

Research Article

DIGITISATION OF ADMINISTRATION AND LEGAL BASIS IN KOSOVO

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ABSTRACT

Background: *In contact with modern technologies, public administration transforms, adopting a new look and changing its legal nature to become an electronic public administration. In addition, we can also observe the use of information technologies in the activities of courts. In electronic public administration, which is based on the use of information and communication technologies and the Internet, the underlying working element is information and personal data of citizens. However, new technologies also carry numerous risks for the security of information and personal data used by administrative bodies and courts in their work, which may lead to the infringement of citizens' rights and the public interest. The demand for adequate protection of personal data in relation to administrative authorities stands out as an important need of citizens in modern society, that we tried to illustrate on the example of the Republic of Kosovo.*

Methods: *The methodology employed in this research involves the methods of description, comparison, legal analysis and analysis of data and information collected within the context of Kosovo. The legal analysis in this paper focuses on the content of the constitutional and legal framework for public administration control instruments. The legal analysis pertaining to public administration control instruments is also widely used to clarify the implementation of laws and principles in practice within Kosovo. Through this method, it is intended to highlight the problems during the applicability of the legislation. The descriptive method used in this paper was intended to reflect the current state of public administration control instruments in Kosovo.*

This article provides an overview of legal mechanisms that can be implemented to stimulate digital administration in developing countries. These legal mechanisms include the development of appropriate legal frameworks for e-administration, protection of intellectual property rights, privacy and data protection laws, and cyber security laws.

Results and Conclusions: *Electronic public administration in Kosovo represents an altered and modern concept of public administration that has changed the way and purpose of performing state affairs. Technically, it is based on using the Internet and information and communication technologies to conduct regular state affairs and forecast the situation in various social fields. These technical elements have also influenced its legal nature, facilitating administrative bodies in expediting their duties and enhancing the execution of their responsibilities. This evolution fosters a more direct interaction between Kosovo citizens and their state, allowing citizens to gain insight into state affairs that directly affect their rights and interests.*

1 INTRODUCTION

Electronic public administration is a new phenomenon in the Kosovo's legal system. The digitisation process (electronicization) of the public administration was developed hand in hand with the comprehensive reform of the public administration, which began in 2004. That year, the Government of Kosovo adopted a strategic document entitled 'Strategy of State Administration Reform in the Republic of Kosovo'. Its goal was to improve, make perfect, modernise and prepare the state administration for the challenges of European integration and general social progress. The main areas of reform are decentralisation, professionalisation and de-politicization, rationalisation, coordination of public policies, improvement of control mechanisms and modernisation of Kosovo's state administration. To successfully implement this strategic document, action plans, together with complementary strategies for 2008-2010, 2010-2013, 2015-2020 and 2023-2027 were approved.¹

One of the underlying reform fields related to the wider introduction of information and communication technologies in the state administration and its preparation for digitisation. During yearlong reforms, several important laws related to electronic signatures, documents, and communications were passed. In addition, a number of laws adopted provisions that enabled the introduction of information and communication technologies in various fields of administrative activity.

During the reform period, electronic administration emerged as a focal point in public administration reform and the progress of society. Based on the analysis of the existing framework and the potential for the operation of the electronic administration, deficiencies were found. Then technical support was necessary for its development to the full capacity. During that period, Kosovo approved the regulation for the operation of electronic offices,² as well as the instructions for its implementation. In this reforming period, the Strategy for

1 Grupi për Hulumtimin e Politikave në Ballkan, *Reforma e Administratës Publike në Kosovë: Një Përpyetje e Vazhdueshme* (BPRG 2020); Republic of Kosovo, 'e-Government Strategy Kosovo 2023-2027' (*Republic of Kosovo Government – Office for Good Governance/Office of the Prime Minister*, 23 March 2023) <<https://konsultimet.rks-gov.net/viewConsult.php?ConsultationID=41798>> accessed 10 June 2023.

2 'Agency for Information Society (AIS)' (*Republic of Kosovo Public Administration*, 2023) <<https://mpb.rks-gov.net/ap/page.aspx?id=2,14>> accessed 10 June 2023.

the Development of Electronic Administration in the Republic of Kosovo (2009-2013),³ as well as the Strategy for the Development of the Information Society in the Republic of Kosovo (until 2020)⁴ were approved. Another important step in the further development of electronic administration was the 2014 National Interoperability Framework.⁵ This document highlights the position to continue to introduce electronic public administration in Kosovo. In this process, interoperability plays an important role as a key element of quality communication, providing efficient services and the rapid exchange of information between authorities within the public administration.

2 STRATEGY FOR PUBLIC ADMINISTRATION REFORM

The period of reformation brought about ongoing changes in the state administration, driven by the aspiration to extend the reform's impact across all public administration bodies. Therefore, the Strategy for Public Administration Reform in the Republic of Kosovo was approved in 2014.⁶ One of the basic chapters of this strategy refers to the development of electronic administration. The importance of electronic public administration implies several levels of public administration development. Above all, it is better data input and retention, greater data reliability and updating, data interface and sharing. In this regard, electronic administration is important for strategic planning, shaping public policies and monitoring their implementation, more straightforward determination of the factual situation, monitoring the flow of issues and evidence of decisions taken during administrative and inspection procedures, and monitoring of administrative and judicial practice. Beyond these aspects, electronic administration is important for keeping records of public administration bodies and organisations, along with information about employees, such as data on vacancies, recruitment procedures, competencies, knowledge and skills, professional development, advancement in service, and termination of employment.⁷

According to the strategy, the use of information and communication systems is envisioned to enhance the efficiency and cost-effectiveness of tasks carried out by public administration bodies, as well as providing public services to citizens and legal entities. To achieve this, it is necessary to create the electronic highway (main network) of state bodies that will operate throughout the territory of Kosovo. The need to reduce the role of the human factor in the performance of electronic activities of public administration bodies and the desire to

3 Republic of Kosovo, *Electronic Governance Strategy 2009-2015* (Ministry of Public Services Department of Information Technology 2008).

4 Republic of Kosovo, *National Development Strategy 2016-2021 (NDS)* (Office of the Prime Minister 2016).

5 Republic of Kosovo, *Interoperability Framework of the Republic of Kosovo* (Ministry of Public Administration 2022).

6 Increasing Civic Engagement in the Digital Agenda, *Kosovo Digital Agenda Observatory: Country Report and Roadmap for Digital Agenda Advancement in Kosovo* (ICEDA EU 2021).

7 Kastriot Dermaku and others, 'IP Packaging Filtering in Computer Networks Using Artificial Intelligence in the Regulatory Authority of Electronic and Communications Kosovo' (2022) 17(2) *Journal of Communications* 134, doi:10.12720/jcm.17.2.134-142.

automate processes within the body were raised. The strategy also lists the main challenges in developing electronic administration in Kosovo.⁸

The challenges are of utmost importance for further developing electronic public administration in Kosovo. For information and communication systems to fully accomplish their role in public administration activities, it is necessary to create an adequate legal framework. The technical equipment must also be at the right level because, without this element, there is no digitisation of administrative activities. Electronic literacy and the preparation of human capacities (public employees) for new methods of performing work is a necessary condition for the electronicization of public administration, which can be achieved through personnel education and training. Finally, it is vital to develop the level of information security in the public administration system. Given that public administration handles diverse citizens' important personal data, the security of electronic systems and data security becomes a fundamental aspect of electronic public administration development.

3 STRATEGY FOR THE DEVELOPMENT OF ELECTRONIC ADMINISTRATION IN THE REPUBLIC OF KOSOVO

The importance of the development of electronic administration in Kosovo is proved by a strategic document dedicated entirely to the development of electronic administration. This is the Strategy for the Development of Electronic Administration in the Republic of Kosovo for 2015-2018.⁹ Complementing this strategy, the Action Plan for its implementation for 2015-2016 was also approved.¹⁰ The strategy aims to achieve the digital connection of different areas of social life in which public administration works. This concerns health, education, citizens' participation in decision-making, the public procurement sector, social policies, etc.

One of the goals of the strategy is to influence the development of the information society, ensuring the security of data and electronic transactions, safeguarding personal data in the possession of the public administration, as well as the availability and access of open data important to the broader community. Therefore, the various data exchanged with electronic means of communication take one of the central places in electronic public administration.

Electronic administration should represent an engine for the development of values and legal principles contained in the Constitution, impacting all areas of social life. These values encompass the transparency of state bodies, the rule of law, protection from discrimination, and the assurance of information security for citizens. To achieve the stated values, the

8 e-Government Strategy Kosovo 2023-2027 (n 1).

9 Regional School of Public Administration, *E-Government Analysis: From E- to Open Government* (ReSPA 2015) 75-6.

10 Republic of Kosovo, 'Electronic Governance Strategy 2009-2015' (Republic of Kosovo Government – Office for Good Governance/Office of the Prime Minister, 12 December 2008) <<https://konsultimet.rks-gov.net>> accessed 10 June 2023.

strategy establishes the general development goals that the electronic administration must fulfil. These are as follows:

1. Increasing the satisfaction of users of public services,
2. Reducing the administrative burden for business entities and citizens,
3. Increasing the efficiency of public administration through the use of information and communication technologies,
4. Establishing national and cross-border interoperability, especially with EU countries.¹¹

The national portal for electronic government participates as the supporting pillar of electronic administration. This portal represents the main electronic highway for the electronic exchange of information with other portals and databases of all administrative bodies. Such electronic communication aims to connect public administration, citizens and the economy to execute the full potential of public services provided by administrative bodies.

The competence for standardisation and harmonisation of information and communication systems has been given to the Directorate for Electronic Administration as a body within the Ministry of State Administration and Local Self-Governance. The Directorate performs administrative, technical and professional tasks related to electronic administration. In Kosovo, apart from the Directorate, there is also the Council for the Public Administration Reform, which makes proposals for the development of public administration in general, but it also inevitably participates in electronic administration.¹²

4 ELECTRONIC ADMINISTRATION AND LEGAL BASIS

The importance of electronic administration is further underscored by special legislation, specifically, Law no. 04/L-145 on Government Bodies for the Information Society. This law regulates the use of information and communication technologies and electronic communication and data exchange among public administration bodies and citizens.¹³ While various elements of electronic administration can be found in separate regulations, it is explicitly stated that issues regulated by this law cannot be regulated or amended by specific laws.¹⁴ This underscores the need to make a thorough harmonisation of legal and sub-legal acts so that the mentioned provisions can be implemented in practice. This is of particular importance to ensure the standardisation necessary for the quality functioning of electronic administration and the appropriate degree of protection of citizens. The basic principles based on which electronic administration operates are the

11 Dermaku and others (n 7).

12 Ferid Selimi and others, 'Local Governance Comparative Reviews between the Republic of Macedonia and the Republic of Kosovo' (2018) 11(2) *Acta Universitatis Danubius* 70.

13 Law of the Republic of Kosovo no 04/L-145 'On Information Society Government Bodies' of 18 April 2013 (2013) 15 *Official Gazette*.

14 Selimi and others (n 12).

principle of equipment management efficiency, the principle of electronic administration security and the prohibition of discrimination. Certainly, constitutional principles and underlying principles of administrative procedure should be applied in using information and communication technologies.¹⁵

The principle of equipment management efficiency means that the authority should ensure efficient and economical application of information and communication technologies in accordance with technical rules and rules of administrative procedures, whether general or specific. Technologies should not be used contrary to the purpose for which they were introduced in the public administration, which is the fulfilment of the public interest and the needs of citizens. The principle of electronic administration security refers to the fact that ‘information systems, electronic communication networks and equipment used to perform electronic administrative procedures should meet the conditions and standards of information security.’¹⁶ Information security is an extremely important component of electronic administration since the execution of legal security depends on its quality. Establishing adequate protection preserves the integrity of participants in the administrative procedure and provides security for personal data used in the same procedure.

The prohibition of discrimination also extends to electronic administration, encompassing two key aspects. Firstly, all persons have the right to use electronic services and electronic administrative procedures, which means that everyone should have electronic access to the public services provided, regardless of personal characteristics. Secondly, persons who are unable, such as those with disabilities, to use electronic government services in their original form should be enabled to access services in a manner tailored to their circumstances and abilities. While the law does not specify anything about the concretisation of this principle, it is left to regulations with lower legal power and practical applications to regulate this issue in more detail.¹⁷

Strategic and legal documents contain general rules of conduct specified through various practical manifestations. When we factor in the continuous improvement of information and communication technologies, it becomes evident that electronic public administration is a variable category that is constantly improving and developing. Therefore, it is necessary to analyse the state of electronic public administration in practice and observe this phenomenon’s real and social aspects. In this respect, the author will pay attention to the current state of electronic administration and its services in Kosovo, aiming to provide a complete overview of electronic public administration in Kosovar society.¹⁸

15 Dermaku and others (n 7).

16 Alsamara Tareck, ‘Legal Mechanisms for the Stimulation of the Digital Economy in Developing Countries’ (2023) 6(S) *Access to Justice in Eastern Europe* 72, doi:10.33327/AJEE-18-6S002.

17 *ibid.*

18 Mirlinda Batalli, ‘Reform of Public Administration in Kosovo’ (2012) 1(1) *Thesis* 5, doi:10.2139/ssrn.2627592.

5 UNDERLYING ELEMENTS OF ELECTRONIC PUBLIC ADMINISTRATION IN KOSOVO

The electronic system of public administration in Kosovo is based on two pillars. They are electronic government infrastructure and electronic administrative procedures. A special regulation has been built around the central pillars that comprise the functional electronic public administration system. As part of the electronic infrastructure of public administration, a unique information and communication network of administrative bodies was introduced through which data is transferred between administrative bodies. To enable safe and secure access to the network and guarantee data security, the competence of the Agency for Information Society, which builds the state data centre, operating as part of the government service, has been established. This authority grants access to the information and communication network and performs other network security controls.

Electronic portals represent another part of the electronic infrastructure of the public administration in Kosovo. The most important 'external' point of contact with citizens and the economy is the 'e-Kosova Portal'.¹⁹ The portal relies on the Unified Information and Communication Network of Administrative Authorities and serves as a 'digital window' for communication between administrative authorities and citizens. Through this portal, citizens and legal entities can request digitised administration services, pay taxes, fees and other expenses, report irregularities in the work of certain bodies and the like.

Furthermore, the Authority has the capacity to establish a single electronic administration page on the Electronic Governance Portal. Another information portal is the Open Data Portal, where all interested persons can access open data relevant to society. This data is not only available to everyone but is machine-readable, allowing for use beyond its original purpose. These datasets were obtained and are in the possession of the administrative authorities, contributing to transparency and accessibility in the public domain.

Among the other infrastructural elements of electronic administration, it is necessary to mention the registers and data registers. For the sake of security, easy availability and efficient use of data from these databases, it is envisaged that they will be compiled and stored in an electronic form. In addition to the databases used in their business, this law also set out an electronic metadata registry, the Meta registry. The meta-registry is used for recording and storing data of indirect importance for the performance of public administration tasks but of immediate importance for keeping records of access and use of data necessary for the performance of these tasks. Internet presentations, i.e., websites, are mandatory in constructing electronic public administration. Every administrative body has to create and maintain an Internet presentation. In the electronic world, internet presentation is the easiest way to access services and communication with public administration bodies. This results in closer and faster contact between the administration

19 GAP Institute, *The Impact of Digitalization of Civil Status Services on Municipal Budget Revenues* (GAP 2023); *e-Kosova: Electronic Services Platform* <<https://ekosova.rks-gov.net>> accessed 10 June 2023.

and the citizens. In doing so, it achieves transparency, as one of the key principles in the functioning of the public administration.²⁰

The electronic administrative procedure is the second underlying pillar around which the electronic administration in Kosovo has been built. Nowadays, more is needed for the executive body and its services to be electronically visible to citizens and legal entities. The fast pace of life and the needs of the economy demand that electronic government services become faster, more efficient and accessible. It is, therefore, necessary for public administration bodies to perform their work electronically, to provide electronic public services and to enable their communication with citizens and the economy. A number of workplaces and areas of administration need to be digitised for public administration to fulfil its role as a public service. The law recognises this and defines the conditions for receiving and transferring electronic data and documents, ways of accessing electronic requests and portals, electronic presentation and electronic communication with other authorities. For the sake of the fair application of the law, criminal provisions provide criminal responsibility for the persons liable in the administrative bodies in case of unlawful or negligent behaviour.

6 LAW ON ADMINISTRATIVE PROCEDURE

Another important regulation for the electronic activities of administrative bodies is the Law on General Administrative Procedure.²¹ This law regulates the rules of the general administrative procedure, which opens up the way for electronic procedures promoted in the Law on Electronic Administration.²² This refers to the ability of the authorities to teach applicants, to receive requests for recognition of rights or other types of submissions in administrative matters and to inform the applicant of the progress of the procedure electronically.²³ As an example of the introduction of work digitisation in administrative bodies, we hereby mention the obligation to obtain and process data since they are kept in the official record and are necessary for decision-making, according to the official duty. Such data can be exchanged electronically and by the authorities. Such a manner of action is related to the principles of efficiency and economy but also to the final provisions, which state that the provisions of specific laws require the parties to present documents proving the facts for which the authorities keep official records. Technology is, therefore, mainly used for easier and faster communication between authorities and parties (the Law on

20 OECD and SIGMA, *Monitoring Report: Kosovo – The Principles of Public Administration* (OECD EU 2021).

21 Law of the Republic of Kosovo no 05/L-031 ‘On General Administrative Procedure’ of 25 May 2016 (2016) 20 Official Gazette.

22 Law of the Republic of Kosovo no 08/L-022 ‘On Electronic Identification and Trust Services in Electronic Transactions’ of 6 December 2021 (2021) 11 Official Gazette.

23 Hasan Shala dhe Delushe Halimi, *Udhëzuesi për Procedurën Administrative* (Akademia e Drejtësisë së Kosovës 2019) 87.

General Administrative Procedure calls it 'electronic communication'²⁴). Keeping databases and various documents in electronic form also enables one to view case files in digital form.

One of the most important actions in the administrative procedure is the service, which, although it is a form of informing the participants, considerably affects the rights, obligations and interests of the parties. All forms of (personal and indirect) delivery can also be done electronically, provided the parties have agreed to it. The delivery note can be in electronic form as confirmation that personal or indirect delivery has been made. The decision, as the most crucial document in the administrative procedure for which the administrative procedure is initiated, can be issued as an electronic document. We think there is still room for introducing digital elements in the general administrative procedure, which refers to developing the entire procedure and presenting evidence and decision-making. The Law on General Administrative Procedure recognises the organisation of video-conference sessions, but only for authorities with the technical ability to schedule and hold such sessions. This way of holding discussions digitally should be introduced slowly as a rule. Hence, the time and money necessary for all persons to address the authority for the purpose of the procedure would be saved. The bigger the digitisation of the general administrative procedure, the more space opens for introducing digital elements in special administrative procedures.²⁵

7 ELECTRONIC REGISTERS AND PORTALS IN KOSOVO AND ACCESS TO THEM

The eKosova portal represents the most important form of electronic communication between citizens, legal entities and administrative bodies. This portal is a public electronic service through which citizens can seek certain digitised services provided by administrative bodies and exercise various rights and interests. As a public service, the portal serves the completion of democratic values and principles in the work of public administration. All data and information published in this service represent information of public importance so that they can be reviewed, copied and further used for personal and non-commercial purposes.²⁶ Certainly, citizens' personal data should not be published publicly.

Access to the portal has been simplified, as citizens can register to use the services from this portal only via their email address and the selected access code. For authorised persons in a legal entity, the procedure is similar, with the additional condition that the portal administrator receives a certificate that the person is officially authorised by the legal entity. The portal can also be accessed via an electronic certificate. By registering on the portal, the user obtains the opportunity to use the electronic services provided by the administrative bodies, to fulfil the public obligations offered in digital form, to monitor the state of their matter to the requests presented in the administrative procedure, the right to participate

24 Law no 05/L-031 (n 21).

25 *ibid.*

26 Dermaku and others (n 7).

electronically in current public discussions about laws and other general acts, as well as other actions. In this portal, at the time of research, one can find services that include more than 150 public administration bodies, with further increasing trends. Within these authorities, one can access electronic services of all state ministries, five (5) courts, over 18 cities, eight (8) city municipalities, 35 municipalities, offices, directorates, agencies, inspectorates, institutes, the central bank, administrative districts and the like.

The categorisation of services is done according to several criteria. The initial classification revolves around the entities requesting or being referred services, resulting in three main divisions:

1. Citizens,
2. Economy,
3. Administration.²⁷

Each primary category is further classified according to specific aspects of life where citizens exercise certain rights, obligations or legal interests. Within the services provided to citizens, several sub-areas are offered within which there are opportunities for access to the necessary documentation, the performance of services, setting the date of waiting in the public administration bodies and the like. These areas are related to family issues (children and social assistance), education (higher education, public libraries, vocational training, training courses, education in the diaspora), health (health insurance, health care, social care, biomedicine), documentation (personal documents, certificates, registration books, instructions), traffic (vehicles, documents, campaigns), work (the employed, the unemployed, public work tenders), housing and environment (urban planning and real estate, environment, natural resources, utilities, water management, agriculture), finance (taxes, vacancies), business (registration of entrepreneurs, declarations, certificates, loans, official statistics), public law and order (States Prosecutor's Office, criminal charges, inspections), sports and youth (sports, credit), persons with disabilities (in relation to the rights of persons with disabilities, social protection, vehicles and parking lots, tax and customs benefits, laws), cadastre (real estate cadastre, water cadastre), human rights (free access to information, protection of personal data), extraordinary events (emergency situations), tourism (accommodation), agriculture and water management (land, documents) and the City of Pristina (areas for which the City of Pristina is responsible as a special unit of local self-government).

The part that deals with the economy, as an area offered within which some public administration services can be accessed electronically, are as follows; business (subareas: company registration, declarations, certificates, technical regulations, loans, official statistics), public procurement (public procurement and certificates), environment and spatial planning (urban planning, environment, mining and geology, utilities), finance (large taxpayers, taxpayers), import/export (customs, export), education (vocational training), transport (vehicles, documents), statistics (official statistics), health (health care,

27 Prishtina Institute for Political Studies and Lëvizja FOL, *Summary Report on Kosovo's Public Administration Reform* (PIPS FOL 2021).

regulation of medicines in human medicine, regulation of medicines in veterinary medicine, regulation of medical equipment), sports and youth (credit, sports), cadastre (real estate cadastre, water cadastre), energy (rational use of energy), mining (natural resources), tourism (accommodation), services of the City of Pristina (all areas covered by the City of Pristina as a separate unit of local self-government), water management and agriculture (documents).

The 'Administration' area contains a list of services provided by government bodies, which correspond with the previously mentioned areas that can be accessed through the portal. Within the areas mentioned, an internet link leads to a new internet window that explains how a particular service is provided. However, since the development of digital documentation and electronic services has been an ongoing process, not all services can be performed electronically. Therefore, services that can be performed electronically are clearly listed. Some of the services provided contain the original form, which is specifically shown.

The largest number of services is related to meeting the various demands of citizens, namely legal entities. For example, these are the requests for the issuance of the marriage certificate, the request for the registration of data changes in the single voting register, the request for the issuance of an electronic certificate for the territory of the city of Pristina, the request to extend the registration of vehicles for authorised technical checks, the request for the issuance of the tax certificate to the natural person, the request for information about the location, etc. In addition to the electronic submission of requests and access to forms, this portal enables access to special digital portals run by individual administrative bodies. These are, for example, the state geoportal 'geoKosova'.²⁸ It is also possible to access certain public information such as public vacancies for filling job vacancies, public calls for financing social programs and public calls to present projects published by public administration bodies. It is important to note that through this portal, it is possible to schedule appointments to obtain personal and other documents issued by public administration bodies (issuance of identity cards, issuance of qualified certificates for electronic signatures, etc.). An important segment of the eKosova portal refers to the participation of citizens in social and state life. This means citizens can electronically submit their comments, suggestions and data regarding public discussions on regulations. As said, the digital participation of citizens nowadays represents the fundamental need of any democratic society. Electronic administration, allowing citizens to participate in discussions on draft laws and other general acts, achieves the principle of transparency and strengthens democratic values.

According to available statistical data, the number of users of electronic services, which is ascertained based on the accounts opened, amounts to over 590 thousand active users. The number of services has been constantly increasing; therefore, 710 services of various public administration bodies are available on the portal. The most used services in the past were obtaining extracts from birth registers. The e-Government Portal, according to

28 Kastriot Dermaku and others, 'Planning Telecommunications Infrastructure in Kosovo through Geographic Information Systems (GIS)' (2020) 3(1) Journal of Mathematics, Computer Science and Education 16.

its legal nature, can be marked as the basic information system through which the most important electronic services of public administration in Kosovo are implemented. Moreover, we can say that this portal represents a 'unique digital administrative location'. Along with this portal, there are also several other special projects of information systems in certain areas of public administration. They are necessary because of the predominance of interests that should be fulfilled in that field and for improving services provided by administrative bodies.

7.1. Information System for the Management of Cases in the Courts of Kosovo

The Judicial Council of Kosovo (JCK) is the highest supervisory body of the Kosovo judicial system.²⁹ The primary responsibility of the JCK is to administer the judicial system as a whole, to create and maintain an independent judicial system that provides impartial judicial services to all, is accessible to all, fair and efficient in its work, is accountable for its work and is functional in all organisational and operational aspects. Within the JCK is the Secretariat that assists the Council in implementing rules and policies related to managing administrative and support personnel in courts, whereas within the Service for Administration and Personnel is the Unit for Information Technology and Communication and the Unit for Statistics. The Court System of the Republic of Kosovo consists of the Court of Appeal, the Supreme Court and the seven Basic Courts.³⁰ Within the Basic Courts is the Case Management Office (CMO), which ensures the implementation of case actions through the Case Management Information System (CMIL). To provide better transparent and efficient services, JCK and PCK have developed a joint project for CMIL, which system is used to manage cases in electronic form in the courts and the prosecutor's office, starting from the registration of cases for courts in CMO and the prosecutor's office in editor and forwarding them to judges and prosecutors. This system is administered by the IT Unit/Department in the JCK and the Prosecution Council of Kosovo (PCK), which have also formed a working group of users and a joint management board for project management for CMIL. Also, to support the development of statistical requirements, the Statistics Units within the JCK and the PCK are included in this system.

The guiding principles of CMIL constitute the main guide for the operation of this system and include the principles of efficiency, security, professionalism, accuracy, control, accountability, equality and transparency.³¹ CMIL implements the distribution of cases for judges and prosecutors automatically. The automatic distribution of subjects through CMIL is based on the conditions and criteria previously determined and approved by the JCK and the PCK. The CMIL for each subject created in the system creates a unique number, which is given once by the system and does not change during the subject's lifetime. This number

29 *Kosovo Judicial Council* <<https://www.gjyqesori-rks.org/?lang=en>> accessed 10 June 2023.

30 Law of the Republic of Kosovo no 06/L-055 'On Kosovo Judicial Council' of 23 November 2018 (2018) 23 Official Gazette.

31 Regulation of the Kosovo Judicial Council no 08/2019 'On the use of the Case Information Management System' of 10 October 2019 <https://www.gjyqesori-rks.org/wp-content/uploads/lglsl/11065_KJC_Regulation_No_08_2019_CMIS_eng.pdf> accessed 10 June 2023.

contains the year of acceptance of the subject (V) and the ordinal (serial) number of the subject (Nr), which is a six-digit number and restarts from zero at the beginning of each year. Despite all that, this system is still developing its capacities further. It is noted that SMIL has Information Security Policies to ensure the secure operation of IT processing equipment referenced to ISO 27000.

7.2. Cadastre Information System

The digitalisation of services of the Cadastre represents another project through which the electronic public administration in Kosovo is executed. This project deals with the acquisition of property rights over real estate, the transfer of real estate and other issues related to the exercise of rights and obligations to real estate, where administrative bodies play an important role after the right of ownership is acquired and terminated according to notes, disputes are recorded in the books, etc. The importance of this service is proven by the statistics, according to which 1,026,165 requests were submitted in 2017 by citizens regarding rights, obligations and various interests related to real estate in the Cadastre Office, a separate administrative organisation that performs administrative and professional work of state surveying, real estate cadastre and geospatial data management at the national level. The project's main goal is digitisation of the services provided by the Geodetic Office, which will improve and accelerate the procedures related to the cadastre work. In this way, the underlying principles that the Geodetic Institute tries to achieve in the performance of its activities and the provision of services to citizens are realised.³²

Digitisation of the geodetic and cadastral system represents a type of implementation of certain principles of the Law on State Status and Cadastre,³³ which deals with issuing documents in electronic form and providing electronic services for business transactions. Some of these principles are compliance with the Government's Digital Agenda, which tries to make services available to users through a single virtual and up-to-date counter (regular data update and user awareness of the update method), rationality of procedures and efficiency, availability of public data by implementing the concept of open data, transparency, etc. The project's primary goals have been achieved through electronic access to digitised services and databases managed by the Geodetic Institute. There are several specific segments of the institution's electronic services. The state geoportal is one of the segments that enables electronic appointments to submit requests at the counter. Within this service, application users can choose the place, date and time of submission of requests. It is also possible to schedule an appointment with the cadastre officer and check the case status electronically by entering the case number and the competent service in the application. Within the eKosova segment, it is possible to inspect the state of the real estate cadastre and submit requests electronically. To gain electronic knowledge in databases, users must register. Registered users can access the database, which represents the central real estate database maintained by the Cadastre Agency. The available data are classified

32 *ibid.*

33 Law of the Republic of Kosovo no 04/L-013 'On Cadastre' of 29 July 2011 (2011) 13 Official Gazette.

according to cadastral municipalities. Another option for eKosova is the electronic submission of requests. The Cadastral Agency can provide electronic services that allow users to request the issuance of a copy of the real estate plan, a water copy, a real estate list, a water list, a street name and house number certificate and the certificate of ownership of real estate at the municipality level.³⁴

The National Geospatial Data Infrastructure is another digital service provided by the State Geoportal. Geospatial data infrastructure is an open data information system that enables users to identify and access spatial (geographic) information obtained from various sources, from local to national and to global level. The system enables and facilitates access to various geographic data, which are thus made available to citizens and business entities. They can further use them for various private and public purposes, such as sustainable development, sustainable resource management, etc. In relation to electronic services, objections to the work of the Cadastral Agency can also be raised. In this way, the service users of the Cadastral Agency are enabled to safely and easily submit objections, thus performing responsibility in the work of the public administration.

7.3. Open Data Portal

The open data portal represents an important aspect of electronic public administration, as knowledge, information and data of administrative bodies are digitised and open to the public for inspection. Open data represent knowledge stored in various documents of administrative bodies that are open to all interested parties who can freely access and continue to use them. For a piece of data to be open source, it should be freely available, accessible, machine-readable and available in open formats. Free access means that published data can be duplicated an unlimited number of times, further shared and adapted to the needs of the person using it. Accessibility means the property of data that can be accessed without meeting special conditions and by submitting a request but can be accessed directly through information and communication systems, that is, through the Internet. Machine readability means that data can be processed and used using computer programs. Availability in open formats means that the format in which the data is stored is available by using a computer and the Internet without additional conditions.³⁵

The National Open Data Portal serves as an information centre, providing access to open data published by Kosovo's public administration bodies. At the time of research, the portal contains over 100 different databases. Open databases are created and published by other public administration bodies, such as ministries (Ministry of Education, Science, Technology and Innovation, Ministry of Justice, etc.), Agencies (Regulatory Authority of Electronic and Postal Communications Services, Agency for Environmental Protection, etc.), etc. This open data portal is a form of electronic public administration that publishes

34 Berat Aqifi, Petrit Nimani and Artan Maloku, 'The Right of Ownership and Legal Protection in Kosovo' (2023) 6(3) *Access to Justice in Eastern Europe* 221, doi:10.33327/AJEE-18-6.3-a000310.

35 'Open Data Initiative of the Government of Kosovo' (*Republic of Kosovo Public Administration*, 2023) <<https://mpb.rks-gov.net/ap/page.aspx?id=2,33>> accessed 10 June 2023.

information that citizens need to perform various activities, creating a more significant connection between citizens and administration. In essence, public administration bodies 'share knowledge' with citizens, thus achieving the function of a public service geared towards the overall progress of society.³⁶

8 DATABASES IN THE LEGAL SYSTEM IN KOSOVO

Nowadays, personal data is collected for various purposes. They are collected by private operators and processors for business purposes but also by state authorities to perform public tasks and enable the normal development of social flows. Personal data collected by administrative authorities is stored and used, for the most part, in digital form. In such situations, databases are created by collecting a large amount of personal data, that is organised sets of personal data. These words describe more closely the importance of databases in today's information systems. There are no databases where information systems are unimaginable. Their importance is reflected in the stored information structure, which can be used quickly and easily for different purposes in different areas of social life. In theory, databases are defined as an organised set of personal data. Therefore, it is not enough to collect personal data; it is necessary to systematise and store them according to a specific form. When speaking of administrative bodies, their previous databases consisted of a large number of paper documents with personal data. The development of information and communication technologies made it possible to save time and space, so databases were digitised. Today, databases are usually stored in electronic form, computer memory, or virtual form in the 'cloud'. They represent a unique place where stored data of a certain category or type can be accessed for their download and further use for specific purposes. Because of this, databases have found their place in legal systems around the world, including Kosovo, especially in relation to electronic public administration activities.³⁷

Database management should be regulated by law or by other by-laws. In Kosovo, the Personal Data Protection Act (2019)³⁸ does not specifically regulate the management of databases. Still, the provisions for storage and access to personal data may apply to data that constitute a basis of certain data. However, the general management of the database is subject to legal regulations, namely the Law on the Information System of the Republic of Kosovo.³⁹ This law regulates the procedure of administrative authorities during evidence-keeping and data management related to the information system of the Republic of Kosovo. The database consists of data whose management is provided by law, and the databases formed in this way represent the information subsystem of the social area in which personal data is stored. The definition of the term database is also found in the Law on Electronic

36 *ibid.*

37 *ibid.*

38 Law of the Republic of Kosovo no 06/L-082 'On Protection of Personal Data' of 30 January 2019 (2019) 6 Official Gazette.

39 Law of the Republic of Kosovo no 04/L-145 'On Information Society Government Bodies' of 18 April 2013 (2013) 15 Official Gazette.

Administration, which defines the database as an organised set of interrelated structured data that may have one or more records.⁴⁰ The Law on the Information System of the Republic of Kosovo also recognises the category of common database, which is a central register from which administrative bodies and organisations obtain data when they need it to keep special records or special databases.⁴¹ Therefore, common databases represent an electronic highway that can be accessed under certain conditions to download individual data. It is extremely important to take care of the possibility of access to this register because there is a large number of administrative authorities; therefore, it is important to accurately define the subjects and the reason for accessing the database to avoid misuse. Each user should go through an authorisation process performed by using the user's electronic identification data. In this way, personal data protection is achieved by creating a database, since the evidence of the entities that enter the base is kept. Administrative bodies should also maintain secondary (alternative) databases that enable work continuity if problems arise in the primary database. Secondary databases should not be stored in the same location as primary databases. The rule is that all databases are stored in Kosovo and can only be taken outside the territory of the Republic of Kosovo under special security measures. Administrative bodies are also obliged to maintain data vocabularies of information subsystems. Information subsystem data vocabularies mean the description and structure of the database, registers and records within that authority's authority.

9 CONCLUSIONS

Electronic public administration represents an altered and modern concept of public administration that has changed the way and purpose of performing state affairs. Technically, it is based on using the Internet and information and communication technologies to carry out regular state affairs and forecast the situation in various social fields. Technical elements also influenced its legal nature. Administrative bodies now perform their duties more efficiently, fostering closer citizen-state contact and allowing citizens to gain insights into state affairs that directly affect their rights and interests.

This shift in the legal nature of public administration towards public service is achieved, with a primary focus on delivering quality public services and ensuring citizen satisfaction. Therefore, the development of electronic public administration enables citizens to fulfil their duties, obligations and tasks more effectively. Beyond developing relations between citizens and administrative bodies, the use of information and communication technologies and the Internet has opened up important legal issues. That is to say, information and communication technologies, in addition to countless advantages, also bring certain challenges and risks. Since the basic tool of work in today's world is information, i.e. data, it is clear that the main challenges are precisely related to their security in the digital environment. Information and data are the main tools of information technology, which, thanks to the Internet and the possibilities it offers, can

40 Law no 08/L-022 (n 22).

41 Law no 04/L-145 (n 39).

be shared quickly and easily with a wider audience. In such a state, information becomes an important tool of influence and power, so the one who possesses more information and data can perform their tasks more efficiently and quickly.

All these questions are also valid in Kosovo's legal system, where new forms of electronic public administration have been appearing and developing daily. In this plan, the Law on Electronic Administration has been approved in Kosovo, and, in practice, projects that implement the principles of electronic public administration have been appearing. Equally important are the laws regulating specific administrative areas and procedures, whose digitisation contributes to the establishment of a digital administrative environment. This environment focuses on technical and organisational issues that lead to the progress and further development of electronic public administration.

Administrative protection mechanisms operate both during and after the administrative procedure itself, specifically concerning protecting personal data used in such a procedure. The same actions with cases are carried out through SMIL, from the registration of the case, the movement of the case to the court, the movement of the case between the courts, and archiving. In the research, we concluded that the digitisation projects of the public administration are based on citizens' personal data. This personal data encompasses information about various aspects of the identity of a specific or identifiable person. They refer to physical and psychological characteristics, philosophical and religious beliefs, health conditions, amount of money in bank accounts, etc.

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Competing interests: No competing interests were disclosed.

Disclaimer: The authors declare that their opinion and views expressed in this manuscript are free of any impact of any organizations.

ABOUT THIS ARTICLE

Cite this article

Dërmaku K and Emini A, ‘Digitization of Administration and Legal Basis in Kosovo’ (2024) 7(1) Access to Justice in Eastern Europe 245-63 <<https://doi.org/10.33327/AJEE-18-7.1-a000107>>

Submitted on 16 Aug 2023 / Revised 21 Aug 2023 / Approved 29 Sep 2023

Published Online 17 Jan 2024 / Last Published: 1 Feb 2024

DOI <https://doi.org/10.33327/AJEE-18-7.1-a000107>

Managing editor – Mag. Yuliia Hartman. **English Editor** – Julie Bold.

Summary: 1. Introduction. – 2. Strategy for Public Administration Reform. – 3. Strategy for the Development of Electronic Administration in the Republic of Kosovo. – 4. Electronic Administration and Legal Basis. – 5. Underlying Elements of Electronic Public Administration in Kosovo. – 6. Law on Administrative Procedure. – 7. Electronic Registers and Portals in Kosovo and Access to Them. – 7.1. *Information System for the Management of Cases in the Courts of Kosovo*. – 7.2. *Cadastre Information System*. – 7.3. *Open Data Portal*. – 8. Databases in the Legal System in Kosovo. – 9. Conclusions.

Keywords: *public administration, electronic public administration, personal data, data protection, law administration.*

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