

On the Right an Effective Administrative Justice in the Republic of Macedonia: Challenges and Problems

Authors : Arlinda Memetaj

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 effective public administration, has been since 1990s among the most 'important and urgent' final strategic objectives of the Republic of Macedonia. To this aim the country has so far adopted a huge series of legislative and strategic documents related to any aspects of the administrative justice system. The latter is designed to strengthen the legal position of citizens, businesses, civic organizations, and other societal subjects. 'Changes and reforms' in this field have been thus the most frequent terms being used in the country for the last more than 20 years. Several years ago the County established Administrative Courts, while permanently amending the Law on the General Administrative procedure (LGAP). The new LGAP was adopted in 2015 and it introduced considerable innovations concerned. The most recent inputs in this regard includes the National Public Administration Reform Strategy 2017 - 2022, one of the key expected result of which includes both providing effective protection of the citizens` rights. In doing the aforesaid however there is still a series of interrelated shortcomings in this regard, such as (just to mention few) the complex appeal procedure, delays in enforcing court rulings, etc. Against the above background, the paper firstly describes the Macedonian institutional and legislative framework in the above field, and then illustrates the shortcomings therein. It finally claims that the current status quo situation may be overcome only if there is a proper implementation of the administrative courts decisions and 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 method used in this paper is the descriptive, analytical and comparative one due to the very character of the paper itself.

Keywords : administrative justice, administrative procedure, administrative courts/disputes, European Human Rights Court, human rights, monitoring, reform, benefit.

Conference Title : ICAPL 2018 : International Conference on Administrative and Political Studies

Conference Location : Amsterdam, Netherlands

Conference Dates : February 12-13, 2018