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UDC: 174:35.07/.08(496.5)

**ETIKA NË ADMINISTRATËN PUBLIKE NË REPUBLIKËN E
SHQIPËRISË**

**ETIKA ВО ЈАВНАТА АДМИНИСТРАЦИЈА ВО РЕПУБЛИКА
АЛБАНИЈА**

**ETHICS IN PUBLIC ADMINISTRATION IN THE REPUBLIC OF
ALBANIA**

Abstract

Based on the perception of people, ethics can be considered as matters about freedom to make personal choices, one's obligations to other beings that are sentient, or judgements about human character whether his/her actions were good or bad. This important concept has been widespread in different fields including the public administration as well. Nowadays, the topic of ethics in public administration is very important since it is closely related with the activity and conscientiousness of the civil servants in relation with his co-officials and citizens mostly. In the Republic of Albania, this concept began to be more prominent in the beginning of transition, which brought the fall of communism. The first code of ethics was adopted in 1998 and it was called the "*Police Code of Ethics*", whereas the culmination was on 30th April 2015 with the adoption of the new Administrative Procedural Code that emphasized more the need for the public officials to comply with the constitutional and legal principles. Despite the legal framework for maintaining proper ethical standards in public administration, there were challenges that the country faced and one of them was the conflict of interest. In general, even though the basic trust on public institutions was in increasing level, still the citizens were sceptic about the activity of public institutions. On the other side, Albania has adopted a thorough legal framework for curbing this widespread phenomenon and keeping it at the minimum, as well being involved in different projects with the contribution of European Union (EU).

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Keywords: *Public Administration, Ethics in Public Administration, Civil Servant, Administrative Procedural Code, European Union*

Introduction

There are too many definitions when it comes to the term of “Ethics”, but all of them are meeting in a point where it stipulates that it is the philosophical study of morality. Ethics, which derives from the Greek word “*Ethos*” that means character or conduct, is one of the main branch of philosophy and plays an important role in the traditional division of philosophy into formal, natural and moral philosophy. Particularly, ethics is related with the study of goodness and right action, and it tries to give an answer to the substantive question: how can human beings be rational and what moral principles should govern the human’s choice and pursuit?²

From the professional aspect, since the 1970s, the public administration has experienced a great deal of change in terms of the implementation of administrative ethics. These changes have been promoted and motivated due to the emanation of the concept of public administration. Today, an important position is given to the concept of ethical issues in today’s civil governance, since this topic covers the most crucial aspects for a professional worker.³ Another crucial element that need to be mentioned has to do with political legitimacy, which for a long time the political philosophers as well as the researchers that study democracy have been taken for granted the fact that what makes a government legitimate is either the set of democratic rights or “outcomes” in terms of public services and benefits such as pensions and other social insurances. In order to measure the quality of the administrative side of the state, a number of factors are crucial such as: the rule of law, control of corruption and administrative effectiveness.⁴

This paper will go through the development of ethics in public administration in the Republic of Albania, and it will cover a brief story about how it began until today, the advantages and the shortcomings that the country’s public administration has. The main problem that has been elaborated in this paper has to do with the conflict of interest. This phenomenon continues to be prominent and despite the fact that the responsible institutions have made a good progress in combating it, still the public perception is negative and the trust is lower in both central and local administration. The methodology used

² Sudan K.S. (2020) “*Meaning, Nature and Scope of Ethics*” University of Jammu, Jammu, India.

³ Radhika D. (2012) “Ethics in Public Administration” *Journal of Public Administration and Policy Research*, Lagos, Nigeria.

⁴ Sorak N. and Rothstein B. (2017) “*Ethical Codes for the Public Administration. A Comparative Survey*” The quality of Government Institute, University of Gothenburg, Gothenburg, Sweden.

in this paper is related with the secondary data analysis, which has to do with analyzing the studies made by other authors, as well as the statistics brought by domestic and international institutions. The research questions, answers of which are provided in the paper, are as follows:

- 1 - How ethics in public administration developed throughout the years until now?
- 2 - Which are the legal mechanisms and institutions for preventing the phenomenon of conflict of interest and has the public trust increased?
- 3 - Which are the concrete steps taken for implementing the public administration reform in the framework of integration in European Union (EU)?

1. Treatment of Ethics in Public Administration According to Different European Legislations

In today's twenty-first century, civil servants carry out their tasks in an environment that changes rapidly with a snap of the finger. Today, civil servants are even more scrutinized from the public for the work that they are doing, including here stricter limits on resources and increased demands from the citizens for a better quality of services. By doing so, in order to achieve their current and complex aims, civil servants are obliged to carry out their governmental duties in new ways. However, according to OECD (2000), these reforms that consequently have brought a high amount of scrutiny toward civil servants, had an impact on the prevalence of traditional public service values and standards. Further OECD (2000) stipulated that the ethics infrastructure has to evolve and especially accountability mechanisms had to be adjusted in order to ensure excellence in public service and to secure that its fundamental mission, which is serving the public interest, is accomplished.

Different countries have implemented measures to improve ethical conduct in the public service. France for instance have taken arrangements regarding civil servants who are moving temporarily or permanently to the private sector. In the French legislation, under Section 72 of the Act of 11 January 1984, which contains provisions on public service at the central level, as well as in other two levels of the public services, and the amended version of the Section 87 of the Act of 29 January 1993 on preventing corruption and ensuring transparency of economic transactions and public procedures, public servants in the three levels of public service who leave the service permanently or request a leave of absence are prohibited to exercise professional activity in the private sector or any competitive public sector that is incompatible with their previous functions in the administration. Under this legislation, an "ethics commission" is formed in each of the three levels of public service with the purpose of evaluating the proper actions of the civil servants.

In Italy, in 1994, under Act No.109 called Framework Law on Public Works, an Observatory for Monitoring Public Works was established together

with a corresponding authority, which its duty was to report any irregularities. On the other side, it were also laid down that a single official was responsible for the procedure of planning, designing and awarding of contracts and execution of public works, with the condition that the planning and awarding of contracts shall be a separated work, which of course limited the opportunities for illegal practices and made it much more difficult to hide any corruptive activity or illegal collaboration between the public administration and tendering firms.

In Germany, regarding the public officials, which under the law they are statutory civil servants for life and whose rights and obligations, including here remuneration and retirement benefits are regulated by law, the instruments under the public service law for decades have already been in existence.⁵

2. Establishment of Ethics in Public Administration in the Republic of Albania

After the collapse of communism, in the mid-1990's and early 2000's, the international community began to establish regional and international standards, while it drew the attention toward the post-communist countries to develop and maintain high values as well as ethics and a proper behavior in public administration as a mean to fight corruption, especially preventing bribery of public officials. During this period, the need for implementation of these standards and other legal instruments was substantial. This led to big changes in existing institutions and their organizational structures and under this process, all actors from the government to private sector and civil society were faced with challenges regarding of corruption at the international, national and local level. In order to tackle those challenges and maintain the standards that the international community has placed, conventions were carried forward such as: the Inter-American Convention Against Corruption (1996); Organization for Economic Cooperation and Development (OECD); Convention against Bribery (1997); Criminal and Civil Conventions of the Council of Europe (1999); African Union Convention on Preventing and Combating Corruption (2003) and UN Convention Against Corruption (2003).

In response to the recommendations of the international community for adopting legal mechanisms on combating corruption and bribery of public officials, in the Republic of Albania a number of ethical codes have been adopted starting from the late 1990s and early 2000s. The first document approved by law was the "*Police Code of Ethics*" in 1998 that dealt with ethical issues within the state police. Five years later, in 2003, a specific Law on Ethical Rules was adopted for Public Administration. In the same year, the Law No.9049 "*On the declaration and control of assets, financial obligations of*

⁵ Trust in Government: Ethics Measures in OECD Countries, Organization for Economic Cooperation and Development (2000), Paris, France.

elected officials and some public servants” was adopted and it was supplemented on 2005 by Law No.9367 “*For the prevention of conflict of interests in the exercise of public functions*”. Since 2012, in the audit sector, ethics and integrity have been the focus of the Supreme State Audit Office (SAA), which has taken major steps related to the promotion of ethics and integrity within the framework of the institutional strategy. In 2012, SAA established the Directorate for Investigation with the purpose of investigating the cases regarding of violations of ethics or integrity on the part of the auditors and other employees of SAA staff.⁶

In addition, other legal initiatives have been undertaken to improve ethical behavior in the public service, and the main one is the Law No.44/2015 “*Administrative Procedural Code of the Republic of Albania*” approved by the Parliament on April 30th 2015. In its Article 4, the Code mentions that public bodies shall exercise their activity in accordance with the Constitution of the Republic of Albania, with the ratified international agreements and applicable legislation in the Republic of Albania. Also, they shall exercise their activity within the limits of their powers and in accordance with the purpose for which these powers were granted.⁷

3. Conflict of Interest and Ethical Challenges of Public Administration in the Republic of Albania

Sometimes public officials find themselves in situations where there is a clash between public interest and private interest. In order to prevent the phenomenon of conflict of interest, according to Glintic (2018), all the countries of the Western Balkan shall adopt and adhere to the specific guidelines and standards. This type of resolution contributes to the professional performance of the public officials and it assures as such the respect for the principles of impartiality and integrity. Article eight, paragraph five of the UN Convention Against Corruption emphasize that each state party, where appropriate and in accordance with the fundamental principles of its domestic law, shall establish measures and systems that requires public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result, with respect to their functions as public officials.⁸

In the Republic of Albania, as we mentioned above, a domestic legal framework has been adopted in regards to protection of ethical standards in

⁶ Dyrmishi and Hallunaj (N.D) “*Forcimi i Integritetit te Administrates Publike ne Shqiperi: Analize e Kuadrit mbi Etiken qe Rregullon Sjelljen e Nepunesve Publike ne Shqiperi*” Institute for Democracy and Mediation, Friedrich Erbert Stiftung, Tirana, Albania.

⁷ Law No.44/2015 “*Administrative Procedural Code of the Republic of Albania*”

⁸ Glintic (2018) “*Conflict of Interest and Integrity Challenges in the Western Balkans*” Regional School of Public Administration, Danilovgrad, Montenegro.

public administration from any malicious activity, including here conflict of interest. Article 13 of Administrative Procedural Code stipulates that the public bodies, in exercising its functions, shall treat all the subjects in a fair and impartial manner. In order to protect the principle of impartiality emphasized in article 13, article 30 of the Administrative Procedural Code number the cases when a civil servant or member of the collegial body shall not be involved in an administrative decision-making procedure. Those are the cases when:

- a) The official has a direct or an indirect personal interest in the decision-making under consideration;
- b) The spouse, cohabitant or the relatives of the official up to the second degree have a direct or indirect interest in the decision-making process;
- c) The official, whether a civil servant or a member of a collegial body has participated as an expert, advisor, representative or private lawyer in the case under consideration;
- d) The spouse, cohabitant or the relatives of the official up to the second degree have participated as an expert, advisor, representative or private lawyer in the case under review, etc.

The other law that treats the phenomenon of conflict of interest more in details is the Law *“For the Prevention of Conflict of Interest in the Exercise of Public Functions”*. The purpose why this law was adopted is to guarantee impartiality and transparency in decision-making process that would be in the best interest of the public and automatically it would rise the public trust in public institutions.

In Article 6, paragraph 1, the Law clearly states the duties of the public official, which upon his election shall prevent and resolve as soon as possible and in the most effective way any situation of his conflict of interest. However, in the same paragraph, the Law clarifies that if the official is not convinced about the existence or not of a conflict of interest related with him, than he/she should be consulted as soon as possible with his superiors. Related with the declaration of the private interests of the official, Article 7 of this law states that every official in the exercise of his/her powers or in the performance of his/her public duties, on the basis of his/her knowledge and in good faith, is obliged to make a preliminary self-declaration in every case that he/she has at hand for the existence of his/her private interests, which may cause the emergence of a conflict of interest.

Another law that introduces a set of rules on how public officials shall behave is the Law *“On the Rules of Ethics in Public Administration”* or so-called the Law on Ethics. According to Cani (N.D), when it comes to the

Conflict of Interest, the law does not provide detailed regulations, but only some rules on the general basis. Despite that, this law is very beneficial because even though it does not touch the act directly, it covers its basic elements, for example the gifts. Cani (N.D) makes an analysis of it and stipulates that under the Chapter IV of the Law it be prohibited for the civil servant to request or accept benefits of any kind that affect the impartiality on the performance of the duty, or appear to be a reward for the performance of the official duty.⁹

The law “*For the Declaration and Control of the Assets and Financial Obligations of the Elected Officials and some Public Servants*” is another law that treats cases of conflict of interest. The main purpose of this law is to determine the rules for the declaration and control of wealth, the legitimacy of financial sources and the financial obligations for the elected officials, civil servants, their families and persons related to them.¹⁰ Article 4 of the law stipulates that all public officials and civil servants are obliged to declare in the High Inspectorate of Declaration and Control of Assets and Conflict of Interests as well as in other lower inspectorates, their financial wealth, sources of creation and financial obligations starting from December 31st of the previous year until no longer than within March 31st of the next year, and it includes:

- a) Immovable assets and real rights over them;
- b) Moveable assets, registrable in public registers;
- c) Items of special value above 5.000 US dollars;
- d) The value of shares, securities and parts of capital in possession;
- e) The value of liquidities, cash balance, current account, deposits, treasury bonds and loans, either in Albanian Lek or foreign currencies;
- f) Financial obligations to legal and natural persons, expressed in Albanian Lek or foreign currencies;
- g) Personal income for an year, derived from a salary or participation in boards, commissions or any other personal income;
- h) Licenses and patents that bring income.

The High Inspectorate of Declaration and Control of Assets and Conflict of Interests, in the response of the law “*For the Declaration and Control of the Assets and Financial Obligations of the Elected Officials and*

⁹ Cani (N.D) “*Etika në Administratën Publike: analizë e ligjit vendas për etikën*” Academia.edu, Tirana, Albania.

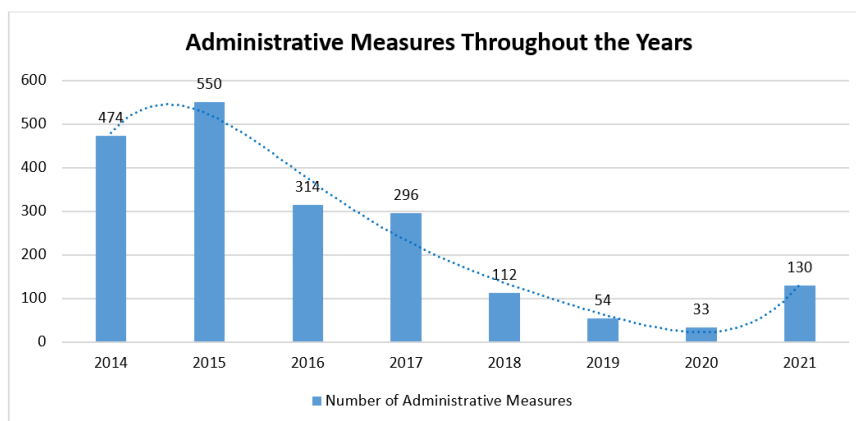
¹⁰ Ligji Nr.9049, date 10.04.2003 “*Per Deklarimin dhe Kontrollin e Pasurive, te Detyrimeve Financiare te te Zgjedhurve dhe te Disa Nepunesve Publike*”. Article 1.

Some Public Servants” and for the prevention of the conflict of interests has made a full control and an administrative investigation on assets, income and liabilities of 802 declaring subjects, partly due to their function, as well as based on complaints made by the citizens, and any electronic mail, print, audio-visual media, etc. The High Inspectorate had also strengthened the punitive powers, through applying the administrative measure of “fine”, removal from office, addressing the issue of conflict of interest to public institutions, as well as to the prosecution body when there are criminal elements in it, tax investigation structures and the state police against the public officials and civil servants who were found in violation of the law.

In this context, taking into consideration as well the Law “*On the prevention of conflict of interests*”, the High Inspectorate applied the administrative measure of “fine” for all the subjects who refused to make financial declarations, as well as those who were involved into conflict of interests. On the latest report made by the High Inspectorate in 2021, 130 officials were punished with the administrative measure of fine for the period until 31.12.2021, whereas for the entire period from 2014 until 2021, a total of 1.889 officials were sanctioned with an administrative measure of “fine”.¹¹

In the following table, let us see the full picture of the High Inspectorate regarding the sanctions and its trend throughout the years.

Table 1



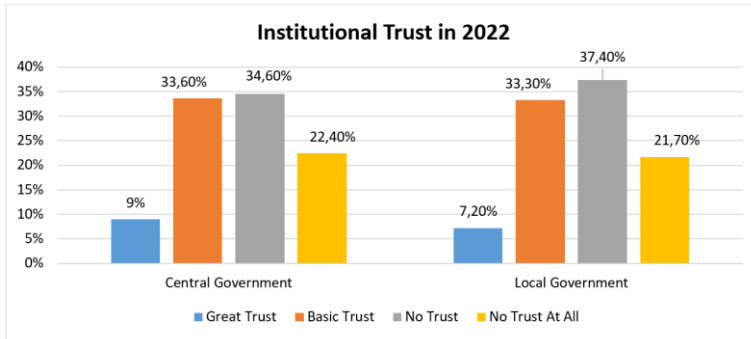
Source: Inspektorati i Larte i Deklarimit dhe Kontrollit te Pasurive dhe Konfliktit te Interesave

As we are seeing above, the highest number of administrative measures is in 2015 with only 550, which is 76 more administrative measures or 35 % more than in 2014. Afterwards, the number of administrative measures

¹¹ Raporti Vjetor i Inspektoratit te Lartet te Deklarimit dhe Kontrollit te Pasurive dhe Konfliktit te Interesave, Inspektorati i Larte i Deklarimit dhe Kontrollit te Pasurive dhe Konfliktit te Interesave (2021), Tirana, Albania.

decreases in the following years until 2020 with only 33, and it started to have a slight increase in 2021. In correspondence with the work of the High Inspectorate, it is important to check the response of the citizens whether the trust in central and local government has been increased or not. The latest opinion poll that was made in 2022 with the support of the United Nations Development Programme(UNDP) reflects on the situation in both levels of the government. The following table will show a clear tabloid of it.

Table 2



Source: Opinion Poll 2022: Trust in Governance, 2022

As we see, when it comes to the central and local government, according to the poll, the citizens have a basic trust, which remain at higher levels in comparison with the legislative and judicial branch, but on the other side, the level of distrust among the respondents remains much higher. In other words, out of 2.500 respondents, only 1.065 of them or 42.6% indicated that they trusted the government, out of which only 225 respondents or 9% saying that they have greater trust and 840 or 33.6% that they have a basic trust. On the contrary, 1.425 respondents or 57% of them responded negatively, out of which 865 respondents or 34.6% of them had no trust, whereas only 560 respondents or 22.4% of them did not have trust at all.

Regarding the local government, the poll reflects that four in ten participants, which in total are 1.012 or 40.5% responded positively, out of which 180 respondents or 7.2% saying that they have a great trust and 832 or 33.3% that they have a basic trust. On the other hand, there were 1.478 respondents that gave a negative feedback, out of which 935 respondents or 37.4% of them had no trust, whereas only 543 respondents or 21.7% of them had no trust at all.¹² As a conclusion, on the side of the High Inspectorate more work needs to be done in order to protect the citizen’s rights.

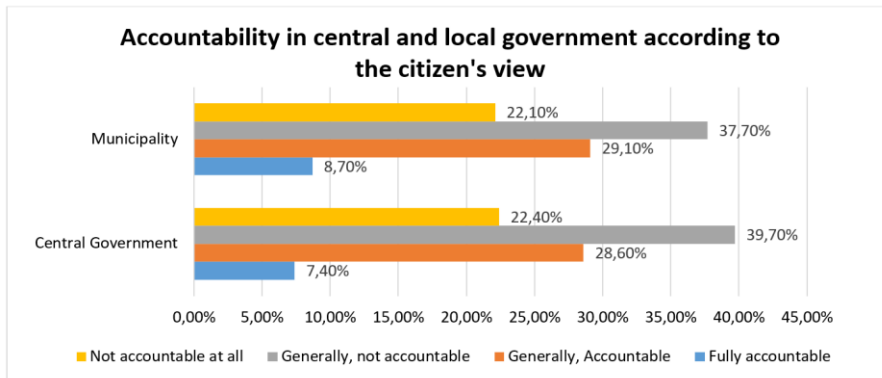
¹² Semini I., Kuci B. and Dauti M. (2022) “Opinion Poll 2022: Trust in Governance” Institute for Democracy and Mediation, Austrian Development Cooperation, United Nations Development Programme, Tirana, Albania.

3.1. Ensuring Accountability and Transparency in the Public Administration

The second important principle that it is worth mentioning in relation with the conflict of interest is the principle of accountability and transparency. According to Semini et.al (2022), accountability requires the government to take responsibility for its decisions and actions. Within the notion of accountability, there are two aspects that corresponds to it: answerability and enforcement. Answerability is the obligation of public authorities to provide information and explanations to the public about their activities, whereas enforcement ensure that the government is held responsible for any failings that may cause violation to the rights of the citizens. Accountability can be divided in two categories: vertical, which it can be given directly to the public, or horizontal, which is a scrutiny provided by other public institutions.

In practice, according to the opinion poll, a majority of Albanian citizens doesn't believe that the central or local government is accountable. The following table shows a clear tabloid of the situation. If we see the stats, only 900 respondents or 36% of them in total, believe that the central government is accountable, while 945 respondents or 37.8% of them believe that municipality is accountable. On the results shown by the opinion poll, the respondents who were sceptic for the accountability of the central and local government were the ones with higher income levels, those who were unemployed and the ones who were employed in the private sector.

Table 3



Source: Opinion Poll 2022: Trust in Governance, 2022

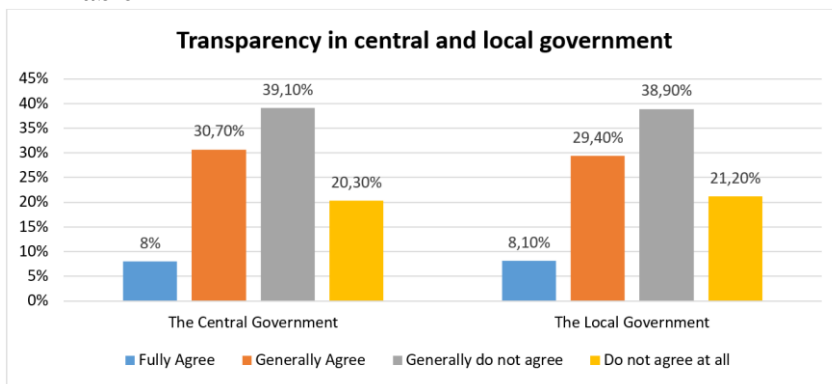
According to the stats shown by the poll, 1.552 respondents or 62.1% of them felt that the central government does not have accountability, out of which 992 respondents or 39.7% of them generally did not agree with the fact that the central government is accountable and only 560 respondents or 22.4% did not

agree at all that the central government is accountable. When it comes to the local government, 1,495 respondents or 59.8% of them expressed that municipality is not accountable, out of which 942 respondents or 37.7% of them generally disagreeing and only 553 respondents or 22.1% of them strongly disagreeing.

On the other side, transparency is very important because in a democratic society the government shall operate in an open manner. Article five of the Administrative Procedural Code emphasize that public bodies shall exercise administrative activities in a transparent way and in a close cooperation with the natural and legal persons involved in it. Within the notion of transparency, we include accurate information about government’s activities, expenses and decision-making processes, which is related with the right to access information, emphasized in Article six of the Administrative Procedural Code. Under this article, every person has the right to request public information regarding the activities of the public body without being obliged to explain the motives, in accordance with the legislation in force that regulates the right to information. This crucial element ensures that all decisions that are made by the public bodies are accessible to the public.

Even though the notion of transparency has been emphasized in various domestic legislations, it is important to see how it is implemented in practice. According to the stats shown by the poll, in general there is a huge skepticism in the transparency of both central and local government. In table 4, 1,485 or 59.4%, which is more than half of the respondents, either generally did not agree or did not agree at all with the fact that the central government is transparent. The number of the respondents that fully or generally agreed that the central government is transparent is 967 or 38.7% of the respondents. On the other side, when it comes to the local government, again the number of the respondents who disagreed with the fact that the municipality is transparent is 1,505 or 60.2%, while 940 or 37.6% either fully or generally agreed with it. Let us see the table for more clarification.

Table 4

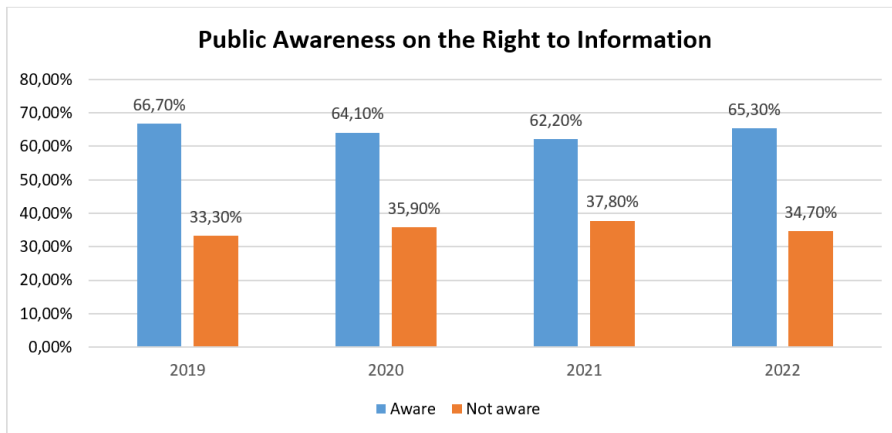


Source: Opinion Poll 2022: Trust in Governance, 2022

Concerning the right to information regarding the decisions and activities of the public administration, the majority of Albanians that numbers 1.632 or 65.3% were aware of their constitutional and legal right to information. According to the poll, the ones who are aware of their right to information are respondents in the age group of 26-35 that numbers 1.972 of them or 78.9%, those with a university degree that numbers 1.970 or 78.8%, those who are employed that numbers 1.772 or 70.9%, those who are students that numbers 1.882 or 75.3%, and those with a regular monthly salary over 70.000 Albanian Lek or 633 Euro. According to Semini et.al (2022), assessing the citizen’s awareness of the right to information it would be essential as it is an important element of the transparency programme.

The first step of recognizing such an important right was the introduction of the Law No.119/2014 “*On the Right to Information*”. This law not only raises the awareness among the citizens for their right to information, but as well obliges the public authority to inform the applicant whether or not it has the requested information, which is emphasized in Article 3, paragraph 1 of the Law. With one word, this law grants to the individual the right to access to public information held by governmental bodies without requiring to justify their request. The poll in its results shows that a majority of respondents (1.564 respondents or 65.3% of them) indicated their awareness of the right to information. On the contrary, only 832 or 34.7% of the respondents were not aware of their right to information. The chart below will show clearly the entire situation throughout the years.

Table 5



Source: Opinion Poll 2022: Trust in Governance, 2022

As we see above, respecting the right to information from the side of public organs seems to remain standard, and this shows an attempt of

respecting the principle of transparency.¹³ As the European Code of Good Administrative Behavior stipulates, when it comes to the civil servants, they should be willing to explain their activities and give reasons for their actions, and in this direction it seems to have a slight improvement, but not enough to satisfy the needs of the citizens. In order to respect the principle of transparency and accountability, more initiatives need to be taken for the civil servants to be more responsible toward the citizens.

4. Way Forward

Ethics in public administration is closely related with the public administration reform. This crucial reform is necessary because it is closely related with the process of integration in European Union (EU). Throughout the years, the public administration reform has always been among the most important priorities for the Albanian governments for two reasons: first, for the improvement of the quality of services to the citizens and businesses and second, as a condition for the integration processes of the country. With the entry into force of the Association Stabilization Agreement in 2009, the attention of the government has been paid toward the development and implementation of a transparent and impartial recruitment procedure, human resources management, career development in the public service, e-government, and as well in the promotion of ethics in public administration. In 24th June 2014, the Republic of Albania obtained the status of the candidate country, which marked an important step in the processes of European integration. Such processes required among all a professional administration as well as human and material capacities for enabling the implementation of national policies and objectives.¹⁴

One of the objectives related with the public administration reform has to do with increasing the efficiency and accountability of public servants. The program “*Administration That We Want*”, launched in 2018, was the first important initiative of the government aimed at promoting an organizational culture in the civil service. Under this program, various activities have been implemented in order to improve the performance of the civil servants and state organs and to maintain a strong administrative culture through training, motivation and interaction, bringing so qualitative services to citizens. Regarding of increasing the interaction of the administration, there are seven professional networks that operate with the aim of fostering collaboration and discussions around the main challenges and themes of a certain importance for respective sectors. Another novelty is the use of the integrated platform “*administration.al*” which has been very useful in four directions:

¹³Semini, Kuci and Dauti M “*Opinion Poll 2022: Trust in Governance*”

¹⁴ Vendim Nr.319, datë 15.04.2015 Per Miratimin e Strategjise Ndersektoriale Per Reformen Ne Administraten Publike 2015–2022, Keshilli i Ministrave (2015), Tirana, Albania

- Improvement of the interaction between public institutions;
- Facilitation of the communication and reporting of information in real time;
- Unification of administrative practices;
- Improvement of the quality of human resources management processes.

In continuation, according to the latest report of the Department of Public Administration for 2022, another project has been implemented in terms of increasing the efficiency and accountability of public servants called: “*Raising capacities for the civil servants of public administration*” and it includes the trainings and internships in the administrations of EU member states and the scholarship scheme called “*new cells*”. This project has a tremendous importance because it contributes to the development of an efficient, effective and transparent public administration in the Republic of Albania.¹⁵

Conclusions and recommendations

The public administration has experienced a great deal of change in the 20th century regarding the implementation of administrative ethics. These changes have been promoted and emphasized due to the emanation of the concept of public administration that came out in that period. In today’s civil governance, the attention has been paid to the notion of ethics since it covers the most crucial aspects for a public employee. In the Republic of Albania, in response to the efforts of the international community for adopting legal mechanisms with the aim of combating corruption and bribery of public officials, a number of ethical codes have been adopted starting from the late 1990’s and early 2000’s. The first document that was approved under the law was the “Police Code of Ethics” in 1998, than five years later in 2003 a specific Law on Ethical Rules was adopted for public administration. The culmination was on 30th April 2015 when the Law No.44/2015 “Administrative Procedural Code of the Republic of Albania” was approved by the Parliament. Under the Article 4, paragraph 2 of the Administrative Procedural Code, the rights and legitimate interests of a party may not be infringed by an administrative action, except in cases when it is provided by law and it shall respect the due process of law.

Despite the legal framework, the Republic of Albania has faced numerous ethical challenges and one of them is the Conflict of Interest. The international community specifically advised the countries of the Western Balkan, including here the Republic of Albania that they shall adhere to the specific guidelines and standards in order to successfully prevent the phenomenon of conflict of interest. The Republic of Albania has adopted a thorough legal

¹⁵ Raporti Vjetor, Departamenti Administrates Publike (2022), Tirana, Albania.

framework that addresses the prevention of conflict of interest, one of which is the law “For the Prevention of Conflict of Interest in the Exercise of Public Functions”. Under the law, the elected public official shall prevent and resolve as soon as possible and in the most effective way any situation regarding of his conflict of interest, whereas on the other side, if the official is not convinced about the existence or not of a conflict of interest related with him/her, than he/she should be consulted as soon as possible with his superiors. Even though the legal framework has been properly established, the institutional trust remain low in comparison with the basic trust on the public institutions. It is necessary for the Republic of Albania to comply with the European Union standards and create an exemplary public administration.

In line with the last recommendations made by the European Commission in its report in 2022 for Albania, it is necessary for the legal framework on the organization of the central administration to ensure that supervisory and subordinated bodies are held accountable, so it can increase the public trust. According to the European Commission, the institutions that are related with the policy-making do not always monitor the policy implementation by their subordinated agencies and in return, these agencies do not always report on their performance. What should be done is an amendment in the law on organization and functioning of the administration, by imposing penalties on the side of subordinated bodies if the policies are not implemented, but also on the side of the policy-making institutions for the lack of responsibility in cases of non-monitoring the policy implementation. Another thing that needs to be emphasized is also the strengthening of the right to good administration. Since according to the European Commission the activity of the Ombudsman has dramatically fell with 50% in 2021 and it remains the same even nowadays, it is important to have a close cooperation between the Ombudsman and the Assembly so they can address the problem of the lack of responsiveness of public administration bodies. By doing so, the political accountability would be increased and of course, we would have an effective public administration fully responsive and accountable toward the citizens.

Recensentë:

Assoc.Prof.Dr. Nikola Dacev

Asst.Prof.Dr. Haris Muminovic

References

Albania 2022 Report, 2022 Communication on EU Enlargement policy, European Commission (2022), Brussels, Belgium

Cani (N.D) “*Etika në Administratën Publike: analizë e ligjit vendas për etikën*” Academia.edu, Tirana, Albania

Dyrmishi and Hallunaj (N.D) “*Forcimi i Integritetit të Administratës Publike në Shqipëri: Analizë e Kuadrit mbi Etiken që Rregullon Sjelljen e Nepunesve Publike në Shqipëri*” Institute for Democracy and Mediation, Friedrich Erbert Stiftung, Tirana, Albania.

Glentic (2018) “*Conflict of Interest and Integrity Challenges in the Western Balkans*” Regional School of Public Administration, Danilovgrad, Montenegro.

Law No.44/2015 “*Administrative Procedural Code of the Republic of Albania*”

Ligji Nr.9367, date 07.04.2005, i ndryshuar me Ligjin nr.9475, date.09.02.2006 dhe me Ligjin nr. 9529, date.11.05.2006 me Ligjin 86/2012 date 18.09.2012 dhe me Ligjin nr. 44/2014 date 24.04.2014. “*Per Parandalimin e Konfliktit të Interesave në Ushtrimin e Funksioneve Publike*”

Ligji Nr.9049, date 10.04.2003 “*Per Deklarimin dhe Kontrollin e Pasurive, të Detyrimeve Financiare të të Zgjedhurve dhe të Disa Nepunesve Publike*”

Raporti Vjetor, Keshilli i Ministrave, Departamenti Administrates Publike (2022), Tirana, Albania

Radhika (2012) “*Ethics in Public Administration*” Journal of Public Administration and Policy Research, Lagos, Nigeria

Raporti Vjetor i Inspektoratit të Lartë të Deklarimit dhe Kontrollit të Pasurive dhe Konfliktit të Interesave, Inspektorati i Lartë të Deklarimit dhe Kontrollit të Pasurive dhe Konfliktit të Interesave (2021), Tirana, Albania.

Sudan (2020) “*Meaning, Nature and Scope of Ethics*” University of Jammu, Jammu, India.

Sorak and Rothstein (2017) “*Ethical Codes for the Public Administration. A Comparative Survey*” The quality of Government Institute, University of Gothenburg, Gothenburg, Sweden.

Semini, Kuci and Dauti (2022) “*Opinion Poll 2022: Trust in Governance*” Institute for Democracy and Mediation, Austrian Development Cooperation, United Nations Development Programme, Tirana, Albania.

Trust in Government: Ethics Measures in OECD Countries, Organization for Economic Co-Operation and Development (2000), Paris, France.

The European Code of Good Administrative Behavior, European Ombudsman (2015), Strasbourg, France

Vendim Nr.319, datë 15.04.2015 Per Miratimin e Strategjise Ndersektoriale Per Reformen Ne Administraten Publike 2015–2022, Keshilli i Ministrave (2015), Tirana, Albania.