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RESTORATION OF RELATIONS BETWEEN THE VICTIM AND THE PERPETRATOR, A REALITY OR UTOPIA

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A b s t r a c t

Restorative justice theory and programs have emerged over the past 35 years as an increasingly influential opportunity worldwide to practice criminal justice, based on the principles of restorative justice that, Crime causes harm and justice seeks to repair that harm; People who have been harmed must be able to take part in resolving it. The responsibility of the state is to preserve society to build peace.

The fact of committing a certain criminal offense presupposes the mobilization of various legal mechanisms which are undertaken by certain competent bodies which must prove the fact whether we are really dealing with a criminal offense, the victim, its perpetrator and other issues that are directly related within these legal mechanisms, which is the purpose of research or study of the problem.

The possibility of reconstructing the relations between the victim and the perpetrator in this paper is treated in the mediation procedure, the procedure on admission of guilt and compensation in damages in post-criminal proceedings according to the hypothesis of what are the possibilities of reconstructing relations between the victim and the perpetrator as current at the national, regional and international level, in a plane with the historical method and the normative method and presents the basic design of the research (study).

The hypothesis with the results of the research has been tested that the reconstruction of relations between the victim and the perpetrator in the mediation procedure reaches the highest possible level, as opposed to a decrease in the level of reconstruction of relations between the victim and the perpetrator in the agreement of guilty plea, as well as the decrease in the lower degree of the possibility of reconstruction of relations in the post-criminal phase.

Finally, the possibility of reconstructing the relations between the victim and the perpetrator is higher in the minor criminal offenses because the damage caused is smaller and presents a real possibility, while in serious criminal offenses such as murder, the reconstruction of relations it is simply utopia.

1. Introduction

The topic that is elaborated herein has a natural practical and theoretical significance since the correct approach in direction to analysis and their prospective referring to the possibilities of the issue of elaborating the restoration of relation (rebuilding trust), is of the basic importance.

The elaboration of this topic can be noticed in different aspects, be it in the historical aspect, the positive aspect, the comparative aspect, the methodology of work, etc., thus by analyzing them, by dividing them in chapters, subchapters, etc., always based on legal solutions, to treat the subject all fundamental elements are taken into consideration.

The term "***restorative justice***" was first used by the American psychologist Alber Eglash in his 1959 article, "Creative Return: Its Roots in Psychiatry, Religion, and Law," which was later compared and contrasted in his 1977 article "***Beyond Restitution: Creative Restitution***" with Perspectives on retributive justice and rehabilitative justice.

Restorative justice takes into account both the main victims (directly harmed by the perpetrator) and the secondary victims (the families of the main victims and society at large). The main victims can suffer bodily injuries, financial losses, as well as emotional suffering, which can last a lifetime. Perpetrators are encouraged to understand the harmful consequences of their behavior, to admit their guilt, and to take responsibility for correcting it in terms of rebuilding the relationship between the victim and the perpetrator.

Examples of restorative justice outcomes include returns, public service, and victim-perpetrator reconciliation. In return, the best way for the perpetrators to be held accountable for the damage they have caused is for them to make reparations to the victims. Another way of restorative justice is the service in the public interest, as a means of repairing the damage caused to society is the court order that the perpetrator perform a certain number of free working hours as an alternative to serving a prison sentence. Victim-perpetrator reconciliation is another important part of restorative justice, through a licensed mediator victim and perpetrator discuss the offense and the damage caused by allowing the perpetrator to correct the error (damage) caused by the offense (Heath, 2018).

The following topic requires a more serious approach, especially due to the fact the position of the injured party in the proceedings. The following position with all its right content, which the injured party stand against and the rights and liabilities of the defendant towards the injured party, depending on the aforementioned circumstances, the following possibility of rapprochement as well as their right in proceedings, however, consists of an adequate rapprochement, according to my opinion in the existence of relations that depending on the determinant factors can be approximate, coordinated or divided among them.

In dealing with the following topic, all the determining factors are interrelated, which define the position of the rapprochement, not between the defendant and the injured party in proceeding.

2. About the Participants in the Procedure

As we well know the criminal procedure necessarily presumes the existence of the participants in the procedure that depending on their position we can divide into:

- A compulsory participant;
- A casual participant;
- An eventual participant.

1.1. A compulsory participant would be the representative of the indictment (the prosecutor); the perpetrator and his barrister, as well as the court that are the essential subjects of the criminal procedure.

The fact that the injured party is the person who has suffered some kind of damage or some of his right provided by the material legal provisions was violated for the protection of his rights and interests, the representative of the indictment (prosecutor) as well as his proxy (the lawyer or some other authorized person) deal with it.

In these circumstances, the position of the injured party constitutes a basic position of the compulsory participant or of the other participants in the criminal procedure (Sahiti & Murati, 2013).

Depending on the type of the criminal offense, respectively the good that is stricken as a result of the actions of the perpetrator in certain circumstances, other participants appear in the procedure as well that can be qualified as casual participants or eventual participants.

1.2. The casual participants come into consideration in the circumstances when the nature of the matter requires additional actions that other persons should undertake whose presence or actions can help in shedding light on the matter, which in the criminal procedure are known as the third persons in the criminal procedure (witnesses, experts, professionals, etc.) (Sahiti & Murati, 2013).

1.3. In situations when the nature of the criminal matter requires deciding or requires the undertaking of actions by certain persons, in the procedure they are known as eventual participants or procedural assistants (translator, interpreter, record keeper, camera operator, stenographer, etc.) (Sahiti & Murati, 2013).

3. The Injured Party, His Position

3.1. A general view

As we know all legislations in the positive as well the historical aspect and also linking the comparative part, the position of the injured party in the procedure is significant as well.

Seeing his position as an essential position in the procedure, all the legislations in a specific way dedicate even chapters to the entire position of the injured party in the procedure, to his rights

and his other rights after the criminal procedure, i.e. when the procedure is concluded by a final decision.

The injured party is qualified this way by all legislations in legal solutions, while the other theoretical aspects go even further by qualifying the injured party as a victim.

"The Injured party or the victim is a person whose personal or material benefit rights are violated or endangered by the criminal offense" (KPPRK, 2012).

"The victim – a person who was subjected to domestic violence" (LMDHF, 2010).

"Victims are persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power" (OHCHR, 1996).

"A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim" (OHCHR, 1996).

"The term "victim" also includes, where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization" (OHCHR, 1996).

I think that the use of the term "Victim" for the injured party in the procedure mainly has to do with the criminal offenses against life and body when the injured party dies.

Based on legal solutions in these circumstances he would be more denominated an injured party (injuria parts) than for the less grave offenses for which the injured party could be qualified as a victim. The term victim is usually used for more serious criminal offenses when as a result of the actions of the perpetrator the injured party deceases (murders, traffic endangering with consequences, etc.) In these situations, the other persons come forward as injured persons – the relatives of the deceased who by law are called in the capacity of the injured party. For the other offenses, I think that there are no technical possibilities for the injured party to be called a victim except for the legal denomination as an injured party since he/she directly undertakes actions in the procedure, despite the fact that he/she has been injured by some unlawful action.

Halili (2011) is right when he says: "The notion victim might not correspond to the notion "the injured party" in the criminal procedure, because there, in the capacity of victims or of the injured parties, only the person when the perpetrator of the criminal offense is identified and the criminal procedure is conducted against is considered an injured party or a victim, while in victimology all the people that were injured by a criminal activity regardless of the fact if the perpetrator of that criminal activity is identified or not are considered victims".

To perceive the possibility of achieving the rights of the injured party in the procedure, the issue of the ***possibility of restoration of relations between the victim and the perpetrator in the procedure is considered.***

4. The Possibility of Restoration of Relations Between the Parties in Proceedings – Possibilities, Challenges

The existence of the criminal offense in the actual case presumes also the undertaking of the procedural actions by the participants in the procedure towards the decision of the criminal issue which constitutes the subject of the criminal procedure which is solved by a meritorious decision of the competent court.

The decision about the criminal matter by imposing it as the essential part expect for considering and deciding about it based on the free conviction of the competent court authority, a part of this decision refers to the position of the injured party itself in the procedure in the form of the instruction about the use of his/her rights whatever they might be.

The Criminal Procedure Code of the Republic of Kosovo (KPPRK, 2012), amended and supplemented, supports the protection of human rights and the efficiency of the criminal procedure with a multitude of solutions that have strengthened the accusing character of the criminal procedure during all the stages in the procedure. Therefore, considering the significance of the alternative procedures in solving the criminal matters this is regulated by CPCRK in force (KPPRK, 2013), by the state prosecutor reviewing and using alternative procedures (the mediating procedure, guilty plea agreement, etc.) (Sahiti & Murati, 2013).

To better and clearly perceive the possibility of restoration of relations between the defendant and the injured party in the procedure, we should directly rely on several other determinant factors that have to do with the nature and the type of the

committed criminal offense, the nature of the damaged caused to the injured party, etc.

Within this, we can distinguish three basic stages within which we can determine the possibility of restoration of the relations between them such as restoration of relations in the restorative justice; ***restoration with the act of admission of guilt by the perpetrator; and the restoration of the relations at the first post-criminal stage through the civil lawsuit***.

4.1. Restoration of the relations with a special viewpoint on Kosovo, Albania, and North Macedonia

4.1.1. Restoration of relations in restorative justice in the Republic of Kosovo

The possibility of restoration of the relations between the injured party and the defendant is mostly emphasized in the so-called restorative justice related to the less grave criminal offenses for which the punishment does not exceed more than three years' imprisonment.

"The restorative justice is unimaginable and inapplicable without the prior consent of the victim and the perpetrator" (Halili, 2011) In the above perceived analysis of Halili (2011), we can observe that three basic conditions should be met cumulatively so that the restorative justice could be considered:

1. That the certain criminal offense is not punishable with over three years;
2. That the defendant agrees with the factual situation in the case file;
3. That the injured party agrees to mediation.

According to Sahiti (2017) in the Comments on the criminal procedure rightly points out that:" The effectiveness of the reached agreement avoids the clash of the parties in the court, where each party persistently holds to its own position, and the court decision unavoidably satisfies one party and punishes the other thus potentially leaving an open course for a potential conflict."

This practice has been emphasized in the most advanced criminal legislatures almost in the entire world like in USA etc., meanwhile such a thing also is present in our legislation where the Criminal Procedure Code (KPPRK, 2012), expressively anticipates the possibility of the decision on the criminal matter by instructing the defendant and the injured party to go a mediation procedure.

"Mediation implies an out-court agreement procedure for the solution of contests and misunderstandings between the subjects of the law in accordance with the conditions anticipated by this law" (LN, 2018).

The procedure of mediation between the victim and the perpetrator is performed not only by out-court practices but also within the system of the criminal law. Related to mediation a priori are considered the recommendations of the United Nations and the European Institutions like:" Basic principles of the United Nations related to the use of the programs of the Restorative Justice in criminal matters" and the "Recommendations of the Committee of Ministers of the European Council (99)10" related to the mediation in criminal matters (KPRK, 2014).

About the mediation institution, the Supreme Court of the Republic of Kosovo, on 23.04.2014 took a juridical stand emphasizing:" ***The court has the right to address the matter to mediation after the indictment act was submitted to the court even without the consent of the prosecutor"*** (GJS, 2014).

"The state prosecutor can file a criminal report for a criminal offense punishable by fine or up to three years' imprisonment for mediation" (KPPRK, 2013).

By this kind of solution, i.e. of decision regarding the criminal matter, the injured party can more closely enjoy a satisfaction mainly of moral nature, and this is the best way to avoid the consequences created as a result of the criminal offense committed by the perpetrator.

The following mediation procedure is conducted by the authorized body. In this case both parties, the defendant and the injured party achieve their aims and when the criminal procedure against the defendant is discharged, while the injured party, as a result of the consolidation of the relations with the defendant, experiences and feels some kind of a satisfaction so that by this act he/she concludes this criminal case by abdication to his/her rights, guaranteed by law.

Note: There are criminal offenses that by nature are less aggravated, i.e. of the less social gravity but that even though the punishment is not anticipated over three years of imprisonment, the mediation procedure is not permitted as it is the case with the criminal offenses of domestic violence.

4.1.1.1. The consequences of mediation accomplishment

At the moment when the parties in procedure enter into the agreement of mediation and when the conditions for this are met,

the mediation agreement is formally signed. In this case, each party is aware about the consequences of signing this agreement by also specifying the points in it of filing the motion on compensation of damage and expenses, etc., or the party declares that it doesn't demand any compensation. The party, may require other conditions of the material character which the defendant can accept (not visiting certain shops, keeping the distance).

In the situations when the parties agree between them and by the act of signing the agreement, the agreement is submitted to the judge of the case who by decision approves the agreement concluded between the parties and right after he makes a decision regarding the core issue – the criminal case, in which case the procedure against the defendant is terminated.

In the concrete case each party in the procedure by agreeing, by withdrawing from some of the eventual demands, reach the point when each of them wins or loses something, but in essence, the concluded agreement is considered an act of reconciliation of the willpower of both parties, therefore the agreement in questions is considered lawful.

In the actual case, the disputed parties have agreed that pursuant to the provisions of CPCK this criminal case is terminated by the mediation agreement with the proposal of the disputed parties, in which case both the defendant and the injured party have benefited. The injured party experiences a moral or material satisfaction, while the criminal procedure against the defendant is terminated regarding the criminal offense he was indicted for (Aktvendim, 2018).

By the act of the court decision the criminal procedure regarding this criminal case due to the fact that a mediation agreement was reached, is considered terminated.

4.1.2. Restoration of relations in the restorative justice in the Republic of Albania

"In Albania, the term mediation is an out-court activity in which the parties seek the solution of a misunderstanding through a third neutral person (mediator), in order to reach an acceptable solution of the misunderstanding which is not in averse to the law. The mediators do not have the right to order or force the parties to accept the solution of the misunderstanding" (LNZM, 2013).

Mediation in the criminal area is applied for misunderstandings reviewed by the court based on the charges of the injured party or based on a complaint of the injured party, pursuant to articles 59 and 284 of the Criminal Procedure Code and on every occasion when the law permits it. In case of a misunderstanding in the criminal area, when the criminal procedure has commenced, the court must call the parties for the solution of the misunderstanding by mediation provided in item 3 of this article (LNZM, 2013).

"The injured party who is a victim of one of them is called the incriminating injured party because he has the right of filing a private indictment against the committer of the criminal offense and takes part in the trial as a party" (KLNZM, 2012).

Criminal justice exercises the mediation pursuant to article 59 (KPPRSH, 2017), the injured party of the criminal offense has the right to file a request to the court and to take part in the trial as a party to confirm the indictment and to seek damage compensation, only in the case of the criminal offenses anticipated in CC as follows:

- Other intentional harm,
- Serious injury due to negligence,
- Non-serious injury due to negligence,
- Breaking and entering into someone's house,
- Insulting,
- Insulting due to racist or xenophobic motives through the computer system,
- Libel,
- Intruding into someone's privacy,
- Spreading personal secrets,
- Denial of support,
- Taking the child unlawfully,
- Publication in someone's own name of the work of another person,
- Infringing the inviolability of residence. (KPRSH, 2014)

The cases where mediation can be applied to some types of criminal offenses, when the appeal of the injured party from the criminal offense is a condition for starting criminal prosecution according to the cases defined in article 284 (KPPRSH, 2017), are as follows:

- Non-serious intentional injury,
- Sexual assault by use of force with mature/adult women,
- Sexual or homosexual activity by abuse of official position,
- Sexual or homosexual activity with consanguine persons and persons in the position of trust,
- Coercion or obstruction of cohabitating,
- Concluding or dissolving a marriage,
- Insulting because of duty,

- Defamation because of duty,
- Defamation towards the President of the Republic,
- Assaulting family members of a person exercising a state duty,
- Obligation to participate or not to participate in a strike,
- Malevolence use of phone calls, and
- Insulting a judge. (KPRSH, 2014)

In the situations when dealing with criminal offenses pursuant to article 59 of CPC, we deal with criminal offenses of lesser social risks that persecution can be conducted based on the principle of availability of the party. While, in criminal offenses anticipated by article 284 of CPC, the nature of the offenses coincided with a greater social risks then the criminal prosecution can be conducted ex officio and the disputed parties decide themselves if they will enter the mediation procedure for the solution of the misunderstandings.

4.1.3. Restoration of relations in the restorative justice in the Republic of North Macedonia

The procedure of mediation in the Republic of North Macedonia is regulated by articles 491 – 496 of the Law on Criminal Procedure, by being classified in the group of accelerated procedures, as well as by the Law on Mediation (LMRNM, 2013) by which the procedure of mediation, establishment, and organization, the functioning of mediation and the rights and responsibilities of mediators are regulated.

The individual judge competent for the criminal offenses that are prosecuted pursuant to the private prosecution at the hearing session can propose to the parties to agree to submit the criminal case for the mediation procedure (CPLRNM, 2012).

The defendant, his defense lawyer, the injured party, and his proxy are parties in the mediation procedure, while the condition for mediation is the approval of the defendant and the injured party. The approval can be given in writing, by minutes, jointly or each party separately, to the individual judge, within three days from when submission for mediation was proposed. Then the individual judge makes the ruling instructing the parties for the mediation procedure, and the parties in three days chose one or more mediators from the list of mediators and inform the individual judge. The mediation procedure lasts 45 days. The mediator decides about the schedule of the mediation meeting, in agreement with the parties. The mediator communicates separately or together with the parties, but their presence at the mediation is compulsory, and he is obliged to inform the parties about the principles, rules, and procedure costs (CPLRNM, 2012). The written statement, information, or ruling, approved by the mediator, the statement of withdrawal of the parties respectively, is submitted to the individual judge who schedules the main trial according to the provisions of the summary procedure (article 495) (Sahiti & Zejneli, 2017).

4.2. Restoration by The Act of Admission of Guilt by The Perpetrator

The institution of the guilty plea is the situation when the proposal for negotiation of reaching the agreement for the guilty plea is made to the case prosecutor and the act of guilty plea to the case judge from the initial hearing session to the termination of the criminal case.

By the act of signing the agreement on a guilty plea with the prosecutor and the act itself of the guilty plea with the trial judge, it is possible to restore the relations between the victim and the defendant, but on a slighter scale of recuperation unlike the procedure related to the aforementioned mediation.

According to Sahiti and Murati (2013): ***"The guilty plea agreement pursuant to article 233 (CPCK, 2013) paragraphs 1 and 3 means negotiating agreement conditions in writing about the guilty plea between the state prosecutor and the defendant, based on which the defendant and the state prosecutor agree about the charges in the indictment, and the defendant agrees to a guilty plea in exchange for the agreement of the state prosecutor to recommend to the court a milder punishment, pursuant to the law or to consider other situations in the interest of the law***".

Even in this situation, the restoration of relations can be considered as much as the guilty plea by the defendant by which act the defendant repents for the illegal action, he apologizes, he promises that he will not commit the same or a similar offense again so that an impression is created that a moral or material satisfaction is achieved by the injured party, thus a restoration of relations can be achieved on a certain level, depending on other factors in the concrete case.

The guilty plea agreement is an institution of the American criminal procedure by which most of the criminal cases are solved: " The guilty plea is an agreement between the parties based on which on one hand the State prosecutor is forced to mitigate the indictment by making a milder legal qualification of the criminal offense or withdraws from several counts, i.e. he suggests to the court imposition of a milder punishment while on the other hand, the defendant must plead guilty for the criminal offense by withdrawing from the main trial before the

court. The withdrawal of the defendant from the main trial leads to a quicker and more efficient resolution of the criminal case. This is the main reason why the countries of continental Europe accept this institution with different modalities" (KKPPRK, 2014).

This restoration of relations can be regulated during all the stages with the statement of the defendant himself who can also be positioned regarding the type and level of satisfaction toward the injured party, while the injured party based on his conviction estimates if the proposed satisfaction is adequate or not with the nature of the offense, its dangerousness, the level of responsibility, etc.

Given the lawful solutions, this guilty plea in different legislations is eventually considered for some types of criminal offenses (for criminal offenses punishable to 5 years' imprisonment – Republic of North Macedonia (LCPRNM, 2017) or criminal offenses punishable to 7 years' imprisonment – Republic of Albania) (KPPRSH, 2017) or all the criminal offenses (USA, Kosovo, Bosnia, Croatia).

4.2.1. The consequences of a guilty plea with instruction on civil procedure

In comparison to mediation procedure, the restoration of the relations between the victim and the perpetrator can also be achieved in other forms. One of the forms is when the defendant pleads guilty for the committed offense by feeling sorry and expressing penitence, etc., the injured party can achieve some moral satisfaction for the fact that by pleading guilty, the factual situation, the situations in which the offense was committed as described in the enacting clause of the indictment, by not altering anything, this situation signifies relief to the injured party.

The rendered court decision also creates the space for the restoration of relations between them to be performed in another procedure, in situations when the injured party has filed a property claim, and in a civil procedure, he can send the damage compensation whatever it might be.

In situations when a guilty plea, repentance, and an apology are achieved, as well as material compensation, then it is directly implied that the injured party has succeeded to recover the consequences caused by the act of committing that criminal offense by the perpetrator.

In this court decision, the criminal case was solved by a guilty plea of the defendant in which case the act of pleading guilty comprises an essential situation based on which the court when imposing the punishment has decided to impose a milder punishment. In this case, the act of pleading guilty by her for the injured party in itself represents a satisfaction as the guilty plea, repentance, and promise represent preconditions to create a conviction that the interests of the injured party have been met while the defendant by the imposition of a milder punishment against her has also benefited. (Judgment P.nr.1274/19, 2020).

In this case recuperation of relations between them comes into consideration as the injured party can eventually reduce or mitigate eventual requests that he/she might have against the defendant in the future.

The level of restoration of the relations between the parties in dispute when pleading guilty is of a lesser intensity compared to the mediation procedure in which instance the restoration of the relations was more emphasized.

4.3. Restoration of Relations in The Post-Criminal Stage by The Civil Litigation

In the circumstances when the decision about the criminal case is concluded by the final decision of the competent court authority, the possibility of the restoration of the relations between the victim – the injured party and the defendant is frailer for the fact that the defendant did not express the willingness to restore this relation before the criminal case is resolved or eventually due to the nature of the criminal case since such a thing is not permissible by law such as RNM and RA.

In these circumstances, it may come to some kind of rapprochement between them even after the conclusion of the criminal procedure when the injured party is instructed to realize his rights and interests in another procedure - by a civil procedure when in the claim the injured party files his claims regarding the satisfaction be it moral or material in the concrete case.

Even in these situations when the defendant expresses willingness that he can compensate the injured party notwithstanding the allegations of the injured party, the injured party in a way can gain satisfaction from the amount and type of the damage caused by that offense and I think that at this stage it may come to the restoration of relations in the post-criminal stage between them.
For example, by the claim the injured party alleges the type and the amount of compensation while the defendant expresses his desire to compensate over the alleged amount, then the injured party eventually can coordinate activities with the defendant in this type of procedure as well.

4.3.1. Consequences of restoration of relations at the post-criminal stage by civil litigation

In situations when the perpetrator does not plead guilty, the possibility of restoring the relations between the victim and the perpetrator is less accentuated, but in accordance with the material provisions, the injured party has the right to his claims in order to restore the damage caused as a result of the committed criminal offense, to achieve this in another procedure, by a damage compensation claim.

Regarding the damage compensation claim, the restoration of relations between the parties in dispute can be considered in the situation when the defendant punished by a final decision and by the power of law is constrained to compensate the claimant, the former injured party, to the extent alleged in the claim eventually by an out-court or a court agreement reached between them (CFD, 2022).

By the act of execution of this agreement ipso facto the claimant – the injured party is compensated and a new form of mediation is achieved especially in circumstances when an out court or a court agreement has been reached between them.

In these circumstances, I believe that in this case as well the relations between the parties in dispute can already be recuperated by another procedure anticipated by criminal provisions directly related to the civil-legal provisions.

In this case, the intensity of recuperation of relations is frailer compared to the two first cases, but anyway it is believed that in these circumstances as well these relations can be rearranged between them but with a lower degree of reregulation.

5. Conclusions

Pursuant to the consulted literature, on perceptions from practical examples, and the experience, I have come to the conclusion that the possibility of restoration of relations between the disputed parties may be derived depending on the procedural stages under which this restoration of relations is concretely requested with the intensity and the scale required in the actual case.

According to these aforementioned perceptions, considered that the possibility of restoration of intensive relations, i.e. on the highest scale, comes into consideration with the act of mediation procedure, by decreasing in intensity with the act of signing the agreement of guilty plea or the act itself of admitting guilt, by finally decreasing to the lowest intensity by the act of filing the damage compensation claim in the post-criminal procedure.

It is an undeniable fact that the restoration of relations between the parties in the procedure comes into consideration in the procedure of direct mediation so that both parties by coordinating the reciprocal activity meet their whatever needs they are but maximally avoiding the consequences caused as a result of the criminal offense committed by the perpetrator in that course so that in the meantime both parties benefit; one by the act of satisfaction whatever it may be (the injured party) while the other one with the act of termination of the criminal procedure (the defendant). In the concrete case, the possibility of restoration of relations in a graph presentation is expressed by the highest possible intensity accomplished between them.

In the following circumstances, when we are dealing with the fact of signing the guilty plea agreement before the case prosecutor and the fact of pleading guilty before the trial judge, this possibility of restoring the relations is more complicated. Shall be more complicated due to the fact that the injured party can personally achieve a moral satisfaction in the form of an inward satisfaction that he experiences by this act of the guilty plea while the experience of the material satisfaction coincides with another procedure - the post-criminal procedure and aggravates the position of the injured party until he obtains the material satisfaction by this type of procedure. In these circumstances, the intensity of the possibility of restoration of the relations between them decreases precisely due to the other procedure that for our circumstances is very complicated and needs time due to a vast number of the civil cases.

It is an evident fact that the intensity of the possibility of restoration of the relations at the post-criminal stage is logical to decline to the lowest level of the possibility of coordination of these relations between the parties in dispute. But in the situation when the injured party at this post-criminal stage manages through the claim to realize the property claim then we have a possibility of restoration of these relations but unfortunately based on the graveness this intensity can be considered very low. Eventually, the increased level of this intensity under a certain level can be achieved by an eventual out-court or court agreement, whichever desirable.

Finally, the stage, i.e. the intensity of the rapprochement of the possibility of restoring relations, except in the stages presented, is interlinked with other determinant factors that through the aforementioned stages affect the growth or decrease of these relations in the concrete case. I apologize in advance for any shortfalls that might be eventually observed during the elaboration of this subject.

Despite all the objective legal possibilities, the possibility of restoring relations would be more emphasized when dealing with less serious criminal offenses and due to the less damage caused so that these relations could exist to be restored which is a real possibility for their restoration.

In the situation when we are dealing with grave criminal offenses, resulting with the death of a person, restoration of relations is aggravated so that the material or moral compensation would not have the equivalence of the life of a person so that in this situation, the restoration of relations is simply a utopia.

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