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POST DIPLOMATIC-MASTER STUDIES

THEME:

**DEVELOPMENT OF SPECIAL ADMINISTRATIVE PROCEDURES AND
ITS CHARACTERISTICS IN RELATION TO GENERAL PROCEDURES**

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ABSTRACT

Discussion of this topic will include the research of special administrative procedures developed by the different bodies of the public or state administration. Addressing of these procedures is particularly important, given the fact that the majority of scientific and empirical studies have paid more addressing to general procedures, as opposed to specific areas of administration.

Addressing this topic would also highlight the legal deficiencies and gaps of our positive legislation in the addressing of special administrative cases and reflect a lack of efficiency and effectiveness of public and state administration bodies in solving various administrative issues.

Therefore, the question is how the majority of such cases end in dispute administrative proceedings in front of the competent courts?

During the addressing there will be the collecting and analyzing of numerous scientific materials, publications, monographs and supervisory reports of various administrative bodies, through which will enable a comprehensive review of such procedures. Research will focus on the scientific, legal, historical, sociological, empirical and interview methods and other methods that can be applied during the research process.

From such comprehensive research of special administrative procedures our expectations are oriented in the encouraging stimulation of state and public administration bodies to increase their capacity and efficiency to more complex treatment of these procedures, where as a result there are more legal gaps.

Key words: procedure, administration, subsidiary, special procedure.

CONCLUSIONS

The purpose of the study began with the need for research and application of administrative procedures in the public administration of the Republic of Kosovo. Administrative procedures are with the aim of protecting the party position when put in relation to the state administration, namely the protection of individuals (citizens) from the irregular state administration. Under the rules of administrative procedure the individual –party becomes an active case of the proceedings in which it is decided on the rights, obligations or its legal interests. In this research we highlight the shortcomings and legal gaps in our positive legislation in the addressing of special administrative areas. As a result of this research, I have argued the raised hypothesis that there is a lack of efficiency and effectiveness in the work of public administration and in most cases it presents administrative silence. So as a result of this silence of the administration most administrative issues have not found solutions within the administrative procedure, but ended up in dispute administrative procedure in front of the Supreme Court of Kosovo until 1 January 2013, whereas from this period this competence has passed to the Administrative Affairs Department in the Basic Court in Pristine.

For this reason, the workload is displayed within the courts to resolve administrative cases and therefore there was delay of the completion of the deployment to the party that has been part of the procedure. It has also affected the non-realization of the rights of the parties to the administrative procedure, but also the obligation of the public administration and the court to decide on the right side.

Based on the above findings I have issued several recommendations.

RECOMMENDATIONS

Pointing out these above-mentioned shortcomings and drawbacks procedures we can draw some recommendations:

- Positive legislations governing special administrative procedures should be reformed by adapting to new social circumstances and especially the modernization of administration requirements;
- Must avoid numerous legal gaps that are appearing in these legislations;
- Silence of administration should not be presented as a permanent phenomenon that follows the work of administration by creating legal uncertainty for the parties;
- Special administrative procedures should be transparent, efficient and autonomous in terms of respecting the principles of work of administration bodies;
- There should be a higher degree of control work in the administration in order to increase the effectiveness and credibility of the administration;
- Administrative services provided by the administrative bodies must be qualitative and accessible to citizens; and
- Public administration reform should generally affect all segments of administration ranging from human and financial resources, organizational structure, functions, etc.