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Company for consulting and engineering MAPRO from Vranje, Serbia, publishes PROCESS MANAGEMENT - NEW TECHNOLOGIES INTERNATIONAL and offers membership and cooperation for writing scientific papers that, after review and proofreading published under instruction that is attached.

Company was established in 1990. as a marketing project aimed at public opinion polls and market trends in the area of southern Serbia. Cooperation with young people especially students and young entrepreneurs in the pioneer period, the appearance of entrepreneurship in our country, for the introduction and development of marketing management, and application of new knowledge in economic practice and the creation of conditions for sustainable development, environmental awareness and health education. Statistical monitoring trends and developments investments and measure the effects of changes investment. Special whether additional review is to discover and use new resources in an optimal manner with the use of new technologies.

The aim of publishing this magazine is to engage researchers and scientists, from all parts of the world, to his knowledge, both theoretical as well as practical in writing concentrated more on one site in the form of publications, which will contribute to their greater recognition and the development of economy and society. Management process of new technology permeates all aspects of social life which is a huge area of coverage through this magazine.

Sincerely, Prof. PhD Predrag Trajković

Kompanija za konsalting i inženjering MAPRO iz Vranja izdaje časopis MENADŽMENT PROCES – NOVE TEHNOLOGIJE INTERNACIONALNI pa Vam nudi saradnju za članstvo i pisanje naučnih i stručnih radova koje, posle recenzije i lekture objavljuje shodno uputstvu koje je u prilogu.

Komapanija je osnovana 1990. godine kao marketing projekt sa ciljem istraživanja javnog mnjenja i tržišnih kretanja na prostoru Južne Srbije. Saradnja sa mladim osobama posebno studentima i mladim privrednicima u pionirskom periodu pojave preduzetništva kod nas, za upoznavanje i razvoj marketing menadžmenta, kao i primene novih saznanja u privrednoj praksi te stvaranje uslova za održivi razvoj, podizanje ekološke i zdravstvene kulture. Statistička praćenja tendencije kretanja ulaganja i merenje promene efekata te opravdanost dodatnih ulaganja. Poseban osvrt je na otkrivanje i korisćenje novih resursa na optimalan način uz primenu novih tehnologija.

Cilj izdavanja ovog časopisa je animiranje istraživača i naučnih radnika, sa svih prostora sveta, da svoja saznanja, kako teoretska, tako i praktična u pisanoj formi koncentrišu na jednom mestu u vidu publikacije, što će doprineti njihovoj većoj afirmaciji i razvoju privrede i društva. Menadžment proces novih tehnologija prožima sve pore društvenog života što čini ogroman prostor obuhvatnosti rada kroz ovaj časopis.

S poštovanjem, Prof. dr Predrag Trajković

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EXPERTISE AS EVIDENCE IN CIVIL PROCEDURE

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Apstract: In the Law of civil procedure is precisely stated that the court will conduct expertise evidence, if the party with lawsuit or response to a lawsuit submits a professional findings or opinion of the expert witness, as well as when the party proposes expertise evidence, but in case that there are facts or circumstances because of which expert opinions and findings could not be obtained, the court shall appoint expertise with a written order. The amendments made in the Law of civil procedure are coming to greater efficiency, legitimacy in the proceedings, preventing the abuse of rights and completing procedures within a reasonable period. The court will conduct expertise evidence if the party with lawsuit or response to a lawsuit submits a professional findings or expert witness. If the party proposes expertise evidence, but there are facts or circumstances because of which expert opinions and findings could not be obtained, the court shall appoint expertise with a written order. In the order the court shall state of which facts and circumstances the expertise is made and the expertise shall be entrusted by the proposal of the party.

Keywords: Expertise, Court, Civil Procedure, Law of Civil Procedure

INTRODUCTION

Each party is obliged to present the facts and propose evidence on which the request is based or with which the opponent's allegations and evidence are refuted. The argumentation encompasses all the facts that are important for reaching a decision. The court decides which of the proposed evidence shall be displayed in order to determine the relevant facts. In civil procedure a greater number of evidence can be brought forward and exercising greater number of evidence including: carrying out an inspection, documents, calling witnesses, forensic, interviewing the parties.

The court will perform expertise evidence if the party with lawsuit or response to a lawsuit submits expert findings and an opinion of the expert witness. If the party offers expertise there evidence but are facts circumstances because of which expert opinions and findings could not be obtained, the court shall appoint expertise with a written order. In the order the court ofwhich facts shall state and circumstances the expertise is made and the expertise shall be entrusted by the proposal of the party. The expertise is performed by expert witnesses enrolled in the registry of experts.

Expertise as evidence

The court will perform expertise¹ evidence if the party with lawsuit or response to a lawsuit submits expert findings and an opinion of the expert witness. If the party offers expertise evidence but there are facts circumstances because of which expert opinions and findings could not be obtained, the court shall appoint expertise with a written order. In the order the court shall state of which facts circumstances the expertise is made and the expertise shall be entrusted by the proposal of the party. If the expert fails to submit the findings and the expert opinion, the court shall call him revoking the matter

¹ Expertise is preparing an expert opinion and findings made on the basis of the application of scientific methods, technical developments, expert knowledge and experience in the areas defined in all cases determined by law or by an interested party - contractor

and imposing a fine in accordance with the law. When more expert witnesses are specified, they can submit joint findings and opinion in a situation where the findings and opinions agree. If the expert witnesses' opinion does not agree each expert witness shall separately present his findings and opinion. When the data of the experts about their findings do not agree specifically, or if the findings of one or expert witnesses more are vague, incomplete or in contradiction with itself or with the examined circumstances, and these defects cannot be eliminated by reexamination of the experts, the court may appoint a super expertise to carry out the deadlines set by the law.

Super expertise

Super expertise² is determined by the president of the council or a judge electronically by using the rule for random choice from the register of expert witnesses, in the presence of both parties and their legal representatives.

The expert is obliged to respond to the court's invitations and to present their findings and expert opinion. The court will release the expert witness, upon his/her request, from the duty of expertise for reasons of which the witness may refuse to testify or to answer a specific question, as well as other legitimate reasons.³

The court shall not accept expertise evidence, if it has decided upon request for exemption of expert witness for reasons where a judge or jury can be exempted. When the court has appointed a super expertise, the parties may request the exemption of the experts if there are the same reasons for which a judge or jury can be exempted. In the request for expert witness's exemption, the party is obliged to state the circumstances on which the request for exemption is based. The request for exemption is decided by the civil court. The judge of the asked court and the president of the council shall decide on the exemption if entrusted with the presentation of evidence analysis. An appeal against the request for exemption is not permitted, and against the request which is rejected a special appeal is not permitted.4

If the party has learned about the reason for the exemption and after the expertise is done and the party still objects that expertise because of the same reason, the court will act as a request for the exemption to be placed before the expertise.

The expert witness, who will not attend the hearing even though is appropriately invited and the absence is not justified, or if the findings and the expert opinion are not submitted to the court by the deadline will be punished by the court with a fine. In case of unjustified absence, the court may order the expert witness to be brought by means of force and bear the costs of bringing.

At the request of a party the court may issue a resolution instructing the expert witness to reimburse expenses caused by his unjustified absence or unjustified refusal to perform expertise.⁵

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² "Super expertise" - expertise of higher level, or professional-critical expertise of two conflicting expertise; it can be performed by a team consisted of at least three expert witnesses in the relevant area of the body of the state administration, higher educational institutions, scientific or professional institution and company expertise in which there are at least three expert witnesses in the relevant field

³ "Government gazette of Republic of Macedonia" no. 79 from 21.09.2005, Law of Civil Procedure, refined text, article 238

⁴ The Law was published in the "Government Gazette" No. 79 from 21.09.2005, Law of Civil Procedure, refined text, article 239

⁵ The Law was published in the "Government Gazette" No. 79 from 21.09.2005, Law of Civil Procedure, refined text, article 240.

Subjects of expertise and roles

The parties appear as first subjects in civil procedure (the plaintiff, defendant, eventually mediator by the parties), their legal representatives, attorneys, court personnel (judges, judicial jurors, court clerk), and also expert witnesses. All of them are in a mutual relationship that is established and regulated by the procedural rules.

Expert witnesses as third parties in procedural and legal terms may or may not have to be involved in civil procedure, but if they are it means that the expert witnesses have certain rights and obligations according to the other participants in the procedure.

It is unnecessarily to emphasize that during the expertise evidence the role of civil parties is irreplaceable. Furthermore the party which has proposed the expertise evidence must pay in advance for the material costs for the implementation of that evidence. The proposal of that evidence may be enclosed in a lawsuit, as a response to a lawsuit, submissions and on the hearing itself. ⁶ During the procedure the parties have the right to tempt the findings and opinions of the expert witnesses, to interrogate them, to ask for explanation in order to collect and complete clarification of the civil substrate required for the adoption of a legal award.

The parties are entitled to attend the expertise, as well as to interrogate the expert witness and submit the required documentation (document), which is in their disposal - certainly through the court – by which conditions for complete clarification and establishing the facts relevant to objective and expert findings

and opinion of the expert witness are achieved.

Moreover, before the civil court determines who shall be taken as expert witness, the court shall hear the parties, and only in urgent situations the court may appoint an expert witness without hearing the parties about their opinion for the person who shall be entrusted with the performance of service assistance for expert knowledge with which the court does not dispose.

Thus, with the procedural regulation the party is enabled to affect only to some extent the election of an expert, with which that expert will become an expert witness, by giving the decisive role to the court of civil procedure. The meaning of this regulation is not about the parties imposing the court with a person conducting the expertise, i.e. becoming an expert witness, but to avoid possible additional requirements for the exemption of an expert and to prevent the possible extension of the procedure. The court may order a person expert contrary to the will of the party, because the court is not associated with the proposal of the party because an expert witness is a person who fills or compensated the knowledge of court in expert issues.

There is no impediment for the court to hear the parties in order to determine or clarify any facts that need expert knowledge with which the court does not dispose, but on the contrary the party disposes, but that is not about the implementation of expertise evidence, but is evidence for hearing the party, for whose specific evidence and evaluation special rules are applied. Also, persons who have noticed persons called expert witnesses by using their proficiency

Also, people by using their proficiency in a specific manner have noticed for specific civil procedure some

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⁶ Cizmic, J., Some considerations on expertise in civil proceedings, Croatian Law Review, 2001

disputable facts of the past - witnesses called experts - usually are witnesses, and procedural regulations which are implementing the evidence of witnesses are applied to them.

As it has already been mentioned, the expert witness (expert) is a third party, other than the court and the parties, who is summoned by the court on the basis of their qualifications, acquired skill or personal experience to observe certain relevant facts, circumstances or occurrence on the trial. The expert is a person who has those skills, knowledge and experience in specific areas of action that the court under his legal training and general education does not have. An expert witness can only be a natural person.

When expertise is entrusted to a specialized institution that may be a faculty, research institutes, etc. and the expertise shall be done by a neutral person, who is employed in the institution and is an expert in the area of the expertise which is needed. Thus, in this case the institution shall select one or more natural persons to perform expertise in its name. Although the performance of expertise evidence can be ordered only by the court in the second case the person who makes the expertise chooses the head of the institution or professional body of the institution and there is a special body established for this purpose. It indicates that the court may, but does not have to entrust the expertise to a professional institution, but in terms of complex expertise which generally needs specialist and sub-specialist knowledge and skills, very expensive sophisticated equipment, and the level the legal instruction is recommended, meaning that there are no visible procedural legal sanctions, such expertise primarily will be given to those institutions. However, unfortunately, the practice shows that expert evidence in civil proceedings are entrusted to specialized institutions which

are particularly expensive and timeconsuming, and that is a direct obstacle to the professed economic principles of civil proceedings and to the right to trial within a reasonable time.

It should be taken in consideration that there is so-called combined expertise involving different experts from professions, but with such expertise is not denied the characteristic individuality, but specific they include different interdisciplinary or multidisciplinary areas as a framework for noting the relative legal facts. Expert witnesses are determined primarily from among the permanent court experts for a specific type of expertise. However, the list of permanent expert witnesses for the court is exceptionally instructive, not of mandatory character.

In a particular civil procedure an expert witness is the person who will be determined by the civil court with a decision to present the evidence. Only that person can be called and is an expert witness, and the regulations of the law of procedure apply to him, as well as all rights and obligations arising from it.

The findings and opinions about a particular fact that the party has asked the expert outside the specific civil procedure do not have importance or influence to the court proceedings. That stance is expressed in the judicial practice, arguing that when the expert (which can be found in the list of permanent court expert, but then it is not expert witness, or an expert in general), and the expert witness, who is appointed by the court, do not agree in a certain fact, there will not be findings and opinions of two experts.

The expert witness must be able to observe, memorize and reproduce, and with all of that a specialized knowledge that is necessary for the particular case. The court and the party cannot perform a

function as an expert.⁷ Expert witnesses have a duty towards the court, which authorized them, and also towards the parties. According to the court, some expert witnesses are obliged to respond to the call and to express their findings and opinion.

An important characteristic of the expert, given that their task is to review and determine the facts (occurrences) that present, exist in the is their interchangeability in every moment. There is a legal opportunity for the court to discharge the expert witness of the duty of expertise, but it is necessary that the expert witness submits an explicit request. The reasons for liberation from duty expertise are the same reasons provided for denying the testimony, and expert witnesses can deny expertise because of some facts that he/she have learned as a doctor or performing other call, or any other activity, if there is an obligation to keep confidential what is learned in the exercise of that call or activity.

The basic role of the court in the performance of the expert evidence is to manage the process of expertise in procedural-legal sense, in certain way to mark the subject, which shall be reviewed by the expert, to give specific task, to ask questions, and to seek explanations in connection with the findings and opinions if necessary. From the right of the party to attend expertise emerges the duty of the court to inform the parties of the date of the hearing on which the will expertise be conducted, whether the expertise shall be performed in court or out of court. The court may explain the subject of expertise to the expert witness, and the expert witness may be allowed to review the files. At the request of the expert witnesses new evidence may be presented to determine

evidence may be presented to dete

the circumstances that are important for the creation of their opinion. However, if it is not explicitly prescribed that the court must not affect the choice of the scientific method that the expert will use in a particular expertise.

When the expert witnesses submits a written report of the expertise, the court is obliged to notify the parties before the main hearing, in order to give the parties an opportunity to discuss the findings and opinion of the expert witnesses, so they can potentially object the analysis, and suggest possible additions or renewal of the expertise.

As an expert, the court may take a person who has already been questioned as a witness. At the request of a party, the court may, by resolution, order the expert witness to reimburse the costs caused by his unjustified absence or unjustified refusal to do the expertise. For such request the court shall decide without delay.

The court invites the expert witness by submitting a written call stating the name and occupation of the person summoned, the time and place, the subject about which the person is called and an indication that the person is summoned as an expert witness. In the invitation the expert witness shall be warned of the consequences of unjustified absence and the right to reimburse the costs.

Before the expertise begins, the court will call the expert witness asking for detailed examination on the expertise subject, exactly stating everything that he/she notices and finds and that he/she will conscientiously and in accordance with the rules of science and skill present an opinion, and also the court will warn the expert witness of the consequences of giving a false statement. Then the expert will be asked for name, father's name, occupation, residence, and place of birth,

⁷ Triva, S., Citizens civil procedural law, IV edition, Zagreb, 1980

age and about the relationship with the parties who appear in the proceedings.

The court determines a deadline within which the expert witness is obliged to submit findings and opinion. It is a court deadline which primarily depends on the complexity of the expertise subject. As it is a court deadline, the court may extend that period and that certainly should be done before it is expired, because on the request of the parties, the court may order the expert witness to reimburse expenses caused if the findings and expert opinions are not submitted within the period which was determined by the court.⁸

Exemption of an expert witness

The parties shall file a request for exemption of an expert witness if they learn that there is a reason for exemption, but at the latest before the beginning of the presentation of the expertise evidence. If the court has heard the parties before selecting an expert witness, the parties are obliged on that occasion to declare an expert witness exemption. In the request for exemption of expert witness, the party is obliged to state the circumstances on which the request for exemption is based. The civil court decides about the request for exemption. The judge of the court and the president of the council are to decide upon the exemption if the presentation of expertise evidence is entrusted to them. If the party has learned about the reason for exemption after the expertise has been done and objects the expertise because of that reasons, the court will act as the request for the exemption is to be placed before the expertise.

The expert may be exempt from the same reasons of which a judge must be excluded, which specifically means that if the expert witness is a party in the

⁸ Opatic, N., expert witness - evidence in a Civil law procedure, Zagreb, 2004, p.7-10

procedure, a legal guardian or legal representative of the party, if the party is in relation to the co-owner, or regressive obligor, if permanently or temporarily is working with the legal person who is a party in the proceedings, if any of the parties or the legal representative or a representative of the party, is related by blood in a straight line of any degree or side relative of fourth degree or a spouse, common-law partner or a relative by marriage to the second degree, regardless of whether the marriage is terminated or not, if is a guardian, adopter and adoptee of the party, its legal representative or attorney, if the same subject participated in the proceedings before a lower court or before any other body, if is in bankruptcy procedure regarding the reasons that brought to dispute, participated participate as a bankruptcy judge or a member of bankruptcy council, if there are other circumstances that question his/her objectivity to the expertise.

Reward and allowance for the expertise

For the expertise or super expertise, the expert is entitled to a reward and allowance for the expenses. The amount of the award for the expertise or super expertise is determined by the amount of the monetary value of the expertise, its complexity, the time needed for data collection and preparation of the expertise (the finding and opinion)⁹.

The amount of the expenses is determined on the basis of the necessary travel expenses, daily, and material costs. The method of calculating the award and the allowance of this article shall be prescribed by the Minister of Justice after a prior consultation with the Chamber of experts.

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⁹ Government Gazette of Republic of Macedonia", No. 115 of 31.08.2010, Law of expertise, Article 29.

When the expertise is done the expert witness is entitled to a reward. The reward is determined by the court under special price list of permanent court experts. The reward for expertise also belongs to the legal person to whom the expertise is entrusted, and depending on the complexity of the subject expertise, as well as in cases when the performance of the expertise requires special knowledge, proficiency and experience, the amount of the award can be increased by 100%.

Experts are entitled to allowance for travel expenses that include allowance for means of public transport (tram, trolley, train, bus, boat, etc.). In cases where the roads that must be used do not have a public transport, the expert witnesses compensate the costs in the form of miles, but according the regulations that apply to the court in which the trial is in procedure.

The expert witnesses are given a food allowance (daily wage) covering the necessary expenses for food during the expert witness's retention out of his residence, as well as allowance of the cost of housing in the full amount according to the attached account in the amount of the cost of an overnight stay in a hotel in the same location that the judge has recognized. Persons who are permanently employed in state bodies, professional institutions or other entities have the right of unfulfilled salary during the absence from work due to answering a call in a function as an expert witness.

The inventory of permanent expert witnesses, who from the primary court are compiled in the district court and shall be submitted to the primary courts in the area of that court, and the inventory of permanent legal experts who are appointed

by the President of the Commercial Court is compiled in that court. ¹⁰

In case of a disciplinary violation committed by an expert witness, the following disciplinary measures may be imposed:

- 1) a reprimand;
- 2) fine, and
- 3) revocation of the license for expertise. 11

The impact of recent amends to the Law on Civil Procedure in respect of expertise

In the law of civil procedure is accurately stated that the court will conduct expertise evidence if:

- the party with lawsuit or response to a lawsuit submits a professional findings or opinion of the expert witness;
- as well as when the party proposes expertise evidence, but there are facts or circumstances because of which expert opinions and findings could not be obtained, the court shall appoint expertise with a written order.

The amendments made in the Law of civil procedure are coming to:

- greater efficiency,
- legitimacy in the proceedings,
- preventing the abuse of rights, and
- completing procedures within a reasonable period.

According to the European Convention for the Protection of Human Rights this is the purpose for the amendments of the Law of civil procedure,

¹⁰ Isto, Matijevic, B., P. 5

¹¹ Government Gazette of Republic of Macedonia", No. 115 of 31.08.2010, Law of expertise, Article 39.

as well as draft laws for expertise and evaluation.

For the first time there will be deadlines for the court procedures, and this will lead to an end to the endless trials, paying lawyers for the countless delayed hearings; experts will not be able to pull trials for months due to late submission of the findings of the expertise; it will be known when there is a lawsuit submitted, when there is a preparatory hearing organized, when to submit evidence in the proceeding, which will not be used for its delays. These novelties, a while ago were unknown, but now they are applied in our court system. ¹²

CONCLUSION

The court will conduct expertise evidence if the party with lawsuit or to a lawsuit submits response professional findings or expert witness. If the party proposes expertise evidence, but there are facts or circumstances because of which expert opinions and findings could not be obtained, the court shall appoint expertise with a written order. In the order the court shall state of which facts and circumstances the expertise is made and the expertise shall be entrusted by the proposal of the party. The expertise is performed by expert witnesses enrolled in the registry of experts. In a particular civil procedure an expert witness is the person who will be determined by the civil court with a decision to present the evidence. Only that person can be called and is an expert witness, and the regulations of the law of procedure apply to him, as well as all rights and obligations arising from it.

The expert witness is independent and autonomous in the performance of the expertise. The expert is obliged to do the expertise professionally and diligently in accordance with the rules of science and profession, ethical standards and professional standards and to deliver it to the customer on time in accordance with the deadlines specified by law or the by the client.

Expert witness is has a right to allowance for travel expenses and the costs for food and hotel, a compensation for the lost income and the costs for expertise, as well as a reward for it.

REFERENCES

- Law of civil procedure, refined text. Government gazette of Republic of Macedonia. Number 79 from 21.09.2005.
- ➤ Law of expertise, Government gazette of Republic of Macedonia. Number 115 from 31.08.2010
- Georgievski, S, "Civil proceedings (second refined edition)", Faculty of Law, Skopje, 1988
- Calija.B,,, Law of civil procedure ", Faculty of Law - Sarajevo, 1986,
- Opatic, N., "Expert witnesses evidence in a Law of civil procedure", Zagreb, 2004
- Poznic, B., "Law of civil procedure (ninth refined edition)", Modern administration, Belgrade, 1986
- Stankovic. G., "Law of civil procedure, the first book, "University - Nis, Unit University of Nis, Nis, 1987,
- ➤ Stankovic, Drago, The expertise of the expert witness and the truth, Expert witness 11 (1993)
- ➤ Triva. S., "Law of civil procedure (fifth revised edition)", National Gazette Zagreb, 1983
- ➤ Tina Sinisa, Belajec Velimir, Mihajlo Dika,, New Law of Civil Procedure, a collection works ", Informator, publishing house, Zagreb, 1977
- Čavdar.K., Comment on the Law of civil procedure (comment, judicial practice, forms for practical application and subject register), "Agency Akademik, Skopje, 2006

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¹² http://www.vest.mk/?ItemID

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Keywords should specify up to 10 (font 10) in italics, and should indicate the main research problem.

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The text should be submitted in MS Word formatted in two columns. All pages of the main text should be numbered. The work should not be less than 5 and more than 10 pages of basic text on page A4.

Papers should be submitted in Serbian and/or English.

Citation should be given in the text, in parentheses. It should not be formatted as footnotes. Footnotes should be used, if necessary, for comment and additional text.

Author's surname in brackets, when using Harvard style citation, should also be written in the original language and script. Certain words and phrases can be, for scientific and professional needs, written in the original language and script. The names of foreign authors in the text are listed in the transcription of the first reference to the author or the source stating the name of the original author in parentheses. In the next reference to the same author, only a transcription should be mentioned. Citation within an article should state the author's name and the year of publication of the source, for example (Trajkovic, 2010). Specifying more than one author in brackets should be arranged alphabetically, not chronologically. If there are two authors, both are cited in brackets. If there are more than two authors, only the surname of the first author and the abbreviation et al are used in brackets.

Tables

All tables should be on separate pages and accompanied by a title and footnotes where necessary. They should only illustrate data that are directly relevant to the thesis of the paper. The tables should be numbered consecutively using Arabic numerals. For each table, the title should be indicated. The title should reflect the essence of the data in the table indicating the given variables or the most significant relations among the data. If it illustrates the published material, its original source should be given in the form of a reference at the end of the table. Avoid overcrowding the tables and the excessive use of words. Titles, page numbers should be placed above the table so that the space under the table for the legend remains. Notes are placed under the table, and the words legend or notes are written in italics. APA follows the rule that vertical lines should be removed from the tables and only the most necessary of the horizontal ones should be retained.

Figures and illustrations

Figures and illustrations should have legend captions that accompany the illustration. They should uphold rather than duplicate the text, they should be easy to read, easy to understand and they should denote only the essential facts. The lines should be clean and simple. The curve and line graphs and outside edges of columns should be thicker than the lines of the coordinate system. The material should be scanned to record at least 300 dpi resolutions, and it is desirable to be of 600-1200 dpi. They should be stored in the Text Box in Word because it is lighter in page layout when printing. Figures and illustrations are numbered consecutively by category to which they belong.

Citing references in the text

According to APA standards, the basic principle of citation in the plain text is "one author, one word". If there is more than one author, it is enough to mention the first one and point out that the author worked with associates, and then add the date of publication. With the author's name it is enough to mention only a year, and not the page, if the text is not directly quoted or does not include information which should be linked to the page. When a paper has two authors, always cite both names and years of birth, and surnames with a conjunction between them. If there are three, four or five authors, always first list all the names, and then just write the name of the first and add "et al". When a paper has six or more authors, cite only the first author in the plain text and then add text and" associates".

Reference

List of references (font 10) should only contain works that are cited in the text, which have been published or accepted for publication. The list of references should not contain any source that is not used in the paper. Headlines of foreign publications should be given with an initial capital letter while the rest is in lowercase letters. If the paper has a subtitle, it is separated from the title by two points, and begins with a capital letter.

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The bibliographic unit should contain the last name and initials, the year of publication, the title of the book (in italics), the place of publication and the publisher, for example:

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An article in a journal should include the last name and initials of the author, the year of publication in parentheses, the title of the paper, full name of the journal (in italics), volume (in italics) and the page.

The names of journals in English are written with initial capital letters of the words, except for conjunctions.

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Evaluation of submitted papers

All the papers having been reviewed and ranked, the editorial staff makes a decision whether they will be published or not. Based on the review, the editor decides on the acceptance and publication of the paper, and then informs the author. Attachments, floppy disks or CDs will not be returned or paid for. Papers that are not submitted in accordance with these propositions will not be considered for publication.

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