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Prohibition of double and multiple Lis pendens in court proceedings – solutions and dilemmas in Macedonian law –

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Abstract

In modern procedural law, it is unthinkable and extremely irrational and uneconomical to conduct identical or interconnected court proceedings between the same parties. This is at the same time and in contradiction with the principle of legal protection according to which the state is obliged to provide legal protection only once for the same legal matter. Therefore, to overcome these situations that may unnecessarily cause legal uncertainty, there are rules on Lis pendens and rules on the prohibition of double and multiple Lis pendens in civil and criminal proceedings. They represent a preventive form of mutual coordination between judicial authorities and an instrument with the help of which the possibility of adopting contradictory final decisions in different proceedings for the administration of justice (for example, civil proceedings and criminal proceedings) should be avoided. The rules on Lis pendens prevent the occurrence of a

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positive conflict of jurisdiction and the possibility of conducting identical or mutually incompatible court proceedings between the same parties.

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I. Introduction

In modern civil and criminal procedural law, the initiation and existence of two proceedings on the same subject of the dispute, in the same cause of action connected with the same facts, between the same parties, is prohibited, because the state is obliged to provide legal protection for the same legal matter only once (rational functioning of the judiciary). On the other hand, the duplication of proceedings before the courts cause an increase in the costs of the parties, which is contrary to the principle of procedural economy, and the rules for uniformity in the trial. For this reason, the purpose of the existence of the rules on Lis pendens and the prohibition of double and multiple Lis pendens is to act preventively by preventing the possibility of making contradictory final decisions (ne variae iudicetur).

In modern procedural law, Lis pendens is spoken of as a rule of law recognized by civilized peoples. The ratio of Lis pendens is non bis in idem. Non bis in idem has two aspects: 1) the impossibility of retrying a legally adjudicated dispute (effect of res judicata) and 2) the impossibility of retrying the same legal matter multiple times (effect of Lis pendens).

Given the fact that Lis pendens is a basic procedural assumption for the emergence of res judicata, the basic task of the court is to prevent a retrial of a legal matter for which litigation or a specific criminal procedure is already underway (res judicata in statu nescendi).

Lis pendens as a basic procedural-legal institute has enormous significance in national, international and European procedural law.

Hence, the subject of this paper will be the rules for domestic and foreign Lis pendens in the macedonian positive law as well as the rules with the help of which the possibility of double and multiple Lis pendens in civil and criminal procedure is overcome.

II. Methods

From a methodological point of view, the introduction of the rules on lis pendens in court proceedings has influenced two variables: a) the need for greater efficiency of court proceedings and b) procedural guarantees for a fair trial. Throughout the paper, the method of analysis and synthesis was used as the basic method. The normative method was used to explain the positive solutions aplicable in macedonian civil and criminal law. The normative method was also used in order to respond to the need to amend some of the legal solutions, de lege ferenda. The historical method was used to understand the time circumstances and the phase of development of civil procedural law when the rules on lis pendens were introduced. The comparative method was used to compare the provisions on lis pendens in Macedonian and international law.

III. Discussion and Results

1. The concept of lis pendens in civil proceedings

The issue of the emergence of lis pendens as a substantive and procedural-legal institute essentially boils down to the question of the relationship between the civil procedure and the litigation. Lis pendens, i.e. the specific litigation, always begins to flow at a later point in the civil procedure (Triva, 1980) The civil procedure begins to flow with the filing of the lawsuit in the court, which, if there are no procedural obstacles and formal deficiencies, delivers the lawsuit to the defendant. From this moment, the litigation begins to flow or hang between the parties (lis pendet), i.e. lis pendens arises and a complete tripartite procedural-legal relationship is created between the court, the plaintiff and the defendant (a specific litigation is created). Due to the fact that the lis pendens of one litigation prevents the lawful conduct of another litigation, since parallel procedures for the same legal matter between the same parties are prohibited, the question of determining the identity of the litigation arises. The answer to this question is required in order to implement the principle of the prohibition of double and multiple lis pendens in practice (Triva & Mihajlo, Građansko parnično procesno pravo, 2004) Identity of the litigation – In order to determine the identity of the litigation, two elements are important: subjective – parties and objective – subject of the dispute (claim). From here, we can speak of the identity of the litigation in a subjective and objective sense. Identity of the litigation in a subjective sense – Determining the identity of the parties does not cause major problems in practice.

The identity of the parties is determined by the first-instance court according to the rules for identical and related litigation. Identity of the parties exists if: 1) the same persons appear as litigants in the same or different party roles, 2) when the author

appears as a litigant in one litigation, and in another his successor and 3) when persons appear as parties who are equally (actively or passively) entitled to the same claim.

Identity of the litigation in an objective sense - An obstacle to conducting a new litigation exists when two claims are: 1) the same in content (identical) or 2) contradictory in content (mutually incompatible) so that the merits of one exclude the merits of the other claim (Јаневски & Зороска-Камиловска, 2009) . From here, the question arises in what way is the identity of the subject of the dispute determined in a specific litigation, because if the courts interpret the identity of the subject of the dispute differently, the probability of conducting identical or interconnected litigation is high?

Determining the identity of the subject of the dispute is one of the most complex issues in the theory and practice of civil procedural law. In conditions where there is no uniformity in defining the concept of the subject of the dispute, valid theories according to which the identity of the dispute is determined are the theory of equivalence and the pure procedural theory.

According to the theory of equivalence, the subject of the dispute is the claim and the factual basis of the claim, and according to the pure procedural theory, the subject of the dispute is only the claim. The purpose of these theories is to determine the complete identity of the litigation in order to practically prevent the possibility of identical or substantively contradictory litigation before the courts for the same subject of the dispute between the same parties (Варади, 1990).

The theory of equivalence in practice can be presented through the following example: In a specific case, plaintiff X sues defendant Y for having the right to an apartment used by Y. Plaintiff X has at his disposal a declaratory lawsuit “To establish that I, X, am the owner of the apartment…” or a condemnatory lawsuit “To order Y to hand over the apartment to me…”. Although formally these are two types of lawsuits, the result is the same legal effect: to recognize that X has the right to the apartment and that Y will no longer hold it. This is so because according to the theory of equivalence – the subject of the dispute is the same and both claims lead to the same ultimate consequence.

According to the theory of equivalence, a claim is a claim by the plaintiff that a certain legal consequence arises from a factual complex. From here follows the conclusion that the structure of the claim is composed of two elements, namely the factual complex and the legal consequence (Познић & Rakić-Vodinelić, 1999).

Therefore, if any of these two elements changes, the identity of the claim will change, and thus the identity of the litigation.

According to the pure procedural theory, two litigations are identical if they state the same claims in terms of content, while the factual aspect is not the subject of dispute. According to this theory, even when there are two factual bases, the claim is only one. It can be noted that in the positive civil procedural legislation there is no definition of what constitutes the subject of the dispute in a specific litigation.

According to the pure procedural theory, the subject matter of the dispute exists exclusively within the process and is determined only by the claim as a procedural act, regardless of the substantive law or the final consequence. This means: if the claim is different, there is a different subject matter of the dispute, regardless of whether the consequence is the same. The theory of equivalence through practice can be presented through the following example: Plaintiff X in a specific case sues defendant Y for having the right to an apartment used by Y. Plaintiff X has at his disposal a declaratory lawsuit "To establish that I X am the owner of the apartment..." or a condemnatory lawsuit "To order Y to hand over the apartment to me...". According to the pure procedural theory, in the specific case there are two different subjects of the dispute, since these are two different claims (lawsuits), namely a declaratory and a condemnatory one. This is because the legal effect is ultimately identical.

Therefore, in order to create certainty and legal certainty, it is necessary to create an autonomous concept of what is the subject of the dispute at the EU level. This would resolve the most controversial issue of whether conducting a condemnatory lawsuit in which a declaratory claim is tacitly decided is a negative procedural presumption for conducting a declaratory lawsuit for the same claim, or whether the proceedings are connected and not mutually exclusive.

Lis pendens can arise in various situations: between domestic courts, between domestic and foreign courts, between arbitration and state courts, between arbitration courts, etc. From here, in general, we can speak of the existence of domestic and foreign lis pendens. Lis pendens between domestic and/or foreign courts can arise between a civil and criminal court.

1.1. Domestic lis pendens – The rules for domestic lis pendens are regulated by the lex nationalis processus of each state. In the positive law of the Republic of Macedonia, they are regulated in the Law on Civil Procedure (LCP) and the Law on Criminal Procedure (LCP). The circumstances at the time of filing the lawsuit are relevant for entering in the competent national court (Стефан Георгиевски, 2000). The court ex officio throughout the procedure pays attention to whether a lawsuit is already ongoing for the same claim between the same parties, because while a lawsuit is ongoing regarding the same claim and parties, a new lawsuit cannot be initiated (prohibition of double lis pendens). Violation of the rules on double lis pendens is a substantial violation of the provisions of the Law on Civil Procedure of an absolute nature due to which the parties may file an appeal, but not a reason for which a revision may be filed (Art. 375 of the Civil Procedure Code) or a request for a repetition of the procedure (Art. 392 of the Civil Procedure Code). In a situation where, despite the prohibition of double lis pendens, a new lawsuit is initiated for the same claim between the same parties, the court will dismiss the claim in the lawsuit that began later. If the court fails to decide in this way and the litigation that began later ends more quickly with finality, the court is obliged to dismiss the lawsuit in the litigation that began earlier, because finality has a stronger property than lis pendens, and also due to the fact that a final court decision is

an accomplished right to legal protection. If the court decides on a claim for which litigation is already ongoing, this is a reason for absolute nullity, which the second-instance court pays attention to ex officio. In this situation, the second-instance court is obliged to annul the judgment and dismiss the lawsuit (Art. 358, para. 2 of the Civil Procedure Code).

1.2. Foreign lis pendens - Unlike domestic lis pendens, the court does not pay attention to foreign lis pendens ex officio, but only upon request of a party that has a legal interest in not recognizing the results of the litigation before a foreign court. Hence, foreign lis pendens is not a procedural obstacle to conducting a new litigation between the same parties and to the court's action, since it does not result in the dismissal of the lawsuit but rather causes the suspension of the procedure. Whether the litigation before the foreign court is well-founded is determined according to the lex fori processus, i.e. it is a procedural-legal issue for which domestic law is applicable. The burden of proving the existence of lis pendens before a foreign court falls on the party requesting the suspension of the procedure. The effect of foreign lis pendens in the positive law of the Republic of Macedonia is regulated by the Law on Private International Law (LPIL). According to the Law on Civil Procedure, the facts that exist at the time when the litigation begins to flow are important for assessing the jurisdiction of a court of the Republic of Macedonia (Art. 94 of the Law on Civil Procedure), i.e. the lis pendens is important, and not the submission of the lawsuit to the court, as provided for by the Law on Civil Procedure. This means that according to the Law on Civil Procedure, the competence of macedonian court is assessed in a later moment, which may cause problems in judicial practice. The question arises whether this is a drafting error of the Macedonian legislator or not? According to the macedinian litignation law, the macedonian court is obliged to terminate the procedure if litigation is ongoing before a foreign court and if these conditions exist: 1) the procedure was initiated before the foreign court earlier, 2) it is a dispute for the trial of which there is no exclusive jurisdiction of macedonian court. Comparatively speaking, in addition to these conditions, according to some authors, two additional conditions should be regulated, namely: 1) forecast and determination of whether the foreign court decision can be recognized and enforced and 2) existence of reciprocity. The Macedonian court terminates the procedure with a decision of a constitutive nature. The question arises whether the procedure initiated before the Macedonian court will continue? The fate of this procedure depends on the completion/non-completion of the litigation before the foreign court. If the procedure before the foreign court ends with the adoption of a decision on the merits, the completion of the procedure in the Republic of Macedonia will come after the decision is recognized because then the foreign court decision is equal to the Macedonian court decision, which is why the identical procedure before the macedonian court will end with the dismissal or withdrawal of the lawsuit. If, however, the procedure before the foreign court ends with a decision of a procedural nature, the terminated procedure before the macedonian court will continue if a proposal is submitted by a party to continue the procedure.

Under Macedonian law, the recognition and enforcement of foreign court judgments are regulated primarily by the Law on International Private Law. Recognition is typically sought for judgments concerning civil and commercial matters. In the situation when foreign judgment is recognized by a Macedonian court the foreign judgment has the same legal effect as a domestic Macedonian judgment, including: res judicata (binding and final between the same parties on the same subject matter), enforceability (if enforcement was also requested), evidentiary value (identical to a domestic judgment) and It may be relied upon in any Macedonian legal proceeding.

2. The concept of Lis pendens in criminal proceedings

Criminal - legal literature does not know a specific definition of lis pendens, but its essence in criminal law and criminal proceedings arises from the principle of *non bis in idem*. This principle is important in criminal proceedings. This principle stipulates that multiple trials of the same person for the same offense for which he was previously convicted are prohibited. The prohibition of two or more litigations at the same time is covered in Article 7 of the Law on Criminal Procedure of North Macedonia, as well in European Convention on Human Rights, article 4.

Lis pendens in criminal proceedings (lat. litis pendence) refers to a situation when more than one proceeding is conducted for the same offense, against the same person, before different courts or authorities. Namely, it exists when criminal proceedings have already been initiated, and a new proceeding is initiated for the same offense against the same person, before the first proceeding ends with a final decision. In other words, it is a double proceeding for the same event and the same perpetrator, which is contrary to the principles of fairness and economy of procedure.

When the court or public prosecutor determines that there is Lis pendens , it may stop the new procedure, because a procedure is already being conducted for the same act, or apply the principle of *non bis in idem*, which prohibits double trial for the same criminal act, in order to prevent double proceedings for the same event, to protect the defendant from multiple prosecution and to ensure legal certainty and cost - effectiveness of the procedure.

2.1. Justification of Lis pendens in criminal proceedings

The main argument of Lis pendens in criminal proceedings is a prohibition for the same criminal offense the same subjects had already been previously legally convicted by the same basic court. Namely, in the description of the two criminal acts for which the defendants have been tried, it should be stated that there is a subjective and objective identity between the criminal acts covered by the two decisions and the defendants. Moreover, the two criminal acts contain the same facts and circumstances that meet the characteristics of the criminal acts for which the defendants have been tried. The beginning of this rule we can find in the roman law maxim “bis de eadem re ne sit actio”, tracing its roots to Greek, Roman and biblical sources (Geiß R. Bäumler J., 2021). According to Roman procedural law, built around the system of

legis actiones, a civil or criminal action could only be brought before the courts once. According to the maxim, a tribunal could not examine the same event twice, and a case could not be tried after this legal action had been discontinued. By violating the principle of prohibition of double jeopardy, in cases where defendants for the same offense have already been convicted by a final judgment, courts in their practice may violate the principle according to which "no one may be tried or punished again for an offense for which he has already been tried and for which a final judgment has been rendered". Namely, the appellate court may decide that the basic court, with the appealed judgment, has already violated the principle thus set up. The prohibition of retrial for the same offense is associated with the rule "res judicata" - "the thing that has been judged" and the concept of exceptio rei iudicatae, which prevented the initiation of another legal procedure in relation to the same case (Geiß R. Bäumler J., 2021). The essence of this concept is exhausted through the prohibition of the same person being tried simultaneously or successively retried and punished for the same criminal offense for which he has already been tried and punished by a final judgment. This prohibition is violated if there is cumulatively a subjective and objective identity between the final judgment and the new formal accusation (Arifi B., 2020). In fact, a final court decision should be understood as a procedural ban to initiate new proceedings against the same person for the same criminal offense. The judged matter refers to the person and the description of the criminal offense contained in the dispositive of the final judgment, and not to the facts and circumstances stated in the reasoning. Hence, the prohibition of double trial and punishment is violated if there is cumulatively a subjective and objective identity between the final judgment and the new formal accusation (Kalajdziev G. Lazetik G. et all., 2018). This prohibition is not violated if there is only objective identity between the final judgment and the new indictment - if a new proceeding is conducted against a co-defendant who is mentioned in the explanation of the final judgment, but was not convicted in its dispositive part, despite the fact that the description of the actions is identical to those in the final judgment against the finally convicted co-defendant. Objective and subjective identity have procedural law significance and do not refer to the fact whether the quantum of wrongfulness (the assessment of the accumulation of criminal offenses) is met with the essence of the criminal offenses for which the criminal proceeding is conducted (Misoski B., 2020). Namely, subjective and objective identity refer to the fact that for an accused person, after an indictment has been filed and the main hearing has been conducted, the court must issue an appropriate verdict against the person listed in the indictment (subjective identity), while the verdict must refer only to the criminal offenses listed in the indictment (objective identity). The prohibition of double jeopardy prohibits a person from being tried again simultaneously or successively or punished for the same criminal act for which he has already been tried and punished by a final court decision. This prohibition protects citizens from the unlimited state right to punish (*ius puniendi*) and at the same time allows respect for the rule that every desided case is considered true, which ensures the legitimacy of the legal system. The main reason for this prohibition

lies in the effect of *res judicata* (a decision that cannot be challenged by regular legal remedies and is considered a res judicata) for which a procedure cannot be conducted again and a sanction imposed, because this would be unfair and would lead to legal uncertainty.

An essential principle of criminal proceedings the prohibition of double jeopardy, i.e. respect for the principle that no one may be tried or punished again for an act for which he has already been tried and for which a final court decision has been made. The prohibition of double trial or punishment has been raised to the rank of a constitutional principle, with the difference that the Constitution provides for the prohibition in relation to criminal offenses, which, in addition to criminal offenses, also include misdemeanors. The provisions in Macedonian criminal law that refer to the grounds for repeating the procedure, the purpose of which is for the person who has been finally convicted to be acquitted or sentenced under a more lenient law or for the final judgment to be re-examined, allow for a violation of the formal legal force, because these grounds do not lead to the initiation of a new procedure, but rather enable the continuation of the previously initiated criminal procedure against the specific person for the specific criminal offense. Namely, the Law provides for the possibility of changing the decision that is final without repeating the procedure continuing the procedure, repeating the criminal procedure concluded with a final judgment in favor of the convicted person. One of the grounds for repeating the procedure is not two or more times for the same matter. For a retrial to be approved on this basis, there must be contradictory judgments (Kalajdziev G. Lazetik G. et all., 2018). In addition, the motion for retrial must present new facts or submit new evidence indicating that the convicted person did not commit the act covered by the offense of the conviction, and the council will allow a retrial only if it assesses that the existence of the facts presented when making the final judgment would have a significant impact on the determination of the sentence (Kalajdziev G. Lazetik G. et all., 2018). The council will also approve a trial when it assesses that the motion for retrial is well - founded. In doing so, because of the approved repetition, the council will quash that judgment that is incorrect.

This interpretation of the prohibition of double jeopardy is in line with the protocol of ECHR (Article 4), where the principle of no two times for the same thing is elaborated in more detail. For this principle to be effective, there must be a final judgment acquitting or convicting the person in respect of the same legal matter at the time when criminal proceedings are initiated against the person again, or a criminal sanction is imposed. According to Article 4 of Protocol 7 to the ECHR, the principle of *non bis in idem* is not violated when the proceedings are repeated in cases where there is evidence of new or newly discovered facts or in cases where substantial violations have been established in the criminal proceedings previously conducted which may affect the final outcome of the specific case, either in favor of or against the person concerned. Namely, according to our criminal law, the repetition of the procedure can only be in favor of the defendant because of the prohibition of retrial after a final judgment (Kalajdziev G. Lazetik G. et all., 2018). The prohibition of double trial and

punishment does not prevent the same person from bearing disciplinary responsibility (for example, within the framework of the service he performs). At the same time, this prohibition cannot be derogated from within the meaning of Article 15 of the ECHR.

A special problem with regard to this principle exists due to the similarity of the essences of some misdemeanors and criminal offenses, which clearly arises from the provision of the law of criminal procedure on the calculation of detention and the previous sentence according to which the time the convict served in prison, i.e. the fine he paid for a misdemeanor, is calculated in the sentence imposed for a criminal offense whose features also include the features of the misdemeanor. This provision expressly derogates from the application not two times for the same matter.

3. Prohibition of double and multiple Lis pendens in court proceedings for property claims in Macedonian law

The rules on Lis pendens in Macedonian law are a preventive form of coordination between civil and criminal proceedings. This means that they should prevent the conduct of civil and criminal proceedings simultaneously for the same or similar legal matter when there is a legal possibility for this. Although civil and criminal proceedings usually have different subject matter of decision, it can sometimes happen that certain property rights that are usually the subject of civil proceedings are decided by the criminal court. Namely, the Law on Criminal Procedure provides that if a person who has acquired a property claim by committing a crime can file a request in criminal proceedings to determine the existence of this property right. Hence, the Law on Criminal Procedure gives the legal entity the opportunity to seek legal protection in criminal proceedings for the property claim instead of civil proceedings, even though property claims are usually decided by the civil court. The person's choice is not irrevocable, i.e. the person may file a lawsuit in front of a civil court after withdrawing the proposal to claim the property-legal claim in the criminal court.

The property-legal claim may relate to compensation for damage, the return of property or the annulment of a legal matter. The criminal court determines all facts on which the existence of the property-legal claim depends by applying the investigative principle. The criminal court decides on the property-legal claim in the judgment if according to the judgment the defendant is guilty. If the court issues a judgment by which the defendant is acquitted, the court is obliged to refer the plaintiff to civil proceedings. The decision of the court by which the property-legal claim is adopted has the effect of a final decision issued in civil proceedings for the same property-legal claim. Thus, according to Macedonian litigation law the court, in relation to the existence of a criminal act and the criminal liability of the perpetrator, is bound by the judgment in which the defendant is declared guilty. Also, according to Article 201 of the Macedonian litigation law, the court may terminate the civil procedure when the decision on the claim depends on whether a misdemeanour or a criminal act for which an official duty is prosecuted has been committed.

If the civil court has issued a judgment deciding on the property-legal claim, the criminal court is bound by this final decision.

Case analysis

Lis pendens between civil and criminal proceedings in Macedonian law exists when, for the same event (for example: a traffic accident), civil proceedings for compensation for damage and criminal proceedings for the liability of the perpetrator are simultaneously being conducted. For example, person X files a civil lawsuit against person Y claiming that he caused him damage of 60,000 denars because he hit him with a car and seeks compensation for damage based on civil liability in accordance with the Macedonian obligation law. At the same time, the Public Prosecutor's Office of the Republic of Macedonia initiates criminal proceedings against person Y for the crime of serious traffic accident in accordance with Article 297 of the Criminal Code. Although these are two different proceedings (civil and criminal), both decide on the same event — whether Y caused a traffic accident and harmed person X with his action. This situation opens the possibility of double Lis pendens, i.e. simultaneous conduct of civil and criminal proceedings for the same event, which can potentially lead to contradictory final court decisions. It is precisely for this reason that to overcome this situation, it is necessary for the civil court, in accordance with Article 11 of the Law on Civil Procedure, to suspend the civil proceedings and continue the criminal proceedings. This is because if the criminal proceedings establish the fact whether Y is guilty of the accident, then the civil court may not independently resolve that issue, because Lis pendens would arise regarding the same factual situation. Also, in accordance with Article 11 of the Law on Civil Procedure, if the outcome of the civil proceedings depends on whether a crime has been committed, the court shall suspend the proceedings until the criminal proceedings are completed. Once the court has rendered a judgment that is final, the court is bound by the established facts of guilt.

Conclusion

Rules on lis pendens in Macedonian procedural law aim to prevent the conduct of two or more proceedings on the same subject between the same parties. In civil proceedings, the rules on lis pendens ensure legal certainty and efficiency of the judiciary, as they avoid the possibility of conflicting court decisions and unnecessary burden on the courts. In criminal proceedings, the prohibition on lis pendens has even stronger procedural and legal weight, since the same person cannot be prosecuted twice for the same crime. This is a guarantee of legal certainty and equality before the law. Hence, the prohibition on lis pendens in both types of proceedings aims to ensure legal certainty, cost-effectiveness of proceedings and trust in the judicial system, preventing duplication of proceedings and possible contradictory decisions. The rules on lis pendens aim to prevent the simultaneous initiation and conduct of civil and criminal

proceedings for the same property-law claim. In this context, it is expected that in the future, by introducing rules for electronic conduct of court proceedings in Macedonian law, the possibility of double and multiple lis pendens before the courts will be completely eliminated.

References

Arifi B. (2020). Application of the Non bis in idem rule in criminal proceedings in North Macedonia and in the practice of the European Court of Human Rights. Skopje, Skopje, Republic of North Macedonia.

Council of Europe. (1950). *European Convention on Human Rights.* Council of Europe.

Council of Europe. (1984). *Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms.* Strasbourg: Council of Europe.

EUROJUST. (2024). *Case-law by the Court of Justice of the European Union on the principle of ne bis in idem in criminal matters* . Hague, The Netherlands: EUROJUST.

Geiß R. Bäumler J. (2021). *Oxford Public International Law*. Retrieved from Ne bis in idem:https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e66

Јаневски, А., & Зороска-Камиловска, Т. (2009). *Граѓанско процесно право, Парнично право.* Скопје: Јустинијан Први.

Kalajdziev G. Lazetik G. et all. (2018). *Commentary on the Law on Criminal Procedure.* Skopje: OSCE.

Misoski B. (2020). Application of the res judicata rule in criminal proceedings. Skopje, Skopje, Republic of North Macedonia.

Parliament of the Republic of Macedonia. (2011). *Constitution of the Republic of Macedonia: with amendments to the Constitution I - XXXII.* Skopje: Official Gazette of the Republic of Macedonia, 2011.

Parliament of the Republic of North Macedonia. (1996). *Criminal Law.* Skopje: Official Gazette of the Republic of Macedonia, No. 37/96.

Parliament of the Republic of North Macedonia. (2010). *Criminal Procedure Law.* Skopje: Official Gazette of the Republic of Macedonia, No. 150 of 18.11.2010.

Poznić, B., & Rakić-Vodinelić, V. (1999). *Građansko procesno pravo.* Beograd.

S, T. (1980). *Građansko parnično procesno pravo, Četvrto popravljeno i dopunjeno izdanje.* Zagreb: Narodne novine.

Siniša, T. (1980). *Građansko parnično procesno pravo, Četvrto popravljeno i dopunjeno izdanje,.* Zagreb: Narodne novine.

Supreme Court of the Republic of Macedonia. (2018). *Bulletin of the case law of the Supreme Court of the Republic of Macedonia 2016 - 2017.* Skopje: Relativ.

Triva, S. (1980). *Građansko parnično procesno pravo, Četvrto popravljeno i dopunjeno izdanje,.* Zagreb: Narodne novine.

Triva, S., & Mihajlo, D. (2004). *Građansko parnično procesno pravo.* Zagreb: Narodne novine.

Triva, S., & Mihajlo, D. (2004). *Građansko parnično procesno pravo.* Zagreb: Narodne Novine.

Варади, Т. (1990). *Међународно приватно право.* Нови Сад,.

Стефан Георгиевски. (2000). *Граѓанско процесно право (прв том).* Скопје: Правен факултет.

Law on Civil Procedure, Official Gazette No.79/05

Law on Criminal Procedure, Official Gazette, No. 150/10

Law on Private International Law, Official Gazette No.32/20