

EUROPEAN PRINCIPLES AND THEIR SIGNIFICANCE FOR THE PUBLIC ADMINISTRATION OF KOSOVO

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Abstract

The administration system of the states that make up the EU is characterized by the respect of a number of principles that complement the values of the European Administrative Space, this space which must be respected for the states that intend to become part of the EU. The lack of respect for European principles is also considered one of the factors that can prevent the state from fulfilling this standard, which by respecting the values of building a good administration, the quality of the provision of administrative services will be raised. The lack of sufficient knowledge of European principles is an obstacle for the reform of the Public Administration of Kosovo. In compliance with the European administrative principles, we would have an increase in the professionalism of the administration officials and an easier possibility of development and modernization of the administration. Politicization and nepotism in the administration makes this administrative activity go outside the European administrative principles. As a consequence of this, the public administration of Kosovo is still overloaded with staff who in many cases lack professionalism in the relevant activity. In the absence of a genuine strategy for reforming the administration and in the absence of proper training, unprofessionalism in administrative activity has deepened. In the research of the topic in the treatment, the following methods have been applied: historical, causal analysis and interpretive methods. The paper brings a series of recommendations for the relevant institutions and the law, including the application of an integrated approach with adequate strategy which will serve for the countries of the Western Balkans as an additional standard in the easier alignment with the EU countries.

Keywords: European principles, public administration, administrative activity, reform, etc.

Introduction

EU principles such as respect for the values of human dignity, freedom and democracy, equality, the rule of law and respect for human freedoms and rights, including the rights of minorities, these principles are common to member states in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. The respect of these values can be characterized in faster alignment of the public administration of Kosovo with that of the EU. It means that the respect of the European principles will raise the level of development and modernization of the administration and in this aspect also the faster reformation of the Public Administration.

The purpose of this research is to objectively highlight:

The importance of the principles of the EU Administration in the proper reform of the Public Administration of Kosovo. The challenges faced by the Public Administration of the Republic of Kosovo in the implementation of European principles, the shortcomings and achievements of the Public Administration in its reformation, the political influences on the administration and the consequences of the politicization of the administration in the modernization and reformation of the administration. The purpose of this paper is to find the easiest opportunities in respecting the principles of the European Administrative Area and knowing that the respect

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of the European administrative principles would lead to the increase of organizational capacities and the development of the administration and the possibility of its faster reformation.

The role of European principles in the reform of Public Administration

Today, almost no one is satisfied with the administration. Neither the citizens who are in a permanent relationship with it, nor the society that claims to build a democratic order, nor the state in the conditions and circumstances in its new role, nor even the employees themselves who work within it. (E. Stavileci, 1997). It seemed that the administration has not subjected itself to the adaptation to the new socio-economic and political relations and thus it is actually outside the process of the general transformation of the society, while the causes of this situation can be sought in several directions, the citizens were the first to be attacked with the actions taken by the state through administrative mechanisms, such as the collection of tax for the service rendered to citizens after various taxes for which our citizen continuously complained about high taxes and in compensation for this, the state does not take appropriate actions to fulfill their expectations from the administration (to have better services for them) and the service to the citizen seemed to be not yet professional (E. Stavileci, 1997). Second: As for the employees who work within it, their dissatisfaction with the lack of proper protection of the law for their incomes (recently, not satisfied with the coefficient from the wage law) and a regulation for the proper systematization of workplaces, it seemed that, in addition to dissatisfactions, it also does not allow the proper transformation of the administration in a better state for it. In addition to the obstacles in adapting the administration to the new social - economic and political relations. The administration is continuously looking for genuine laws (law for the government) to realize an administration that is in general social and state function. (E. Stavileci, 1997). Solutions to these problems of the administration are required in the general reforms to the administration. Knowing that the administration is a very broad body in which the state administration is a part, in which the repressive mechanisms are also a part, the administration had to make radical reforms (E. Stavileci, 1997). The reason for this is the large number of employees who also served in the former system in which the work was not developed on the democratic basis of providing services in an impartial, professional manner. While carrying the bureaucratic practices of the time, it is difficult that if we do not have a general reform, we can have a reformed administration in accordance with EU standards and rules. An administration that we see has come as a consequence not only of the law, but also of the principles on which the administrative activity is carried out. The ethical approach of the employees in respecting or not respecting the principles of the administration has caused that: in the positive aspect, the civil servants apply the law meticulously in achieving the objectives and providing the best services to the citizen. Being an administration employee at the service of the citizen within the legal framework by applying every provision of the law in an impartial, professional and fully responsible manner, made the public administration a good example of how its employees, being within the rules legal, and in terms of honesty and within the moral rules to be considered as the most ethical, professional administration in terms of its activity, in accordance with the law, offering modern, better, efficient and effective services to the citizens. (E. Stavileci, 1997). While, in the negative aspect, the lack of an ethical approach has caused European administrative principles not to be strictly applied (the principle of legality, accountability, meritocracy and the principle of equal opportunities. (Law no. 06/L-114..Article 5, p). Being in the absence of laws and not implementing the existing ones, administration officials violate the principle of legality by not acting in full compliance with the law. The ethical approach should serve them to be more productive, more professional in

accordance with the duties and responsibilities they have with the exercise of their official duties. The basic requirement is that public servants are not in the position of those who govern or rule with others. Public administrative services do social work which must be carried out on the basis of the rules of ethics of public servants, who perform those services in relation to citizens. (E. Stavileci, 2013)

In the absence of an ethical approach of policy makers, political influences of the executive power and other entities that continuously try to illegally influence the administration in an effort to have the greatest impact of the approach of these individuals in the recruitment commissions of human resources in the administration, which to make illegal power policies a reality. In those countries where there is an increased civic awareness and a more democratic political culture, the citizen demands towards politicians are also greater for the creation of policies, for the continuous improvement of these policies, respectively for fulfilling their needs or solving their problems. In ideal cases, policies are a function of citizen needs, while in more real cases, it is the politicians who, in the name of representing the people, not infrequently they abuse the duty and obligation they have towards the citizens. Therefore, the first address where citizens should seek responsibility for actions and inactions is in the political parties and their members who govern or have governed. (B.Baliq, 2017). From what was said above, the question arises: Are the European principles of public administration important in the development and modernization of the Public Administration of Kosovo? Administrative activity based on European principles of public administration is important in relation to the reform of Kosovo's public administration, because if these principles are respected, we would have a faster reformed public administration; Principles and ethics in public administration are a prerequisite for being a reliable, transparent and open administration to public demands. The administration in a democratic society is subject to a constant examination by the public and especially the media. Therefore, the implementation of the principles defined according to the rules and standards is an extremely important element in the advancement of public services that come from this mechanism of the state. The principle of openness suggests that the administration is ready for external investigation, while transparency suggests that, when examined closely, the administrative activity can be seen more clearly for the purpose of easier investigation, control and supervision of the administrative activity. An open and transparent public administration allows on the one hand that: everyone affected by an administrative action knows the basis of this decision and on the other hand: facilitates external investigations of administrative activity by supervisory institutions. Being open and transparent are also necessary instruments for the rule of law, equality before the law and accountability. (A. Krasniqi, 2013) As a general rule, the behavior of public administration should be transparent and open. Completing these principles increases the accountability of the administration. Ethics in the administration does not mean only good behavior in relation to the citizen, but also the exact implementation of the law and taking timely measures for the implementation of this law. During 2016, with the support of UNDP, work was done on the development of the system for monitoring the principles of ethics and integrity and the methodology of this system, which will help institutions in drafting integrity plans in their institutions. Also, two questionnaires were prepared and distributed in the civil service for perceptions on ethics and integrity. Surveys have provided important results for policy design, ethics and integrity monitoring and comparison opportunities for the implementation of various indicators in the drafting of the baseline report on ethics and integrity monitoring for the year 2016. (MAP, 2017). As part of the methodology for the implementation of this system, a two-day training was organized and held for a group of officials who were trained to train other groups of civil servants on this system. As part of the piloting of this system, 4 trainings were organized with 25 participants at the central and local level for human resource managers who also completed the

questionnaire on the perceptions of civil servants on ethics and integrity. According to the evaluations by the participants through the rules of IKAP, the trainings have been described as successful, although the results of these trainings remain to be seen in the coming days as to how much they will affect the implementation of European principles, principles which are summarized in the European Code of Good Administrative Conduct, which generally include all types of administrative actions and administrative activities. In general, states have included the principles of administration in their legal acts, but the difference between them and the principles summarized in the codes is precisely that they do not include all administrative activities undertaken by the administration bodies. Although the principles addressed during the procedure are guaranteed in the state legislation, summarizing the principles in a single code would include all stages of the administrative process and would guarantee a more secure basis for ensuring the realization of citizens' rights in the provision of administrative services and the protection of their rights in the administrative procedure. (A. Fejzullahu, M. Batalli, 2018).

The principle of equal opportunities

In the reform of the Public Administration of Kosovo, one of the European administrative principles, that of equal opportunities, plays an important role. This principle is one of the principles that were not respected, but also neglected the calls known worldwide by international and local instances that in decision-making processes, there should be equal opportunities for all citizens of Kosovo. The possibility of employment and advancement in relevant positions was not equal for the community and it was observed that there was discrimination even within the same gender. Based on the data, on the legality of the process, it is stated: The principle of equal opportunities for communities and gender - communities and their members have equal opportunities for participation in the civil service in the institutions of the central and municipal administration. Members of both sexes have equal opportunities for participation in the civil service in public administration bodies. principle that is also one of the basic European administrative principles? The facts on the ground leave much to be desired. In this regard, we can say that the administration is largely challenged by this: the ethics of equal opportunities. The facts for this are the research in the field and the many local and international reports that express concern about the equal treatment of all citizens in accordance with the law and the best European practices and standards. Unequal opportunities have been the main cause of the implementation of the law and regulations to implement a reform by accurately implementing the successive strategies put in place by the Government of Kosovo. Not having an ethical approach and professionalism in offering equal chances in equal opportunities to be part of this body (Public Administration) deserving candidates, we have such an administration that still thinks how to overcome this challenge of employment and advancement with an ethical approach of equal opportunities on the basis of meritocracy for which civilized peoples have left it in history. (Ibid.). The ethics of equal opportunities, not only must it be respected by all institutions of the administration, but it must also be a principle like the other principles on which the activity of the administration is based. Respecting the ethical approach, the administration will be a good example for all other institutions of how a body should have good behavior and in accordance with good behavior and the ethical approach, there will be greater responsibility within the public administration body. This raises the question, respect for administrative principles, does it mean consistency in the implementation of the legislation in force and respect for basic human rights? The principles of European public administration mean stability in the implementation of legislation, the realization of transparent competitions and recruitment of employees according to the law, on the basis of meritocracy without political influences;

The lack of first respect for legality means that in addition to violating the law, every ethical and moral norm is violated in certain cases. To have ethics within the administration bodies, many factors influence. First, we must have acceptable and genuine laws that are applicable and easily understood by all institutions that base their work on those laws. Secondly, there should be sufficient supervisory and monitoring mechanisms for administration officials, so that the responsible institutions have sufficient knowledge regarding their employees regarding the ethical approach to their workplace and ethical behavior in full compliance with legal provisions and workplace regulations. Thirdly, to have a code of ethics for all institutions and, if necessary, to hold seminars regarding respect for the workplace and good behavior of administration employees with other parties, as well as full reciprocity of courtesy towards their colleagues. Fourth, if officials in the absence of respect for professional ethics in their workplace take preventive measures in their awareness of the consequences of unethical behavior in relation to the citizen and their superiors or colleagues in the respective workplace. The politicization of the civil service system refers to the number of political appointments, political behavior and political sensibilities of civil servants. The relationship between professionalism and politicization is the opposite. The high politicization of the civil service threatens the professional status of civil servants. Therefore, it can be argued that the difficulties of improving the professionalism of the civil service are closely related to the politicized character of public administration. (A. Fejzullahu, B. Belegu, 2022). Politicization occurs in two ways: policy-making and the appointment of civil servants are often based on party criteria and a lack of professional criteria (increasing the role of politicians in the civil service) or through the reorganization of the role of civil servants as voters and citizens (increasing their role as political agents). Considering the case of Kosovo, the most widespread problems are related to the increase in the role of politicians in the civil service. political discretion and lack of standards for appointments. Much of the discretion exercised in hiring/appointment is inherited from the communist regime. The recruitment process in Kosovo remains decentralized and discretionary. Even with the new Civil Service Law, great freedom/discretion will remain present. (Ibid.) In particular, the new law led to the creation of new mechanisms that create a high degree of discretion for the appointment and dismissal of general secretaries of ministries and chief executives of executive agencies. (Ibid.).

The principle of professionalism

The principle of professionalism means that the prevention of corrupt actions requires good experts, exchange of experiences, appropriate tools and best operating practices. Here, trainings for education and professional development are provided for the institutions of the Republic of Kosovo, as well as for the care to recruit only the best quality specialists. (A. Krasniqi, 2013). The lack of professionalism of administrative officials can often cause consequences for the party and for the body itself. (E. Stavileci, 2013). There can be many factors for this, for example: in the absence of professionalism of civil servants, the public administration receives undesirable evaluations from the reports of local and international mechanisms. The administration receives mainly negative evaluations because it was asked to do more in the fight against the negative phenomena that most often fall victim to the administration's employees, which is corruption. Corruption in the administration is evident at almost all levels (central and local). But how can this phenomenon be combated? In addition to removing the influence of politics in the administration, there would be continuous education and training through professional development programs of the administration's employees, which would be a good opportunity to raise the awareness of civil servants about the consequences of corruption and the conduct of better practices. administrative goods of the European space. Avoiding the rules of ethics means: the lack of professional attitude of

administration employees towards the work entrusted to them and for which they are paid, as well as the behavior of employees that causes negative phenomena, such as bureaucracy and corruption. (Ibid.). While, each of the parties that has been served by the administration officials may have encountered the avoidance of the rules of ethics, such avoidances can often be encountered, almost as soon as we enter public administration institutions. (Ibid.). The lack of ethical knowledge and legislation in force means that, to a large extent, employees do not have knowledge of what European administrative principles define, what good governance includes in practice and what are the main conditions that must be respected by countries during the process of EU integration. The administrative principles contain a monitoring framework which enables the regular analysis of the progress achieved in the implementation of the Principles and the setting of standards that the country must meet in reaching European standards. They include components such as reliability, predictability, accountability and transparency, as well as technical and managerial competences, organizational capacity, financial sustainability and citizen participation. Although the general criteria of good governance are universal, these Principles are designed for countries that want to join the EU and that receive assistance from the EU through the Instrument for Pre-Accession (IPA). The terms of the *acquis*, as well as other EU directives and guidelines, are the core of the Principles in the areas where the *acquis* exists. In other areas, the Principles derive from international standards and requirements, as well as from good practices in EU member states and OECD countries. As a minimum standard for good administration, countries must ensure compliance with these Basic Principles (Sigma, APK Principles). In each country, the Government's focus on a given Principle may vary depending on the governance structure, administrative culture, key challenges specific to the country, and history with previous reforms. Thus, the framework should enable the creation of a coherent set of conditions in all countries, while at the same time allowing a given country flexibility in defining its challenges and objectives in Public Administration Reforms, foreseeing also the benefits and risks brought by the new technological system called 'artificial intelligence'. The principles cover an area of the public sector that we refer to as "public administration". This designation is widely used in the countries of the Western Balkans. It presents the two main elements of this sphere: "public administration" at the "(national or central) state level". The principles also cover the independent constitutional bodies, as well as the Parliament and the judiciary within the scope of their treatment and powers for the supervision of the state administration. The principles are complemented by the monitoring framework, which enables tracking the progress achieved over time in the development of public administration. The level at which a given candidate or potential candidate country implements these Principles in practice is indicative of the capacity of the public administration of that country to effectively implement the *acquis*, in accordance with the criteria established by the European Council in Copenhagen (1993) and in Madrid (1995).(Ibid).

Conclusions/ Recommendations

At the end of the research, we bring these conclusions, that the public administration of Kosovo since the war has had many problems, especially problems caused by the absence of the will of all the relevant mechanisms to do more in the standardization and professionalization of the administration in aligning the provision of services with developed countries. In recent years, changes have been observed as a result of the beginning of the reform of the administration, where the public has begun to receive modern services from the administration. What remains more challenging is the aspect of depoliticization of the administration, where a part of the policy makers influence the administrative activity. Challenging remain its insufficient policies in improving the quality of public services,

reforms, privileges to militants of political entities, the high number of employees in public administration have been and remain the main problems faced by the public administration of the Republic of Kosovo. While artificial intelligence is considered a challenge for the world and the direction of its political, economic and technical-technological development, even our country cannot stay away from these developments. In addition to all these challenges so far with which the administration continues to be challenged, we raise a hypothetical question where we expect the answer in the next research, what will happen to the administration which will be challenged with artificial intelligence, which apart from the changes in the modernization of the administration can i cut too many jobs?

Recommendations - The research in which we had as an object of study the challenges faced by the administration in respecting the European principles, the author in his background aimed to identify the most important challenges of the administration. Based on data from both local and international mechanisms. In the study of this topic, the most important challenges faced by the state, which is the administration, are observed, but in this context, the primary challenge observed by the author for a proper reform were mainly these three challenges: public administration reform; politicization of public administration; and staff recruitment in the public administration. In overcoming these challenges, we suggest to all the responsible mechanisms to speed up the issuance of the law for the government, with which, based on research, it shows that with this law it will be possible to depoliticize the administration, with the aim of the law which will to avoid political influences in appointments to high management positions and employments which are universally known to be promised in the electoral fields, which methodology is against every European principle. Thanks to the European integration process, the alignment of local legislation with EU legislation (acquis) constitutes one of the main pillars that lead Kosovo towards European integration. These laws foresee significant innovations in the functions, responsibilities, powers, organization and work of the government and state administration bodies. The recommendation for overcoming these challenges (reform, politicization and the way of recruitment and appointments in the administration) which we can freely say have overwhelmed the administration as a result of the lack of implementation of the law, the responsible bodies should have a more rational opinion regarding with the actions they take regarding this very important body of the administration as well as the consequences they leave for the administration and the state in general if they do not take the appropriate actions. The fact that in each of these challenges identified by the author based on data from the relevant authorities, there was the possibility of eliciting even more problems and criticisms, and identifying more deficiencies in these challenges that the administration is facing , the author of the study has only touched on the topics that seemed most relevant to him, that can contribute even a little in highlighting the problems as well as the ways and comprehensive awareness to have a functional, transparent, accountable, citizen-oriented administration and alignment with the European administration.

We recommend you as a fair reader and interpreter that in addition to these challenges which are challenges that still rank the work of the administration, be careful because the administration is a very large body, knowing that the large body also has many challenges , it remains for you that in addition to my work as an author and researcher in a general way of the challenges faced by the administration, take into account other challenges which may appear in another interpretation not so much smaller than the challenges we have identified during this study. Another thing that we recommend is that the sources from which we are based, despite the fact that they seem reliable and give their vision according to their contention that they think, do not take everything as final, because public administration evolves and must continuously evolve with time, and in this respect even the data we are based on after a while may belong to history, each time you must take the current sources as a

basis except for the necessary ones that have a longer time stability. The interpretation of the obtained source of data depends on the scientific professionalism of the author. In this aspect, I, as the author of this paper, have tried to adhere to the sources obtained by other authors, not violating and misinterpreting or even distorting their work that they have done. If something has happened in this aspect, I apologize, since my scientific work has been done meticulously and trying to respect their work in the right interpretation and taking as a right example in my work of this study. I would like to point out that during my study there are many inconsistencies on the same topic from different mechanisms and sources, and in this respect I did not want to do anything to delve further into the contradictions. of such interpretations. For this fact, any study when taking parts from the work separately should be careful in its correct interpretation, since the work was done respecting scientific principles and trying to be as professional as possible.

The last recommendation in this research - in the wake of rapid changes in information technology, in addition to the necessary and unhindered introduction of artificial intelligence into use, a close cooperation of all relevant mechanisms of the state in defense against the violation of order and security is needed. general of the country by factors which, in addition to being useful for the state, can also be dangerous for its vital interests.

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