macedonia No. 150/10) and the same is implemented at the request of the public prosecutor and with a decision of the court if there is a well-founded suspicion. In the preliminary and in the investigative procedure, a decision is made by the judge of the preliminary procedure at the request of the public prosecutor, and after the indictment is filed, the court before which the investigation will be held.

SEIZURE AND CONFISCATION OF PROPERTY

In recent years, the trend of reaffirmation of confiscation of property as a measure that has the property of the offender, together with the special confiscation consisting in confiscation of objects that have been used, occurred or are the object of a criminal attack, has begun in European legislation. It is about a new trend of criminal prosecution in the sense of searching not only for the crime and the perpetrator, but also for the criminal income created by illegal activities, as the most effective instrument in the fight against organized financially motivated crime.

The confiscation of property is the final phase, the realization of which is conditioned by a successful financial investigation and provided data on the type, amount and location of the property, other types of property, such as the proceeds of a criminal offense, most often from predicate crimes and the determination of elements of money laundering and the existence of legal grounds for security in terms of freezing and confiscation of criminally acquired proceeds,

Article 202 of the Law on Criminal Procedure (The Official Gazette of the Republic of Macedonia No. 150/10) provides for the measure "Temporary confiscation of property or objects for the purpose of security" as a measure that can be taken in the preliminary and investigative procedure at the request of the public prosecutor, and the decision is made by the judge in the preliminary procedure or the judicial council, where the deadlines are 12, that is, 24 hours. In cases of urgency, the criminal or financial police may seize property or objects, seize them or take other necessary temporary measures to prevent any use, alienation or disposal of them, but the same must be immediately informed to the public prosecutor, and the measures taken must be approved by the judge of the preliminary procedure within 72 hours of their taking.

The base for confiscation is the direct and indirect property benefit obtained by a criminal act and it is confiscated by a court decision which determined the commission of the criminal act under the conditions provided by law. Also, in accordance with the ratified international agreements, the confiscated property can be returned to another country. (The Official Gazette of the Republic of Macedonia No. 19/04)

In addition to the immediate property benefit from the offender, the indirect property benefit will also be confiscated and it is consisted of:

- The property into which the benefit obtained from a crime was transformed or converted.
- Property acquired from lawful sources, if proceeds of crime are mixed, in whole or in part, with such property, up to the estimated value of the mixed proceeds of crime, and
- Income or other benefit arising from the benefit obtained from a crime, from property in which the benefit obtained from a crime has been transformed or converted, or from property in which the benefit obtained from a crime has been mixed, up to the estimated value of the mixed benefit obtained from a crime.

The property benefit is also confiscated from members of the offender's family to whom it was transferred, if it is obvious that they did not provide compensation corresponding to the value of the property benefit obtained, or from third parties if they do not prove that they provided compensation corresponding to the value of the object or property the acquired property benefit. Objects that have been declared cultural heritage and natural rarities, as well as those to which the injured party is personally bound, are confiscated from third parties regardless of the fact that they did not know or could not or were obliged to know that they were obtained by a criminal act. (Articles 97 and 98 of the Criminal Code of the Republic of Macedonina, "Official Gazette of the Republic of Macedonia" No. 19/04 and 114/09)

A legal provision has also been introduced for extended confiscation, and from the perpetrator of a crime, on the basis of the law, property is also confiscated from third parties to whom it was transferred when it is obvious that they did not provide compensation corresponding to its value, or from third parties if they do not prove that for the object or property provided adequate consideration.

Confiscation is provided for legal entities when the property is acquired in the name and on behalf of the legal entity, but it can also be confiscated from the legal successors of the legal entity. (Article 96 - k of the Criminal Code of the Republic of Macedonia, "The Official Gazette of the Republic of Macedonia" No. 114/09).

The confiscation of property, property benefit and confiscation of objects in the Macedonian criminal law is a separate measure from the system of sanctions, with the imposition of which the indirect or immediate property benefit obtained by the crime is forcibly taken away.

ANALYSIS OF THE SITUATION WITH THE ORGANIZED FINANCIAL CRIME FOR THE PERIOD 2017-2021 IN RNM

For the investigated period 2017 - 2021, data presented in the Annual Reports of the Ministry of Internal Affairs, the Financial Police Authority and the Financial Intelligence Authority have been analyzed in terms of the amount of illegally acquired property, primarily in predicative crimes, with the aim of making a comparison in relation to how many of them have been charged with the crime of "Money laundering and other proceeds of crime".

The analysis is focused on the crimes "Abuse of official position and authority" and "Tax evasion" as crimes where the financial motive is the most prominent, but also for them data is shown on the amount of the illegally acquired benefit that can be determined in the process of the criminal investigation. and the financial investigation, and those data are published in the analyzed reports.

In the Report on the assessment of the risk of money laundering and terrorist financing for the period 2016-2018, published in 2020 (Financial Intelligence Administration, https://ufr.gov.mk/wp-content/uploads/2020 /05/NRA-Izvestaj-za-web-19-05.pdf) year and on the basis of the presented data certain decisions are based, especially for the formation of special organizational units for the implementation of financial investigations. The report is the work of a project on which several scientific, expert and professional persons from several institutions worked with the application of an appropriate methodology of securing, processing and analyzing data. As part of the team, I was actively involved in the analysis of the data on detected crimes, the amount of illegally acquired property and the degree of risk of connection with money laundering. As an indicator of connection is definitely the amount of criminal profits that are subject to legalization, i.e. money laundering. A total of 226 crimes were detected for the crime of "Tax Evasion", with illegal property benefits amounting to 1 (one) billion and 150 million denars. In the case of other crimes ranked with a high degree of risk, the amount of the illegally acquired property benefit is shown, which is much lower compared to the listed ones.

The data from the Annual Reports of the Ministry of Internal Affairs on detected cases by group of crimes and the amount of criminal proceeds were also analyzed. Only the economic crimes have been analyzed because in them the amount of illegally acquired property has been declared, which is the result of an analysis of the economic and financial documentation. While for other crimes, these data were missing due to the unmade assessment, i.e. the unconducted financial investigation that can determine the total criminal proceeds in the form of property as well as complete clarification of the financial flows, i.e. the movement of the finances of the suspected perpetrators.

In the researched period 2017 - 2021, data on total economic crime and especially on the crime "Abuse of official position and authority" were analyzed according to Article 353 of the Criminal Code of the Republic of Macedonia (Official Gazette of the Republic of Macedonia No. 114/09...248 /18) according to which it can be noted that this crime dominates in all years, except in the years of the "Covid 19" pandemic, when the execution of economic health crimes intensifies. The highest criminal proceeds were obtained from this crime, or out of the total 8 billion and 475 million denars, 4 billion 457 million denars are almost half of the total illegally acquired proceeds. The acquired illegal property benefit is usually to the detriment of the State Budget, joint stock companies and limited liability companies. Money laundering as a second-degree crime in the researched period is represented both through detected crimes and through reported perpetrators and the amount of "laundered" money. According to the analysis of cases from the criminal practice, especially in the part of money laundering, it is mostly connected with abuse of official position and authority, falsification of documents, etc. (https://mvr.gov.mk/Upload/Editor_2020.pdf)

Table no. 1 *Volume, structure and dynamics of detected crimes, reported perpetrators and amount of illegally acquired property according to the data of the Ministry of Internal Affairs of the RSM for the period 2017-2021*

Year	Total economic crimes			Article 353			Article 273		
	Crimes	Perpe-traitors	Amount	Crimes	Perpetr.	Amount	Cr.	Perpetr.	Amount
2017	851	1112	2,7 000 000 000,oo	195	341	1.9 000 000 000,oo	6	17	179.5 00 000,oo
2018	1079	1506	1,9 000 000 000,oo	274	454	1.4 000 000 000,oo	20	23	1.1 00 000,oo
2019	1050	1351	2,9 000 000 000,oo	207	363	890 000 000,oo	33	49	84.3 00 000,oo
2020	5335	6387	693,3 000,oo	152	217	451,9 000 000,oo	9	11	
2021	3857	4440	282,5 000 000 ,oo	129	222	115,4 000 000,oo	6	10	27.3 00 000,oo
Total	12 172	14 796	8. 475 000 000,oo	957	1 597	4.457 000 000,oo	74	110	292.2 00 000,oo

The annual reports for the researched period were also analyzed, but due to the different methodology of keeping the data, they show the total illegal property benefit for all detected crimes, but according to the number, the two crimes mentioned are the most represented, so it is assumed that from the same ones in the largest percentage is also the displayed illegal property benefit.

In 2017, a total of 72 crimes were detected, 111 perpetrators were reported, of which 22 crimes are for tax evasion, 14 for Abuse of official position and authority and for other crimes, and the total amount of illegal property benefit is 5 895 129 935,00 denars.

In 2018, a total of 107 crimes were detected, 167 natural persons were reported as responsible persons in juridical entities and against 64 juridical entities, with a total amount of MKD 3,013,217,645.00 illegally acquired amount. Of the total crimes, 42 are for tax evasion and 14 for abuse of official position and authority.

In 2019, a total of 122 criminal acts were detected and 129 natural persons were suspected as responsible persons in juridical entities and against 66 legal entities, which caused damage to the Budget in the total amount of MKD 9,315,337,006, the most numerous being tax evasion with 55 criminal acts , abuse of official position and authority are 10 criminal acts.

In 2020, a total of 109 crimes committed by 137 natural persons as responsible persons in juridical entities and against 51 legal entities were discovered, which caused damage to the Budget in the total amount of MKD 1,176,170,845, the most numerous being tax evasion with 57 criminal acts. 11 of which are abuse of official position and authority.

CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis made using the normative method, statistical methods and the method of content analysis, several conclusions can be drawn, namely:

The Republic of North Macedonia is continuously working on the harmonization of the national penal legislation, but also on the adoption of strategies and protocols for the implementation of financial investigations.

The goals for the need to intensify the financial investigations are also derived from the conducted research, first of all, about the amount of the illegally acquired property benefit and from which criminal acts most often originate.

According to the research and analysis of the data for this paper, the indicators confirm that the crimes "Abuse of official position and powers" and "Tax evasion" are crimes from which the perpetrators obtained huge financial returns expressed in billions and they are mostly to the detriment of the Budget of The state, thereby indicating the need for timely financial investigations and based on relevant data through a legal procedure for seizure and enabling confiscation.

The legal procedures are an important prerequisite for the realization of the financial investigation, and the created protocol elaborates the elements and phases of the investigation, but time will show how effective they will be, because the period for obtaining relevant indicators is still short.

In the Republic of North Macedonia for the past two to three years, several legally binding court decisions have been made for the confiscation of property, but their implementation has been difficult or is ongoing.

REFERENCES

Арнаудовски Љ., Нанев Л. и Николоска С. (2009), *Економскиот криминалитет во РМ,* Македонска ревија за кривично право и криминологија, бр. 1

Bošković G. i Marinković D., *Metodi finansijske istrage u suzbijanju organizovanog kriminala*, NBP, Jurnal of criminalistics and law - Žurnal za kriminalistiku i pravo, br. 2, Beograd, 2010, str. 88.

Simonovski I. & Evgo K., (2022), Finansiski istragi (vodič za praktičari), Alma Grafika, Skopje.

Николоска С., (2013), Методика на истражување на економско – финансиски криминалитет, Ван Гог, Скопје.

Николоска С., (2015), Економска криминалистика, Ван Гог, Скопје.

Nikoloska S., (2021), *Legal and criminalistics features of the crimes of "Abuse of position and authority" and "Money laundering and other proceeds of crime"*, Security horizons, International scientific conference 30 years of independent macedonian state, Volume II, No. 5, Faculty of security, Skopje.

Cvetković D., Kešetović Ž., Ekonomski kriminalitet i uloga forenzičkog računovodstva u njegovom otkrivanju, Zbornik radova sa naučne konferencije Finansijski kriminalitet 7.- 8. septembar 2018. godine, Zrenjanin, Srbija. (43-56)

Law on Criminal Procedure, *Official Gazette of the Republic of Macedonia No. 150/10*).

https://www.un.org/esa/ffd/wp-content/uploads/2016/01/Coherent-policies-for-combatting-Illicit-Financial-Flows_UNODC-OECD_IATF-Issue-Brief.pdf).

(https://home-affairs.ec.europa.eu/financial-investigation_en)

https://globalinitiative.net/wp-content/uploads/2020/08

https://archive.rai-see.org/wp-content/uploads/2020/02/Handbook-int-coop-MK-web.pdf

https://ufr.gov.mk/wp-content/uploads/2020/05/NRA-Izvestaj-za-web-19-05.pdf

(https://mvr.gov.mk/Upload/Editor_2020.pdf