

The Impact of Law and Ethics in the Improvement of Public Services Provision in the Albanian Republic

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Abstract: *Nowadays, countries with stable democracies, as well as consolidated means in the way of providing public services, have paid attention to the Public Administration. In addition to the legal remedy, necessary for the orientation of the ordering and decision-making activity that essentially typifies the Public Administration, it seems that the need to analyze the way public services are provided has been exposed. This apparently old tool, but under this context new, is Ethics. Reviewing literature, we think that, more emphasis is placed on developing countries, where Public Administration is found vulnerable to other phenomena, which damage the image and the most sensitive part: what the law or bylaws impose to Public Administration. This paper aims to bring a picture, at what level the ethical principle in the Albanian Public Administration has been raised and really functions, a principle which must go beyond the administrative activity.*

Keywords: public administration, ethics, law, public service, decision-making

INTRODUCTION

A society in order to evolve and to understand from the concrete and research point of view, the improvement of its Public Administration, has always got an indicator- the quality of the provision of public services. One of the conditions (starting from the SAA (Stabilization and Association Agreement), that the chancelleries of the European Union have decided on the possibility of Albanian integration, is the measurement of the quality of governance. How efficient is the Public Administration, how interactive is it with the society in each of its meeting links and how does it exercise order and decision-making? It is widely accepted that the principles of constitutionality, such as legality, transparency, the right to information and specifically ETHICS, are in the optics of the Albanian Public Administration today. In this multi-year journey, strategies have been drafted, laws and normative acts have been updated, special structures of public administration have been set up, with the primary goal of good governance, but also to achieve the fulfillment of very dynamic standards of the European Union.

METHODOLOGY

For the realization of this work, we have used material review, as well as legal analysis in order to bring the article as scientific as possible from the legislative point of view with an improved administrative profile. This is accomplished through current legal analysis and interpretation, always in accordance with the topic that we as authors have sought to deliver.

A PICTURE OF THE ORGANIZATION AND FUNCTIONING OF THE PUBLIC ADMINISTRATION IN THE REPUBLIC OF ALBANIA

One of the main responsibilities of a government should be the building of an environment of justice and the rule of law, transparency, honesty and trust. In a democratic society, the government may face many demands, complaints and difficulties, if it does not have the trust of the public. Looking at and following the practices of many countries in the world, we notice that in the recent years there has been an increased attention to ethical standards and behavior of public administration employees both at central government and local government.

Having confidence that there is transparency, speed, fair decision-making, but also ethics in the provision of public services is undoubtedly an indicator of good governance. The level of public confidence in government is influenced by several factors that include economic, cultural and political ones. Unethical behaviors, such as corruption, delays, non-response to deadlines significantly affect public confidence in state bodies. A basic condition for strengthening the connection of the individual / citizen with the government of his country is the constant preoccupation for making public administration bodies partners in the provision of services. The main challenge for any government and mainly for the governments of developing countries, or countries such as Albania which is aspiring for integration in the European Union is to update the needs of the citizens, achieving their optimal satisfaction, the dynamics of the development of legislation in the field of administrative law and that of the public administration. In order to effectively realize these values that we mentioned above, the Republic of Albania has continuously combined the laws with the codes of ethics, which are already part of every administrative body. They are also attempting to install standards of behavior to public employees and the creation of environments where values and responsibilities guide the decision-making and actions of civil servants towards the citizen. The commitment to more responsibility in the provision of public services has come as a result of the intense expression of the need for fast services, although our country is still facing the necessity of improvement. In a large number of cases, the existence of an acceptable balance between the positive dynamics of service-providers and the responsibilities of public authorities is reflected.

Administrative culture in central and local government

The administrative culture of governments needs to be studied and understood as a critical element of social ethics. If we want public service training to be effective, it must be supported by an administrative culture that is oriented towards civic values and to results that meet the needs of public service beneficiaries. But, what is the thing that seriously hinders the development of institutions and democratic values? It's the administrative culture oriented towards procedures rather than client, performance or results. Unchanged personnel policies within the public service often hinder the reconstruction and selection of adequate staff and promotion.

The public service system and the status of civil servants also need to be improved. Blaming the public service entirely for most of the mistakes is not a good political option for countries. Well-educated people with high civil society values, is a prerequisite for ethical behavior in the public sector. This will create a supportive environment and encouragement for an efficient and effective public service, and consequently an adequate rewarding.

There are many factors that contribute to unethical behavior. "The moral-ethical culture that prevails in the public sector is dependent on the values of society. A society which does not allow people to express moral opposition in public can cause political servants to have a low sense of responsibility and integrity. "As a result, the potential for corruption and mismanagement has increased." For countries in transition to democratic institutions, the lack of civil service laws and regulations and an unpredictable administrative shift due to changes in political leadership increase this risk and they are among the leading causes of civil service corruption in SEE countries.

They suggest that the Public Administration in these countries should develop an anti-corruption package that includes the formulation of ethical codes to guide civil servants and their training to respect the ethical rules of administration, the rule of law and the appropriate legal instruments, as well as their implementation. Beyond this structural approach of creating an ethical environment, consideration must be given to a normative perspective.

ASPA's innovations. How has it affected the increase of professionalism of the civil servant

Public administration needs qualified employees who provide public services effectively, and who have a high sense of responsibility for the public good. Good management skills, analysis, planning, implementation and monitoring in an efficient and effective manner, teamwork, but also independently are some of the qualities that public administration employees should have.

The School of Public Administration helps to improve the quality of administration through the provision of ongoing training and opportunities for the development of civil servants, state administration employees, but also for the public

The Albanian School of Public Administration (ASPA) is a central public institution, with administrative and academic autonomy, which aims to form central government, local government and independent institutions. ASPA has been operating since 2000, initially organized as the Public Administration Training Institute (ITAP) and since 2013, as the Albanian School of Public Administration.

The programs of this school are comprehensive and oriented by the needs of the administration. Classroom training is one of the most applied forms, as through training a model of behavior is practiced and instructions are received.

According to the data obtained from ASPA, during 2018 they have set up an archive with 103 didactic training modules.

During 2021, 36825 people participated in trainings, of which 21121 from the central administration, 9811 from the local administration and 5686 from independent institutions. In addition to training, ASPA offers other ways to increase on-the-job skills such as coaching, which helps us to deepen and clarify our work, offering the individual support of a professional in the same field, at every level, until we reach our aim. This method raises awareness of alternatives within the job, makes our choices easier and accelerates vocational training in a shorter time than with other forms of training.

To maximize the combination of knowledge with experience, but also adding the potential for further development, there is another method offered by the school. Mentoring effectively helps in career advancement, as it is an important tool for personal development. Mentors use personal experiences in the same or similar sectors to address issues, providing bridges between opportunities and their use. The mentor asks questions, challenges and encourages reflection, but on the other hand, also transmits knowledge, helps to explore new ideas, to analyze oneself better, to see more clearly problems, opportunities, goals and solutions.

The workshop program offered by ASPA creates the opportunity to sit at the discussion table employees of the administration who encounter in their daily work with the same problem. Under the guidance of a facilitator, participants are trained in "problem analysis" by interacting at the table with others, in the context of the problem chosen for discussion. The participants return to the roundtable after 6 months, to rediscover their concrete experience in the face of the problem, thus enabling the continuation of the exchange of experience and increasing the chances for a better solution.

A new service that aims to provide good information opportunities for all public administration employees is the online library "E-library". It serves to request and be informed about technical documents of public administration work such as: information brochures, guides, methodological documents, evaluation reports, etc. In addition to the online library, ASPA also offers the possibility of a rich library with over 100 books which

can be used by administration employees to enrich their knowledge. ASPA has also been very interactive during pandemic, organizing webinars in order to fulfill the needs of public administration.

The individual as a subject of legal-administrative relationship. The current legal framework

The Albanian legislator in an effort to narrow the inequality between the subjects of legal-administrative relations, which in conditions of non-intervention could be such, has enabled a legal framework that from time to time is giving its influence starting from the constitution of the Republic of Albania and laws such as: law no. 119/2014 "On the right to information", law no. 854 / 4.02.199 on "People's Advocate" law no. 124/2020 "On some additions and amendments to the law", law no. 10/201 "On protection from discrimination" law no. 139/ 2015 "On local government", law no 162/2020 "On public procurement" etc., have brought their indisputable impact on the growth and continuous improvement on the delivery of public services.

Let's analyze Article 6 of Law no. 124/2020 "On protection from discrimination". This provision prevents discrimination of the individual and other entities from any attempt by public bodies to distinguish or dissociate in terms of governance "*Structural discrimination is that form of discrimination, which refers to the rules, norms, practices, attitude models and behaviors in institutions and other social structures who consciously or unconsciously present obstacles to groups or individuals and prevent them from having the same rights and opportunities as others, and as a result contribute to less favorable results for them compared to others*".

Such protective provisions, but understandably laconic, are generally sanctioned in the constitution of the Republic of Albania. Article 18 of the basic law of the country states that: "*No one may be unjustly discriminated against on grounds such as gender, race, ethnicity, education, parental affiliation. Such a constitutional provision is detailed with laws and codes in every aspect of social relations* and is reflected in the Code of Administrative Procedures of the Republic of Albania, as well as in other special laws etc.

Another legal norm of protection for the individual and his legitimate interests before the bodies of Public Administration is the law for the People's Advocate. This law is based on the Constitution of the Republic of Albania, respectively on its articles 60-63. Article 2 of this law states that: *The People's Advocate protects the legitimate rights and interests of the individual (in this case subject to legal-administrative relationship), from illegal and irregular actions or omissions of public administration bodies. Article 12 of the same law also stipulates that: Every individual, group of individuals, or non-governmental organizations, who claim that their rights and freedoms, legitimate interests have been violated from illegal actions or inactions of public administration bodies, have the right to complain or to notify the People's Advocate and request his intervention, for the replacement of the violated right or freedom.*

We must affirm that the legislator, always having in mind the evolution of administrative relations as a whole, the necessary harmonization with the common European law, has drafted and approved for the benefit of the individual the above-mentioned laws, but also others in such a way that the individual stands in front of an open, transparent and non-bureaucratic administration. The People's Advocate has recommendatory and non-decisive powers. However, its role is very contributing to the improvement of the work of Public Administration, the central or the local one. Its recommendations reflect in detail how the legitimate rights of the individual are protected and how it is wrong.

THE WEIGHT OF ETHICS. ITS EFFECTIVENESS AND USEFULNESS IN THE EFFORTS FOR A GOOD FUNCTIONING

The word ethics comes from the Greek expression "ethos" / "ethikos", which means morality. It also means tradition, docks, customs and mentality. Philosophers deduce that: ethics is the study and evaluation of human behavior within moral principles. Moral principles can be treated as the standard of conduct that people have built for themselves, or as the subject of the constraints and obligations that a particular society demands from its members.

Ethics is basically a code of conduct that tells us what we should do, instead of what has been done. By being ethical we become pleasant, responsible and even more honored and accepted in society. Lack of ethics brings dissatisfaction, especially when people find themselves in interactions of different natures. People usually see ethics as a set of principles used to distinguish between what is right and what is wrong. It should be noted that ethical principles require a special way of thinking, known as ethical reflection, which is by nature extraordinarily complex.

Ethics is important because it makes it possible for a society to continue to function, helping people to collaborate and live their daily lives in a way that is as functional as possible for themselves and for the society in which they belong. It is important to guide a person's code of conduct and to prevent moral mistakes from occurring.

The importance of ethics is seen in many aspects. Ethics sometimes serves as a barrier for people to do something wrong. In many ways ethics can be even more important than the law itself, as the law prevents a person from behaving unworthily fearing the consequences of punishment, while a person with a strong code of ethics will do the right thing just because "that's the right thing to do". While the law can not identify every case of indecent behavior. Ethics is a behavior based on morality, not on a legal sanction.

A society can constantly lose its cohesion and is destined to fail, if it does not have defined values, if it does not have a sense of citizenship and if it does not have a natural willingness to obey the law and to respect other's rights. The existence of ethics in a society is precisely

what is needed in order to avoid these phenomena, from which we all directly or indirectly are affected.

Communication, as a key issue in exercising the functions of a civil/public servant

Ethics in the civil service - a set of essential principles that set minimum standards and guide the behavior of all those involved in public life, which is a very widespread and valued notion especially in countries with consolidated democracy and state-building. This is a basic feature of public administration that ensures the continuity and balance of a series of processes and organizations, in order to make them very applicable and highly effective, in fulfilling the primary goal - a well-functioning and ethical administration. Ethics in its primary sense and in all its meanings, especially when it relates to the standard of a public administration, turns almost into an institutional status (regulation). Consequently, to develop and improve such a notion means to walk alongside the principles of modern democracies. Ethics is one of the necessary qualities, which should not only be possessed by a public service employee, but also should be applied in his work and life. A moral citizen is also a responsible and honest servant. A citizen who respects the law is also an employee who implements the legal obligation to serve others in accordance with the protection, observance and implementation of applicable laws and rules of ethics. The public server employee must daily apply the public institution ethic's code in central or local institutions in order to:

- a) Guarantee the law implementation
- b) Perform the duty he has undertaken to do to the citizen and the institution where he works, based on the law of the civil servants and other legal acts
- c) Know how to use the authority that this task has given him/her, based on the constitution and the law

Ethics is not a value that is achieved and everything ends there, on the contrary it is a process of all the public activities. It must always be developed, as the public interest is what should prevail in ethical behavior. Only by doing this we can ensure the continuity of responsible and transparent functioning of the public administration.

- It should be emphasized that eventhough the public service in the Albanian Republic has undergone continuous good training from the school of public administration or other similiar institutions, and internal regulations and codes have been approved, it happens that from time to time all of these remain unimplemented. Ethics first exists in the personal culture of each individual before his being as a public servant. On the other hand, the codes of ethics do not have the binding force of law. However today, in modern times, law enforcement remains incomplete if it is not accompanied by a public ethical service. The diversity of agencies and organizations that are constantly increasing in the modern world of public service, slows down the ability of government or society to set strong, unbreakable standards, to overcome in any case the problems that arise from the diversity of public administration work.

- What is the purpose in this case? Law and ethics in the public life must strike a balance between the numerous demands of citizens and the workload faced by the public servant during the exercising of his daily activity. For this reason, for all the efforts and commitment of the training structures on how to provide services, the civil servant can be considered as the one who is able to assess the legal and ethical weight of his duty and to eliminate (or flatten) the cases of incompatibility between the individual as a citizen who seeks services that belong to him by law, as well as the rapid and fair implementation of the task that he (the public servant) is again charged by law and the code of ethics.

Determinants and promoters of cultivating legal and ethical activity in governing

The main determinants of administrative behavior in the public sector include:

- Political construct
- Legal framework
- The administrators and public employees who are responsible for providing public services

Citizens and users of public services are part of the public services. Firstly, the determinants of ethics in public administration regarding the individual attributes of public servants include ethical decision-making skills, virtues, and professional values. Secondly, the dimension of the administrative structure is explained by clear responsibilities, cooperation agreements, conciliation channels and participation procedures. Thirdly, organizational political culture includes objects, beliefs, values, and assumptions. Leadership is important in the development, maintenance and adaptation of the administrative culture. Ethical behavior is encouraged when organizations have a climate where professional standards and employee education are emphasized and where employees regularly meet together to discuss ethical issues. Finally, we can say that social expectation includes public participation, laws and policies.

The advanced set of basic principles or criteria that integrate the process related to ethical dilemmas in public administration are as follows:

- a) Democratic responsibility of the administration
- b) Rule of law and the principle of legality
- c) Professional integrity
- d) Willingness towards civil society

This can be explained as the ALIW (Accountability, Legality, Integrity, and Willingness) model of ethical reasoning requirements in public administration. Parsons' research introduced the concept of "Evolutionary Universals in Society", where there are many aspects related to the identification of issues related to the ethics of public administration.

Reflection of the above elements in the quality of public service delivery

According to me one of the main factors of conflicts or aggravations of the situation is the way we communicate. Sometimes aggravated situations due to a wrong way of

communication exceed ethical limits and maybe even legal ones. Therefore, it is necessary to design certain schemes for communication as well. Their aim is to increase employee motivation at work and their influence in the organization and in order to achieve this the organization can organize seminars, round tables, trainings etc. These schemes are also intended to increase employee motivation, loyalty and ethics, but this always serves as a means to increase efficiency at work. Theorists think that communication is not just a matter of the employee and the institution where he/ she works, but it is an even broader issue. It is also closely related to the culture, moral and ethical norms of a country. Public communication in all types of organizations whether business, public institution, or NGO is very important. Its use, allows voices to be heard, transparency of the meeting activities, as well as the establishment of structures for internal communication within the institutions.

Over the years the situation has changed. The positive change consists in increasing the awareness of the public servant for fair and fast decision-making, for total deburocratization in public administration and for the provision of digitalized services. So we are on the right way to guarantee an efficient administration with the basic objective of speed and interactive accuracy. The new legislation, the amended one, seems to have responded to the needs of the citizens.

CONCLUSIONS AND RECOMMENDATIONS

While working on this article we concluded that:

- For years, the Public Administration in the Republic of Albania, has undergone transformations and improvements in the quality of providing public services, focusing on the citizen. It has done this by always having in mind the fulfillment of the objectives that the European Union has set for the aspiring countries. All this multi-year effort has been focused on Ethics, law, non-political influence, transparency, deburocratization, speed in decision-making, information, non-discrimination, elements which are regulated by special and efficient legislation.
- Policies which are later translated into codes and laws, such as the ones that we have quoted above, the Law on the People's Advocate, the law on non-discrimination, the law on the right to information, the provision of fast electronic services (on line), and a series of interventions made to the Code of Administrative Procedures, have created a more favorable climate in order to reduce the natural inequality between public administrations. Its main role is a regulatory function, ordering, and decision-making, in front of the individual who is provided with rights through state care by means of the necessary legislation. Simply put, all of this is an attempt, between the need to balance the entities rights in a legal-administrative relationship.

- The continuous consolidation of the civil service and the reform of the public administration set the increase of the level of supervision of the civil service management as a primary task at all institutional levels, where it takes place.
- Given the visible slowdown in the provision of various services, there has been an improvement of legislation in the very important and sensitive field, that of public procurement. This is best found in law no. 162/2020 on public procurement. Together with other acts on the basis and the implementation of this law, such as the decisions of the council of ministers, orders and instructions with a sole purpose – that of shortening the complaint deadlines in order to guarantee the operators in this relationship between the states, a business operator, or a real person. This efficiency and fast fulfillment of the administrative contract, is the basis of this process.
- The amended Law on the Status of Civil Service is based on the values of professionalism in public administration, its obligation to set standards of independence, integrity and political neutrality. The school of public administration continues the trainings with the public servants of the central and local government in order to guarantee the efficiency, the right way of implementation of the relevant legal framework, as well as the ethics in the provision of these services.

All this effort of several years and which follows periodically is a deep challenge for Albania, a large part of which is trying to harmonize with the common European law, approaching it with all the specifics that each country has in itself.

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