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Nevila Xhindi
Mediterranean University of Albania, Albania
ORCID: 0000-0002-6086-1756
nevila.xhindi@umsh.edu.al

Noemia Bessa Vilela
OPHIZ – Research Institute, Slovenia
ORCID: 0000-0003-3238-4312
nbessavilela@ophiz.org

Central Public Administration Authority at the Regional Level in Albania*

Organy administracji państwowej na poziomie regionalnym w Albanii

ABSTRACT

The Albanian regional governance system is based on both decentralization and deconcentration, each of them aiming at bringing services close to the public. To make the multilevel governance system work, the prefect is a keystone of public administration at the regional level. The paper is an analytical study case on the prefect's institution in Albania, focusing on the challenges that prefects face, particularly related to their functions in supervising local government units. We decided to adopt a problem-oriented approach. Instead of a comprehensive picture of prefects, we focus on identifying concrete challenges as they are perceived by different stakeholders, analyzing their causes and proposing concrete measures that can address both. More concretely, the analysis looked at various dimensions of the prefect system, from a systemic perspective, based on the assumption that the prefects' performance depends not only on the legal framework and norms, but even more

CORRESPONDENCE ADDRESS: Nevila Xhindi, PhD, Associate Professor, Head of the Office for Institutional Cooperation and Project Development, Mediterranean University of Albania, Bulevardi Gjergj Fishta 52, Tirana 1023, Albania; Noemia Bessa Vilela, Dr., OPHIZ – Research Institute (Inštitut Pravnih Znanosti, Raziskave in Razvoj na Področju Prava), Gosposvetska Cesta, 52-2000 Maribor, Slovenia.

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Data: 21/11/2026 04:29:03

on adequate institutional set-up, procedures and relations, and behaviour and capacities of stakeholders. The prefects are acting in a political and administrative system which is subject to change. If policy decisions are taken to change the overall system (for example, by giving the central state or the municipalities more power and responsibilities), the prefects' legal roles and responsibilities, procedures and capacity requirements will have to be adapted accordingly. However, we leave it to the competent political bodies to reflect and decide on changes to the overall system.

Keywords: central public administration authority; governance; prefect; public administration; roles; responsibilities

INTRODUCTION

Albania's Constitution guards a decentralized political and administrative system. After the territorial administrative reform of 2014 and according to the new law on local self-government, the local governance system consists of 61 local governance units (LGUs, municipalities) and 12 counties or regions (quarks).[1] Several de-concentrated agencies of line ministries are present and provide services at the level of regions, with varying territorial delimitations. The prefect is the highest representative of the central administration at the regional level (corresponding to the territorial delimitations of quarks).

The prefect's institution serves a variety of purposes, such as representing the central government at the regional level, ensuring the compatibility of regional and local action with national law and policies, making sure that the regional and local response is coherent and effective, bringing the government closer to its citizens and building trust and acceptance.[2] Responding to these purposes, we analyze the prefect's role in performing a variety of tasks related to controlling and monitoring municipalities and territorial branches of line ministries, coordinating regional issues, treating citizens' complaints and reporting to the central level.

To deliver an analytical paper assessing the governance system of Albania and the situation of public administration authority at the regional level, to identify strengths and weaknesses from the perspective of different stakeholders, and identify areas for improvement, to enable an informed discussion on the way how to support the administration of regional level, we are focusing on prefects and in their tasks only. Conducting an analytical study case on the prefect's institution in Albania, focusing on the challenges that prefects face, particularly related to their functions in supervising local government units (LGUs), request to identify legal,

[1] I. Kalemaj, *Territorial Reform and Lack of Real Decentralization in Albania*, "Jus-Justicia" 2021, vol. 15, p. 13.

[2] European Union, Ministry of Interior, *Matrix of Competencies of Local Self-Government*, February 2019, https://portavendore.al/wp-content/uploads/2019/11/Matrix-of-Competencies.pdf (access: 21.11.2022).

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Data: 21/11/2026 04:29:03

organizational, procedural or training measures leading to a clearer and more effective role of prefect institutions and assess the role of quarks.

We decided to adopt a problem-oriented approach. Instead of a comprehensive picture of prefects, we focus on identifying concrete challenges as they are perceived by different stakeholders, analyzing their causes and proposing concrete measures that can address both. More concretely, the analysis looked at various dimensions of the prefect system, from a systemic perspective, based on the assumption that the prefects' performance depends not only on the legal framework and norms, but even more on adequate institutional set-up, procedures and relations, and behaviour and capacities of stakeholders.

The assessment of the prefect role was based on quantitative and qualitative methods, which include a desk review of some relevant documents, such as internal regulations and legal acts of the prefect institution, annual or semiannual reports and data collected through person-to-person interviews with six prefects of Quark and 10 LGUs representatives.

CONSIDERATIONS ON THE ROLE OF PREFECTS FROM AN INTERNATIONAL AND COMPARATIVE PERSPECTIVE

Derived from the Latin language where it referred to different types of Roman magistrates, the term "prefect" is used in varying contexts of public administration. Usually, it is referred to as a kind of territorial representative of the state. In ancient France, the prefect was perceived as a means to expand central state authority and control to the whole territory, and this remains one of its key purposes.

Nowadays, the States have very different approaches to the prefect institutions, depending on the specific context of their administrative and political system, their history, their size, the level of regionalization and decentralization, and the level of democratic involvement of the people.[3] There are no blueprints for copy-paste approaches. While there are general principles that characterize an effective organization of the State (the principles of good governance such as transparency, accountability, the rule of law, non-discrimination, responsiveness, effectiveness and efficiency, respect for human rights, the commitment to democracy), there are many ways how to organize the political system and the public administration, and States are keen to keep this organizational freedom.[4]

[3] L. Jurado, S. León, *Economic Globalization and Decentralization: A Centrifugal or Centripetal Relationship?*, "Governance: An International Journal of Policy, Administration and Institutions" 2020, vol. 34(3), p. 16.

[4] European Committee of the Regions, E. Gadjanova, *The State of Local Democracy in the Western Balkans: A Study of Local Democratic Processes and Institutions in Albania, Bosnia and*

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Data: 21/11/2026 04:29:03

The prefect institution may have different purposes in a political and administrative system which include: representing the government in the regions, ensuring regional and local compliance with the national legal and policy framework, bringing State power closer to the citizens and building legitimacy and trust, enabling the central power to know about and respond to the specific needs of regions and their citizens, preventing conflicts and enable a unified response by the government's services. Functions and powers, institutional forms, and human and financial resources of prefects follow the (explicit or implicit) purposes that prefects should serve in a given context. Thus, it will be important to reflect on the purposes that Albanian prefects should fit, and decide how the prefects' tasks and institutional set-up should be shaped, in law and practice.[5]

In terms of usual functions and powers of prefects, a report of the Council of Europe on European practice[6] distinguishes between:

1. General administration, including powers over local branches of central government departments. In France, for example, the prefects, in their function of central government administration under the Ministry of Interior, focus on "conception, enhancement and support, as well as guidance, evaluation and supervision" of deconcentrated services. However, several regional departments are not subordinated to the prefect, such as the Directorate of Public Finance responsible for taxation and public expenditure, the Directorate of Education and the Labour Law Inspection. Also, the administration of justice and the military remains outside the authority of prefects. The prefects chair the Committee of Regional Administration where all deconcentrated services are sitting. In Italy, as another example, the relations between the prefect and the territorial agencies of line ministries have been subject to many changes. Currently, the prefect has, at least formally, authority over the territorial offices.
2. Oversight on local self-government bodies. In many countries, the prefect oversees the activities of local self-government bodies, sometimes monitoring committees are in place. Oversight is organized in many ways and varies in scope mainly depending on the level of autonomy of the local governments, the tasks devolved and/or delegated to local governments and the funds transferred.[7] According to the legal framework in place, prefects

Herzegovina, the Former Yugoslav Republic of Macedonia, and Serbia and Montenegro, Publications Office, 2007.

[5] Ministry of Interior, *Crosscutting Strategy for Decentralization and Local Governance*, Tirana, Albania, 2015–2020.

[6] Council of Europe, *Report on European Practice and Legal Framework on Prefect Institution, Local Government in Emergency Situations*, Strasbourg, 17.9.2015, CELGR/LEX 2.

[7] E. Pál, *Models of Legal Supervision over Local Self-Governments in Continental Europe (Excluding France)*, "Pécs Journal of International and European Law" 2018, vol. 2, p. 6 ff.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 04:29:03

can take preventive, corrective and repressive measures to avoid illegal or inappropriate decisions of local governments. Prevention is done by providing information on the legal and policy framework, supporting and coaching local authorities in understanding their scope of action and its limits, or by checking draft decisions and acts and giving legal arguments before they are promulgated by local authorities (*a priori*). Correction is done by (not) approving the decisions and acts taken, annulling their effects *a posteriori*, or even taking decisions instead of local authorities. Repression is done by sanctioning the authorities for illegal or inappropriate decisions.

In many European countries,[8] local self-governments are enjoying "autonomy" of different degrees when exercising devolved tasks, and the supervision of their decisions and acts refers to legality, competence, and procedure: Are they in conformity with the existing law? Is the decision-maker legally competent to take the decision? Did the decision-maker respect the rules of procedure? In some countries, the supervising bodies have the right to challenge or annul decisions ex-post if they are against the public interest, particularly "national" interests; in others, they also check the expedience or the appropriateness of the decision. In any case, legal arguments must be given to explain the decision – with an important preventive effect on local self-government.

Supervisory procedures focus on varying objects such as normative acts, planning acts, financial planning or expenditure decisions, or individual orders and decrees issued by local self-government bodies.

3. Public security and civil protection. In many countries, the prefects have strong functions, particularly in emergencies where they are mainly to coordinate the various state services that are involved.

THE ROLE OF "PREFECTS OF THE REGION" IN THE ALBANIAN MULTILEVEL SYSTEM

Albania's governance comes from a deeply centralized, authoritarian, and non-pluralist tradition that dominated the country for several decades. During the last two decades, Albania has gone through different and important legislative changes, among others, administrative and territorial reform. In any case, local government continues to be "founded upon the basis of the principle of decentralization of power and is exercised according to the principle of local autonomy", as it is stated in Article 13 of the Albanian Constitution.

[8] Council of Europe, *For the Achievements and Challenges around Regional Development*, EU Commission Staff Working Document, (2019)260 final, chapter 22.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 04:29:03

The prefect's office is a structure that was created in 1992, with the explicit task to represent the Council of Ministers at the regional level. In 2016 the Parliament approved the new Law no. 107/2016 "On the Prefect of the Region" which repealed the Law of 2002. As already mentioned, the prefect is part of the public administration system. The Albanian Constitution states in Article 114 that "the Council of Ministers appoints a prefect as its representative in every region. The powers of the prefect are set by law".

The Law no. 90/2012 "On the Organization and Functioning of the State Administration" establishes the rules for the prefect's administration (Article 9) as well as the territorial branches, as administrative structures of a ministry in the territory of one or several LGUs, as defined by law (Article 7).

The ongoing decentralization reform was complemented by a new territorial division in 2015 that reduced the number of municipalities – the first level of LGUs – from 373 (65 municipalities and 308 rural communes) to 61 units. Albania's new Law no. 139/2015 "On Local Self-Government", which took effect in January 2016, consolidates and deepens the transfer of responsibilities for most vital services to local governments and gives local elected officials (mayors and municipal councils) more power in public decision making. The Law also sets principles for minimum national standards of performance for local services and outlines requirements for citizen involvement in local governance. Efforts to ensure that local governments have adequate resources to fulfil their service delivery mandates are an ongoing challenge, and financial decentralization reforms are underway. Despite these challenges, many opinion makers say that the reduced number of municipalities has not only increased their size but also their political weight in the whole system.[9]

The current public administration reform strategy does not mention the prefects but refers several times to the need for optimizing the service delivery and the territorial branches of ministries. It is important to note that the strategy emphasizes the need for building an effective monitoring and evaluation system of strategies, programs and the legal framework in force, based on the collection of data through a neutral and transparent process as well as on the analysis of the effects generated by the implementation of strategies, programs and laws.

At the level of the 12 regions, the second level of local governance, the administrative-territorial reform prompted no legal change. Nowadays, the prefect is part of the public administration system and his/her role must be understood in light of the ongoing public administration reform and its approaches for regionalizing services and development. The 12 regions (quarks) councils continue to be tasked with coordinating regional development with the same organizational structures (mainly the quark council and its administration) but reduced resources in the same prescriptions. Due to the radical changes in the territorial division at the first

[9] N. Xhindi, *Synthesis Report on Interviews with the Prefects of the Regions*, 2021.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 04:29:03

level, the 12 regions now cover an average of 5 municipalities, as compared with 31 LGUs under the old division.

Prefects are appointed and dismissed by the Council of Ministers, on the proposal of the Minister of Interior. They are representing the central government at the regional level and profit from the political authority of the central power. Prefects must regularly report to the Council of Ministries and the Prime Minister on the performance of regional agencies, thus providing them with an opportunity to represent the interests of their regions at the central level and enable the government to be more responsive to the regional population's needs. Thus, the prefects have an important role in linking the government with citizens, building trust and credibility, making state institutions more responsive – and lastly preventing conflicts.

The Law "On Prefects of the Region" and other texts provide prefects with legal authority and responsibilities. However, in many of these areas, the concrete tasks of prefects are not fully clear, neither in the legal texts nor in practice. Or they are not harmonized with the tasks of other institutions that are based on other laws. Bylaws and orders of the prefect law, or internal guidance of ministries regulating monitoring and reporting to the prefect institution are lacking, and representatives of territorial branches follow their vertical accountability lines and do not feel obliged to abide by the prefects' ambition of horizontal accountability.

In practice, various ministries have deconcentrated their service but their territorial sub-divisions vary and do not always correspond among themselves. They refer to a variety of geographical circumscriptions, bigger and smaller regions, districts, and municipalities, following functional arguments or just keeping traditional territorial structures.

The term "region" has many facets in the Albanian state structures. Albanian territory consists of 12 prefectures, which correspond to the boundaries of the 12 regions (quarks). Representing the central state in the regions, the prefectures are completely separate from the quark council structures – the second tier of local self-government that is referring to the same regional territories.[10] The current use of the term "region" is even more complex since the "regional development" framework is referring to four bigger regions which are not linked to the quark boundaries. In addition, the de-concentrated services are referring to different functional regions – bigger or smaller than the quarks.

The term "region" is also used for framing the "regional development" approach of Albania. According to the draft Law "On Regional Development and Cohesion" that was recently proposed to the Council of Ministries, regional development refers to "the territory between the national and local tiers, which is distinguished by a set of geographical, social-economic, historical, cultural, environmental, institutional and political characteristics that singularize it physically as well" (Article 3/11).

[10] Ministry of Interior, *op. cit*.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 04:29:03

Regions include several local self-government units and will not be submitted to the legislation on local self-government. While the development regions' boundaries are yet to be determined by the Council of Ministries (Article 4/3), it seems to be clear that they will not be related to the existing 12 quarks (which also have regional development in their mandate) but to four broader territories where the National Policy on Regional Development and Cohesion will refer to.

At the same time, the constituency of prefects refers to the territorial division that is anchored in the decentralization process based on two tiers of local self-government, municipalities and "quark" ("region" or "county"; we will use the term "region" in this study). Decentralization is particularly framing the role of municipalities and quark that the prefects are supervising to some extent. Thus, we first will briefly look at the status of decentralization reform before addressing the role of "prefects of the region".

THE PREFECTS' WORKING PROCESSES

The prefects and their teams are delivering important results but many of the interviews identify room for improvement in terms of methodology and working procedures. The monitoring methodology, the data collection, the legal verification procedures, and the coordination and conflict resolution methodology will need some guidance. Harmonization among prefects and harmonization with other administrative procedures can be improved.

The exchange of information, (electronic) data collection, and management are at the heart of the prefect's roles since prefects are best suited to provide an overall picture of their regions. Adequate communication with different stakeholders and with the public is a key factor in the prefects' performance but it has not always been at the centre of their attention.

Citizens' complaints and conflicts with authorities are addressed by prefects in a variety of ways. Even though the prefects do not have the legal authority to decide and directly solve problems, citizens continue to use the complaint procedure, showing the potential of the instrument to make authorities respond to citizens. Based on the interview reporting procedures, the content, format and periodicity of reports should also be reviewed and harmonized, to make reporting meaningful for the Council of Ministers and/or the line ministries.

Considering the variety of tasks between operational emergency response and negotiating conflicts, the professional and personal profile of prefects is very demanding. A political background is required, but too strong identification with political parties should be avoided. Decision-making skills are important but even more relevant are public perceptions of integrity, impartiality, social competence, coaching, negotiating, and communication skills. For the prefect's administration

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 04:29:03

team, the professional profile should follow the tasks that still need to be clarified and sharpened. Additional expertise and capacities will probably be needed, such as legal expertise, monitoring and evaluation know-how and skills, financial management skills, communication, and IT. Developing appropriate soft skills will also be key. The prefects and their administrations are part of public administration and follow the general rules and recruitment processes for civil servants, giving prefects limited influence in the selection of their teams.

From a functional point of view, the prefect is an authority with general competence while other public administration authorities (ministries, central regulatory authorities, and deconcentrated services of the central government) have specific competences. Law no. 107/2016 determines the role of the prefects as well as their powers in fulfilling their duties. It regulates the relations of the prefect with the organs and institutions of the state administration, with the organs of the local self-government units, the territorial branches operating in the region and with other state institutions. Other specific laws and orders complement the legal framework relevant for prefects, adding tasks in specific sectors and domains (e.g., Article 10 of Law 107/2016 lists the main tasks of the prefect). The following five dimensions are essential for understanding the prefect's role:

1. Upward accountability. The prefect is appointed and dismissed by the Council of Ministers, on the proposal of the Minister of Interior. He/she is accountable to the Council of Ministers, the Prime Minister, and the Minister of Interior for his/her activity. Conflicts that may arise between the ministers and the prefect shall be resolved by the Prime Minister (Articles 5, 9/1, 9/4 of Law no. 107/2016). Administratively, the prefects are under the Ministry of Interior.
2. Oversight on LGUs. The main duty of the prefect is to verify the legality of "decisions, orders and ordinances of a normative nature" of the organs of LGUs. He/she also verifies the realization of the functions and responsibilities delegated by the central government and the use of funds provided for these functions. This role highlights the important role of the prefect and his/her administration in ensuring the rule of law also at the local level. However, it is important to remind that Law no. 107/2016 explicitly states that there is "no dependency relationship between the prefect of the region and the organs of LGUs". Relations between the prefect and the LGUs are based on the principle of consultation and cooperation in solving common problems (Law no. 107/2016, Articles 15, 16, 18, 19).
3. Cooperation with and coordination of territorial branches and LGUs. The prefect is coordinating the activity between the territorial branches operating in the region and those branches with the organs of the local self-government units. He/she is monitoring the regional implementation of sectoral policies in various sectors and reporting on coordination and

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 04:29:03

cooperation with territorial branches to the responsible ministries and the Prime Minister (in agriculture, education, health, environment, public order, fire service, social assistance and support, tourism and culture; see Article 8 letters c–d and g of Law no. 107/2016). However, it is not clear how this task is linked to the monitoring and evaluation processes foreseen in the regional development framework. The prefect controls and seeks measures for implementing the government programme by the territorial branches. He/she may require data and information from the territorial branches operating in the region and report to the responsible ministries and the Prime Minister (Article 10 of Law no. 107/2016).

4. Specific tasks about territorial control and management of the region, such as running structures for prevention, management, and rehabilitation of consequences in cases of civil emergencies, chairing regional task forces, setting up ad hoc bodies, committees, working groups and committees on specific issues.
5. Dealing with citizens' complaints and resolving conflicts. Finally, the prefect examines citizens' complaints against actions of territorial branches as well as about the legality of acts issued by the organs of LGUs. In addition, the prefect has the obligation to be involved in resolving conflicts among various regional institutions and between institutions and citizens (see Article 10/1 letter c and Article 19 of Law no. 107/2016).

THE SITUATION TODAY: THE MAIN CHALLENGES

Verification of the legality of the acts being the main task for prefect institutions appears to be the main challenge too. The procedures for submitting the normative acts and for the review process are working, with some challenges. The main reason for the existence of a legal supervision procedure is to ensure that local authority action is lawful. The review of the lawfulness has its basis in the principle of the rule of law, a principle which all authorities, including local authorities must observe both in their relations with other public authorities and central government and in their dealings with the public. The scope of supervision is not only an issue for Albania. In European countries, the scope of verification of local governments' acts varies considerably – from respecting a broad room for manoeuvre for LGUs within the legal framework on one side, to practically taking decisions in the place of LGUs, through the verification process, on the other.[11]

[11] See E. Pál, *op. cit.*, p. 6 ff.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 04:29:03

According to the interviews,[12] municipalities are not always clear on what should be submitted for legal verification. Prefects and prefect staff complain that some municipalities submit all acts to the prefect and overwhelm the existing structures of the prefect. The prefect staff add that legal orders issued by the mayors should also be submitted to the prefect's verification process. Some LGUs argued that the law on prefect should be clearer on what acts are to be submitted since not all acts are normative and subject to verification.

According to the interviewed prefects, there is no clarity about the prefect's controlling and monitoring role regarding government sector programs and policies. The interviewed LGU representatives agree with the lack of clarity and state that the prefects are not systematically performing this function. In many cases, line ministries have their own monitoring processes for implementing sectoral policies.

In addition, the new regional development framework may have a considerable impact on this role since new ways of and competences for monitoring the regional implementation of national policies and programmes seem to be planned. The interlocutors do not seem to have a clear idea of why and for what the controlling and monitoring activities are needed, and whether and how the prefects should play a prominent role. "Reporting" to the central authorities alone, without clear indications of the purpose, may not be a sufficient motivation and frame to perform well – the result may be very technical reports without any analysis, which will not be of much use to the central authorities that are responsible for the sector policies. A common understanding of the purpose will be needed for motivating prefects and all other stakeholders to deliver on this task and build a basis for more clarity about the scope, the monitoring process, the data to be collected, the format of reports and their periodicity. Establishing collaboration and partnership with ministries as well as with LGUs will be key.

"Controlling and monitoring" in the context of central-local relations are, indeed, not a clear-cut concept. The ordinary understanding of a "central control" can be exemplified by the statutory requirement of the consent by the minister for LGUs who want to raise a loan; or by the need for a local education authority to get plans for new school buildings approved beforehand by the Ministry in some detail; and by similar controls on many aspects of road and traffic, engineering, on residential social care, on standards of house building, etc. Conceptually, these "controls" set up "gates" through which local proposals must pass and be measured against appropriate criteria and indicators *ex-ante* before they are allowed to be implemented. However, control in this sense is not fully "steering" the implementation of sector policies at the local and regional level – the second usual meaning of the term "controlling". This would certainly go beyond the prefect's role in

[12] N. Xhindi, *op. cit*.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 04:29:03

the Albanian decentralized governance system, leaving scope for municipalities fulfilling their own functions.[13]

Monitoring in the sense of "observing" is more about parallel or ex-post control of action, concerning the implementation of a policy. Monitoring the performance of public authorities concerning their tasks is increasingly the focus of Public Administrative Reform initiatives. Together with the Ministry of Interior, some interviewed LGU representatives stressed the need for effective tools to ensure the effective implementation of the main national policies also at local and regional levels – without hindering the LGUs and the mayors' political programme. Other representatives of LGUs are more reluctant to make the prefects more effective in their role of controlling and monitoring.

Although some competences are defined in Law no. 107/2016, some of them are not implemented properly (i.e., competence referring to appointment and dismissal of heads of regional agencies, the interviewed prefects pointed out the lack of sufficient implementing capacities of prefect's office deriving from lack of clarity of Law 107/2016 on competences and relations with regional agencies and LGUs, lack of human and technical resources for exercising effectively controlling and monitoring role to state institutions and LGU, lack of providing sanctions to other regional agencies).[14] The prefect's office has no audit sector for carrying out audits in the regional institutions. When cases of financial violations occurred by LGUs, the prefect reserves the right to address the issue with the competent authority (Supreme Audit Office). Many municipalities especially the small ones have weak capacities for internal audit, and the prefect's office is evaluated as a valuable resource to enhance municipalities' capacities for this function.

CONCLUSIONS

The Albanian regional governance system is based on decentralization and deconcentration, each aiming at bringing public services close to people. For the sake of making the multilevel governance system work, the prefect is a keystone of public administration at the regional level. The prefect's institution serves a variety of purposes, such as representing the central government at the regional level, ensuring the compatibility of regional and local action with national law and policies,

[13] Ministry of Local Government, *Administrative and Territorial Reform. Analyses of the Local Government Situation in Albania (Executive Summary): General Report to the Committee on Administrative and Territorial Reform*, April 2014, https://www.undp.org/albania/publications/analysis-local-government-situation-albania# (access: 21.11.2022).

[14] SIGMA, OECD, *Monitoring Report: The Principles of Public Administration in Albania*, November 2021, https://www.sigmaweb.org/publications/Monitoring-Report-2021-Albania.pdf (access: 21.11.2022).

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 21/11/2026 04:29:03

making sure that the regional and local response is coherent and effective, bringing the government closer to its citizens and building trust and acceptance. Responding to these purposes, the prefect has a variety of tasks related to controlling and monitoring municipalities and territorial branches of line ministries, coordinating regional issues, treating citizens' complaints and reporting to the central level.

Based on interviews with key stakeholders, this analysis has identified a series of areas for improvement. In the case of the current Albanian prefects' system, we conclude that for better performance, we need to look at the following.

Comments on the prefect's ability and his competences to coordinate different institutions have been controversial. It is noted that prefects have had more competences and responsibilities under the previous law; regular monthly meetings with LGUs representatives have been quite often only informative (formal ones), and lack in-depth discussions for addressing issues of concern to municipalities. Strengthening coordination and relations between the prefect and LGU's representative organ and mayor is approached as an instrument to become LGU more active and effective in exercising LGU functions. The person nominated for the position of prefect should have fulfilled some strong criteria and standards.

Relations with LGUs. The relationship between the county prefect and local self-government bodies is based on the principle of consultation and cooperation and the prefect is regarded as a respective authority (a senior public official) appointed by the Council of Ministers. No negative experiences have been mentioned by the persons interviewed. Relations have been good, and mutual respect and coordination of actions are noted; although some big municipalities have incurred complex issues to be managed, it was admitted those issues have been institutionally overcome through communication and dialogue between the parties.

Legal validation of LGUs' acts and orders of normative nature. The prefect is seen as a defender of legal compliance of municipality normative acts (legal decision-making at the local level). The legal verification process is carried out in compliance with legal deadlines without hindering the implementation of the LGUs' acts. Local government units have been cooperative in addressing the prefect's recommendation on legal gaps or lack of legal compliance for different matters. Only a small part of LGUs' acts has been denied and recommended for review during the last two years.

The reasons that Ministers of Council acts and orders have been denied and returned to LGUs by the prefect's office have been various but the major part of them can be grouped as (i) lack of appropriate supporting documents, (ii) irregularities, (iii) title of property of agriculture land, (iv) cases of borrowing of municipal property, (v) issue of no-compliance in the draft local budget, changing of a total number of local administration, (vi) cases of being out of legal jurisdiction of LGU, (vii) fiscal package/irregularity on kindergarten fee.

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Data: 21/11/2026 04:29:03

The presence of prefect is recommended to be more often in Ministers of Council meetings except the first meeting for the Ministers of Council constitution (i.e., participation in project budget discussion and public hearings with citizens).

Coordination between territorial branches and the municipalities. It is highlighted regular exchange of information among regional agencies, municipalities and prefect's office, and other instruments, such as regular reporting of the regional agencies to prefect (every month), joint meetings with representatives of regional agencies (territorial branches and LGUs), regular communications with mayors and municipal councils, formal meetings with the head of the village and administrative units of the municipality; meetings have been regularly in time or in ad-hoc base between regional agency and municipality for sensitive issues among prefect and mayors.

The prefect has the right to control and request the taking of measures for the implementation of the government program, and get information on the progress of the activity of regional agencies as defined in specific laws. He/she presents his/her opinions and information in a report to the Ministry of Interior and relevant ministries. The controlling and monitoring role of prefect over regional agencies has not been visible and effective in the perception of LGUs' representatives interviewed, and recommendation for strengthening this role of the prefect's office is asked. Also, prefect's office has no competences to resolve issues but to address them to relevant institutions at the regional level, or use other instruments available to his office as the task force, consultation meetings with heads of regional agencies and municipalities and other representatives of the consultative body. The role of the prefect and coordination of actions in an emergency is one of the most evaluated tasks carried out by the prefect's office.

The prefect's office is the institution that provides the first interaction and collaboration with local institutions and state institutions operating at the county level in sectors such as public health, State Police, education, employment, and the treasury office. The role of deputy prefect has been weak and non-visible according to some interview reports.

IDEAS FOR THE WAY FORWARD

Based on our analyses and conclusions from the interviews, there are a series of ideas that can be explored further by the Ministry of Interior, to make the prefects more performant in serving their purpose according to the current legal and constitutional framework. These ideas regularly imply legal, institutional, procedural as well as capacity-building measures, mostly in a variety of combinations.

1. Clarifying tasks and responsibilities and helping prefects establish adequate working procedures and methodologies.

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Data: 21/11/2026 04:29:03

2. Strengthening the prefect in its role ensuring the exchange and sharing of information at the regional level. The prefects have a unique position to provide an overview of the regions. They can play an important role in making regional and local public services more transparent, accountable, and responsive to the people's needs – not necessarily through formal accountability processes but by sharing information in public.
3. Strengthening the prefects' role in responding to and following up on citizen's complaints, and bringing the Albanian state closer to people. The interviews have shown that there is a potential for prefects to bring themselves but also public administration in general – at the central, regional, and local level – closer to reality, more accessible, credible, trusted, and accepted in public
4. Ensuring human resources for an effective prefecture. The prefects' administrations are not fully fit for the purpose, additional expertise and experience are required.
5. Ensuring the required financial resources is always key for establishing performant institutions.

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ABSTRAKT

Albański system zarządzania w regionach opiera się zarówno na decentralizacji, jak i na dekoncentracji. Dla zapewnienia funkcjonowania wielopoziomowego systemu zarządzania zwornikiem administracji publicznej na poziomie regionu jest prefekt. W niniejszym artykule przeprowadzono analizę instytucji prefekta w Albanii, koncentrując się na stojących przed nią wyzwaniach, w szczególności związanych ze sprawowaną przez prefekta funkcją nadzoru nad jednostkami samorządu terytorialnego. Postanowiono przyjąć podejście problemowe. Zamiast kompleksowego opisu statusu prefektów skoncentrowano się na identyfikacji konkretnych wyzwań z punktu widzenia różnych interesariuszy oraz dokonano analizy ich źródła i zaproponowano konkretne środki odpowiedzi na nie. W szczególności analiza dotyczy różnych wymiarów systemu prefektów z perspektywy ustrojowej, w oparciu o założenie, że skuteczność tych organów zależy nie tylko od ram prawnych i norm, ale jeszcze bardziej od układu instytucjonalnego, procedur i relacji, a także od zachowania i możliwości interesariuszy. Prefekci działają w systemie politycznym i administracyjnym, który podlega zmianie. W przypadku podjęcia decyzji politycznych w zakresie całościowej zmiany systemu (np. zwiększenia zakresu kompetencji i zadań państwa albo gmin) role prawne i zadania prefektów oraz procedury i wymagania co do skuteczności będą musiały zostać odpowiednio zmienione. Refleksję i decyzję na temat zmiany ustrojowej pozostawiamy jednak właściwym organom politycznym.

Słowa kluczowe: organ administracji państwowej; zarządzanie; prefekt; administracja publiczna; funkcje; zadania