



Fakulteti Juridik - Faculty of Law - Правен Факултет

**LIBRI I ABSTRAKTEVE
BOOK OF ABSTRACTS - КНИГА НА АПСТРАКТИ**

**UNIVERSALIZMI, GLOBALIZIMI DHE
SHTETI I SË DREJTËS**

**UNIVERSALITY, GLOBALIZATION AND THE
RULE OF LAW**

**УНИВЕРЗАЛИЗМОТ, ГЛОБАЛИЗАЦИЈАТА
И ПРАВНАТА ДРЖАВА**

**13-14 Nëntor/November/Ноември 2015
Tetovë/Tetova/Тетово**

KRYETAR NDERI - HONORARY PRESIDENT – ПОЧЕСЕН ПРЕТСЕДАТЕЛ

Prof. dr. Vullnet AMETI

Rektor i Universitetit Shtetëror të Tetovës/Maqedoni
Rector of the State University of Tetova/Macedonia
Ректор на Државниот Универзитет во Тетово/Македонија

KORDINATOR I KONFERENCËS - CONFERENCE COORDINATOR
КООРДИНАТОР НА КОНФЕРЕНЦИЈАТА

Doc. dr. Agim Nuhiu

**BORDI SHKENCOR I KONFERENCËS - SCIENTIFIC BOARD OF
THE CONFERENCE - НАУЧЕН ОДБОР НА КОНФЕРЕНЦИЈАТА**

Prof.dr. Mary Neuburger (USA)

Prof.dr. Kudret Çela (Albania)

Prof.dr. Arsim Bajrami (Kosova)

Prof.dr. Otmar Hoell (Austria)

Prof.dr. Naser Ademi (Macedonia)

Prof.dr. Ferat Polisi (Macedonia)

Prof.dr. Gabriela Belova (Bulgaria)

Prof.dr. Altin Shegani (Albania)

Prof.dr. Abdulla Aliu (Kosova)

Prof.dr. Cécile Vrain (France)

Prof.dr. Mehdi Hetemi (Kosova)

Prof.dr. Heinz Mayre (Austria)

Prof.dr. Nexhat Korolovic (BiH)

Prof.dr. Lachezar Dachev (Bulgaria)

Prof.dr. Borçe Davitkovski (Macedonia)

Prof.dr. Hamdi Podvorica (Kosova)

Prof.dr. Jovan Ananiev (Macedonia)

Prof.dr. Ilir Rusi (Albania)

Prof.dr. Mersim Maksuti (Macedonia)

Doc.dr. Zhaneta Poposka (Macedonia)

Doc.dr. Ela Podgorica (Albania)

**KËSHILLI ORGANIZUES - ORGANIZING COMMITTEE -
ОРГАНИЗАЦИОНЕН ОДБОР**

Doc.dr. Agim Nuhiu
Prof.dr. Bashkim Selmani
Prof. Dr. Ylber Sela
Prof.dr. Fatmire Lumani
Doc.dr. Ali Musliu
Doc.dr. Safet Emruli
Doc.dr. Arta Bilalli
Doc.dr. Jusuf Zejneli
Doc.dr. Bujar Ahmedi
Doc.dr. Afet Mamuti
Doc.dr. Bekim Kadriu
Doc.dr. Aurora Karameti
Doc.dr. Milaim Fetaj
Doc.dr. Qashif Bakiu
Doc.dr. Rizvan Sulejmani
Doc.dr. Agon Demjaha
Mr.sc.Vlona Pollozhani

**SEKRETARIATI I KONFERENCËS - CONFERENCE
SECRETARIAT - СЕКРЕТАРИАТОТ НА
КОНФЕРЕНЦИЈАТА**

Faton Shabani - Ali Salih - Fisnike Bekteshi - Bukurije Etemi

PËRMBAJTJA/CONTENT/СОДРЖИНА

THE DOCTRINAL AND NORMATIVE PARENT-CHILD RELATIONSHIP VIEWPOINT OF ARTIFICIAL IMPREGNATION.....	17
<i>Afet MAMUTI</i>	
IMPACT OF LEGAL FACTS IN CIVIL SUBJECTIVITY OF PHYSICAL PERSONS	18
<i>Agim NUHU</i>	
INTELLECTUAL PROPERTY LAW.....	19
<i>Alajdin ALISHANI</i>	
RECOGNITION AND ENFORCEMENT OF ARBITRAL AWARDS ANNULLED IN THE COUNTRY OF ORIGIN.....	20
<i>Arbër ADEMI</i>	
CRIMINAL ASPECTS FOR PROTECTION FROM DISCRIMINATION IN INTERNATIONAL LAW	21
<i>Ardit XHAFERI</i>	
THE APPLICATION OF DIFFERENT LEGAL BASIS FOR INHERITANCE IN THE MUNICIPALITY OF KËRÇOVA IN THE YEARS 2012 AND 2013.....	22
<i>Ardita DANI</i>	
REFORMS AND CHALLENGES OF THE ENFORCEMENT AGENT IN THE REPUBLIC OF KOSOVO	23
<i>Argzon MUÇAJ, Haxhi XHEMAJLI</i>	
CLASIFICATION OF EVIDENCE IN THE PENAL PROCESS....	24
<i>Arian NDOJA</i>	
THE FUNCTIONING OF POST PENAL ASSISTANCE IN REPUBLIC OF MACEDONIA.....	25
<i>Armend ASLLANI</i>	

PRINCIPE OF STATE POWER SHARING IN THE CONSTITUTIONAL SYSTEMS	26
<i>Arsim BAJRAMI, Jusuf ZEJNELI</i>	
THE IMPACT OF MITIGATING AND AGGRAVATING CIRCUMSTANCES IN IMPOSING THE PUNISHMENTS.....	27
<i>Arta BILALLI- ZENDELI</i>	
THE ACQUISITION OF PARENTAL RIGHT THROUGH SURROGATE MOTHER – SPECIAL ATTENTION TO THE LAW ON AMENDMENTS AND SUPPLEMENTS TO THE LAW ON BIOMEDICAL ASSISTED FERTILIZATION... 	28
<i>Arta Selmani-BAKIU</i>	
ROLE AND POSITION OF LEGAL CONSENSUAL CONTRACTS IN THE SYSTEM OF CONTEMPORARY INTERNATIONAL LAW	29
<i>Bashkim SELMANI</i>	
APPLICABLE LAW IN CASE OF SUCCESSION: THE BROADENING OF THE APPLICATION OF THE CHOICE OF LAW.....	30
<i>Bekim KADRIU</i>	
THE ROLE OF THE CADASTRE BUILDINGS IN ESTABLISHING THE OWNERSHIP OF FLOORS IN THE LEGAL SYSTEM IN KOSOVO	31
<i>Berat AQIFI, Besnik SURDULLI, Drini GRAZHDANI LLM</i>	
SUCCESSION IN INTERNATIONAL LAW	32
<i>Bujar AHMEDI</i>	
RIGHT TO FAIR TRIAL WITHIN A REASONABLE TIME; INTERNATIONAL STANDARDS. APPLICATION IN THE REPUBLIC OF MACEDONIA.....	33
<i>Bukurije ETEMI-ADEM</i>	

THE CONCEPT AND TYPE OF MORTGAGE34
Dëfrim SALIU, Shpend TAIRI

**INNOCENT’S ELEMENTS: A LEGAL FRAMEWORK FOR
BALANCING THE ROLES OF STATES AND UNIVERSITIES....35**
Dennis FARRINGTON, Besa ARIFI

**LAWFULNESS AND CONSTITUTIONAL PROTECTION.
COMPARATIVE AN CONSTITUTIONAL REVIEW36**
Driton KUÇI

CIVIL SERVANTS, NOT ONLY EMPLOYEE OF THE STATE ..37
Eda ÇELA, Eriona ÇELA

**HOW IS ARTICLE 8 OF THE EUROPEAN CONVENTION
ON HUMAN RIGHTS GUARANTEED RELATED TO THE
PROTECTION OF PERSONAL DATA AND THE LAW
ON THE RIGHT TO INFORMATION IN ALBANIA?38**
Edlir AJAZI

**THE RELATIONSHIP BETWEEN INTERNATIONAL LAW
AND THE NATIONAL LAW ON THE CONSTITUTIONAL
SYSTEM OF THE REPUBLIC OF KOSOVO.....39**
Egzona REXHA, Fatjona BEZERAJ

**PRIVACY AND PROTECTION LAW THAT GIVES FROM
ARBITRARY INTERFERENCE40**
Ela KERKA (PODGORICA)

**CONSUMER PROTECTION AND RIGHTS IN REPUBLIC
OF MACEDONIA41**
Elmedina SHUAJIBI

**THE ROLE AND IMPORTANCE OF THE PRINCIPLE
OF EQUITY IN THE LAW42**
Emine ZENDELI

THE ROLE OF THE POLICE IN PREVENTING AND FIGHTING CRIME	43
<i>Emin HUSEINI</i>	
IMPLEMENTATION OF DETENTION IN THE REPUBLIC OF MACEDONIA	44
<i>Fatbardha ISMAILI</i>	
LOCAL GOVERNMENT ACCORDING TO THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA	45
<i>Fatmire LUMANI</i>	
CISG -- THE MAIN PILLAR OF THE LAW FOR INTERNATIONAL SALES OF GOODS	46
<i>Faton SHABANI</i>	
DETENTION AS A MEASURE TO ENSURE THE PRESENCE OF THE DEFENDANT IN CRIMINAL PROCEEDINGS	47
<i>Fatmire KRASNIQI</i>	
THE INTERPRETATION OF LAW AND SOCIAL PRACTICE ..	48
<i>Fejzulla BERISHA</i>	
DIVORCE AND DIVORCE CAUSES IN THE MUNICIPALITY OF TETOVO	50
<i>Fisnike BEKTESHI</i>	
THE REFORMS IN THE CRIMINAL JUSTICE IN ALBANIA- DOCTRINAL ASPECTS	51
<i>Firdusi AJAZI</i>	
CRIMES AGAINST HUMAN IN R. OF KOSOVO IN COMPARATIVE PERSPECTIVE IN KOSOVO	52
<i>Fitim BEKTESHI</i>	

THE ROLE OF THE OMBUDSMAN IN THE PROTECTION OF FREEDOMS AND RIGHTS OF NON-MAJORITY ETHNIC COMMUNITIES.....	53
<i>Gerta LESH</i>	
INFORMALITY AND CORRUPTION, SYMBIOSIS, INTERACTION OR EACH OTHER'S OPPONENTS?.....	54
<i>Harun TAIR</i>	
DIVORCE THROUGH CENTURIES UNTIL NOWADAYS.....	55
<i>Irma BAJRAMI</i>	
CRIMINAL ACTS WITH TERRORIST PURPOSES AND CONFRONTATION WITH LAW.....	56
<i>Jola BODE (XHAFO), Ela KERKA (PODGORICA)</i>	
THE PROCEDURE FOR ADOPTION OF MINORS UNDER ALBANIAN LAW PROBLEMS ENCOUNTERED IN PRACTICE.....	57
<i>Juelda LAMÇE, Sulejman AHMEDI</i>	
ACCES OF STAY OF LEGISLATION ON DOMESTIC AND INTERNATIONAL PROTECTION OF PERSONAL DATA AND PROTECTION OF PRIVACY VIOLATION.....	58
<i>Mentor SYLMEAJ</i>	
PRIORITY OF THE RIGHT OF PROPERTY IN ALBANIA.....	59
<i>Merita QATO, Agim NUHIU</i>	
LEGAL FRAMEWORK FOR LAND OWNERSHIP IN THE COUNTRIES OF THE WESTERN BALKANS.....	60
<i>Merita QATO</i>	
THE ELECTORAL SYSTEM IN THE REPUBLIC OF MACEDONIA.....	61
<i>Mersim MAKSUTI</i>	

LAVEL OF CRIMINAL LIABILITY OF LEGAL PERSONS IN THE REPUBLIC OF MACEDONIA FROM INTERNATIONAL STANDPOINT	62
<i>Mevledin MUSTAFI</i>	
THE CONSTITUTIONAL POSITION OF NATIONAL MINORITIES IN THE MACEDONIA.....	63
<i>Muhamet TOÇI</i>	
THE PROBLEM OF CRIMINAL LIABILITY FOR HATE CRIME	64
<i>Naser ADEMI</i>	
NARCOTIC DEALING IN TETOVA FROM 2005-2010	65
<i>Neset KAMBERI</i>	
PARLIAMENTARY OVERSIGHT ON SECURITY SECTOR IN KOSOVO.....	66
<i>Nur ÇEKU</i>	
COPENHAGEN CRITERIA AS CONDITIONS FOR MEMBERSHIP IN THE EUROPEAN UNION (EU).....	67
<i>Qani NUHIU</i>	
INTERNATIONAL POLICE ORGANIZATION – INTERPOL.....	68
<i>Qebir AVZIU</i>	
ETHNOS VERSUS DEMOS DEMOCRACY, THE CASE OF MACEDONIA	69
<i>Rizvan SULEJMANI</i>	
THE EFFECTS OF THE EUROPEAN INTEGRATION ON CONSTITUTION SYSTEM IN REPUBLIC OF MACEDONIA AND THE ROLE OF THE CONSTITUTIONAL COURT.....	70
<i>Safet EMRULI</i>	

THE WITNESEES EVIDENCE IN THE CIVIL PROCESS	71
<i>Shemsije DEMIRI, Rudina KAJA</i>	
ROLE OF POLICE IN PREVENTING AND DISCOVERING THE CRIMINALITY.....	72
<i>Shpend TAIRI, Defrim SALIU</i>	
THE INCLUSION OF THE ROMA MINORITY IN ALBANIAN SOCIETY. NEW CHALLENGES IN THE CONTEXT OF EU INTEGRATION.....	73
<i>Sokol BANA</i>	
ENVIRONMENTAL CRIME AND THE REASONS FOR ADOPTION OF AN ENVIRONMENTAL PROTECTION DIRECTIVE IN THE REPUBLIC OF MACEDONIA, BASED ON THE PRACTICE OF EUROPEAN UNION COUNTRIES ...	74
<i>Vasfi DOKO</i>	
THE GOALS OF PENAL PUNISHMENT AND THE CONDEMNATION OF SMUGGLING IN THE REGION.....	75
<i>Vladimir SKËNDERI</i>	
IMPLICATIONS OF THE ACCESSION PROCESS OF EU REGARDING HUMAN RIGHTS IN MACEDONIA	76
<i>Vlona Pollozhani SHEHU</i>	
MITIGATION AND AGGRAVATING CIRCUMSTANCES ACCORDING TO ALBANIAN LEGISLATION	77
<i>Xhovana KODRA</i>	
ORGANIZED CRIME AND CORRUPTION IN SOUTHEAST EUROPE – CASE STUDY R. OF MACEDONIA.....	78
<i>Ylber SELA, Syarta SALLJU OSMANI</i>	
TRADITIONAL DIPLOMACY AND MARRIAGE OF ALBANIANS – COMPARATIVE OVERVIEW	79
<i>Zeqirja IDRIZI</i>	

OWNERSHIP AND PROTECTION OF OWNERSHIP OBSERVED IN TERMS OF JUDICIAL PRACTICE.....	80
<i>Ekrem AGUSHI, Arben AGUSHI</i>	
A NARRATIVE ON SEXISM AND AGEISM IN A BRAZILIAN FAMILY-OWNED BUSINESS.....	81
<i>Arta XHELILI, Julia OSSO</i>	
USING INNOVATIVE TECHNIQUES FOR TEACHING MEDIA AND CONFLICT CLASSES.....	82
<i>Aurora Ndrio KARAMETI, Aferdita SOKOLI</i>	
LOGIC AND EXPECTATIONS.....	83
<i>Dashmir IDRIZI</i>	
UNTRANSLATABLE WORDS, HOW LANGUAGE AFFECTS THE CONNECTIONS BETWEEN CULTURES	84
<i>Kristina AJAZI</i>	
DID THE NATIONAL RECONCILIATION HAPPENED IN THE HIGHEST SECURITY SYSTEM IN THE COUNTRY?.....	85
<i>Liridona VEJSELI</i>	
THE SPEECH ON TELEVISION	86
<i>Mimoza DOKO, Gazmend ABRASHI</i>	
FREEDOM AND INTEGRITY OF THE MEDIA AS AN IMPORTANT PREREQUISITE FOR THE PATH OF THE WESTERN BALKANS TO THE EUROPEAN UNION.....	87
<i>Rina Rushani AJDARI</i>	
CULTURAL IDENTITY OF THE <i>SECOND GENERATION</i> IN THE ALBANIAN DISAPORA	88
<i>Selam ISEJNI</i>	
PROJECT - OVER CONFLICTS.....	89
<i>Agim BEQIRI</i>	

INTER-ETHNIC RELATIONS IN MACEDONIA 14 YEARS AFTER THE OHRID AGREEMENT	90
<i>Agon Denjaha</i>	
THE CONCEPT OF CATEGORIES AND BASIC CONTENTS OF DEMOCRACY AND THE PHILOSOPHY OF LAW AND LEGAL SOCIOLOGY	91
<i>Ferat POLISI</i>	
STRESS OF UNIVERSITY STUDENTS	92
<i>Ismail ALI</i>	
FJALE TE PAPERKTHYESHME! SA NDIKON GJUHA NE LIDHJET MES KULTURAVE.....	93
<i>Kristina AJAZI, Edlir AJAZI</i>	
ALBANIAN BALKAN GEOPOLITICS AND MIGRATIONS	94
<i>Nazmi MALICHI</i>	
RELIGION AND CULTURE IN A GLOBAL WORLD.....	95
<i>Sadik EMROJA</i>	
RELIGIOUS LIBERTY AND THE SECULAR STATE IN THE 21TH CENTURY	96
<i>Sami MEHMETI</i>	
SOME PROBLEMS OF FUNCTIONING OF THE CIVIL SOCIETY IN REPUBLIC OF MACEDONIA.....	97
<i>Страшко СТОЈАНОВСКИ, Ана Никодиноvsка КРСТЕВСКА</i>	
UNIVERSALISM IN MESSAGES OF PROPHET MUHAMMAD.....	98
<i>Зејну МАЗЛАМИ, Наташа ДИДЕНКО</i>	
THE ROLE OF UNMIK ON THE RULE OF LAW IN KOSOVO.....	99
<i>Alban RAMADANI, Mentor MORINA</i>	
GLOBALIZATION AND DE-ETATIZATION OF THE STATE	100
<i>Ali MUSLIU</i>	

INTERNATIONAL CIVIL SUPERVISION IN KOSOVO- THE ROLE AND INTERNATIONAL IMPACT.....	101
<i>Ardian LENJANI</i>	
GLOBALIZATION AND REGIONALIZATION TURBULENT BALKAN BETWEEN THE PAST, PRESENT AND THE FUTURE... 	102
<i>Bekim MAKSUTI</i>	
CORRELATIONS BETWEEN POLITICAL & CONSTITUTIONAL STATE SYSTEMS AND THE NATIONAL LANGUAGE OFFICIAL STATUS.....	103
<i>Dervish HALIMI</i>	
“ETHNIC DISCRIMINATION IN THE REPUBLIC OF MACEDONIA AND OHRID FRAMEWORK AGREEMENT: THE PRINCIPLE OF THE NON-DISCRIMINATION AND EQUITABLE REPRESENTATION”	104
<i>Dokleata QAMILI</i>	
THE IMPACT OF NEGOTIATIONS IN PEACEFUL SOLUTION OF DISPUTES AND CONFLICTS.....	105
<i>Drita Mamuti FAZLIJA</i>	
CHALLENGES BETWEEN NORTHERN KOSOVO AND EULEX IN KOSOVO	106
<i>Dukagjin LEKA</i>	
CONSTITUTIONAL AND POLITICAL LIMITATIONS OF THE RIGHTS OF ALBANIANS IN MACEDONIA.....	107
<i>Fatos RUSHITI, Burim BAJRAMI</i>	
THE CONSTITUTIONALISATION AND CONTROL OF POLITICAL PARTIES IN KOSOVO.....	108
<i>Florent MUÇAJ, Gëzim SHALA</i>	

INDEPENDENCE AND INTERNATIONAL RECOGNITION OF KOSOVA	109
<i>Frasher DEMAJ</i>	
GLOBALIZATION.....	110
<i>Gjyla CELIKU, Anthony PRESTON</i>	
LEGAL PROTECTION OF THE RIGHT TO FREEDOM AS A UNIVERSAL HUMAN RIGHT FROM MAGNA CARTA LIBERTATUM TILL TODAY	111
<i>Hamdije Ademi Tafa</i>	
ORGANIZATION AND DEVELOPMENT OF LOCAL GOVERNANCE AND THE DECENTRALIZATION PROCESS IN MACEDONIA BRIEF OVERVIEW OF THE EFFECTS OF THE OHRID AGREEMENT ON THE IMPLEMENTATION OF THIS PROCESS	112
<i>Milaim FETAI</i>	
GLOBALIZATION AND INTERNATIONAL RELATIONS....	113
<i>Miranda S. BEXHETI</i>	
THE ESTABLISHMENT OF THE SPECIAL PUBLIC PROSECUTION IN MACEDONIA POLITICAL OR REAL SOLUTION.....	114
<i>Nexhat ELEZI</i>	
SEGMENTATION AGAINST MULTICULTURALISM IN THE ALBANIAN POLITICAL BLOCK.....	115
<i>Qashif BAKIU, Ali SALIHI</i>	
CONSOLIDATION OF POLITICAL RIGHTS WITH INTERNATIONAL STANDARDS IN REPUBLIC OF MACEDONIA.....	116
<i>Senada LAÇKA, Guximtar RUSHANI</i>	

THE EUROPEAN UNION'S SECURITY NEXUS: A CONSTRUCTIVIST APPROACH.....	117
<i>Shefik SHEHU</i>	
DISCRIMINATION ON GROUND OF RELIGION AND BELIEF – CHALLENGES IN EFFECTIVE PROTECTION	118
<i>Zaneta POPOSKA</i>	
MULTILAYERED LEGAL STATE AND MULTILAYERED AND MULTILEVELED RULE OF LAW IN POLITICAL GLOBALIZATION ERA	119
<i>Sveto TOEVSKI</i>	
MEDIA ETHNOCRACY IN MACEDONIA AND THE OBJECTIVITY OF INFORMATION. ANALYSIS OF THE STRUCTURES OF MEDIA PROPERTIES IN THE COUNTRY AND THEIR IMPACT ON THE OBJECTIVITY OF INFORMATION.....	120
<i>Agron KURTISHI</i>	
THE PHENOMENOLOGY OF JUVENILE DELINQUENCY IN REPUBLIC OF MACEDONIA DURING THE PERIOD 2012-2014.....	121
<i>Blerta Arifi, Vedije Ratkoceri</i>	
POLITICAL PLURALISM	122
<i>Metali ALILI, Qashif BAKIU</i>	

DISCRIMINATION ON GROUND OF RELIGION AND BELIEF – CHALLENGES IN EFFECTIVE PROTECTION

Zaneta POPOSKA

Faculty of Law, State University Goce Delchev

Abstract

The protection on the ground of religion and belief is explicitly provided in the European legal system, in the European Convention on Human Rights and the law of the European Union. Religion and belief is a highly complicated and sensitive ground of discrimination with specific features compared to other grounds such as ethnicity, gender, disability, age or sexual orientation.

This paper explores the features of the religion and belief as discriminatory ground from a legal and policy stand, its specificity and challenges in effective protection. In addition, the paper elaborates the position of the international jurisdictions, such as the European Court of Human Rights and the Court of Justice of the European Union through its case law on protection of discrimination on this ground. Furthermore, the paper analyzes the intersectionality with gender and the interplay and potential conflict with other grounds of discrimination such as for example the sexual orientation. Finally, the paper presents ways forward in providing for effective protection against discrimination on ground of religion and belief, with emphasis put on the work of the equality bodies and good practices. The text uses reports and results from research and survey that have been conducted in the European Union and draws conclusions from the case law of the European Court of Human Rights and the Court of Justice of the European Union.

Key words: *anti-discrimination, belief, equality, legislation, religion*