

On the Road towards Effective Administrative Justice in Macedonia, Albania and Kosovo: Common Challenges and Problems

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Abstract : A sound system of administrative justice represents a vital element of democratic governance. The proper control of public administration consists not only of a sound civil service framework and legislative oversight, but empowerment of the public and courts to hold public officials accountable for their decision-making through the application of fair administrative procedural rules and the use of appropriate administrative appeals processes and judicial review. The establishment of both effective public administration and administrative justice system has been for a long period of time among the most 'important and urgent' final strategic objectives of almost any country in the Balkans region, including Macedonia, Albania and Kosovo. Closely related to this is their common strategic goal to enter the membership in the European Union, which requires fulfilling of many criteria and standards as incorporated in EU *acquis communautaire*. The latter is presently done with the framework of the Stabilization and Association Agreement which each of these countries has concluded with the EU accordingly. To above aims, each of the three countries has so far adopted a huge series of legislative and strategic documents related to any aspects of their individual administrative justice system. 'Changes and reforms' in this field have been thus the most frequent terms being used in any of these countries. The three countries have already established their own national administrative judiciary, while permanently amending their laws on the general administrative procedure introducing thereby considerable innovations concerned. National administrative courts are expected to have crucial important role within the broader judiciary systems-related reforms of these countries; they are designed to check the legality of decisions of the state administration with the aim to guarantee an effective protection of human rights and legitimate interests of private persons through a regular, conform, fast and reasonable judicial administrative process. Further improvements in this field are presently an integral crucial part of all the relevant national strategic documents including the ones on judiciary reform and public administration reform, as adopted by each of the three countries; those strategic documents are designed among others to provide effective protection of their citizens' rights` of administrative justice. On the basis of the later, the paper finally is aimed at highlighting selective common challenges and problems of the three countries on their European road, while claiming (among others) that the current status quo situation in each of them may be overcome only if there is a proper implementation of the administrative courts decisions and a far stricter international monitoring process thereof. A new approach and strong political commitment from the highest political leadership is thus absolutely needed to ensure the principles of transparency, accountability and merit in public administration. The main methods used in this paper include the analytical and comparative ones due to the very character of the paper itself.

Keywords : administrative courts , administrative justice, administrative procedure, benefit, effective administrative justice, human rights, implementation, monitoring, reform

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