ANALYSIS (summary)

OF THE ACCESS TO ADMINISTRATIVE SOCIAL JUSTICE IN THE REPUBLIC OF NORTH MACEDONIA



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Analysis of the Access to Administrative Social Justice in the Republic of North Macedonia

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1. INTRODUCTORY REMARKS

1.1. Background: what is administrative social justice and what is the purpose of this analysis

The general goal of the project "Initiative for Administrative Social Justice" implemented by the Institute for Human Rights, within which framework this analysis was prepared, is to improve access to administrative social justice for marginalised and vulnerable groups by strengthening institutional capacities and (the capacities of) civil society organisations. In the context of this general goal, the objective of this analysis is to determine the current conditions related to access to administrative social justice. Determining the current conditions related to access to administrative social justice is necessary to design evidence-based measures and activities to improve that access. For a better understanding of the objective of the analysis, it is necessary, first of all, to explain what is meant by access to administrative social justice. One can notice immediately that we are talking about a term that is derived from a more general term, access to justice.[1]

Access to justice can refer to different concepts. In its narrowest sense, access to justice means only the possibility of the person to appear in court when their rights, obligations and interests are discussed.[2] In a broader sense, however, when we talk about access to justice, we are talking about the wider social context of the judicial system and the (non)existence of systemic barriers to exercising the rights of individuals (Alberta Civil Liberties Research Centre). Today, when we talk about access to justice, we usually talk about the broader understanding of this term. As the Institute for Human Rights points out (Access to Justice Report, 2022, стр. 3), the broadest definition of access to justice encompasses all the elements needed to enable citizens to exercise their rights: a legal framework that provides citizens with comprehensive and equal rights; widespread legal awareness among the population about their rights; access to easily accessible and top quality legal advice and representation; access to dispute resolution mechanisms that are accessible, timely, effective, efficient, impartial, corruption-free and reliable and that apply rules and processes in accordance with international human rights standards and having efficient and impartial mechanisms for the enforcement of court decisions.

If we accept the broader understanding of access to justice and try to derive from it the meaning of access to administrative social justice, we will arrive at the following definition:

Conclusion

Access to administrative social justice implies the existence of appropriate substantive and procedural legislation based on the generally accepted principles of lawfulness, fairness, efficiency, service orientation, solidarity, etc., its consistent implementation by public authorities when adopting administrative acts and undertaking other administrative actions related to social rights, as well as effective administrative and judicial control of public authorities, all with the aim of ensuring the unhindered exercise of social rights and protection from their arbitrary deprivation or restriction.

1 By adding the adjectives "administrative" and "social".

2 This is the narrowest meaning of access to justice. This concept of "access to justice" has its roots in the liberal states of the 18th and 19th centuries and refers to the formal right of the individual to sue or defend themselves. In other words, this concept encompasses the right to "have a day in court". (Alberta Civil Liberties Research Centre).

1.2. Analysis' subject matter, questions, structure, scope and timeframe

Taking into account that the purpose of this analysis is to determine the current situation related to access to administrative social justice, its subject matter is:

- the legal framework for exercising social rights in the administrative procedure,
- the institutional framework for exercising social rights (which institutions are involved in the administrative procedure),
- the practice of administrative judiciary, and
- the systemic problems that may exist.

Given this subject matter, the questions that the analysis aims to answer are the following:

- is the legal framework for exercising social rights adequate, whether and how it can be improved,
- how to neutralise, in the long run, the systemic problems related to exercising and protecting social rights, especially considering the resolution of these rights in administrative procedures and administrative disputes?

From the perspective of the scope of this analysis, however, it is worth mentioning that not all social rights will be covered.[3] We focus on the rights related to social protection, pension and disability insurance and health insurance. There are two reasons behind this approach. First of all, these three (subgroups of) rights require for the state to be most active.[4] In order to exercise their rights to social protection, pension and disability insurance and health insurance, the parties most often have to enter into an administrative legal relationship that will result in an administrative act or other administrative action. Additionally, it would be overambitious to cover all social rights in one analysis. Regarding the time frame of the analysis, it primarily covers the last five years (i.e. observing primarily the practice of public authorities and administrative judiciary during this period).

Finally, the significance of the analysis stems from the very meaning of social rights: they are essential from the perspective of human dignity and their exercising and protection is in direct correlation with the development of the society and the state.

3 Social rights mean access to food, health, education, housing, social protection, as well as labour rights, which are necessary for human dignity (Commissioner for Human Rights - Council of Europe, 2025). Social rights are often grouped together with economic and cultural rights and as a group exist parallel to civil and political rights. On the universal level, the most important document for these rights is the International Covenant on Economic, Social and Cultural Rights. In the Republic of North Macedonia, on the other hand, social rights are regulated by the Constitution (Official Gazette No. 52/1991 ... 6/2019), where a separate chapter is dedicated to them (Articles 30 to 49).

4 Thus, for example, the state should act much more omissively, that is, refrain from violating the right to housing (although certain categories of citizens should be provided with a home). In contrast, the state must actively provide health care, it cannot just refrain from taking actions.

2. IDENTIFICATION AND PRESENTATION OF SYSTEMIC AND RECURRENT PROBLEMS BY ANALYSING OF THE CASE LAW

2.1. Important provisions from the Law on Administrative Disputes concerning the administrative-judicial protection in the field of social rights

The Law on Administrative Disputes regulates the jurisdiction and the composition of the court as well as the procedure for resolving administrative disputes and the enforcement of court judgments. In an administrative dispute, judicial protection of the rights and legal interests of natural and legal persons against individual administrative acts and actions by public authorities is provided in accordance with this Law. This Law is of particular importance for enjoying administrative judicial protection of natural and legal persons when they challenge the lawfulness of a final administrative act. Namely, this administrative judicial protection of the parties is also constitutionally guaranteed. The Law on Administrative Disputes actually regulates the administrative judicial procedure, which, on the one hand, controls the legality of administrative acts adopted by public authorities, as well as the failure of the authorities to act within the legally prescribed deadline, and on the other hand protects the rights and interests of the parties. When making court decisions, the provisions relating to the jurisdiction of the Administrative Court, as well as the provisions relating to the type of decision and the manner of making the decision, are particularly important. For instance, Article 3, which refers to the subject matter of an administrative dispute, is particularly important for determining the issues for which the Administrative Court is competent, so if that is not provided for in this article, the court may reject the lawsuit as filed with an incompetent body to decide on a particular matter. The principle of oral hearing provided for in Article 9 is one of the essential innovations in the Law on Administrative Disputes, according to which the court, as a rule, will make a decision in an administrative dispute on the basis of a public, direct and oral hearing, and an exception to its application is possible only in the cases stipulated in this law. Article 37 is in correlation with this article, which states that the court decides in regard to the filed lawsuit, after a hearing, unless otherwise regulated by this law. Particularly significant is the novelty in the Law on Administrative Disputes, which is provided for in Article 7, which regulates the principle of lawfulness. According to Article 58, there is one type of decision adopted by the court, which is the judgment, and it is stated that with a judgment the court decides on the main matter and on the secondary claims. Article 59 lists the grounds when the court may reject the plaintiff's claim, while Article 60 lists the grounds when the court upholds the plaintiff's claim, emphasising that now the dispute of full jurisdiction is provided for as a rule, not as an exception.

In terms of enhancing the efficiency of the administrative court procedure, particularly important provisions of the Law on Administrative Disputes are:

- Article 11, which refers to the principle of efficiency, because for the first time a deadline for deciding on an administrative dispute is introduced. Namely, in accordance with this principle of efficiency, the court shall conduct the procedure quickly, without resorting to unnecessary actions and costs and shall issue its decision within a reasonable time, i.e. no later than nine months from the date the documents were submitted or conditions for deciding on the lawsuit were created.
- Article 16, which stipulates that the dispute may also be resolved by a single judge. Thus, it is stipulated that in an administrative dispute in the first instance, the court shall decide in a panel of three judges, or as a single judge in disputes in which the claim expressed in monetary value does not exceed the amount of EUR 10,000 in MKD countervalue or disputes in which only procedural actions in the course of adopting the administrative act are contested.
- Article 60, which lists the grounds when the court upholds the plaintiff claim, emphasising that now the dispute of full jurisdiction is provided for as a rule, not as an exception.

- Article 88, which refers to the execution of court decisions, stipulates that when the judgment annuls a certain act of the respondent without resolving the administrative matter, the respondent shall act in accordance with the ruling within 30 days from the date of delivery of the judgment, and if the respondent does not act in accordance with the judgment within the established deadline nor do they respect the legal opinion and instructions of the court, the court shall impose a fine in the amount of up to 20% of the monthly salary of the authorised i.e. responsible person at the public body. While, for the execution of a judgment by which the court resolved the administrative matter in full jurisdiction, the respondent is obliged, within the deadline specified in the judgment, to take the foreseen actions, i.e. actions ordered in the judgment.
- Article 36, which is significant not only for ensuring efficiency, but also for overcoming the problem that occurs in practice, and that is the failure on the part of the respondent to submit documents the Administrative Court. Thus, the Law on Administrative Disputes stipulates that, upon the request of the court, each public authority is obliged, in accordance with the law, to submit all documents and data in its possession that are of interest for resolving the specific case, within the deadline set by the court, and if the public authority fails to act, the court shall issue a decision imposing a fine in the amount of up to 20% of the monthly salary of the authorised, i.e. responsible person at the public authority which, for unjustified reasons, has not submitted the documents, i.e. data in its possession.

2.2. Statistical data concerning disputes before the administrative courts

The data[5] show that the number of lawsuits filed for violation of social protection rights is relatively limited with a tendency of slight drop or stagnation in the analysed period. For example, in lawsuits for guaranteed minimum assistance, a drop from 105 lawsuits in 2021 to 54 lawsuits in 2023 and 2024 has been noted. A similar downward trend is also observed in regard to the assistance and care for another person (from 121 lawsuits in 2021 to 69 lawsuits in 2024), as well as in regard to the compensatory damages for personal injury. These data indicate that, although social protection related rights are massively exercised in practice, which implies thousands of claims, administrative-judicial protection is initiated in only a small number of cases. In addition, the number of lawsuits is small vis-à-vis the number of decisions rejecting applications to exercise the social protection rights.

Table No. 4 - Data about filed lawsuits in social rights related cases and upheld plaintiff's claims

Year	2021	2022	2023	2024
Number of filed lawsuits on the grounds of "guaranteed social assistance"	105	63	54	54
Number of upheld plaintiff's claims on the grounds of "guaranteed minimum assistance"	45	22	28	15
Number of filed lawsuits on the grounds of "compensatory damages for personal injury"	23	23	10	15
Number of upheld plaintiff's claims on the grounds of "compensatory damages for personal injury"	11	9	7	7
Number of filed lawsuits on the grounds of "assistance and care for another person"	121	95	85	69

5 The data was obtained from the response to a request for access to public information submitted in October 2025, adopted with Decision no. 0819 SPI. no. 03-18/25 of 20.10.2025 by the Administrative Court.

Number of upheld plaintiff's claims on the grounds of "assistance and care for another person"	99	67	51	44
Number of filed lawsuits on the grounds of "one-time financial assistance"	9	13	17	19
Number of upheld plaintiff's claims on the grounds of "one-time financial assistance"	4	7	9	7
Number of filed lawsuits on the grounds of compensation for salary for part-time work.	According to Automated Court Case Management Information System – ACCMIS system it is registered as "mandatory health insurance rights" where compensations are registered based on a number of different grounds arising from the mandatory health insurance rights (sick leave, physical injury - disability, pregnancy, etc.), which is why it is not possible to extract accurate data on the requested ground.			
Number of filed lawsuits on the grounds of "housing allowance"	In the ACCMIS system there is no record of the number of filed lawsuits on the grounds of "housing allowance", which is why it is not possible to extract accurate data on the requested basis			
Number of filed lawsuits on the grounds of "social security for elderly persons"	According to ACCMIS, the system is recorded under "social protection" along with other grounds in a similar area, which is why it is not possible to extract accurate statistical data on the number of lawsuits received on the requested basis.			

If we look into the general data on the cases filed under U-4,[6] which are practically the cases that are of our interest, we will see that the number of cases concerning other social rights (except social protection rights) is also small.

However, although the number of lawsuits is relatively small, it is evident that there is a constant number of upheld plaintiff's claims (namely, almost half of the plaintiffs' claims are always upheld when it comes to the cases concerning guaranteed minimum assistance). This indicates that, although the number of lawsuits is relatively small, they are filed in cases where there are really violations that make the administrative act unlawful. Unfortunately, this data cannot be obtained from the annual reports on the work of the Administrative Court, which is why a request for access to public information must be submitted. In the future, the annual reports of the court should also include data on how many of the lawsuits were accepted, rejected (or quashed), and how many times it was decided in full jurisdiction.

In regard to the efficiency of the administrative-judicial procedure, for illustration we present data from 2024, specifically cases registered under number U-4.

6 Administrative disputes in the field of pensions, rights deriving from pension and disability insurance and other rights that are resolved by the department for property law, denationalisation, expropriation, rights deriving from pension and disability and health insurance, urban planning, construction, misdemeanour offences and other disputes as well as administrative disputes in the area of pensions, rights deriving from pension and disability insurance and other rights that are resolved by the department for customs, concessions, public-private partnerships and other related rights and social protection rights, misdemeanour offenses and other related rights.

Table No. 5 - Illustrative example of efficiency[7]

Case type	Pending	Newly received	Re-registered	Incorrectly registered	Total no. in process	Settled	Other
U-4	390	477	36	1	902	470	432

Below the average per department is presented.

Table No. 6 - Illustrative example of the efficiency per department[8]

Case type	Pending	Newly received	Incorrectly registered	Total no. in process	Settled	Other
U-4 in the department for property - legal issues, denationalisation, expropriation, right to pension, disability and health insurance, urban planning, construction, misdemeanour offenses and other related rights	0	188	0	309	42	267
U-4 in the Department for customs, concessions, public-private partnerships and other related rights and social security rights, misdemeanour offenses and other related rights	390	394	1	593	428	165

To summarise, although social protection related rights are exercised daily through the social work centres, the Pension and Disability Insurance Fund and the Health Insurance Fund, statistical data show that the number of lawsuits filed on these grounds is relatively small compared to the total number of cases that are resolved before these authorities.

Hence, in the following text, in the identification and presentation of systemic and recurring problems in the area of social protection, the analysis will focus on those judgments passed in the last five years that uphold plaintiff's claims, especially in cases involving more serious violations of rights and legal obligations by public authorities. In other words, the judgments presented in the following text have been carefully selected because they indicate serious systemic and repetitive problems in administrative procedures related to social rights (i.e. systemic violations related to administrative social justice). At the same time, it should be taken into account that the analysis of the above-mentioned judgments, for which there are subtitles in Annex 1, required the analysis of a dozen other judgments (taking into account that it is a question of repetitive administrative disputes – there were several judgments for the same case).

7 Report on the work of the Administrative Court (Administrative Court, 2025)..

8 Ibid.

2.3. Violation of the principle of material truth

The principle of material (substantive) truth was explained in detail in the previous text. Let's remind ourselves, we are talking about a principle based on administrative procedure, which requires the public authorities to determine all the facts and circumstances of essential importance for the correct resolution of an administrative issue.

The analysed judgments reveal a continuous and systematic disregard of this principle by the administrative authorities:

- **Incomplete and incorrect understanding of the facts (error of facts):**
  - **In Judgment U-4. No.6/2024**, the Administrative Court determined that the claims of the sued authority for unpaid contributions for the period 03/2021 to 07/2021 contradicted the presented evidence, which showed "0.00" for unpaid hours. This indicates an incomplete and incorrect understanding of the facts (error of facts), contrary to Article 10 Paragraph 1 of the Law on the General Administrative Procedure.
  - **Judgement U-4. No.512/2023** states that the administrative authorities incorrectly understood the facts (error of facts), especially in relation to the plaintiff's permanent impairment to work and the calculation of the income, which is contrary to Article 10 Paragraph 1 of the Law on the General Administrative Procedure.
  - **In Judgement U-4.No.196/2022**, the court determined that the Health Insurance Fund did not make sufficient efforts to understand the facts, especially in relation to the necessity of diagnostic procedures before treatment abroad for a person with a life-threatening condition. This is a direct violation of Article 10 Paragraph 1 of the Law on the General Administrative Procedure.
  - **Judgement U-4.No.113/2024** contains a section in which it is stated that the authorities incompletely and incorrectly understood the facts (error of facts), flatly rejecting evidence of an irreversible and serious health condition of the plaintiff. The findings, the evaluation and the opinion of the expert commission were not based on proper examination of the person, but only on the basis of medical documentation, which the court considered insufficient to determine the relevant facts. This is contrary to Article 10 of the Law on the General Administrative Procedure.
  - **In Judgement U-4. no. 591/2023**, the court determined that the first-instance authority did not appreciate the process omissions at all and did not take into account the circumstance of whether the plaintiff was examined. Furthermore, the process of understanding the facts is incomplete, because the findings, the evaluation and the opinion of the expert commission were not based on an examination of the person, but only on the basis of medical documentation. This is contrary to Article 10 of the Law on the General Administrative Procedure.

- **Ignoring Evidence and Contradictory Decisions:**
  - In numerous cases, the administrative authorities have evaluated the evidence in a contradictory manner, ignoring the previously established irreversible condition of the plaintiffs. For example, in **Judgment U-4.No.113/2024**, a person with an established irreversible condition (blindness) once acquired the right, and another time, based on the same evidence, did not. This is irrational and indicates a selective and inconsistent evaluation of evidence, contrary to the principle of free evaluation of evidence from Article 12 of the Law on the General Administrative Procedure.
  - **In Judgment U-4.No.101/2023**, the authorities did not correctly determine the basis for calculating the compensation, because they did not take into account the variable part of the plaintiff's salary, even though contributions were paid for it. This is contrary to the principle of material truth from the Law on the General Administrative Procedure.

2.4. Misapplication of the substantive law

The misapplication of substantive law is often a logical consequence of an incomplete or incorrect understanding of the facts (error of facts). In the analysed judgments, it was established that the misapplication of substantive law is a frequent occurrence when it comes to social protection. Thus, the following was concluded:

- **Incorrect interpretation of legal provisions:**
  - **In Judgment U-4.No.101/2023**, the public authorities misapplied Article 16 of the Law on Health Insurance, which defines that the basis is "the average monthly amount of the paid salary on which the contributions have been paid". This happened by ignoring the variable part of the plaintiff's salary, even though contributions were paid for it.
  - **Judgment U-4.No.512/2023** indicates misapplication of substantive law in relation to the plaintiff's permanent impairment to work and the calculation of income, especially in the context of Article 29 Paragraph 5 of the Law on Social Protection, which provides for an increase in the equivalent scale for persons with disabilities.
  - **In Judgement U-4.No.196/2022**, the sued authority misapplied the substantive law, especially the provisions from the Rulebook on the way health services are used by insured persons abroad, not taking into account that diagnostic procedures are part of the treatment process for a person with a life-threatening condition, in accordance with Article 30 of the Law on Health Insurance.
  - **Judgement U-4.br.113/2024** ascertains misapplication of substantive law as a logical consequence of the incorrectly understood facts (error of facts), with unclear and contradictory application of Articles 48, 49 and 50 of the Law on Social Protection.
  - **In Judgment U-4.br.591/2023**, the Administrative Court implicitly points to misapplication of substantive law by citing Article 28 Paragraph 1 and Article 33 Paragraph 1 Subparagraph 2 of the Law on Social Protection, which define the conditions for the right to guaranteed minimum assistance and the property that could be considered sufficient for support. The court emphasises that it is necessary to correctly determine which property the plaintiff owns and whether he can support himself from it.

2.5. Failure to comply with court's judgements and instructions

One of the most worrisome systemic problems is the repeated disregard of final court judgments and instructions of the Administrative Court by public authorities. According to Article 13 of the Law on Administrative Disputes, the final judgment of the court is mandatory for the parties and for the public authorities. In addition, Article 60 Paragraph 5 of the same law stipulates that the respondent is bound by the legal opinion of the court and its views regarding the procedure. Namely, from the analysis below, we see:

- **Repeated annulments and return of cases:**
  - **In Judgment U-4.No.6/2024**, the Administrative Court has already annulled the decisions of the Ministry of Health twice and returned the case for a new decision. Despite these previous annulments and instructions, the sued authority again adopted a decision that was unlawful due to an incomplete and incorrect understanding of the facts (error of facts).
  - **Judgment U-4.no.196/2022** is also an example of a repeated administrative dispute, where the Administrative Court had already annulled the decision of the respondent (U-4. No. 38/2021) and returned the case, but the sued authority once again passed an unlawful act.
  - **Judgment U-4.No.113/2024** is particularly illustrative, where there is evident and continuous disregard for the instructions of the Administrative Court, which in three previous judgments gave clear guidelines for action.
  - **In Judgement U-4.No.436/2023,** the Ministry of Health failed to fulfil the obligation to adopt a new administrative act within 15 days after Judgement U-4.No.36/2022 became final, which led to the

"silence of the administration". This is a direct disregard for a court decision and the principle of lawfulness.

- **Ignoring the opinion of the court:**
  - In all cases of repeated administrative disputes, the administrative authorities did not adhere to the opinion of the court and its views regarding the procedure, as mandated by Article 60 Paragraph 5 of the Law on Administrative Disputes, thus contributing to the inefficiency and ineffectiveness of the procedures for exercising legal protection.

2.6. Other violations

In addition to the above, other repeated violations of the procedural law and the principles of the administrative procedure have been identified, which contribute to the inefficiency and delay of justice:

- **Ambiguity and contradiction in the rationale of the administrative acts:**
  - **In Judgment U-4.No.6/2024**, the contested decision is incomplete and wrongly formulated, with flaws that prevent its examination, unclear reasons and contradiction of the evidence. This is contrary to Article 88 Paragraph 4 of the Law on the General Administrative Procedure, which requires for the rationale to contain the reasons for which the administrative act was adopted. Similar violations were found in Judgment U-4.No.196/2022.
- **Absence of a representative of the respondent at the public hearing:**
  - In Judgment U-4.No.6/2024 and Judgment U-4.No.196/2022, the representative of the respondent did not appear at the public hearing, although he was duly invited. This makes it difficult to clarify the facts and circumstances.
- **Prolonged and uneconomical procedures:**
  - All the analysed judgments indicate an extremely long duration of the administrative and administrative-judicial procedures.
- **Violation of the principle of providing active assistance to the party and service orientation:**
  - In many of the cases below, it is evident that the public authorities are not service-oriented, nor have they helped the parties who, evidently, are in an unenviable position.
- **Silence of the administration:**
  - **Judgment U-4.No.436/2023** is a direct example of "silence of the administration", where the Ministry of Health did not pass an administrative act within the legally established period following a court ruling. This is a violation of Article 3 point 2 of the Law on Administrative Disputes.

Conclusion

Identified recurring problems:

- ambiguity and contradiction in the rationale of the administrative acts,
- absence of a representative of the respondent at the public hearing,
- prolonged and uneconomical procedures,
- violation of the principle of active assistance to the party and service orientation,
- silence of the administration,
- adopting only annulment judgments, and not judgments in a dispute of full jurisdiction
- not deciding on the merits by the second instance authority.

3. CONCLUDING OBSERVATIONS

3.1. General conclusions about access to administrative social justice

The analysis of access to administrative social justice in the Republic of North Macedonia shows that, despite the existence of a relatively solid constitutional and legal framework, the real exercising and protection of social rights in the administrative and administrative-judicial procedures continues to face serious systemic shortcomings. The formal compliance of legislation with international standards and European principles is not always followed by their consistent and high-quality application in practice, which directly affects legal certainty, equality of citizens and the effectiveness of legal protection.

Access to administrative social justice cannot be reduced only to the formal possibility to initiate an administrative procedure or an administrative dispute. It implies a functional system in which public authorities act lawfully, impartially, efficiently and assist the parties actively (i.e. they respect the principles of the Law on the General Administrative Procedure, in general), and the administrative judiciary provides real and timely judicial protection. The analysis indicates that it is precisely in this functional dimension that the greatest challenges exist.

3.2. Conclusions concerning the legal framework

From the perspective of the normative framework, it can be concluded that the Law on the General Administrative Procedure represents a strong systemic basis for the protection of the rights of the parties, including social rights. The principles contained in this law (lawfulness, legal certainty, proportionality, efficiency, active assistance to the party and determination of the material truth) are in full compliance with European standards for good governance.

However, the analysis shows that the special laws in the field of social protection, pension and disability and health insurance, as well as in the by-laws adopted based on them, often contain solutions that in practice relativise or limit the application of these principles. Although the basic principles of the Law on the General Administrative Procedure have not been formally derogated, the manner in which certain procedures are regulated may create difficulties for the parties.

3.3. Conclusions on the application of the administrative procedural law

The analysis of the administrative practice shows that each of the substantive regulations has a reference norm for the application of the Law on the General Administrative Procedure, when implementing a procedure for exercising social protection related rights, as well as pension and disability insurance and mandatory health insurance related rights. Hence, the competent authorities, when deciding on these rights, should consistently apply this formal regulation, keeping in mind the spirit of the law, as well as the goal of the administrative procedure to ensure the efficient and legal exercising of the parties' rights, while also ensuring an active role of the party during the entire procedure. The analysis indicates that most of the problems related to the access to administrative social justice stem from the inconsistent application of the fundamental principles of the Law on the General Administrative Procedure by public authorities. In particular, the following shortcomings stand out:

- a formalistic approach to decision-making, with excessive insisting on requests' formal shortcomings;
- insufficient application of the principle of providing active assistance to the party;
- insufficient determination of material truth;
- insufficiently elaborated administrative acts, especially in cases of rejecting or annulment of already acquired rights; and
- insufficient merit-based decisions by the second instance authority.

These phenomena have a particularly negative impact in social rights related procedures, where the parties are often persons with low level of legal literacy, limited financial resources and significant dependence on exercising of their rights timely.

3.4. Conclusions concerning the institutional framework

The institutional analysis indicates that there is a high fragmentation of competences among different public bodies (centres for social work, funds, commissions), which further complicates the procedure for citizens. It is interesting that in each of the three sub-areas (social protection, pension and disability insurance and health insurance related rights) there is a different approach regarding the (non)existence of a complaint and having no authority to decide on a complaint in an administrative procedure. In this analysis, there was neither space nor opportunity to review the actual capacities of all public bodies. However, in the coming period it is necessary to initiate a process for conducting functional analyses of all public bodies that fall within the institutional framework related to social rights.

3.5. Conclusions concerning administrative-judicial protection

The analysis unequivocally shows that administrative-judicial protection in the area of social rights does not fully fulfil its corrective and protective role. Namely, although there is a clear legal obligation to decide in full jurisdiction, the Administrative Court rarely uses this option, which results in the so-called "ping-pong effect" and long-lasting procedures.

The insufficient opting to decide in full jurisdiction, along with the frequent return of cases for another decision to be adopted, significantly extends the time needed to acquire the social rights and undermines the trust of citizens in the system of legal protection. This is especially problematic if we take into account that precisely in cases concerning social issues time is of the essence.

3.6. Overall conclusion

In general, the analysis shows that the key problem of access to administrative social justice in the Republic of North Macedonia is not in the lack of legal norms, but in their application in practice. There is a clear gap between the normatively proclaimed principles and the real administrative and judicial practice.

Improving access to administrative social justice requires a systemic approach that will include:

- improvement of administrative practice and respect for the principles of the Law on the General Administrative Procedure, as well as principles from other laws;
- analysis and appropriate institutional capacity building (functional analyses of public authorities and evidence-based capacity building policies);
- strengthening the capacities of the administrative judiciary, taking into account the huge number of cases that are dealt with, but also changing the judicial practice towards more active resolution in full jurisdiction; and
- constant affirmation of the principles of social justice, solidarity and proportionality.

3.7. Recommendations

In regard to the first instance authorities that decide in administrative proceedings, the basic recommendation is that they must be careful and consistently apply the provisions of both the substantive regulations and the Law on the General Administrative Procedure. In particular, the authorities should respect and apply the fundamental principles provided for in the Law on the General Administrative Procedure. As a result of the analysis of the court decisions, it is noted that the greatest weakness or unlawfulness that is established in the judgments is the incorrect understanding of the facts (error of facts), failure to act according to the instructions of the court judgments, and in some cases, the failure to submit documents. This situation can be overcome by undertaking the following measures: the first-instance authorities to draft decisions with detailed, clear and precise rationale, which will clearly show the understanding of the fact and which specific evidence was taken into account when making the decision, that there is no contradiction and that all the reasons for making a decision are clearly stated.

For the second instance authority, it is important to consistently apply the article of the Law on the General Administrative Procedure, which gives them the opportunity for merit-based decision-making as well as drafting decisions with clear rationale.

For efficient administrative judicial protection, the Administrative Court should apply the provisions that refer to the imposition of penalties for non-execution of a judgment, as well as for failure to submit documents. But one should emphasise that the new law introduces the administrative dispute of full jurisdiction as a rule and not as an exception, and hence the Administrative Court should more often make judgments of full jurisdiction in a dispute, especially in cases in which a lawsuit is filed several times.

In addition to the authorities, it should be noted that the parties also have a certain influence on the procedure, therefore each party, when submitting a request to exercise a certain right, should make sure to provide all the evidence on their part (except for the evidence that is provided ex officio) based on which the authority will be able to correctly determine whether all the conditions provided for in the substantive regulations for the acknowledgement of a certain right have been met. The Law on the General Administrative Procedure enables the party to play an active role in the procedure, so according to that, it should refer to the application of those provisions and participate in each of the stages of the procedure to exercise and protect their rights.

Regarding the efficient implementation of legal protection in an administrative procedure and administrative dispute, we can draw several findings and recommendations from the analysed court decisions.

Table No. 7 - Recommendations for effective implementation of legal protection in administrative proceedings and administrative disputes

No.	Finding	Recommendation
1	There is no data on execution of judgments.	To impose an obligation for the authorities to notify the Administrative Court of the action taken after the court's decision, and for the Administrative Court to prepare a Report on the number and manner of execution of the decisions it has adopted.
2	The deadline provided for in the Law on the General Administrative Procedure for acting on the request by a party is not observed.	To comply with the provisions concerning disciplinary accountability for failure to act within the period provided by law.
3	The second instance authority usually does not decide on the merits	Consistent application of Article 109 of the Law on the General Administrative Procedure, in which paragraphs 10 and 11 provide for merit-based decision-making.
4	Failure to act according to court's instructions and effective execution of court decisions	Consistent application of Article 88 of the Law on Administrative Disputes for the execution of judgments
5	Failure by the respondent to submit documents to the Administrative Court i.e. non-observance of the provision of the Law on Administrative Disputes concerning submission of documents	Consistent application of Article 33 Paragraph 6 of the Law on Administrative Disputes.



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