

IMPLIES AND MARK FOR IDENTIFICATION OF NATURAL PERSONS (ASSISTANT MEANS FOR IDENTIFICATION)

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Abstract: The subject of research of this paper is the auxiliary means of identification of natural persons, i.e. the identity card as a means of identification of natural persons and the unique identification number of the citizen as a mark for that identification (a distinctive mark for the identification data of the citizen).

The author of this research aims to present and analyze the legal regulation of auxiliary means in Macedonian law, then the regulation contained in comparative law (the Republic of Bulgaria, the Republic of Albania, and the Republic of Serbia), and finally, their use in practical civil law relations.

The identity card is an instrument of identifying natural persons and is used in numerous civil law relations. The paper will show that the identity card serves as evidence for establishing the identity of a natural person in the following cases: having an identity card with a notary when preparing notarial documents for legal matters based on which the right of ownership is transferred, during the physical division of real estate, i.e. exchange of real estate, when establishing the right of real easement on construction land owned by the Republic of North Macedonia and for obtaining approval for the procurement of weapons as a dangerous item in limited legal circulation.

As for the use of the personal identification number in practical civil law relations, the paper shows that data on the personal identification number include: the property certificate as a public document proving the right of ownership and other real rights to real estate, the construction registration certificate which is issued for the registered right of ownership of a building, a separate and common part of a building or other facility when they are in the construction phase, the certificate that the person is not registered in the real estate cadaster, the enforcement order and others.

Keywords: identification helper implies, natural person, identity card, personal identification number.

1. INTRODUCTION

In addition to the attributes of natural persons as imply individualization of the natural person, civilists also distinguish auxiliary implies the identification of natural persons. According to professors R. Živkovska and T. Pržeska (Živkovska & Pržeska, 2021, p. 130), auxiliary imply of identification include the identity card as a imply of identification of natural persons and the unique identification number of the citizen as a mark for that identification.

In this chapter, which refers to auxiliary implies for the identification of natural persons, a review will be made of the legal regulation of auxiliary implies in Macedonian law, and then of the regulation contained in comparative law (the Republic of Bulgaria, the Republic of Albania, and the Republic of Serbia), and finally their use in practical civil law relations will be presented.

2. THE IDENTITY CARD AS A MEANS OF IDENTIFICATION FOR NATURAL PERSONS

The legal regime of the identity card as a imply of identification of individuals in the Republic of North Macedonia is regulated by Law on the Identity Card (Official Gazette of the Republic of Macedonia, No. 8/1995).

In the Law, the identity card is defined as a public document that proves the identity, citizenship of the Republic of North Macedonia, residence, and address of a citizen of the Republic of North Macedonia (Article 1, paragraph 1, 2, Law on the Identity Card).

According to legal provisions, it is the duty of every citizen over 18 years of age to have an identity card, which is issued by the Ministry of Internal Affairs (Article 2, 3, Law on the Identity Card). According to paragraph 1 of Article 14 of the Law on Identity Cards, the Ministry of Internal Affairs keeps electronic records of issued identity cards by established standards and legal regulations.

In the procedure for the application for the issuance of an identity card, biometric data must be collected from the applicant in person to determine his or her identity (Article 6, Law on the Identity Card). The Ministry of Internal Affairs shall issue an identity card to the citizen within 15 days of the date of collection of biometric data (Article 12, paragraph 1, Law on the Identity Card).

The legal provisions show that the identity card can be issued with or without a validity period. The identity card is issued with a validity period of ten years, which applies to a citizen younger than 27 years of age with a validity period of five years. A citizen over 65 years of age is issued a permanent identity card (Article 7, paragraph 1, 2). The citizen is obliged to carry the identity card with him or her and show it upon request of the official authorized

by law to identify him or her (Article 12, paragraph 1, Law on the Identity Card). If there is a change of residence or personal name, the citizen will be issued a new identity card (Article 8, paragraph 1, Law on the Identity Card).

If a citizen loses his/her identity card or is otherwise left without it, he/she is obliged to report this to the Ministry of Internal Affairs, so that it can be declared invalid in the Official Gazette of the Republic of North Macedonia at the expense of the citizen and at the same time submit a request for the issuance of a new identity card (Article 11, paragraph 1, Law on the Identity Card). If the citizen loses his/her citizenship of the Republic of North Macedonia upon dismissal, by the Law on Citizenship of the Republic of North Macedonia, he/she is obliged to hand over the identity card to the Ministry of Internal Affairs on the same day or, if he/she lives abroad, to the diplomatic-consular mission of the Republic of North Macedonia abroad (Article 11-a Law on the Identity Card).

In the Republic of Bulgaria, according to the Law on Bulgarian Personal Documents, the identity card of Bulgarian citizens is the basic identification document, valid on the territory of the Republic of Bulgaria or the territory of another state according to international agreements (Article 8, paragraph 1, Law on Bulgarian Personal Documents, Official Gazette, No. 93).

Bulgarian citizens have the right to leave the country with an identity card and to return to it only across the borders of the Republic of Bulgaria with the member states of the European Union, as well as in cases provided for in international agreements (Article 23, paragraph 2, Law on Bulgarian Personal Documents). According to the Law, every Bulgarian citizen, after reaching the age of 14, is obliged to request the issuance of an identity card within 30 day (Article 29, paragraph 1, Law on Bulgarian Personal Documents).

The identity card of Bulgarian citizens is of a temporary and permanent nature. As for the temporary identity card, it is issued to persons aged 14 to 18 with a validity period of 4 years and to persons aged 18 to 58 with a validity period of 10 years. Permanent identity cards are issued to persons over 58 years (Article 30, paragraph 1, 2, Law on Bulgarian Personal Documents). The identity card is issued by the Ministry of Internal Affairs upon the personal request of the citizen. According to the Law, the application for the issuance of an identity card to minors and persons under guardianship is submitted in person and in the presence of a parent or guardian, who signs the application (Article 31-a, Law on Bulgarian Personal Documents).

According to the Law on Bulgarian Personal Documents, a Bulgarian citizen may also be issued a temporary identity card. With the amendments to the Law from 2021, the temporary identity card is a basic identification document that is valid only on the territory of the Republic of Bulgaria, and the same document cannot be used to leave the country (Article 32-a, paragraph 1, 2, Law on Bulgarian Personal Documents).

In the Republic of Serbia, the legal regime of the identity card as an imply of identification of natural persons is regulated by the Law on the Identity Card (Official Gazette of the Republic of Serbia, No. 62/2006). Every citizen of the Republic of Serbia who has reached the age of 16, as well as a citizen older than ten years (a minor child), has the right to an identity card (Article 1, Law on the Identity Card). The identity card is issued by the Ministry of Internal Affairs within 15 days of the citizen's request (Article 6-17, Law on the Identity Card). The provisions of the Law state that the use of an identity card is a duty, so a person who is obliged to possess an identity card is obliged to carry it and show it upon request of an official authorized for identification (Article 21, Law on the Identity Card).

In the Republic of Albania, according to the Law on Civil Status, the identity card is the basic permanent document for the identification of citizens (Article 26, Law on Civil Status, No. 10 129/2009). It is a basic document, i.e. permanent, which serves for the identification of Albanian citizens. The identity card is issued by the Civil Status Office, in the Basic Registry where the citizen is registered (Article 2, Law on the Identity Document of Albanian Citizens, No. 8952/2002). To obtain an identity card, the citizen must meet the following conditions: a) be registered in the Basic Registry and be a resident of the local unit, under the jurisdiction of the Civil Status Office, which issues this document, and b) be over 16 years old (Article 3, Law on the Identity Document of Albanian Citizens). The identity card can be issued with or without a validity period. It is issued with a period of at least 5 years for citizens aged 16 to 30 years, and without a period for citizens over 30 years old (Article 4, Law on the Identity Document of Albanian Citizens).

2.1. The use of the identity card in practical civil law relations

The identity card as an implies identification of natural persons is used in numerous civil law relations.

According to the Law on Notaries, notarial documents for legal matters based on which the transfer of ownership rights, physical division of real estate, or exchange of real estate is carried out, are prepared by the notary by the provisions of the Law, only if he has previously determined that the conditions and procedure provided for by special laws have been met (Article 56, Law on Notaries, Official Gazette of the Republic of North Macedonia No. 72/2016). In that case, the notary determines the identity of the participant based on a valid identity card or travel document. If this is not possible, or if the notary doubts his identity, then the identity will be witnessed by two witnesses who meet the legal requirements to be witnesses and identify themselves with a valid identity card or

travel document and declare before the notary that they know the participant. In the notarial document, the notary states how he or she established the identity of the participant, by stating the name, surname, date and place of birth, place of residence, unique identification number, or other identification number for the participant, the date and number of the document used to establish the identity, and the authority that issued the document (Article 57, paragraph 1, 2, Law on Notaries).

The special laws mostly talk about the imply of identification. Thus, by the provisions of the Law on Construction Land, the establishment of the right of real servitude on the construction land owned by the Republic of North Macedonia is carried out upon a request submitted by the person who is the holder of the right to build a facility of public interest determined by Law. In that case, one of the pieces of evidence that the natural person submits to establish his identity is a photocopy of his identity card (Article 89-90, paragraph 1, Law on Construction Land, Official Gazette of the Republic of North Macedonia No. 15/2015).

Also, by the Law on Agricultural Land, a real easement can be based on agricultural land in state ownership upon request from the person who is the holder of the right to build a facility of public interest determined by Law, by attaching a photocopy of an identity card or travel document if the applicant is a natural person (Article 13-a, paragraph 1, 3, Law on Agricultural Land, Official Gazette of the Republic of North Macedonia No. 135/2007).

Furthermore, by the Law on Weapons, approval for the procurement of a weapon as a dangerous item that is in limited legal circulation is issued to a natural person based on a previously submitted written personal request based on a valid identity card, and if the person is a foreigner with a valid identity card for a foreigner, unless otherwise determined by a ratified international agreement (Article 9, Law on Weapons, Official Gazette of the Republic of North Macedonia No.7/2005).

It should be noted that a foreigner who is a member of a diplomatic-consular mission of a foreign state or a member of another foreign mission that has diplomatic status in the Republic of North Macedonia, as well as members of his/her immediate family (spouse and children), is issued a diplomatic, official or consular identity card. As for a foreigner who is a member of a diplomatic mission of a foreign state or of another foreign mission, who in the Republic of North Macedonia has a special status determined by a special agreement between the Republic of North Macedonia and the foreign state, i.e. the foreign mission, as well as members of his/her family (spouse and children), a special identity card is issued (Article 179, paragraph 1, 2, Law on Foreigners Official Gazette of the Republic of North Macedonia No.97/2018).

3. PERSONAL IDENTIFICATION NUMBER AS A MARK FOR THE IDENTIFICATION OF NATURAL PERSON

In the Republic of North Macedonia, the 2013 Law on Personal Identification Number (Article 1, Official Gazette of the Republic of North Macedonia No. No. 137/2013) regulates the structure, determination, cancellation and recording of the personal identification number of a citizen of the Republic of North Macedonia and the personal identification number of a foreigner. Professors R. Živkovska and T. Pržeska qualify the *unique personal identification number of a citizen as a unique identifier for the identification data of a citizen* (Živkovska & Pržeska, 2021, p. 140).

The identity number of a citizen and the identity number of a foreigner are determined by the Ministry of Internal Affairs. It is determined according to the place of registration of the citizen in the birth register in the Republic of North Macedonia in accordance with the Law (Article 6, Law on Personal Identification Number).

In the case when the same citizen is assigned an incorrect identity number or multiple identity numbers are assigned, the Ministry of Internal Affairs adopts a decision to cancel it (Article 12, paragraph 1, Law on Personal Identification Number). In the same way, a decision is also adopted to cancel the identity number of a foreigner.

The personal identification number of individuals is also regulated in neighboring countries.

In the **Republic of Bulgaria**, every Bulgarian citizen must have a unique personal identification number, which can only be used to identify him/her when using administrative services, e.g. upon request for the issuance of personal documents. The personal identification number, or UCIN, can be obtained in three ways: 1. automatically, when registering a newborn in the national population database, and 2. additionally, at the request of an interested person. This possibility applies to persons who have acquired Bulgarian citizenship by origin or by naturalization, after being registered at a permanent address in the Republic of Bulgaria, in a municipality of their choice, and 3. automatically, upon the return of Bulgarian citizenship to persons who previously had it. In this case, the same personal identification number, or UCIN, is returned (Obtaining a uniform civil number, Embassy of Bulgaria, 2024).

The legal regime of the unique identification number in the **Republic of Serbia** is regulated by the Law on the Unique Identification Number of Citizens. According to the Law, the unique identification number of a citizen is an individual and unique identifier of the identification data of a citizen. The identification number is determined by the

Ministry of Internal Affairs according to the place of entry in the birth register on the territory of the Republic of Serbia (Article 3, Law on Unique Civil Registration Number, Official Gazette of the Republic of Serbia, No. 24/2018). The identification number recorded in the registry of identification numbers is recorded in public documents and other records. It is used to keep records of personal data and connect it to other records of state bodies and users who have a legal basis for using an identification number (Article 11, Law on Unique Civil Registration Number).

In the **Republic of Albania**, by the Law on the Civil Identification Number, the identification number is determined and serves for the identification of Albanian citizens, stateless persons, and foreign citizens with permanent residence on the territory of the Republic of Albania (Article 1, Law on the Identity Number of Citizens, No. 8951/2002). The identification number is unique and is assigned by the Civil Status Service (Article 2, Law on the Identity Number of Citizens). It serves: 1. for the National Civil Status Registry. 2. for an identity card, 3. as a social security number for identification, registration, and claiming benefits from social security, health insurance, and other social protection programs. 4. for the National Electoral Registry. 5. for the tax system. 6. as proof of a driver's license. It is notorious that the identification number of citizens serves the needs of other state bodies and institutions, such as the justice system, in order, the prosecution, defense, education, and the Property Registration Office (Article 3, Law on the Identity Number of Citizens).

3.1. Use of the identification number in practical civil law relations

The personal identification number, as a mark for identifying individuals, serves as evidence in a large number of civil law relationships.

The property certificate is a public document that proves the registered right of ownership and other real rights to real estate by the Law. It always contains data on the UCIN, i.e. UCIN of the holders of real estate rights to identify the natural person (Article 158, paragraph 1, 2, Law on Real Estate Cadastre, Official Gazette of the Republic of North Macedonia No. 55/2013). The status of a public document that the property certificate possesses refers to the fact that in procedures before the competent authorities, an irrefutable presumption is that the data recorded in the property certificate are correct and that no other documents are required to prove the right of ownership and other real rights (Zhivkovska et al. 2013, p. 256).

The pre-registration list of a building is issued for a pre-registered right of ownership of a building, a separate and common part of a building, or another facility when they are in the construction phase. In addition to other data, it contains data on the persons who have the right to build by the building permit, with their address data, as well as data on the UCIN, i.e. UCIN (Article 158, paragraph 1, 2, Law on Real Estate Cadastre). Also, the document that the cadastre calls a certificate, based on the facts and data contained in the real estate cadastre, proves that the person with the specified date on the UCIN, i.e. UCIN is not registered as a right holder in the real estate cadastre (Article 163, Law on Real Estate Cadastre). Such a definition implies that this certificate proves that based on the facts and data contained in the real estate cadastre, the person is not registered as a right holder (Zhivkovska et al. 2013, p. 272).

According to the Law on Enforcement, the enforcement order also contains data on the UCIN. With the enforcement order, the enforcement agent designates one of the payment operators where the creditors' and debtors' funds are kept, the creditor's and debtor's account number and their sub-accounts, if any, the creditor's and debtor's tax number or UCIN and the amount owed (Article 210, paragraph 1, Law on Enforcement, Official Gazette of the Republic of North Macedonia No. 72/2016).

4. CONCLUSION

The research presents the legal regime of the identity card in the Republic of North Macedonia, i.e. the Law on the Identity Card, stating that the identity card is defined as a public document that proves the identity, citizenship of the Republic of Macedonia, residence, and address of the citizen. The legal regime of the identity card in the Republic of Bulgaria, the Republic of Serbia, and the Republic of Albania is presented and it is concluded that in the three countries the identity card: serves as a document for the identification of citizens, represents an obligation (duty) of the citizen, is issued upon personal request of the citizen and is issued with or without a validity period.

The research shows that the identity card as a imply of identification of natural persons is used in numerous civil law relations. It was concluded that the identity card serves as evidence for establishing the identity of the natural person, in which the following cases were presented: having an identity card with a notary when preparing notarial documents for legal matters based on which the right of ownership is transferred, during the physical division of real estate, i.e. exchange of real estate, when establishing the right of real easement on construction land owned by the Republic of North Macedonia and for obtaining approval for the procurement of weapons as a dangerous item in limited legal circulation.

The legal provisions governing the structure, determination, cancellation, and recording of the personal identification number of the citizen of the Republic of North Macedonia and the personal identification number of the foreigner were elaborated and it was concluded that the unique personal identification number of the citizen is a unique designation for the identification data of the citizen. The legal regime of the personal identification number in the neighboring countries (the Republic of Bulgaria, the Republic of Serbia, and the Republic of Albania) was presented, whereby it was concluded that in the three countries, the personal identification number of the citizens serves for their identification and is a unique and unrepeatable identifier of the identification data of the citizens.

As for the use of the personal identification number in practical civil law relations, the paper shows that data on the personal identification number include: the property certificate as a public document proving the right of ownership and other real rights to real estate, the construction registration certificate which is issued for the registered right of ownership of a building, a separate and common part of a building or other facility when they are in the construction phase, the certificate that the person is not registered in the real estate cadastre, the enforcement order and others.

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