Organization and Functioning of Public Administration in Kosovo: From Legal Framework to Operational Competences

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Abstract

This paper examines the constitutional, legal, and organizational foundations of public administration in the Republic of Kosovo, focusing on its institutional development and operational functioning since 2008. The analysis begins with a review of the normative framework defining the principles of governance, decentralization, and the division of competences between central and local authorities. Furthermore, the paper provides a structured overview of the central level of public administration, the role of ministries and executive agencies, as well as accountability and oversight mechanisms. A significant part of the analysis is devoted to the organization of local government, including municipalities, their own and delegated competences, and inter-institutional relations that enable vertical and horizontal coordination of public administration. Drawing on contemporary literature and official documents from domestic and international institutions, the paper aims to provide a clear and well-argued understanding of public administration functioning in Kosovo, while identifying the key challenges affecting its efficiency. The findings highlight the importance of consolidating institutional capacities, harmonizing public policies, and strengthening legal oversight as prerequisites for a modern, transparent, and functional administration.

Keywords: *public administration, legal framework, local governance, municipal competences, institutional organization, administrative functioning, Kosovo.*

JEL Classification: H83, K23

1. Introduction

Public administration is a complex field involving interactions between management, politics, and law[3]. Studies on administrative theory and practice show that organizational structure, bureaucratic processes, and decision-making methods have a direct impact on the performance of public institutions.[4] In this context, bureaucracy operates according to formal rules that are written and can be learned. The purpose of these rules is to specify proper office procedures and ensure regularity in dealing with external actors. They also aim to guarantee impersonality and reinforce hierarchical authority[5]. The structure and organization of public administration are not merely formal issues; they determine how municipalities and central institutions achieve objectives, allocate resources, and provide services to citizens.

A key element of local governance in Kosovo is the division of competences

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[3] David H. Rosenbloom, Robert S. Kravchuk, Richard M. Clerkin, *Public Administration: Understanding Management, Politics, and Law in the Public Sector*, 8th ed., New York: McGraw-Hill, 2015: 2–5.
[4] Ibid, p. 149.
[5] Ibid, p. 152.

between central and local levels, including own, delegated, and extended competences for municipalities with a Serb majority[6]. These competences cover various fields, including secondary healthcare, higher education, culture, and participation in public security[7]. Asymmetric decentralization aims to balance institutional integration with the preservation of cultural identity and functional autonomy of municipalities[8].

Legal oversight and accountability are critical components for the effective functioning of local administration. In a democratic context, every municipal action must comply with the law and the Constitution, while oversight mechanisms ensure that administrative decisions adhere to these standards[9]. In addition to legal control, inter-institutional and inter-municipal cooperation has been identified as a key factor for improving efficiency and enhancing public service delivery.

Modern administrative theories emphasize the importance of an integrated approach combining management, law, and politics. Public organizations should be rationally designed to achieve their objectives effectively and efficiently while respecting individual rights and needs[10]. This perspective is particularly important for municipalities in Kosovo, where financial and administrative capacities are often limited, creating a gap between legal competences and actual implementation capabilities.

In this context, the literature review supports the need for reform and strengthening of administrative capacities, promoting professionalism, depoliticization, transparency, and accountability in local administration. Integrating theoretical knowledge from international literature with local practice provides a solid foundation for the empirical analysis of municipal competences and the effectiveness of legal oversight in Kosovo.

Public administration concerns organized activity aimed at providing services and imposing constraints on individuals and groups. It requires organization, which can take many different forms. The structure of an organization affects the behavior of the organization as a whole and that of its individual members. The same is true for the processes through which organizations operate. Organizational structures and processes can significantly impact clients and beneficiaries. Through the design of different organizational structures and processes, various values can be maximized, different needs served, and diverse objectives achieved[11].

Public administration constitutes the backbone of modern state functioning and is a decisive factor in the provision of public services, law enforcement, and ensuring transparency and accountability at both central and local levels. In Kosovo, following the declaration of independence in 2008, public administration reform aimed to create an efficient system aligned with international standards, based on constitutional and legal principles that guarantee local autonomy and central oversight.

This paper aims to provide a detailed analysis of the organization and functioning of public administration in Kosovo, focusing on two main aspects: the legal and constitutional framework defining administrative structures and

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[6] Law No. 03/L-040 on Local Self-Government, articles 20–23.
[7] David H. Rosenbloom, Robert S. Kravchuk, Richard M. Clerkin, *op. cit,,* p. 365.
[8] Ibid, p. 365.
[9] Ibid, p. 532.
[10] Ibid., p. 362.
[11] David H. Rosenbloom, Robert S. Kravchuk, Richard M. Clerkin, *op. cit,*, p. 147.

competences, and the operational structure and functioning at both central and local levels. This approach seeks to understand how laws and institutions form a system that ensures effectiveness, coordination, and legal oversight in administrative processes.

The paper examines key laws and constitutional provisions regulating administration, including the Law on Public Administration (No. 03/L-189), the Law on Local Self- Government (No. 03/L-040), and the European Charter of Local Self-Government. The analysis also focuses on the structure of central and local bodies, their own, delegated, and extended competences, as well as inter-institutional cooperation mechanisms that ensure governance in compliance with the law and the principles of democratic administration.

This study addresses the following research questions:

1. How is public administration structured and organized in Kosovo at central and local levels?

2. What are the legal and constitutional bases defining its competences and functioning?

3. How are the principles of democratic administration, transparency, and accountability implemented in the operational activities of state and municipal institutions?

2. Methodology

This study adopts an analytical and documentary approach, primarily based on the review of legal, constitutional, and institutional documents regulating public administration in Kosovo. Key sources include:

1. Laws and constitutional acts, including:

- The Constitution of the Republic of Kosovo (2008) and articles defining the autonomy and competences of local authorities;
- Law on Public Administration (No. 03/L-189);
- Law on Local Self-Government (No. 03/L-040).

2. Administrative documents and guidelines implementing competences and functioning of central and local administrative bodies.

3. Scientific literature and reports related to the organization and functioning of public administration in Kosovo and the impact of the European Charter of Local Self-Government.

The methodological approach includes:

- Content analysis of legal and constitutional texts to identify principles, structures, and operational competences of public administration;
- Classification and comparison of legal instruments for central and local administration;
- Analytical interpretation, linking legal provisions with administrative practice and principles of democratic administration, transparency, and accountability.

This methodology ensures that the paper presents an integrated overview of the legal framework and operational functioning of public administration in Kosovo, connecting theory with practice and highlighting challenges and opportunities for improving the administrative system.

3. Constitutional and legal basis for the organization of public administration in Kosovo

3.1. Constitutional and legal principles of administrative organization

Following the declaration of independence, public administration in Kosovo has undergone a process of institutional and normative consolidation, directly influenced by the new constitutional framework. Since then, an administrative system has been established that aims to ensure the sustainable functioning of the state, efficiency in public service delivery, and compliance with democratic and European governance standards.

This chapter aims to provide a general overview of the structure of public administration in Kosovo, addressing the division between central and local administration, as well as the internal functioning of relevant institutions. Through the analysis of the constitutional and legal framework, and the role of institutions in implementing public policies, the chapter examines the principles underlying administrative organization in the country.

Furthermore, the chapter considers oversight practices, relations between different levels of government, and challenges faced by public administration in efforts toward modernization and reform. Special attention is given to local administration, which plays a direct role in the daily life of citizens and constitutes the foundation of democratic governance at the local level.

The Constitution of the Republic of Kosovo, adopted in 2008, is the legal and constitutional basis regulating the functioning of state institutions and the organization of public administration. The constitutional principles underpinning the organization of administrative authority are defined in key articles, including Articles 4, 12, and 124[12]. These provisions establish principles of the separation of powers, the organization of local authorities, and the functioning of public administration at both central and local levels.

Form of governance and separation of powers. Article 4 of the Constitution of Kosovo lays the foundation for the separation of powers among state institutions, a fundamental principle for ensuring an independent, impartial, and democratic administration. This article stipulates that Kosovo is a democratic Republic, based on the principle of separation of powers and the system of checks and balances between the legislative, executive, and judicial branches. This separation of powers is a key principle that ensures that no branch can exercise authority unchecked and that internal controls exist to guarantee that each branch functions within the limits of the law and the Constitution.

The legislative power is exercised by the Assembly of the Republic of Kosovo, responsible for enacting laws and determining rules for the organization and functioning of central and local administration. The executive power is led by the Government of the Republic of Kosovo, responsible for implementing laws and state policies and managing public administration. The judiciary is independent and exercised by the courts, tasked with enforcing the law, protecting citizens' rights, and

[12] Republic of Kosovo, Constitution of the Republic of Kosovo (Official Gazette of the Republic of Kosovo, 2008), accessed at https://gzk.rks-gov.net, accessed on 10.12.2025.

resolving legal disputes. Later sections will examine the protection of legality in local-level work by central authorities.

The principle of separation of powers is necessary to ensure a balanced and fair system, where no branch dominates entirely, and each exercises its functions under controlled oversight.

Local authority. Article 12 of the Constitution of Kosovo plays a crucial role in organizing public administration by defining local authority as a key element of decentralization of state administration. According to this article, the basic units of local self-government in the Republic of Kosovo are municipalities, which enjoy a high degree of autonomy in their organization and functioning. This article emphasizes the importance of active citizen participation in decision-making processes, enabling citizens to have a direct influence on the management of local issues and the services provided by municipalities.

Municipal autonomy aims to improve service quality and ensure that local administration remains close to citizens, enabling faster responses to community needs and demands. Article 12 also highlights the organization and competences of local self-government units, regulated by law. The law determines the operation and distribution of responsibilities between central and local authorities.

An important aspect is that municipalities have own and delegated competences, defined by law[13]. This helps clarify the limits of municipal authority and supports the division of responsibilities for local matters.

Organization and functioning of local self-government. Article 124 of the Constitution of Kosovo emphasizes the importance of a high degree of local self-government for municipalities, ensuring they have extended competences and the ability to manage matters directly affecting citizens at the local level. Municipalities enjoy broad autonomy and the right to exercise functions related to public services and local development, including education, healthcare, urban planning, and infrastructure. This article also facilitates inter-municipal and cross-border cooperation, important for regional development and strengthening relations among municipalities within Kosovo and with neighboring countries. Inter-municipal cooperation may include agreements for joint projects in economic development, infrastructure, and environmental initiatives.

Additionally, municipalities have competences to collect and manage their own revenues and to receive funding from the central government, ensuring sustainable and independent financing essential for project implementation and service delivery to citizens.

This article also obliges municipalities to comply with the Constitution, laws, and judicial decisions, ensuring that local administration acts in accordance with the law and respects citizens' rights (legality). Central-level review of municipal acts is limited and conducted only to ensure compliance with the Constitution and laws, thereby maintaining the stability and reliability of public administration.

Law on Public Administration No. 03/L-189. In accordance with constitutional provisions, the Law on Public Administration (No. 03/L-189) provides the fundamental basis for the functioning and organization of state

[13] Assembly of the Republic of Kosovo, Law No. 03/L-040 on Local Self-Government (Official Gazette of the Republic of Kosovo, 2008) on 10.12.2025.

administration at all levels. This law clearly defines the institutional structure of the administration, its competences, internal relations, and operational principles.[14]

Article 20 of this Law divides administration into direct and indirect state administration institutions. Indirect institutions include municipalities (exercising own and extended competences), independent bodies, and entities delegated with state functions, reflecting the decentralization process.

Article 42 defines the organizational structure of central state administration bodies, organized into two levels: directorates and sectors. This structural division ensures vertical management and functional accountability in policy implementation.

Article 48 regulates the organization of local state administration bodies, headed by responsible chiefs, and allows the establishment of internal units where functional complexity requires it. Their structure is harmonized analogously with central bodies.

Article 56 highlights the importance of administration cooperation with citizens, requiring respect for their rights, provision of information, legal assistance, and fair treatment without discrimination. This article represents one of the pillars of democratic and transparent administration.

Complementarily, Article 57 describes the obligation for inter-institutional cooperation through data exchange and the creation of joint working bodies, aiming to perform administrative functions requiring coordination among multiple agencies.

Law on Local Self-Government No. 03/L-040. This Law, adopted in 2008, represents a key component of institutional and administrative reform in Kosovo, institutionalizing the organization, functioning, and competences of municipalities as the basic units of local self- government. The law is built in accordance with the principles of the Constitution of the Republic of Kosovo, as well as the European Charter of Local Self-Government, promoting decentralization, efficiency, and accountability at the local level. It regulates in detail the structure and functioning of municipal administration as an integral part of public administration, including issues of internal organization, citizen relations, functional competences, and oversight mechanisms. In this context, the law establishes that a municipality is the basic unit of local self-government, with own, extended, and delegated competences exercised in accordance with the applicable legislation (see Articles 4 and 17 of the law)[15]. Own competences include areas such as primary education, primary healthcare, urban planning, and waste management, while extended and delegated competences are based on the principle of subsidiarity and on the organizational capacities of the respective municipality.

Furthermore, the Law on Local Self-Government enables municipalities to engage in inter- municipal and cross-border cooperation, aligning with the standards of the European Charter. This increases institutional flexibility and improves the capacity to deliver efficient services in line with citizens' needs. An important element of this law is the structure of municipal administration, which consists of specific municipal directorates and the Office of the Mayor. These structures are responsible for

[14] Republic of Kosovo, Law No. 03/L-189 on the State Administration of the Republic of Kosovo (Official Gazette of the Republic of Kosovo, 2010), accessed at https://gzk.rks-gov.net on 10.12.2025.

[15] Republic of Kosovo, Law No. 03/L-040 on Local Self-Government (Official Gazette of the Republic of Kosovo, 2008), accessed at https://gzk.rks-gov.net on 10.12.2025.

implementing local policies and providing services to citizens, in accordance with the laws and decisions of the Municipal Assembly.

Regarding legal oversight, the law provides that municipal acts may be subject to administrative review by central authorities only to ensure compliance with the Constitution and applicable laws, as also stipulated in Article 124, paragraph 7 of the Constitution of Kosovo (Supervision of the legality of local-level work by the central level). This mechanism aims to maintain a balance between local autonomy and legal accountability, helping to build a decentralized but responsible administration.

Overall, the Law on Local Self-Government not only concretizes constitutional principles regarding local authority but also serves as a key instrument for the democratic and functional development of public administration at the local level in Kosovo.

3.2. The European Charter of Local Self-Government and its impact on local public administration in Kosovo

The European Charter of Local Self-Government, adopted by the Council of Europe on October 15, 1985, and entering into force in 1988, represents an international legal instrument defining the fundamental standards of local self-government in member states. Although the Republic of Kosovo is not a member of the Council of Europe, the principles of the Charter have been incorporated into its constitutional and legal framework, as part of efforts to build a local governance system in line with European standards.

Article 124 of the Constitution of the Republic of Kosovo emphasizes that the municipality is the basic unit of local self-government and enjoys a high degree of autonomy, encouraging active citizen participation in decision-making. This approach aligns fully with Article 3 of the Charter, which states that the right to local self-government includes the capacity of local authorities to regulate and administer a significant part of public affairs under their responsibility, for the benefit of the local community.

The Charter insists that local authority should be exercised by councils or bodies elected by citizens through free, equal, secret, and direct elections, which is reflected in the functioning of Municipal Assemblies in Kosovo.

Another important aspect derived from the Charter is the principle of subsidiarity, according to which responsibilities should be performed by the level closest to citizens, as long as it can do so efficiently. This principle has been integrated into Kosovo's Law on Local Self- Government, where municipalities are granted own, extended, and delegated competences depending on institutional capacity and available resources.

Furthermore, the Charter stipulates that central authorities should avoid intervening in matters within local authority, except where legally justified and for legitimate purposes. This philosophy is also reflected in the constitutional and legal framework in Kosovo regarding administrative review of municipal decisions, which is limited to ensuring compliance with legislation.

In accordance with Article 9 of the Charter, regarding financial autonomy of local authorities, the Constitution and applicable legislation in Kosovo grant municipalities the right to collect own revenues, manage the local budget, and receive

financial transfers from the central government. In this way, even though the Charter has not been formally ratified as an international agreement, it has played a direct role in shaping the model of local governance in Kosovo, influencing the conception of principles of local public administration organization, institutional structure, and citizen participation mechanisms.[16]

3.3. Levels of public administration in Kosovo

Following the declaration of independence in 2008, the organization of public administration in the Republic of Kosovo has been developed based on the constitutional principles of separation of powers, decentralization, and efficient governance. Public administration is structured into several levels reflecting the functional and territorial division of administrative power in the country. Within this framework, three main levels of administration can be distinguished: central administration, which includes ministries, agencies, and government offices; local administration, represented by municipalities and their organizational structures; and independent institutions that exercise administrative functions with legally guaranteed autonomy. This institutional setup aims not only to ensure the efficient functioning of the state but also active citizen participation in decision-making processes, transparency, and accountability in the exercise of public power.

Central administration (ministries, agencies, and government offices). Central administration constitutes the main pillar of the administrative system in the Republic of Kosovo and plays a key role in implementing state policies, drafting secondary legislation, and delivering public services at the national level. Built on constitutional principles of separation of powers and democratic functioning of institutions, this administration operates through ministries, independent agencies, and other offices within the executive branch.

According to the Law on Public Administration (No. 03/L-189), central government bodies are organized into functional levels, including directorates and sectors.

The minister is truly Janus-faced:

– he is a political figure almost as significant as the government itself;

– at the same time, he is an administrative authority responsible for a specific sector in the administration (except in the special case of a "minister without portfolio")[17].

Ministries are the main organs developing and implementing sectoral policies, each headed by a minister appointed by the Government and accountable to the Assembly of the Republic of Kosovo. Within ministries, internal structures operate according to needs and respective scope of work.

In addition to ministries, the central administration includes executive agencies, which are units established to implement specialized functions and usually have a certain degree of operational and budgetary autonomy. These agencies operate under ministries but with special regulations and are responsible for the technical and

[16] United Nations Security Council, *Resolution 1244 (1999) on the situation relating to Kosovo*, 1999, accessed at https://undocs.org/S/RES/1244(1999) on 10.12.2025.

[17] Jean Waline, *Droit administratif,* Paris: Dalloz, 2010, p. 66.

professional implementation of state policies.

Furthermore, central administration includes government offices and other support units operating directly under the authority of the Prime Minister or other senior state institutions. Their role is to coordinate inter-ministerial activities, support the European integration process, or supervise specific areas of state interest. The organization of central administration is also based on the principle of efficiency and institutional cooperation, mentioned in Article 57 of the Law on Public Administration, which establishes the obligation of bodies to cooperate on joint issues and exchange information to fulfill state functions.

This structure, supported by legal and functional bases, aims to ensure a professional, accountable central administration serving citizens and democratic institutions of the Republic of Kosovo.

Local administration – municipalities and their organizational units. Local administration in the Republic of Kosovo is built on the principle of local self-government, guaranteed by the Constitution and further developed through the Law on Local Self- Government (No. 03/L-040). According to Article 124 of the Constitution, the municipality is the basic unit of local administration and enjoys a high degree of self-government, including the right to independently decide on matters within its scope.

Municipalities are responsible for exercising own, extended, and delegated competences, as defined by law. Own competences include public services such as pre-school and primary education, primary healthcare, social services, land administration, urban and rural planning, and waste management. Extended competences have been granted to municipalities with a Serbian majority through the decentralization process, while delegated competences originate from the central level and are funded by the institution that delegates them.

According to the Law on Public Administration, local bodies of the state administration are an integral part of the administrative system and exercise functions of central administration within the municipal territory. Article 48 of this law describes their structure, emphasizing that they are led by a chief and may establish internal units only when necessary, depending on the complexity of work and the number of tasks.

Meanwhile, municipal administration itself is organized into municipal departments and directorates covering specific service and local development areas. These units operate in accordance with the municipal statute and regulations, ensuring that their actions comply with the applicable legislation.

Moreover, municipalities have the right to cooperate with other municipalities, both domestically and internationally, based on Article 124(4) of the Constitution and Article 28 of the Law on Local Self-Government. This cooperation is an additional way to enhance administrative efficiency and share best practices at the local level.

In this way, local administration in Kosovo represents a crucial mechanism for providing services close to citizens, empowering citizen participation, and ensuring democratic governance, in accordance with the principles of decentralization and local autonomy.

Independent institutions with administrative functions. In addition to central and local administration, an essential component of public administration in the Republic of Kosovo after 2008 consists of independent institutions with administrative functions. These institutions were established to guarantee democratic

functioning, transparency, accountability, and the protection of citizens' rights in specific areas of public interest.

The constitutional basis for these institutions lies in Article 124 of the Constitution, which recognizes the existence of independent bodies with administrative competences and a distinct legal status. More specifically, the Law on Public Administration, in Article 20, paragraph 3.2, stipulates that independent administrative bodies with legal personality are part of the state's indirect administration. These institutions are not subject to the classic hierarchy of ministries and operate with a high degree of autonomy, although they are often financed by the state budget.

Some of the most important institutions in this category include:

- **The Ombudsperson** – protector of human rights and freedoms, acting as an independent body that monitors public authorities and responds to potential violations of citizens' rights.
- **National Audit Office** – responsible for auditing public finances and ensuring the lawful and efficient use of public funds.
- **Anti-Corruption Agency** – specialized in preventing and combating corruption in the public sector.
- **Independent Media Commission, Central Election Commission, Commissioner for Access to Information and Protection of Privacy**, etc.

These institutions perform regulatory, supervisory, investigative, or advisory administrative functions and, in most cases, report directly to the Assembly of Kosovo. Their organizational, functional, and budgetary autonomy ensures that they are not influenced by the executive power, which constitutes a fundamental element of the system of checks and balances in a democratic state. The role of these institutions is crucial for ensuring good governance, the rule of law, and the protection of public interest, making them a supportive pillar of public administration beyond its traditional structures.

4. Structure, functioning and competences of public administration at the central and local levels in Kosovo

Organizational structure of the state administration. In the hierarchy of the state administration of the Republic of Kosovo, the higher bodies constitute the top executive and leadership instances in the process of state administration. The Government of Kosovo, composed of the Prime Minister, Deputy Prime Ministers, and Ministers, is the institution responsible for implementing laws and developing general state policies. The Prime Minister, as a central figure in this structure, leads the work of the Government and holds broad powers for coordinating and supervising the work of ministries and executive agencies. His role is essential in the overall direction of the state administration and in representing government policies both domestically and internationally.

Ministers, within their respective departments, lead ministries and are responsible for implementing sectoral policies, drafting subordinate acts, and managing administration within their scope. They are accountable to the Prime Minister and the Assembly of Kosovo, reflecting the control and accountability mechanisms present within the public administration system. Decision-making at the highest level of administration is carried out on the basis of inter- institutional cooperation, in

accordance with constitutional and legal principles regulating the functioning of administration in Kosovo.

Organization and functioning of local administration in Kosovo. Local administration in Kosovo plays an important role in providing public services and managing local resources, in accordance with the principles of decentralization and subsidiarity. The organization of local administration is directly influenced by the constitutional and legal framework of the country, including the Constitution of the Republic of Kosovo and the laws on local self-government. These legal and constitutional frameworks form the basis for the division of responsibilities and authority between central and local institutions.

In this context, local administration is responsible for managing matters related to local development, citizen services, and the implementation of public policies tailored to community needs.

This study will examine in detail the organization of local public administration in Kosovo, analyzing the functions and structures of municipal bodies, as well as the challenges and opportunities arising from the application of the subsidiarity principle in public service delivery. Establishing an efficient structure of local administration is key to enhancing transparency, improving services, and ensuring active citizen participation in decision-making processes.

The study will review the structure of municipal bodies, the functions of municipal directorates, and the subsidiarity principle, focusing on the compliance between law and local administrative practice, which is a key element in developing an effective and sustainable local administration in Kosovo.

Municipal bodies: municipal assembly and mayor. In Kosovo's public administration system, municipal bodies play a key role in managing and organizing issues related to citizens' daily lives. An important part of these bodies are the Municipal Assembly and the Mayor, two fundamental pillars of local administration that ensure the execution of policies and the implementation of decisions of local institutions.

The Municipal Assembly is the body representing citizens at the local level. It consists of a set number of members elected directly by citizens in local elections. The Assembly has multiple competences, including approving the municipal budget, adopting subordinate acts, and supervising the work of the Mayor and municipal administration. The Assembly serves as an important mechanism of control and balance, ensuring that executive power actions are consistent with the law and the interests of citizens[18].

The Mayor, on the other hand, is the executive body that directs and manages the day-to-day affairs of the municipality. He is responsible for implementing laws and local policies, administering public services, and managing the municipality's financial resources. The Mayor appoints and supervises the directors of municipal directorates and is obliged to report to the Municipal Assembly on his activities and the achievement of specific goals and projects. This role is crucial, as the Mayor acts as

[18] Kosovo Municipalities, *Legal Dictionary for Local Government: A Handbook for Elected and Appointed Local Government Officials in the Republic of Kosovo*, First Edition, 2019, accessed at https:// komunat-ks.net/training/wp-content/uploads/2021/03/Fjalori-ligjor-per-qeverisje-lokale.pdf on 10. 12.2025.

the primary link between citizens and local administration institutions[19].

The combination of these two bodies – the Assembly and the Mayor – ensures the democratic and efficient functioning of local administration, providing a balance between executive and legislative authority. This organization aligns with the principles of decentralization and local autonomy guaranteed by the Constitution of Kosovo and the laws on local self-government, aiming to strengthen municipalities' capacities to deliver high-quality services to their citizens.

Municipal directorates and their functions. Within the internal organization of municipalities in the Republic of Kosovo, municipal directorates constitute the fundamental structures for implementing policies and delivering public services at the local level[20]. They are responsible for carrying out municipal competences in various areas of public and social life, based on Law No. 03/L-040 on Local Self-Government and the internal municipal regulations.

Each municipality, depending on its size, resources, and priorities, organizes various directorates such as: the Directorate of Education, Directorate of Health and Social Welfare, Directorate of Budget and Finance, Directorate of Urban Planning, Directorate of Administration, and directorates for public services. These directorates are led by directors appointed by the Mayor and are responsible for implementing municipal policies and managing the relevant resources in their respective sectors.

The functioning of municipal directorates is closely linked to the need for efficiency and accountability in delivering services to citizens. They are tasked with ensuring the implementation of laws, executing projects, and cooperating with local and central actors for sustainable municipal development. Furthermore, directorates are also responsible for preparing strategic documents and reports submitted to the Mayor and Municipal Assembly for review and approval.

Through this organization, functional division of responsibilities at the local level is ensured, strengthening the implementation of the principles of self-governance, decentralization, and administrative transparency.

The principle of subsidiarity in public service delivery. The principle of subsidiarity holds a central place in building a functional and democratic public administration, particularly in societies seeking to empower local governance and improve service delivery to citizens. This principle is based on the fundamental idea that responsibilities and competences should be exercised at the closest possible level to the citizen, as long as that level is capable of performing them effectively and in accordance with the law.

In the Republic of Kosovo, subsidiarity is embodied in the Constitution, which in Article 124 guarantees municipalities the right to self-governance and recognizes them as the fundamental form of local governance[1921]. The practical application of this principle is further elaborated in the Law on Local Self-Government (No. 03/L-040), which grants municipalities multiple competences in key areas of public interest,

[19] Ibid., p. 26.

[20] Assembly of the Republic of Kosovo, Law No. 03/L-040 on Local Self-Government (Official Gazette of the Republic of Kosovo, 2008), accessed at https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2530 on 10.12.2025.

[21] Republic of Kosovo, Constitution of the Republic of Kosovo, adopted by the Assembly of the Republic of Kosovo on 9 April 2008, accessed at https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702 on 10.12.2025.

including education, health, urban planning, environmental protection, public services, and local economic development[22].

Subsidiarity is not only a legal notion but also a political and administrative instrument to enhance citizen participation, build functional local institutions, and ensure services are closer and more responsive to community needs. This approach also strengthens the legitimacy of local authority by creating direct links between citizens and the public institutions acting on their behalf.

Effective implementation of this principle requires that municipalities be equipped with sufficient financial resources, qualified human capacities, and a clear framework for the division of competences, partially addressed through the Law on Local Government Finance and public administration reform policies in Kosovo[23]. Through this functional division, not only is proximity to citizens respected, but efficiency in service delivery is increased, giving municipalities a substantial role in building local well-being.

In summary, the principle of subsidiarity constitutes not only a basis for the division of competences between central and local levels but also a key pillar in the democratization and decentralization process of the state. It gives meaning and function to local governance and allows citizens to feel the direct impact of governance in their daily lives.

Own, delegated and extended competences. The functioning of local public administration in Kosovo is based on the functional division of competences between the central and local levels. This division is grounded in the principle of subsidiarity, which implies that competences should be exercised by the level closest to the citizen, as long as they can be performed efficiently and effectively[24].

Within Kosovo's decentralized governance system, own competences represent areas where municipalities have full legal and functional autonomy, setting and implementing public policies directly related to local community interests. These competences are defined in Article 17 of Law No. 03/L-040 on Local Self-Government and include a wide range of socio- economic development and public service areas.

Municipalities have own competences in areas such as:

- Local economic development and spatial planning (urban and rural), including land management, construction, and environmental protection;
- Local public services, such as water supply, sanitation, waste management, local roads, transportation, and heating energy;
- Emergency management and local safety in cases of natural or other disasters;
- Preschool, primary, and secondary public education, including licensing institutions and managing educational staff;
- Primary health care and social services, including care for the elderly, children, and families in need;
- Public housing, public health, and licensing of public services and small local businesses;
- Promotion and protection of human rights, tourism, cultural and leisure

[22] Assembly of the Republic of Kosovo, Law No. 03/L-040 on Local Self-Government, Official Gazette of the Republic of Kosovo, 2008, Article 17 accessed at https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2530 on 10.12.2025.
[23] Ibid., article 16.
[24] Ibid., article 4.

activities, and management of public spaces (parks, streets, markets, etc.).

Additionally, municipalities have the right to exercise any competence not explicitly excluded or assigned to another governance level, in accordance with the principles of subsidiarity and local autonomy. These competences have been essential for the decentralization process and the establishment of citizen-centered institutions.

Besides own competences, municipalities in Kosovo also exercise delegated competences, entrusted by central authorities through law. These competences mainly concern services of national importance but are managed locally for efficiency. Article 18 of Law No. 03/L-040 clearly defines the areas in which municipalities exercise these delegated responsibilities.

Key delegated competences include:

- Management of cadastral records, including property registration and land data;
- Civil registration, including births, deaths, marriages, and changes in civil status;
- Voter registration, as a supporting function for local and central election processes;
- Business registration and licensing, affecting formalization of the local economy;
- Distribution of social assistance, excluding pensions, through municipal social welfare offices;
- Protection of public forests, including issuance of permits for controlled tree cutting according to central authority standards.

All delegated competences must be accompanied by necessary financial resources and clearly defined standards set by the government to ensure effective and uniform implementation across municipalities. Central authorities may also delegate additional competences to municipalities if needed, in accordance with the law and municipal administrative capacities.

Finally, extended competences are foreseen in Law No. 03/L-040 on Local Self-Government for municipalities with a Serb majority in Kosovo, as part of efforts to guarantee community rights and advance functional decentralization. These competences, defined in Articles 20–23, cover four sensitive areas: secondary health care, higher education, culture, and participation in public safety.

Secondary health care (Art. 20): Certain municipalities have extended competences in managing secondary health care institutions, including full authority over registration, licensing, employment, remuneration, and training of medical and administrative staff.

Higher education (Art. 21): Specific municipalities have exclusive competences in higher education, including licensing institutions and managing academic and administrative staff.

Culture and heritage (Art. 22): Serb-majority municipalities have extended competences in cultural matters, particularly in protecting and promoting cultural and religious heritage, as well as supporting religious communities and inter-municipal cultural cooperation.

Participation in public safety (Art. 23): Serb-majority municipalities can exercise extended competences in selecting local police commanders, in accordance with the Kosovo Police Law, enhancing local influence over security structures.

These competences represent a model of asymmetric decentralization designed to respond to ethnic, political, and social realities in the country. They balance institutional integration with the preservation of cultural identity and functional autonomy of Serb-majority municipalities, reflecting elements of the Ahtisaari Plan, which underpins this legal framework.

This division model aims for a public administration closer to citizens, more accountable, and flexible in responding to concrete community challenges, while balancing local autonomy with state unity.

Category	General Description	Specific Areas of Competence	Applicability
Own Competences	These are full and exclusive competences of municipalities in matters of local interest.	- Local economic development - Pre-school, primary and secondary education - Primary healthcare - Urban/rural planning - Environmental protection - Local road maintenance - Public municipal services - Social welfare - Cultural and free-time activities, etc.	All municipalities
Delegated Competences	These are responsibilities delegated by the central authority for implementation. They are funded and monitored according to specific standards set by the government.	- Civil registration - Voter registration - Business registration - Social assistance (e.g., pensions) - Cadastre records - Forest protection within municipal territory	All municipalities
Extended Competences	These are additional competences assigned to municipalities with a Serb majority, mainly linked to specific services such as healthcare, university education and culture.	- North Mitrovica, Gračanica, Štrpce: secondary healthcare - North Mitrovica: higher education - All Serb-majority municipalities: cultural heritage protection, participation in appointing local police commanders	Only Serb-majority municipalities

Table 1: *Categories of Municipal Competences in Kosovo*

Legal oversight and control of municipal activity. In a democratic system of local self-government such as that of Kosovo, municipalities enjoy a considerable degree of autonomy in exercising their functions, but this autonomy is balanced by a clearly defined mechanism of legal oversight and control from the central level. The purpose of this control is not to limit the freedom of municipal action but to ensure that their activities comply with the Constitution and the laws in force. Additionally, this oversight aims to activate citizens as functional and active monitors alongside legal control. As Janet and Robert Denhardt note, public employees are feeling more valued and energized as this sense of service and community expands. In the process, public servants are also reconnecting with citizens. Administrators are realizing that they have much to gain by listening to the public rather than telling, and by serving rather than steering. Citizens and public officials are working together to define and to address common problems in a cooperative and mutually beneficial way.[25]

This idea illustrates the importance of citizen engagement and cooperation between public institutions and citizens, thereby linking legal oversight and accountability mechanisms with public administration practice.

Legal oversight over municipalities is primarily based on the principle of legality, meaning that any action or decision by municipal authorities must comply

[25] Janet V. Denhardt, Robert B. Denhardt, *The New Public Service: Serving, Not Steering*, 4th edn., New York: Routledge, 2015, p. 1.

with the legal norms of the Republic of Kosovo[26]. This form of control does not involve interference in the political content or autonomous decision-making of municipalities but focuses solely on the legality of their acts and actions.

The Ministry of Local Government Administration (MAPL) is the institution responsible for implementing administrative and legal oversight over municipalities. According to Law No. 03/L-040 on Local Self-Government, MAPL has the right to review the legality of municipal decisions and, in cases where they conflict with the legislation in force, to request their annulment or correction (Law No. 03/L-040, Articles 76–78). Additionally, this ministry may initiate procedures before the Constitutional Court or the administrative department of the Basic Court branch in Prishtina if it considers that a municipality has exceeded its competencies or violated the legal order.

The form of control is ex post, meaning that intervention occurs only after an act has been adopted by the municipality. Exceptionally, in specific cases where a risk to public order or a serious legal violation is anticipated, temporary intervention may be undertaken, but always based on a proper legal procedure.

This control mechanism aligns with the European Charter of Local Self-Government, which Kosovo has incorporated into its legislation and which stipulates that any form of oversight must be proportionate and respect the nature of local autonomy[27]. In this way, legal oversight aims to maintain a balance between municipal autonomy and accountability to the rule of law, ensuring that local democracy functions in a disciplined manner and in accordance with the country's legal framework.

Inter-institutional and inter-municipal cooperation. Inter-institutional and inter- municipal cooperation is a key aspect of the efficient functioning of public administration in Kosovo, particularly in the context of dividing competencies between the central and local levels. The Law on Local Self-Government (No. 03/L-040) recognizes and encourages forms of cooperation between municipalities as a mechanism for improving public services, increasing efficiency, and ensuring the rational use of resources. Article 18 of this law provides for the possibility of establishing joint enterprises or institutions to provide services in specific fields such as education, healthcare, or waste management[28].

In line with this approach, the Council of Europe emphasizes that inter-municipal cooperation is not merely a practical choice but a necessity to ensure equal access to services, especially in smaller or less developed municipalities. According to this institution, various forms of inter- municipal cooperation, such as consortia, functional collaborations, or joint management structures, can significantly contribute to improving local public management and promoting regional development[2729]. This

[26] Republic of Kosovo, Constitution of the Republic of Kosovo, adopted by the Assembly of the Republic of Kosovo on 9 April 2008, accessed at https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702 on 10.12.2025.
[27] Council of Europe, *European Charter of Local Self-Government* (Strasbourg: Council of Europe, 1985), accessed at https://www.coe.int, on 10.12.2025.
[28] Assembly of the Republic of Kosovo, Law No. 03/L-040 on Local Self-Government, Official Gazette of the Republic of Kosovo, 2008, Article 18, accessed at https://gzk.rks-gov.net/ActDocumentDetail.asp x?ActID=2530 on 10.12.2025.
[29] Council of Europe, *Inter-municipal co-operation: analytical overview and policy recommendations*, 2007, accessed at https://rm.coe.int/imc-intermunicipal-co-operation/1680746ec3 on 10.12.2025.

approach also strengthens institutional solidarity and helps reduce territorial disparities.

In Kosovar practice, although there are efforts for such initiatives, inter-municipal cooperation remains a challenge due to limited financial capacities, lack of experience, and sometimes lack of political will. Therefore, in addition to the existing legal framework, institutional and political support is needed to strengthen this cooperation and make it a permanent part of local governance in Kosovo.

5. Conclusions

Public administration in the Republic of Kosovo is built on a clear constitutional and legal framework that emphasizes the rule of law, transparency, decentralization, and accountability. Through the Constitution and sectoral legislation, fundamental principles for the organization and functioning of public administration are established at both central and local levels. This normative basis aligns with the practices of democratic countries and European integration requirements, aiming to build a professional and citizen-oriented administration.

Analysis shows that at the central level, administration is structured into ministries, agencies, and executive bodies that play the main role in drafting and implementing public policies. Although the structure is functional on paper, implementation often suffers from a lack of coordination, weak inter-institutional linkages, and challenges in professionalization. These factors affect policy implementation efficiency and make the administration dependent on political dynamics rather than citizens' needs.

At the local level, municipalities enjoy a wide degree of autonomy in exercising their own and delegated competencies. The Law on Local Self-Government and related acts clearly define municipal responsibilities, allowing them to manage local development, public services, and administrative processes that directly affect the community. However, administrative and financial capacities remain significant challenges, creating a gap between legally defined competencies and municipalities' actual ability to implement them.

Despite progress in building the legal system, the main challenge remains effective implementation. Reform efforts, particularly those related to public administration reform and the European integration process, have brought progress but require continuity and consistency. Institutional fragmentation, the absence of strong oversight and depoliticization mechanisms, and insufficient coordination between the central and local levels continue to limit administrative functionality.

Based on the analysis, it is recommended to:

- Strengthen inter-ministerial coordination mechanisms by creating permanent structures for communication, policy harmonization, and implementation assessment at central and local levels.
- Enhance professional capacities of the administration through continuous training, standardization of procedures, and depoliticization of key positions to consolidate a professional, stable, and merit-based civil service.
- Ensure better alignment between municipal competencies and financial resources so that municipalities have the real capacity to fulfill their legal duties, increasing their functional autonomy.

- Develop stronger accountability and transparency mechanisms, particularly at the local level, through digitalization of services, increased public access to documents, and strengthened central oversight.

- Improve inter-municipal and inter-institutional cooperation by implementing good practices in horizontal integration, data sharing, and creation of joint working bodies, especially in areas requiring coordinated action.

- Strengthen the implementation of existing legislation through regular monitoring, impact assessment, and harmonization with EU standards to increase administrative efficiency and further align with European principles of good governance.

Bibliography

1. Assembly of the Republic of Kosovo, *Law No. 03/L-040 on Local Self-Government* (Official Gazette of the Republic of Kosovo, 2008), accessed at https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2 530 on 10.12.2025.
2. Council of Europe, *European Charter of Local Self-Government* (Strasbourg: Council of Europe, 1985), accessed at https://www.coe.int, on 10.12.2025.
3. Council of Europe, *Inter-municipal co-operation: analytical overview and policy recommendations*, 2007, accessed at https://rm.coe.int/imc-intermunicipal-co-operation/1680746ec3 on 10.12.2025.
4. Denhardt, Janet V. & Robert B. Denhardt, *The New Public Service: Serving, Not Steering*, 4th edn., New York: Routledge, 2015.
5. Jean Waline, *Droit administratif,* Paris: Dalloz, 2010.
6. Kosovo Municipalities, *Legal Dictionary for Local Government: A Handbook for Elected and Appointed Local Government Officials in the Republic of Kosovo*, first edition, 2019, accessed at https://komunat-ks.net/training/wp-content/uploads/2021/03/Fjalori-ligjor-per-qeverisje-lokale.pdf on 10. 12.2025.
7. Republic of Kosovo, *Constitution of the Republic of Kosovo,* adopted by the Assembly of the Republic of Kosovo on 9 April 2008, (Official Gazette of the Republic of Kosovo, 2008), accessed at https://gzk.rks-gov.net, accessed on 10.12. 2025.
8. Republic of Kosovo, *Law No. 03/L-189 on the State Administration of the Republic of Kosovo* (Official Gazette of the Republic of Kosovo, 2010), accessed at https://gzk.rks-gov.net on 10.12.2025.
9. Rosenbloom, David H., Robert S. Kravchuk & Richard M. Clerkin, *Public Administration: Understanding Management, Politics, and Law in the Public Sector*, 8th ed., New York: McGraw-Hill, 2015.
10. United Nations Security Council, *Resolution 1244 (1999) on the situation relating to Kosovo*, 1999, accessed at https://undocs.org/S/RES/1244(1999) on 10.12.2025.