

(DE) Politicization of Public Administration Employees in the Republic of North Macedonia

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Abstract: Public administration is the main administrative space in which governments transform their policies into actions and services, stimulate the economic growth of countries and create the system of welfare of citizens.

Public administration should be professional, free from politics and efficient. It should work for the development of the country and be a service to citizens.

“Public administration should be the locomotive on the road to the European Union, but it is very painful, because it is not depoliticized”.

Key Words: public administration, depoliticization, citizens

1. INTRODUCTION

Public administration is a phase in the cycle of creating public policies. The process of creating public policies never stops. Therefore, public administration appears as a factor in creating and implementing policies, whereby a symbiosis of the executive and administrative functions occurs.

The driving force of public administration is precisely the citizens, who are organized into groups, collectives, sectors, departments, etc. Within the administration, employees create and implement various programs and strategies, establish certain goals, adopt certain acts and practically operationalize such acts.

I start from the meaning of public administration, that it should primarily be focused on the relations between the Government, citizens and society, and the employees in the administration should be a link between the citizens and the policy makers, then the professionalism, expertise and competence of the employees in the administration represent a key factor for the progress of the country. Namely, the employees in the administration are the ones who have to deal with complex and intricate reforms such as those in the tax system, the pension system, education, healthcare, etc., and to ensure the appropriate quality of services for citizens and businesses. Citizens, in turn, should have confidence that the government, together with the employees in the public administration, is the one that will protect the public interest and work for the good of all. The basic normatively cemented administrative mission is the production of certain products and the servicing of certain services. For example, issuing a building permit, issuing a travel document, etc., are services, and the documents themselves – travel documents and the permit – represent final administrative products. From this understanding and conceptual definition of public administration lies the motive for preparing this specific paper – To what extent is the public administration in the Republic of Macedonia professional and free from the influence of political parties? and – what is the quality of the services that citizens receive from the administration as one of the indicators of the efficiency of the administration?

So the motive for this research is the way in which the administration functions, what are the positive and negative sides of the administration, because it is necessary to improve the understanding that the administration is the one that is responsible for ensuring legitimacy, stability and security of citizens, serving the collective interest and delivering better public values and results.

2. (DE) politicization of public administration employees

2.1 Description of the phenomenon

Public administration in all parts of the world, including ours, faces constant pressures and challenges to innovate and improve its efficiency and effectiveness in its work and in the implementation of public policies. If we take into account that the employees in the administration are the most precious capital of the institutions and they are the ones who have to deal with complex and intricate reforms such as those in the tax system, the pension system, education, healthcare, then the expertise, competence and quality of the employees in the administration are a key factor for the progress of the country. Consequently, the institutions need people who

have high qualifications, knowledge and skills and who can deliver better results and better value, with high standards of professional work.(Center for Change Management, Attitudes and Perceptions of Public Administration, 2017.)

One of the substantial elements in the civil service portfolio should be political neutrality, which implies professional implementation of the guidelines and directives of a certain ruling nomenclature, translated into laws and other legal acts, regardless of its political-ideological matrix. Dr. Dejan Vitanski, 2014, p. 146.)

In the Republic of North Macedonia, public administration includes all employees who exercise public authority. The need to harmonize Macedonian legislation with European regulations, reinforced by the acquisition of candidate status for membership in the European Union, clearly defined its long-term commitment to become a member of the EU. However, the European Union required the fulfillment of certain standards and qualities in the work of the administration. These are the following: a fair employment system free from party influences, professionalism and independence of the public administration, promotion of transparency and accountability and a number of other measures based on the principles of good governance and the rule of law. For these reasons, the laws in the field of administration in 2005 (the Law on Civil Servants), later the Law on Public Servants in 2010, underwent changes in order to harmonize with the obligations imposed by the European Union. The first law on civil servants adopted in 2000 provided for the establishment and functioning of a new state body, the Agency for Civil Servants, responsible for introducing and promoting a single and consistent system of civil service in the Republic of Macedonia. In accordance with the Law on Amendments to the Law on Civil Servants of 2010, the Agency for Civil Servants was transformed and continued to operate as the Agency for Administration with significantly reduced competencies as of January 2011. On 05.02.2014, the Law on Administrative Servants was adopted and with the start of its application (13.02.2015), the Law on Civil Servants and the Law on Public Servants ceased to be valid. The Law on Administrative Servants determined the legal status of the Agency for Administration and its competencies.(<https://aa.mk/za-nas.nsp>)

According to the current legal provisions(The Law on Administrative Officers (Official Gazette of the Republic of Macedonia No. 27/14, 199/14, 48/15, 154/15, 5/16, 142/16 and 11/18 and Official Gazette of the Republic of North Macedonia No. 275/19, 14/20, 215/21, 99/22 and 208/24), the Agency for Administration performs the following tasks: organizes and implements the procedure for selection and employment of public administration, decides on appeals and objections of the public administration as a second-level body and performs other tasks determined by law. The Agency for Administration functions as an independent state body in the capacity of a legal entity, for performing professional, administrative and other tasks relating to the status, rights, duties and responsibilities of the administration. When selecting for employment in the administration, the Agency for Administration forms a Selection Commission that carries out the selection of which person will be employed. The selection of administrative officials is carried out through a check of the intellectual capacity and the personality test, which are contained in the current law. The selection of employees in the public administration is carried out on the basis of the merit system (merit system). Despite the latest amendments to the Law on Civil Servants, whose initial intention was to depoliticize the administration, party recruitment still dominates, which is most pronounced among the highest managerial civil service positions, such as general and state secretaries. For example, according to legal regulations, the state secretary is appointed by the government, and the municipal secretary is appointed by the mayor, which implicitly implies that the highest civil servants, instead of representing permanent professional staff and the driving force of the administration, are still political figures. Another negative aspect of public administration is the valorization of the work of administrative staff. The inadequate valorization of the work engagement of administrators is accompanied by the incorrect distribution of the remuneration of administrators for their work. Consequently, this is followed by the promotion of administrators in the institution where they work based on professional merit.

In the Republic of North Macedonia, Article 95 of the Constitution prohibits political organization and activity in administrative bodies. State administrative bodies carry out the tasks within their competence independently on the basis and within the framework of the Constitution and laws, and are responsible for their work to the Government.(Constitution of the Republic of North Macedonia, <https://www.sobranie.mk/content/Odluki%20USTAV/UstavSRSM.pdf>).

2.2. The process of depoliticization of civil servants in the Republic of North Macedonia

As mentioned, in the Republic of North Macedonia, Article 95 of its Constitution “prohibits political organization and activity in the administrative bodies. The bodies of the state administration shall carry out the work within their competence independently on the basis and within the framework of the Constitution and laws and shall

be responsible for their work to the Government". Of course, this does not mean that civil servants may not become politicized by carrying out party activities outside the administrative body in which they work. The only negative phenomenon that could occur and has occurred, unfortunately, in a large number of countries, and the Republic of North Macedonia is no exception, is the encouragement of such politicization of civil servants by governments using all formal and informal means of influence at their disposal. For these reasons, the basic definitions for the depoliticization of civil servants contained in the highest legal acts are being further elaborated and specified with special provisions in the laws. In the Republic of North Macedonia, an administrative official, by becoming a member of a political party and participating in its activities, may not call into question his status as an administrative official, nor the performance of official duties arising from that status. He may not directly participate in election campaigns or other public appearances of such a nature during working hours. He may also not wear or display party symbols in the workroom. Within the framework of the issue of the depoliticization of administrative officials, the term incompatibility is of particular interest. This means that the position of a member of a political representative body, i.e. any political position, is incompatible with the status of a professional administrative official. The purpose of this principle is to ensure the objectivity and independence of administrative bodies from political bodies, which are under the control and supervision of those bodies, to further prevent the professionalization of political functions, to prevent administrative officials from abusing their position to obtain political functions, and finally to prevent political officials from using their influence to 'acquire' the administration. Thus, an administrative official who is elected or appointed to a state or public function established by law shall be suspended from the rights and obligations of the official relationship for the period of his election or appointment. (Borche Davitkovski and Ana Pavlovska Daneva, 2018: p.224-225.)

3. Positive aspects of the public administration of the Republic of North Macedonia

A positive aspect of the public administration in the Republic of North Macedonia is that there is a harmonization of the legal regulations that regulate the administration in our country with the legal regulations for administration of the European Union. In this way, the regulations of the European Union have a positive impact directly and indirectly on the administration in the Republic of North Macedonia. It is also positive that there is a functional, institutional, set-up of the administration, that is, the Agency for Administration. The Agency for Administration functions as an independent, state body that performs professional and administrative tasks within the jurisdiction of the administration.

4. Negative aspects of the phenomenon and hypothetical views on the negative aspects of the phenomenon of public administration in the Republic of North Macedonia

The incomplete functionality of public administration in the Republic of North Macedonia partly lies in the legal regulation of administration itself or in the institutional organization of the administration, but this is also related to the employees of the administration themselves who make up the public administration in the Republic of North Macedonia. Therefore, the research interest of this paper is to see how the legal provisions regulating the administration in the Republic of North Macedonia operate and are applied. In doing so, it will be seen how the Agency for Administration carries out its legal responsibilities and how employees are coordinated, directed and motivated for professional, expert and quality performance of administration without being subject to political influences and performing administrative work in political interest, rather than providing quality services to citizens.

5. CONCLUSION

The depoliticization of public administration in Macedonia is a complex process that requires long-term commitment and synchronized efforts at multiple levels. The depoliticization of public administration in Macedonia requires strict implementation of the Law on Administrative Servants, de-partisanization of recruitment and promotion based on a merit system (knowledge and competencies), and strengthening of independent inspection bodies.

Here are some of the key steps that could contribute to achieving this goal:

- The successful functioning and depoliticization of public administration requires the performance of the functions assigned to employees in the public administration professionally, expertly and in a timely manner by establishing a precisely defined legal framework and freedom from any kind of external political influence.
- The successful functioning and depoliticization of public administration as well as its legal regulation are influenced by: the classification of jobs, the salary and remuneration system and the procedure for promoting administrators
- The classification of jobs to improve the functionality and depoliticization of public administration is influenced by: the professional qualifications possessed by administrators, their work experience, the type and complexity of work tasks and the purpose of work responsibilities.
- The financial capacity of the state budget or the local self-government budget to improve the functioning and depoliticization of the administration is influenced by.
- The procedure for promoting administrators to improve the functioning and depoliticization of the administration is influenced by the system of evaluating administrators, whether they are positively or negatively evaluated and whether a disciplinary measure has been imposed on the administrator.

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