

LAW ON MISDEMEANORS AGAINST THE PUBLIC ORDER

CONSOLIDATED TEXT **1**

I. GENERAL PROVISIONS

Article 1

This Law shall determine the misdemeanors against the public order, the misdemeanor sanctions, the competent misdemeanor body for imposing misdemeanor sanctions, the special misdemeanor measures for violation of the public order, as well as the procedure for organization of fireworks, torch ceremony, or similar ceremonies.

Article 2

A misdemeanor against the public order shall be committed by whosoever who violates the peace, the work or the regular way of living by his/her behavior or action, who disparages, humiliates and insults the citizens, jeopardizes their safety in a public place or creates insecurity, prevents the free movement of the citizens in public places or violates the exercise of their rights and obligations, prevents the work and the execution of the competencies of the state bodies and other institutions that exercise public powers, or the performance of the activities of the legal entities, or in any other manner violates the public order.

Article 3

Public place, in terms of this Law, shall be considered the place where the access of unlimited number of people without any requirements is free (street, schools, squares, roads, picnic places, harbors, waiting rooms, catering, trade and craft shops, and alike) or under determined conditions (sport stadiums and playgrounds, means for public transport, cinemas, theaters and concert halls, exhibition areas, gardens, and alike), as well as other places that in a particular time serve for such purposes (land or premises where public gatherings, ceremonies, competitions, and alike are held).

It shall be also considered that a misdemeanor under this Law is committed in a public place if the action is committed in a place which in terms of paragraph 1 of this Law is not considered a public place, but is visible from a public place (balcony, terrace, tree, poles, stairs, and alike) or if the consequence occurs in a public place.

II. MISDEMEANORS AGAINST THE PUBLIC ORDER

Article 4

Whosoever violates the public order by arguing, yelling or indecent and impudent behavior in a public place, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Article 5

Whosoever disturbs the citizens or jeopardizes their safety by throwing or breaking bottles, glasses or other objects in a public place, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Article 6

Whosoever drinks or in a drunken state violates the public order in a public place, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Article 7

Whosoever disturbs the neighbors by harassing another person in an apartment and causes intervention of the police, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Article 8

Whosoever violates the peace of the others by singing, using musical instruments, radio and television devices, and other technical devices, as well as by mechanical sources of noise (motor and alike), in the period between 3 p.m. and 6 p.m. and after 11 p.m. to 6 a.m. shall be prevented by the police and shall be imposed a fine in the amount of Euro 200 to 500 in Denar counter value.

Regarding the misdemeanor referred to in paragraph 1 of this Article, a legal entity shall be imposed a fine in the amount of Euro 1.000 in Denar counter value and the responsible person in the legal entity shall be imposed a fine in the amount of 30% of the determined fine for the legal entity.

A fine in the amount of Euro 800 in Denar counter value shall be imposed on a sole proprietor who performs a catering activity if it does not take measures to prevent the commission of the misdemeanor referred to in paragraph 1 of this Article in its catering facility.

The Government of the Republic of Macedonia shall adopt a bylaw which shall determine the cases where, and the conditions under which, the public peace referred to in paragraph 1 of this Article is to be considered violated.

Article 9

Whosoever organizes an animal fight and causes disapproval of the citizens or jeopardizes their safety in a public place, shall be imposed a fine in the amount of Euro 500 to 1.000 in Denar counter value.

Article 10

Whosoever by harassing, disparaging, humiliating and insulting others or by exerting force on someone causes disapproval of the citizens or jeopardizes their safety in a public place, shall be imposed a fine in the amount of Euro 200 to 500 in Denar counter value.

Whosoever shows particular unscrupulousness, persistence or impudence in the commission of the misdemeanor referred to in paragraph 1 of this Article, shall be imposed a fine in the amount of Euro 700 to 1.500 in Denar counter value.

Article 11

Whosoever participates, causes or encourages another to a fight in a public place, shall be imposed a fine in the amount of Euro 300 to 500 in Denar counter value.

The participation in a fight in order to help or protect an attacked person or to prevent it, shall not be considered participation in a fight in terms of paragraph 1 of this Article.

Whosoever commits the misdemeanor referred to in paragraph 1 of this Article in a group, shall be imposed a fine in the amount of Euro 700 to 1.500 in Denar counter value.

Article 12

Whosoever assaults another in a public place, shall be imposed a fine in the amount of Euros 600 to 800 in Denar counter value.

Whosoever commits the misdemeanor referred to in paragraph 1 of this Article in a group, shall be imposed a fine in the amount of Euro 700 to 1.000 in Denar counter value.

Article 13

Whosoever disparages a state body, that is, disparages or insults an official person of a state body or another institution that exercises public powers in the performance of the service, shall be imposed a fine in the amount of Euro 600 to 800 in Denar counter value.

If the official person referred to in paragraph 1 of this Article is a police officer, the offender shall be imposed a fine in the amount of Euro 600 to 900 in Denar counter value.

Article 14

Whosoever acts contrary to the order of a competent state body or of an authorized official person of a state body regarding a prohibition on approaching or staying at a particular place, shall be imposed a fine in the amount of Euro 600 to 800 in Denar counter value.

Article 15

Whosoever does not move away from a group of people that an authorized official person has ordered to leave in cases of jeopardized public order, shall be imposed a fine in the amount of Euro 600 to 800 in Denar counter value.

Article 16

Whosoever falsely calls for help or reports an event for the purpose of causing an official person of a state body or a public service to go out, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Article 17

Whosoever damages, destroys or desecrates a monument, shall be imposed a fine in the amount of Euro 1.500 to 2.000 in Denar counter value.

Article 18

Whosoever, without any authorization, removes, tears, smears, damages or in any other way exposes to mockery the state symbols of the Republic of Macedonia, the symbols of the representatives of the communities, or displays a flag or coat of arms that does not contain the features determined by law, shall be imposed a fine in the amount of Euro 1.000 to 1.500 in Denar counter value.

Article 19

Whosoever prostitutes him/herself, as well as rents, that is, makes premises available for prostitution, shall be imposed a fine in the amount of Euro 600 to 800 in Denar counter value.

A fine in the amount of Euro 2.000 in Denar counter value shall be imposed on a legal entity and a sole proprietor that performs a catering activity if it rents, that is, makes premises available for prostitution.

Regarding the misdemeanor referred to in paragraph 2 of this Article, the responsible person of the legal entity shall be imposed a fine in the amount of 30% of the determined fine for the legal entity.

Article 20

Whosoever uses narcotic drugs, psychotropic substances and precursors, shall be imposed a fine in the amount of Euro 200 to 500 in Denar counter value.

Article 21

Whosoever allows presence of juveniles in catering facilities or entertainment premises (restaurants, night bars, disco clubs, and similar facilities) later than 12:00 p.m. shall be imposed a fine on:

- a trade company that performs a catering activity or another legal entity in the amount of Euro 2.000 in Denar counter value,
- a sole proprietor that performs a catering activity in the amount of Euro 1.700 in Denar counter value, and
- a responsible person of a trade company that performs a catering activity or another legal entity in the amount of 30% of the determined fine for the legal entity.

Article 22

Whosoever provides juveniles with audiovisual images and other objects with pornographic content or with explicit violence, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Regarding the misdemeanor referred to in paragraph 1 of this Article, the legal entity shall be imposed a fine in the amount of Euro 1.000 in Denar counter value and the responsible person in the legal entity shall be imposed a fine in the amount of 30% of the determined fine for the legal entity.

Article 23

Whosoever falsely presents him/herself to another regarding his/her official position, that is, status or whosoever uses false personal data as his/her own or confirms somebody else's false personal data, as well as whosoever wears signs of an official person without any authorization, shall be imposed a fine in the amount of Euro 600 to 800 in Denar counter value.

Article 24

Whosoever is found begging, shall be imposed a fine in the amount of Euro 15 to 50 in Denar counter value.

Article 25

Whosoever gambles or plays another game of chance that is forbidden, shall be imposed a fine in the amount of Euro 200 to 500 in Denar counter value.

Article 26

Whosoever disturbs the public order in joint premises (staircase, basement, fenced yard) of a residential building where he/she does not live, a yard or school premises where he/she is not a student or in premises of another public building, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Article 27

Whosoever prevents the use or damages public buildings, public fountains, springs, beaches, parks, promenades and other public facilities and installations and pollutes them with substances and waste

that pollute the environment and the nature, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Article 28

Whosoever carries out activities, but does not take appropriate measures to secure a canal, manhole, well, hole, electrical installation and other devices that pose a threat to the passers-by, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Regarding the misdemeanor referred to in paragraph 1 of this Article, the legal entity shall be imposed a fine in the amount of Euro 2.000 in Denar counter value and the responsible person of the legal entity shall be imposed a fine in the amount of 30% of the determined fine for the legal entity.

Article 29

Whosoever leads on a leash dogs and other dangerous animals that may scare or injure others with no protective equipment (muzzle and alike), supervision, and caution, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Article 30

Whosoever places or keeps in front of a building or a fence, that is, on a building or a fence, a device or an object that might injure the passer-by or cause him/her other damage, or whosoever throws such objects on a street, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Regarding the misdemeanor referred to in paragraph 1 of this Article, the legal entity shall be imposed a fine in the amount of Euro 2.000 in Denar counter value and the responsible person in the legal entity shall be imposed a fine in the amount of 30% of the determined fine for the legal entity.

Article 31

Whosoever without any authorization fires a firearm, uses pyrotechnical means or similar explosive or easily flammable material, or violates the peace and the safety of the citizens in a similar manner, shall be imposed a fine in the amount of Euro 200 to 500 in Denar counter value.

Article 32

Whosoever without any authorization organizes fireworks, torch ceremony or similar ceremony in a public place, and does not take safety measures in terms of Article 39 of this Law, shall be imposed a fine in the amount of Euro 100 to 400 in Denar counter value.

Regarding the misdemeanor referred to in paragraph 1 of this Article, the legal entity shall be imposed a fine in the amount of Euro 1.000 in Denar counter value and the responsible person in the legal entity shall be imposed a fine in the amount of 30% of the determined fine for the legal entity.

Article 33

If a trade company that performs a catering activity, a sole proprietor that performs a catering activity or a person entrusted to run a catering facility or a responsible person of a trade company performing a catering activity or another legal entity do not take appropriate measures for keeping the public order therein, that is, do not prevent the violation of the public order if they can do so without causing danger for themselves or others, as well as if they do not report the violation of the public order in a police station of general competence, a fine shall be imposed on:

- a trade company that performs a catering activity or another legal entity in the amount of Euro 2.000 in Denar counter value,
- a sole proprietor that performs a catering activity in the amount of Euro 1.500 in Denar counter value, and
- a responsible person of a trade company that performs a catering activity or another legal entity or a person entrusted to run a catering facility in the amount of 30% of the determined fine for the legal entity.

Article 34

A parent or a guardian whose child, that is, custodian commits misdemeanors under this Law due to neglectful care, shall be imposed a fine in the amount of Euro 600 to 800 in Denar counter value.

III. COMPETENT BODY FOR IMPOSING MISDEMEANORS SANCTIONS

Article 35

Regarding the misdemeanors determined by this Law, if the offenders are juveniles or foreigners, the misdemeanor procedure shall be conducted and the misdemeanor sanction shall be imposed by the competent court.

Article 36

Regarding the misdemeanors anticipated in the provisions of Articles 4, 5, 6, 7, 8, 10 paragraph 1, 11 paragraph 1, 16, 20, 22, 24, 25, 26, 27, 28 paragraph 1, 29, 30 paragraph 1, 31 and 32 of this Law, the misdemeanor procedure shall be conducted by the Ministry of Interior.

The Commission referred to in paragraph 1 of this Article shall consist of two members and a president of the commission.

The members of the commission shall hold a university degree and have work experience of at least four years in the respective matter, and the president of the commission shall be a law graduate having passed the bar examination and has work experience of at least six years in the respective matter.

The writs prepared by the commission shall be submitted in accordance with the provisions of the Law on Misdemeanors and the Law on the General Administrative Procedure.

If the residence of the person to whom a notification, invitation or decision is to be submitted is unknown for the body whose writ is to be submitted, the commission shall publish the writ on the website of the Ministry of Interior and it shall be considered that the party is duly informed about the writ upon the expiry of eight days as of the day of its publication on the website.

An appeal against the decision of the commission may be filed to the State Commission for Decision-making in Second Instance in the Field of Inspection and Misdemeanor Procedure.

Article 36-a

The amount of the fine for a legal entity and a sole proprietor shall be determined in accordance with the Law on Misdemeanors.

IV. SPECIAL MISDEMEANOR PROVISIONS

Article 37

A special misdemeanor measure - seizure of objects that have been used for committing the misdemeanor or that have occurred by committing the misdemeanor, shall be imposed for the misdemeanors determined in Articles 5, 11, 17, 18, 19, 20, 22, 24, 25, 31 and 32 of this Law.

The police officers (authorized official persons) of the Ministry of Interior in the cases referred to in paragraph 1 of this Article may temporarily seize the objects, in accordance with the law [2](#)

Article 38

The commission of the Ministry of Interior may impose a misdemeanor sanction prohibition to perform a business activity for a period of three to 15 days on the legal entity for the misdemeanor referred to in Articles 8 and 32 of this Law.

The court may impose a misdemeanor sanction prohibition to perform a business activity for a period of three months to three years on the legal entity for the misdemeanor referred to in Article 21 of this Law.

V. PROCEDURE FOR ORGANIZATION OF FIREWORKS, TORCH CEREMONY AND SIMILAR CEREMONIES

Article 39

Firing rockets and organizing fireworks, torch ceremonies or similar ceremonies must be reported to the Sector of Interior of the Ministry of Interior on the area of which the ceremony is to be held five days before the start of the ceremony at the latest.

The place, the time and the purpose of the firing, that is, holding the ceremony, the number of torches, that is, the amount of pyrotechnical means that are to be used, and the measures for safety that are to be taken shall be stated in the report referred to in paragraph 1 of this Article.

The entity that submits the report shall be obliged to implement the measures for safety it has stated in the report, as well as the measures it has been determined by the Sector of Interior of the Ministry of Interior.

The Sector of Interior of the Ministry of Interior where the report is submitted may prohibit the firing of rockets, that is, the holding of the ceremony due to safety reasons.

The written decision referred to in paragraph 4 of this Article shall be submitted to the entity that submits the report 48 hours before holding the ceremony at the latest.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 40

The Law on Misdemeanors Against the Public Order ("Official Gazette of the SRM" nos. 25/72, 30/72, 29/83, 34/83, 51/88 and 19/90 and "Official Gazette of the Republic of Macedonia" no. 26/93) shall cease to be valid as of the day of entry into force of this Law.

Article 41

This Law shall enter into force on the eighth day as of the day of its publication in the "Official Gazette of the Republic of Macedonia".

PROVISIONS OF ANOTHER LAW

Law Amending the Law on Misdemeanors Against the Public Order ("Official Gazette of the Republic of Macedonia" no. 152/2015):

Article 14

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Macedonia".