

TRANSITION PROCESS IN SOUTHEAST EUROPE AND THE PROTECTION OF THE CORPUS OF BASIC RIGHTS AND FREEDOMS

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ABSTRACT

The article presented the reasons for the difficulties related to drags on the transition processes in the countries of South East Europe with special focus on the Western Balkans. In further elaboration is covered process of change in all socialist countries which took place on the same regularities to all, particularly in the successor countries of the Former Yugoslav Federation. The transition period has led to a lower level of wild capitalism, and in some of them, to a certain level of liberal social model, with restrictions, in particular those relating to the democracy. In this direction as limiting factors of the democratic transformation which have impacted on slow pace of the transition processes were: subvert state tissue susceptible to corruption, slow reform of political institutions and harmonization with the European Union law, the dominance of the executive over the legislature, the weaknesses in the economy, social welfare, media, educational institutions; and insufficient differentiation of civil options. The strengthening of nationalism and ethno-nationalism, as a negation of the democratic political culture, socialization of personality and the affirmation of human values, which determine the transition processes in the countries of Southeast Europe are also subject to the exploration of this paper. Human rights are an essential segment of the text because most of the reasons that amused transition processes affect the violation of the corpus of fundamental rights and freedoms of citizens.

Keywords: Transition processes, political culture, civil society, media, human rights and freedoms



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1. INTRODUCTION

In the epoch of constitutionality in the XVIII and XIX century it was expressed faith that the people, according to their sanity and honesty, to establish a society of free citizens. In that system of values as the most essential component of progress are notable protection of private property, the ownership of commercial facilities and other individual rights and freedoms. In terms of human rights after the Second World War eminently excelled the constitutions of the socialist countries. During this period in Europe and in other parts of the world begins establishment of socialist concept of development of social systems. The main reasons for the establishment of such systems and the socialist revolutions was onemozhnosta of self-realization of a certain social class in industrialized societies and the inability of the representatives of that class to contribute to civilization processes in these capitalist systems. These situations resulted in the creation of conditions in the new socialist social systems of this social class to be able to realize their aspirations in the system as an antipode of the capitalist social system of values (Arsen Bacic, 2005).

With the collapse of the socialist social orders is an essential significance represents question which social and economic rights are acceptances to the new democratic constitutions of these post-communist countries, to what extent democratic gains reflect the capitalist social system as a paradigm, whether and where are placed the social and labor rights, which in former socialist system of values, guarantee people's financial security, as well as using all basic freedoms and rights that make up the social state.

During the analysis of transition, being questioned and viewed from this distance whether those who are most qualified to implement this system of transition from one social system to another, promote and develop the social order or realize reverse processes that lead mildly towards stagnation or regression of social paradigm.

2. CONCEPTUALLY AND METHODOLOGICALLY DETERMINATION

In the working of the text is used the method of analysis, and operational methods of data collection as content analysis, where the subject of research in the paper as a topic is discussed based on analysis of of social systems where such a corpus of human rights could be identified and defined as a comprehensive special characteristics in time and space.

3. IMPORTANCE AND EFFECTS OF TRANSITION

All transition processes begin with the breakdown of an authoritarian regime, which is often equated with the first signs of mass mobilization for the end to finish creating a new system of governance who obtains legitimacy through democratic elections. From here many logical are the views of scientific community that any transition process should have a beginning and an end, but in the case of countries in the region, its fluidity, especially delineation phase, makes it particularly difficult.

However, completion of the elections and formation of new government in any a society that passes from the authoritarianism in a system with democratic values is not the end of the transition period. Change of the regime, however, involves changes in many other levels of the political system, especially in the processes of decision-making at central, regional and local level.

Some authors Rustow, consider that there are three stages in the transition process. First or preparatory phase is characterized by a polarization of the main political actors, a second stream of decisions that institutionalize some of the key elements of democratic procedure and final phase of the transition is the period in which politicians and the electorate are getting used to the new political rules (Helga.A. Welsh 2010). However it can say that despite the fact that there are individual national variations in terms of speed, methods and players who are involved in transition process, they have a number of common features. Namely the periods of transition characterized by mutuality, where the necessity of resolve certain essential questions is of paramount importance especially if you work for distributing of power and founding elections. These transitional periods are

characterized by accelerated changes in social systems, especially after periods when the major political changes have been delayed so consequently of the gentiles appeared the necessity of depersonalization of the old social system.

In all former socialist countries changes in social systems, ie when making the transition from one system of values to another, were conducted almost in the same way whereby part of these countries, in accordance with established constitutional arrangements can be allocated in liberal systems, but with limitations regarding the democratic gains and the status of minorities (Zoran Vidojevic, 2006).

More authors share the opinion that it is necessary to instruct the constituency of the opinion that there is no developed theory of the transition of the former real-socialist social systems, when bear in account the significance of the transition processes in the world. Part of the scientific community asks questions pertaining to of the destinies of the citizens of the countries in this region in terms of the ability to get out of the phase of deprivation of the use of certain economic rights relating to welfare levels and meet their existential needs. In the second and third group of questions is often the subject of analysis is the work of institutions in society, the way of exercise of power of political elites, and the instruments to be used in these social systems that can protect citizens from abuse of power by the political elites.

Although the term is blurry, without the framework and ideological, from wider public is interpreted as a transition from one system to another, but what is essential for this term is the lack of empirical data on whether it is positive or negative systemic transition. (Zoran Vidojevic, 2006).

The analysis of transition processes which take place in countries that declared their statehood after the dissolution of the former Yugoslav Federation, it can be concluded that the establishment of the existing privatization set of economic laws that are inherent the initial accumulation of capital, whose exponent is mafia type of financial elite. Negative feature of this type of capitalist edited his vassal relationship to the centers of world economic power.

Some authors believe that this kind of economic regulation can only have negative implications since there is an incentive for corrupt behavior which in turn reflects negatively on the social component, and thus on overall system changes and development of society as a whole (Zoran Vidojevic, 2006).

Considering the negative implications of this kind of capitalist rule in scientific and professional circles are asking a lot of questions to which can be answered with certainty that citizens are not expect social order which would only be a simple replacement of authoritarianism in political of ravening in economic terms. Such economic system has the same negative impact on the social order because economic reform is possible, which would mean that the depersonalization of the old regime, economically is irrelevant.

The only positive change during the transition of the countries affected by these processes is improving and enhancing formal political freedoms as well as reducing the possibilities of concentration of power in one person or a small group of people. However it is not evidence that the abuse of power will not come, nor that such circumstances should be an excuse for the difficult economic situation faced by a growing number of citizens in these countries in the process of transition of social and political system (Zoran Vidojevic, 2006).

4. CORPS OF RIGHTS AND FREEDOMS IN THE COUNTRIES IN TRANSITION

A common problem in countries in transition is the existence of legislative gaps for the demolition of the old regime and its replacement with the new legal system, on the one hand, and the stabilization of the new system with the adoption of new legislation. This situation allows, due to the processes taking place in many fields, damage or loss of certain rights and freedoms of citizens.

4.1. Economic and social rights during the transition processes in post-communist and socialist systems

The large body of basic rights and freedoms as proclaimed in the constitutions of post-socialist countries, with confirmation that they will protect and will be the guarantor of citizens' rights, in a word to represent a kind of welfare states, were not realized until the end. Creators in the constitutions it did not have a specified concept of welfare state nor the principles of social justice.

In the early nineties of the last century, it was placed the thesis that the market economy is the most advanced model of regulation of social relations. This perception was not founded on a scientific basis and there were no analyzes of alternative ways of building a economic system, if it is shown that this concept of

a market economy can not create conditions for economic development, and thus to provide economic and social security for citizens.

If we make a comparison of how successful are transition processes in post-socialist and post-communist countries, it can verify that easily implemented political system solutions such as democratic gains, more party system but the key problems in these countries have emerged, and the consequences are still present in economic restructuring. This suggests that citizens will suffer the consequences just in achieving their social and economic rights (Arsen Babic, 2005).

Despite the fact that in most countries is completed stage of vulgar capitalism, however, there are political conflicts that are not exempt from the conceptual framework of ethno-nationalism, what are reflected the social tensions and marginalization. In these societies there is still high unemployment, poverty, increasing the gap between the small number of rich and the growing number of citizens who are on the verge of achieving the existential needs. This situation has opened questions about the success of the transition processes in the future.

4.1.2. Human rights in terms of health

Human rights related to health and health services, a wide range of issues because health is correlated about the welfare of a social system. It must note here that all human rights are interrelated hence failure of one means that you had the reflections of the other. It follows that states are obliged to contribute to meeting those needs and to enable citizens to have decent living conditions. As can be seen from the analysis presented in the text in terms of human rights, including in terms of social rights, the situation in terms of health care in the period of transition in our country and in others in the region, is polarized in primary and secondary health. In this respect it must be stressed the fact that there is substantial difference in the quality of health services in the private and public health, which in turn reflect the citizens because expensive health services in private hospitals can get people who have a solid financial portfolio.

4.2. Political culture and democratic gains in the period of transition in post-communist and post-socialist countries

What in the post-socialist countries during the transition period called the promotion of democracy as a reason for switching from one system to another, actually represented the poliarhija or low-intensity democracy. During the transition processes in these countries instead of substantives democracy, where citizens can directly influence the social processes, their participation in decision-making down to the choice of leadership through elections. This type of low intensity democracy in the transition countries, political interventions of transnational power centers, aims to preserve the control of social processes by breaking down the old system of social values (Radmila Nakarada, 2008). The right to participation is at the heart of human rights, and fundamental values that reflect human security, which relies on the participation and democracy. Apart from the participation and representation, it also implies the involvement of the individual in the civic life of their community, region or state. Democracy gets many forms, has various manifestations and is understood differently in different cultures, so while some below it means the separation of powers and the rule of law, in others it is the concept of participation (Wolfgang Bendek, 2008).

Perfect democracies nor ever existed, nor are there today. Modern democracies, to some extent, unite all the basic elements of democracy in their public life as a measure of equality, non-discrimination and social justice. Unfortunately, post-socialist countries democratic gains are not at that level which could positively influence the political culture, how could the principle of social justice to be achieved.

5. CONCLUSION

Transitional processes in some of the post-socialist countries are not yet completed. The largest and longest privatization process is still going on, where of essential importance is only the transfer of capital and enrichment of the financial portfolio of small group of people opposed to the majority percentage of citizens who remain at lower financial levels of the social system. In such processes certain countries were under her inability to guarantee the stability of the market economy, because of frequent legislative changes, which in turn negatively reflected on investment particularly from international corporations. This situation has prevented the development of education, health, and all other rights that are essential for the productivity of the workforce and gaining a society of prosperity and social justice.

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