

DISCURSIVE FORENSICS OF THE MACEDONIAN LAW ON AUDIO AND AUDIO VISUAL SERVICES

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The comparative analysis of the language used in the Macedonian law on audiovisual media on one and the corresponding laws of few EU member states (Austria, Denmark, Finland, Netherlands, Sweden and Croatia), on the other hand was undertaken to first identify the subjects and the objects of the legal regulations articulated by the laws. Given that legal texts are manifestations of discourse that positions and relates the different participants (in this particular context, the legislator, the executor/the regulatory body, and the media) in a set of inter-related practices (program creation, organization, broadcasting, etc) through a set of practice regulating activities and legal obligations (monitoring, regulating, restricting and sanctioning) the analysis of the language use provides a direct insight into the implications that the particular language use may have upon the parties directly concerned.

The analysis is based on the assumption that lexical frequency is a potential and valid indicator not only of the nature of the legal text, but more importantly of its practice defining and regulating intentions and potential effects among the target audience (wider ideological implications). The procedure was carried out in three steps: a) identification of the 10 most frequently occurring full semantic expressions in each of the laws, b) interpretation of data and construction of the nature of the law based on the data so-collected, c) cross national comparison.

The word count of the Macedonian national law showed that:

1. **The most frequently used term is Article**, which together with the expressions **law** (4th most used term) and **paragraph** (of the article – 7th most used) are the focal points of the Macedonian law, providing the semantic core of the law itself. The frequency of their combined occurrence by far surpasses all other expressions with high frequency. Compared to the laws of the other countries, only Netherlands and Croatia showing similar tendency.

2. However, **unlike ALL other laws analyzed, the second¹ most frequently occurring (combination of) expressions in the the Macedonian law are “the Agency”, referring to the Agency of AVM,**

¹ Actually, considered as a separate entry, the second most occurring expression is ‘program’ and all its derivatives; (450), but the combined occurrence of ‘the Agency’, and ‘the Council’ surpasses this number showing a tendency to stress the Agent rather than the content.

and the term ‘**the Council**’ referring to the Council for radio broadcasting.

In comparison, the terms referring to the regulatory bodies present in the laws of the other countries such as ‘authorities’, ‘minister’, ‘center’, ‘board’ have 4 to 12 times lesser frequencies than such occurrences in the Macedonian law. Additionally, all the frequency of these occurrences places them in the lower part of the 10 most frequently occurring expressions.

3. Another notable difference in the text of the Macedonian law is the **UNPRECEDENTED occurrence** of the constitutional name of the state **Republic of Macedonia** and the national broadcaster **Macedonian Radio Television** in the top ten most frequently appearing expressions. A tendency not found in any other national law.

4. The analysis of the texts of the Laws on AUM in the other countries showed rather different tendency. In these laws, the most frequently occurring expressions are: **service, broadcast, media and program**. In comparison, while the expression ‘program’ has a high frequency in the Macedonian law, the term ‘broadcast’ is positioned 11th, but media, and especially ‘service’ fall out even from the 20 most occurring expressions.

The differences in the lexical frequencies between the Macedonian law on one and the laws from the EU countries are shown in the table below showing in descending fashion the most frequent expressions as organized in regard to an aspect of the process rather than individual occurrences.

MACEDONIA	OTHER COUNTRIES
law, article, paragraph	Program
agency, council	Service
Program	Media
MRT	Broadcast
Macedonia	Audiovisual

INTERPRETATION

The high frequency occurrence of the expressions related to the law itself, such as law, article, and paragraph indicates a **high level of auto-referentiality**, sort of myopia, **focus on the self**. This focus on the instrument of definition and regulation (the law), rather than on its contents and practices, as is the case with almost all other laws where the notions of program, services, and broadcasting are foregrounded, lead to **two tentative interpretations**: a) **the law is hyper-regulating** the content by placing more importance on itself as an instrument

of regulation rather than the regulated material, b) it is a result of **'bad' or abusive/tendentious nomotechnique**.

The first assumption; that the Law is hyper-regulative, is additionally confirmed by the fact that UNLIKE the laws of the other countries analyzed where the focus is first and dominantly on the content of the defined and regulated practices and participants, and only then on the regulator, the Macedonian law places much more attention to the regulatory body rather than the regulated practices.

In laymen's terms the **Macedonian law** does not place primary and dominant importance on the practice (program, service, and broadcasting) or who it is carried by (media) as the laws of other countries do, instead **the focus is on HOW IT MUST BE DONE (LAW)**, and **WHO MONITORS AND CONTROLS** the practice (The Agency).

Finally, while the frequent use of the constitutional name is rather an interpretative challenge, the frequent appearance of the national broadcaster MRT, could potentially mean two things: a) Macedonia, unlike Croatia, has no separate laws on the national and the private media, b) the law potentially prioritize the national broadcaster.

