

PROTECTION OF CONSUMERS THROUGH THE PRISM OF THE OMBUDSMAN

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Abstract: In chain production - trade appear more entities: manufacturers, distributors, retailers and direct consumers. If relations between them simplify, we can conclude that the most important link in this chain are consumers. We could say that everything happens precisely to meet the needs of consumers (although for certain types of production or ranking military industry for example, the arms trade and so on. This certainly can not say). Consumer is every one for you or your family supply certain products or using certain services. This broad definition allows each of us can put ourselves in the category of consumer. Consumers are the largest group in the world. Using the principle of deduction, we can conclude - when a group is considered most important and is the most numerous, it should be the most powerful in certain social relations.

Key words: consumers, protection of consumers, laws, institutions, ombudsman.

INTRODUCTION

Following world trends, the Macedonian consumer protection is imperative of the present moment, if we take into account that they represent the most important link in the chain of production and market goods and services. One of the essential issues in the context of protecting the rights of consumers is the determination of their status in terms of consumer law and established practice. Theoretically, every consumer is the one for yourself or for your family supply certain products or using certain services. Therefore this category is the most numerous in the world and should

equivalent to being strongest in certain social relations.

The market behavior is any act, omission, course of conduct or representation, marketing communications, including advertising and marketing, by a trader, directly connected with the promotion, sale or supply of products and services for consumers. Closely related to the market behavior of traders is the distortion of market behavior by the merchant.

Considering the trends of EU and the comparative practices in the region, in Macedonia is also known the importance of the consumer sector protectionism, adding a new dimension to by protecting the rights of consumers by the Ombudsman. The authorization of the Ombudsman in terms of consumer protection does not improve the situation dramatically in large measures. The protection is directly determined by the scope of the authorization, the dynamics, the possibility of practical implementation of legislation and so on. Based on this and the need for greater engagement and monitoring by the institution of the Ombudsman in protecting consumer rights.

OMBUDSMAN AND CONSUMER PROTECTION

If a manufacturer, importer, distributor or retailer fail to comply with legal obligations or if you think that as users of telephone services, water, electricity and other utilities you are

damaged in terms of the charged price or quality the service you can contact the Ombudsman. The Ombudsman is an independent body established by the Constitution. Founded in July 1997 and act in accordance with the Law on Ombudsman.

The Ombudsman gives recommendations, opinions and suggestions to the state bodies and the bodies of public authority. They should comply with the recommendations, opinions and suggestions of the Ombudsman because if they disregard the Ombudsman shall inform the minister, the government, parliament and the public criticism will expose any authority or official person who committed a violation of a citizen's right. The Ombudsman can not replace court. He has no right to punish and can not change court decisions. A complaint to the Ombudsman may be submitted by any citizen of the Republic of Macedonia or any other person, regardless of gender, race, color, religion, ethnicity or political affiliation, wealth or social position, if it believes that some of his consumer rights have been violated the authority of the state administration or organization with public powers. If it concludes that the petition is based Ombudsman initiated proceedings under way which notifies the applicant, but if the complaint is unfounded rejected.

THE DEVELOPMENT OF CONSUMER PROTECTION IN THE INSTITUTION- OMBUDSMAN

So far we have seen that the power of the Ombudsman and the role in the protection of consumer rights. In order to overcome the problems that citizens have in exercising the constitutionally and legally guaranteed rights in this area, the

Ombudsman recommends that the Government and other relevant factors in the period to undertake the following activities:

- measure for upgrading the legal system of the Republic of Macedonia in terms of realizing the rights of citizens as consumers in the public enterprises and other providers of commercial activities of public interest;
- consider monopoly position and behavior of these legal entities and to activate mechanisms for the rights and interests of citizens;
- measures to establish professional and ethical norms of action on subjects whose behavior depends on the realization of the rights of citizens as consumers;
- state Market Inspectorate to implement the legal instruments provided by the Law on consumer protection and conduct continuous supervision of operations;
- to establish cooperation with the Ombudsman and to respect its requirements; recommendations and other indications;
- commission for Protection of consumer rights established in the City Council to cooperate with the Ombudsman;
- practice activities of public interest entities and other service providers to take into account when determining the price of services depending on the principle of equivalence;
- introduce additional social measures to help the most vulnerable citizens not objectively able to fulfill their obligations towards the providers of services
- the process of harmonization of the Macedonian legislation with the European Union to speed up, to do a full implementation of European regulations in

terms of standardization and implementation of regulations governing technical requirements for products and their adjustment to the conditions ;

- provide an adequate appeal procedure, the principle of second-instance.

RESEARCH METHODOLOGY:

The methodological framework of the research is set according to objective scientific stimulus, expected results, set hypotheses. In developing the proposed theme used methods are:

- Survey - during our research will be interviewed a group of 50 customers at random, according to the subject of our research;
- Interview - The interview will be conducted on individuals - who are well informed about the procedure for the protection of consumer rights;
- Analysis of the document: Use of written record - a comparison of annual reports conducted by the Ombudsman institution, pertaining to the protection of consumer rights;
- The method of deduction and induction;
- The historical method with the purpose to see the genesis of the protection of consumer rights.

RESEARCH OBJECTIVES:

- The main objective of this thesis, is to find a way to achieve greater legal certainty to consumers and their rights in the field of trade and services;
- To encourage the increased powers of the Ombudsman in protecting the rights of consumers and to strengthen the national

strategy Minister for legal certainty for consumers;

- To draw attention to the institution of the Ombudsman as the national mechanism for protection of constitutional and legal rights of citizens, as an institution that will be the primary defense of the rights of consumers, thereby avoiding litigation consuming time and money. This would strengthen national strategy Minister for the protection of consumer rights and their legal certainty.

These work should also indicate the lack of literature and to create a base for future research related to the protection of consumers whose results will enable the enrichment of literature in the field of consumer rights.

RESULTS AND DISCUSSION

According to the subject of our research, we surveyed a group of 50 customers by random choice. The questionnaire contains 10 questions or blocks, and each block comprises one of the most important aspects of consumer rights and the work of the Ombudsman.

Table 1. Gender of respondents

Male	16	32%
Female	34	68%
Total:	50	100%

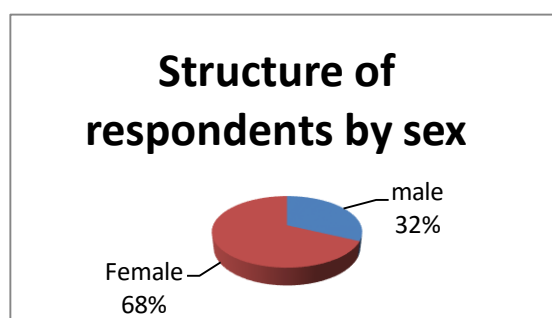


Chart 1. Structure of respondents by sex

Table 2. Age of respondents

25 years	7	14%
25 to 35	15	30%
35 to 45	9	18%
45 to 55	8	16%
55 years	11	22%
Total:	50	100%

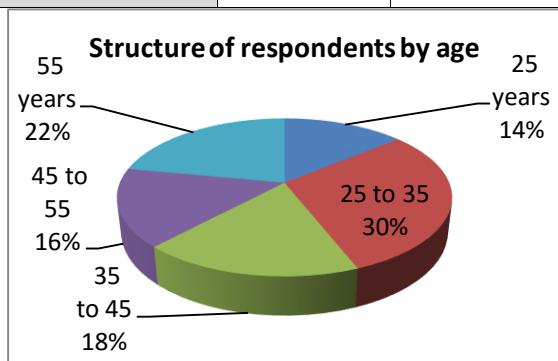


Chart 2. Structure of respondents by age

Table 4. Do you think that in Macedonia the rights of consumers are threatened?

a) Yes	18	36%
b) No	16	32%
c) Not sure:	16	32%
Total	50	100%

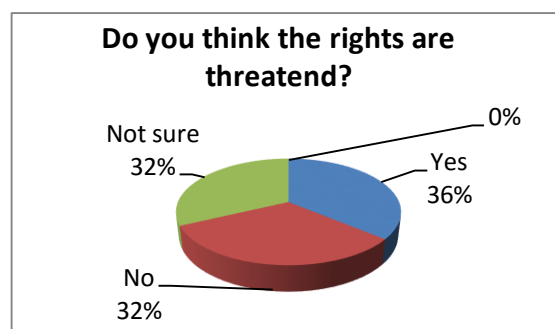


Chart 4. Do you think that in Macedonia the rights of consumers are threatened?

Table 3. Do you know what rights you have as a consumer?

Yes	22	44%
No	28	56%
Total:	50	100%

Chart 3. Do you know what rights you have as a consumer?

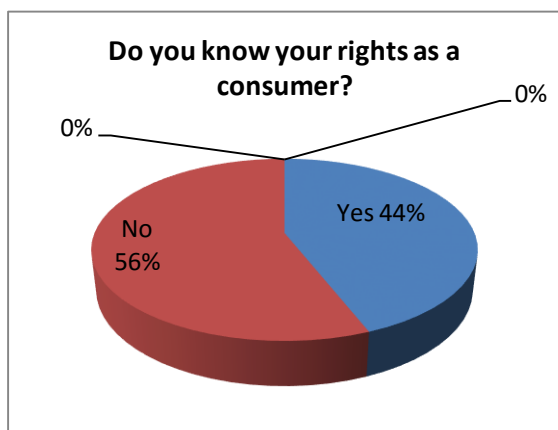


Table 5. Where do you go to protect your rights as a consumer?

a) State Market Inspectorate	10	20%
b) Food and Veterinary	8	16%
c) Ombudsman	12	24%
d) Ministry of Economy	6	12%
e) The Council for Consumer Protection	14	28%
Total:	50	100%

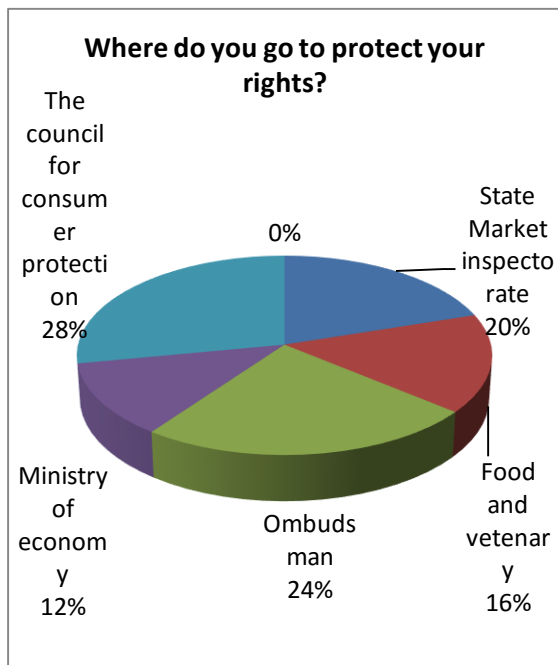


Chart 5. Where do you go to protect your rights as a consumer?

Table 6. Have you ever felt endangering your rights as a consumer?

a) Yes	23	46%
b) No	9	18%
c) Not sure:	18	36%
Total	50	100%

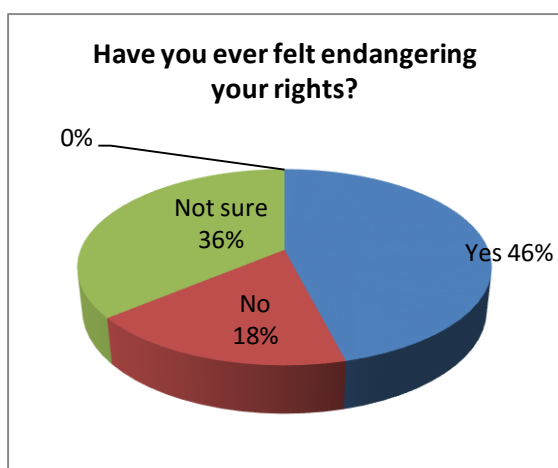


Chart 6. Have you ever felt endangering your rights as a consumer?

Table 7. What are the most common problems of consumers?

a) Problems of citizens with technical servicing of products	9	18%
b) Problems in damage to the product warranty	9	18%
c) problems with telecommunications services	7	14%
d) excessive electricity bills	10	20%
e) failure on the part of the arrangement by tourist agencies	5	10%
f) Problems with the declaration of foodstuffs	4	8%
g) complaints related to financial services, credit problems and calculation of interest, or problems with bank accounts	4	8%
g) other	2	4%
Total:	50	100%

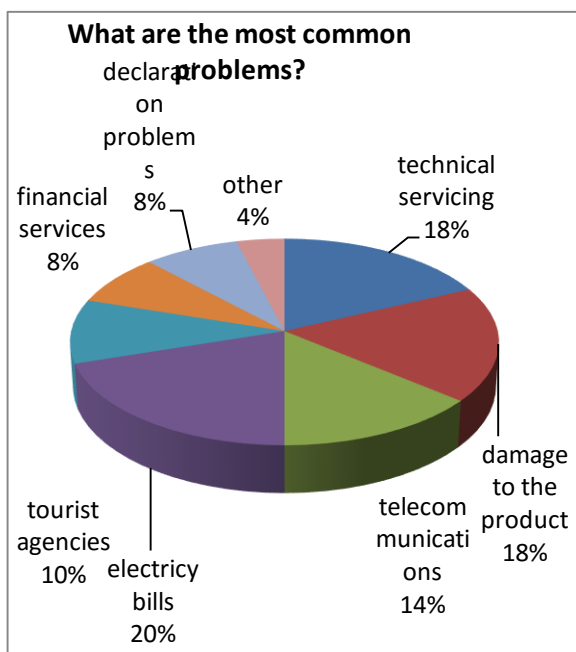


Chart 7. What are the most common problems of consumers?

Table 8. Are you familiar with the responsibilities of the Ombudsman in protecting the rights of consumers?

a) Yes	14	28%
b) No	19	38%
c) Not sure:	17	34%
Total	50	100%

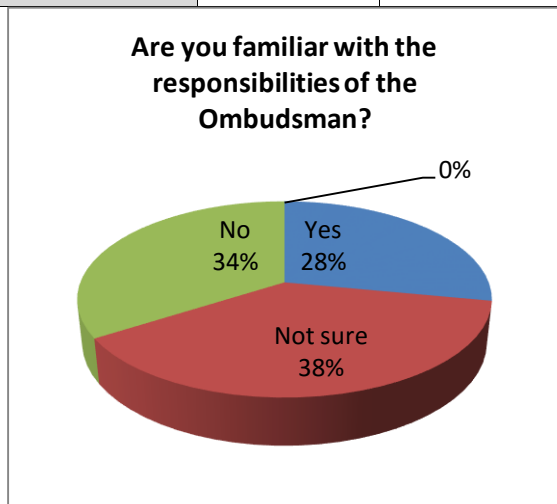


Chart 8. Are you familiar with the responsibilities of the Ombudsman in protecting the rights of consumers?

Table 9. Have you ever turned to the Ombudsman?

a) Yes	18	36%
b) No	32	64%
Total:	50	100%

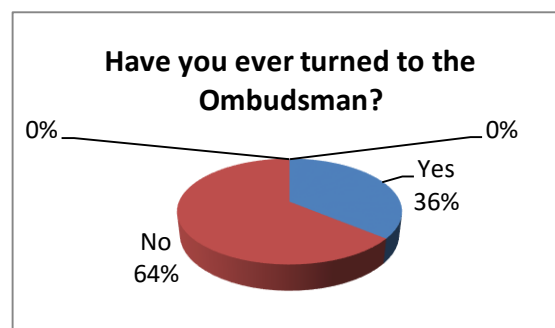


Table 10. Are you satisfied by the work of the Ombudsman?

a) Yes	12	24%
b) No	18	36%
c) Not sure:	20	40%
Total	50	100%

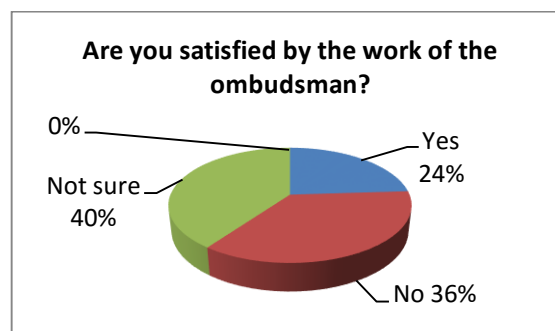


Chart 10. Are you satisfied by the work of the Ombudsman?

CONCLUSION

In the analysis of the practical aspects of this issue, both from the analysis of the theoretical aspects of this issue, the Ombudsman reports, experiences and comparative observations of the

Ombudsman pointed out the need to extend the mandate of the Ombudsman.

Few years ago complaints about consumer rights were on the last stair according to the numbers, today they occupy fifth place - a fact that should not be underestimated. On the one hand, this conclusion can be considered encouraging because the citizens recognize the Ombudsman as an institution that can help in addressing violations of their rights. On the other hand the same conclusion can and should be a concern because talking about the fact that providers of services perform their duties in a manner and quality appropriate to the needs of citizens.

The analysis of the previous work of the Ombudsman institution we can conclude that the practical experience helping this institution identifies customer issues, but still there is a need for harmonization of legislation and the functioning of the system and its weaknesses, and that it clear that much work needs to be done to promote awareness and education among all age groups of consumers, raising awareness and settlement of problems.

Our opinion is that basically this is our main thesis tied to the need to expand the mandate of the Ombudsman in the interest of removing dishonest clauses in consumer contracts with the business community. In achieving this equality between the entities, the role of the ombudsman can be of significant importance, especially in the segments in which according to current solutions the Ombudsman has no authority. This hypothesis is confirmed by the analysis exposed structure set in the thesis.

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