

THE PRINCIPLE OF CONTROL OVER THE WORK OF THE PUBLIC ADMINISTRATION. CASE STUDY: NORTH MACEDONIA

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Abstract

North Macedonia is a democratic republic that claims democratic, functional, and stable governance. Such governance is achieved with the existence of a public administration that respects and implements the principles of operation in practice, such as constitutionality and legality, responsibility, efficiency, etc. In order to guarantee the legality, quality, efficiency, and accountability of the public administration, it is indispensable to exercise control over the work of the public administration as a whole. Control means continuous monitoring and supervision of the work of the administration, including its acts, behaviours, and activities. Through control, it is assessed how much the principles of public administration are implemented in practice, and the responsibility of the bodies that allow violations of the principles is also determined.

This research examines the principle of control over public administration, more specifically, the role and importance of control as essential factors in the functioning of a stable, functional, efficient, and responsible public administration.

For the needs of this research, we use descriptive methods, comparative methods, analysis of legal provisions, and scientific doctrines.

This research ends with recommendations that align public administration with European standards, such as the rule of law, respect for citizens' rights, the fight against nepotism, corruption, bribery, and other negative phenomena in the country.

Keywords: Control, North Macedonia, Public Administration, principles, good governance

Introduction

Public Administration (hereinafter PA) in its organisational sense represents a set of bodies, respectively institutions, that manage public affairs. These institutions can be public (state or local self-government units) and private (when they are entrusted with public powers) (Neziri, 2024:101). Regardless of whether it is an administration that consists only of public institutions or an administration in the meaning of private persons entrusted with the authority to implement public policies, all these subjects must respect the regulations that define the powers and conditions in which they can act (Shasivari & Osmani, 2023:6).

PA is an irreplaceable instrument for the functioning of a state of law. Through the administration, state activities are carried out in the social, political, and economic fields. The basic principles in the functioning of the PA are as follows: constitutionality and legality, reliability and predictability, being open and transparent, accountability, as well as efficiency and effectiveness (SIGMA; 2001/1, No. 27, p. 7). These principles are embedded in institutions and administrative procedures at all levels. Constitutionality and legality mean that all administrative activity must necessarily be by the constitution and specific positive laws (Berisha & Zejneli, & Salii, 2020:163-175).

Credibility in the administration is achieved by guaranteeing legal certainty, by applying the rules impartially to anyone who meets the appropriate conditions, by treating honestly and

impartially all subjects that enter into administrative relations, acting within the powers provided by specific laws, and, very importantly, respecting the timeframe of actions. Open and transparent administration means that every natural and legal person who enters into relations with PA bodies has the right to receive information or get to know the documents used in this procedure, except in cases where restrictions are imposed by law. Responsible administration will require that PA bodies and their employees bear responsibility for the damages they cause to private persons through making illegal decisions, illegal refusals to make decisions, and providing inaccurate written information about private persons. PA, effective and efficient, means the legal obligation of the administration to fulfil its tasks successfully, accurately, quickly, in the most favourable conditions and with the least expenses (Neziri, 2024:101).

The hypothesis of this research: *Control over public administration is a necessary instrument for improving the quality of administrative activity and basic for the protection of basic human rights and freedoms.*

Research question: *What is the purpose of the control of public administration?*

Methodology

For the needs of this study, we use: descriptive-comparative methods, analysis of legal provisions, and scientific doctrines (that include: scientific research, dissertations, academic literature and official websites).

The principle of Control over Public Administration

North Macedonia as a democratic state respects the principle of separation of powers (legislative, executive, and judicial) as well as the checks and balances between them.

The principle of control means the special activity of continuous monitoring of the realisation of the tasks and obligations set and the comparison of the results achieved with the set goal, with the possibility of corrective influence in case of their deviation (Davitkovski & Pavlovska-Daneva, 2018: 96-97).

North Macedonian positive legislation recognises the internal control and external control of the PA. Internal control means the control that a higher administrative body exercises over a lower administrative body within the administrative organisation. Internal control is based on the principle of hierarchy and can be initiated based on a complaint as a result of a party's dissatisfaction, or ex officio. External control means the influence of specialised bodies on other administrative bodies (Saliu, & Petkovski & Ismaili & Hajreti 2024: 267-285). This controls the behaviour of the administration, the way authorisations are used, the acts it issues, and the measures it undertakes (Pollozhani & Dobjani & Stavileci & Salihu, 2010:183).

The purpose of the control is to identify and eliminate omissions or errors that may appear in the work of the PA and to maintain legality and responsibility.

The control includes three relatively separate phases: in the first phase, a comparison is made between what was predicted and what was realised; in the second stage, the findings are evaluated based on the verification carried out and in the third stage, the intervention is carried out, which is useful only when the detected deviation must be avoided (Kryeziu: 2019:195).

Control is a relationship between two entities: the active subject (the controlling body) and the passive subject (the body being controlled).

There are several types of control over the administration, such as the following:

- **Political control** - this belongs to the representatives of the people who have authorisations to verify if the PA is working in accordance with the basic norms. Political control is carried out by political subjects, such as the parliament, government, political parties, and public opinion. Parliamentary control is a form of political control.

Through the parliamentary mechanisms (such as questions from deputies, interpellations, survey commissions, government motions, and supervisory debates) guaranteed by the constitution and other regulatory texts, and parliament supervises the work of the government as well as other public institutions that are officially obliged to report to the parliament.

Parliamentary control makes the executive accountable for its actions and guarantees the efficient implementation of policies.

- **Legal control** – this can be judicial and extrajudicial control. Judicial control of the PA means the authorisations given to the courts as an independent body from the political power and the administration, and to resolve the conflicts caused by the operation of the administration (Sadushi, 2008: 265-266).

Judicial control is considered the most effective means to protect the individual rights of citizens from possible violations and abuses by the PA. Moreover, the judicial control of the administration plays a decisive role for the economic development of the country and in the fight against corruption.

An impartial and independent judiciary is the cornerstone of the rule of law and true democracy. Through a fair and public process, they judge the facts and actions that are considered to have violated the legal interests of the citizen or other subjects and based on that they enact justice.

The courts, during the control of the work of the administration, actually control the legality of the administrative act, which is carried out in two main forms: the general control, which is carried out through the administrative conflict procedure; and the judicial protection of human rights, which is carried out by the constitutional court when it is determined that human rights have been violated by certain administrative acts.

The most typical form of administrative justice is administrative conflict.

- **Special control over the PA** – this is carried out by special state bodies, such as the Ombudsman or the Public Prosecutor's Office, which are tasked with protecting the constitutional and legal rights of citizens when these are violated from the state administration and the bodies of other organisations that have public authorisations.

The Ombudsman investigates violations committed against any person or group of persons, complaints against the government or governors, directors, departments, and agencies.

- **Financial control** – this is carried out by specialised state bodies (State Audit Agency, Directorate of Public Revenue, etc.) During financial control, the economic activity of public institutions and other legal and state entities, the use of public funds by central and local bodies, the economic activity of public enterprises and other legal entities, in which the state has a part of the shares, or when their loans, credit and obligations are guaranteed by the state.

Through financial control, irregularities, illegal behaviour, cases of abuse of office, possible cases of corruption, and similar instances are identified.

Conclusions and Recommendations

Public Administration is part of the state apparatus through which the public policies undertaken by the government are implemented. Given the importance of the administration, it is indispensable that an appropriate level of control is continuously exercised over its activity as a whole.

The control of PA aims to respect legality, the rule of law, the protection of citizens' rights, as well as the prohibition of misuse, abuse, and illegal behaviour of civil servants and administrative officers.

In order to achieve good governance of the PA in North Macedonia, the rule of law, respect for human rights, fight against nepotism, de-politicisation of the administration, fight against corruption, and bad governance in institutions are needed.

In North Macedonia, the reform of the PA has been going on for years, but without managing to create a modern and professional administration.

The government and other institutions must find new ways for a functional governance that is at the service of the citizens.

For its faster integration into the European Union, the PA should consider respecting and also realising in practice political, legal, economic, social, and ecological values.

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