The Deformed Politicization of the Public Administration in Albania

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Abstract: Although there are many studies regarding the public administration and the civil service, the novelty of this paper stands in the fact that the observations of a civil servant with a long experience in the public administration are focused in the negative consequences of "militancy" and the "deformed politicization" of the public administration. This paper is specific because it is focused in the study of concrete cases of the relationship between civil servants and the political leaders with the aim of finding solutions that will fight corruptive and militant behaviours in the public administration. For this reason, this research will bring innovation to the field of scientific research. Militancy in Albania is the main factor that prevents the formation of a stable and professional public administration with capable people of integrity who are devoted to serve the public. Reality has witnessed that "militancy" in Albania has turned the public administration into a shelter for the suvival of people who are professionally uncapable. It has turned it into a tool for political parties to reward activitistsfor their support in electoral campaigns and into a source of corruption.

Keywords: militancy; civil service; civil servant; political functionary

1. Introduction

To write a research paper, you have to firstly touch the wound of the reality of the topic you have chosen. Then you should try to analyse the causes of this reality, trying to always put in front new ideas and suggestions on how to contribute in healing this reality which is affected by these negative phenomena. For this reason, the main topic of this research will be the problem of militantism, which even after 27 years of attempting to instill democratic values, remains an issue of the public administration in Albania.

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In this work, several questions are discussed. A few of them being: *Why the civil servants should be independent from politics? Why the deformed politicization is harming the public administration? How militantism was born in Albania? Which are the main responsiblities of the public administration in Albania?* Thus, the focus of this paper is to explore the consequences of militantism in the public administration in Albania and to analyze the reasons behind the development of this negative phenomenon after the 90s when the country had just started to set the foundations of a democratic state. A taskthat was not easy for a country that had to experience 50 years of the cruelest dictatorship in an isolated socialism which brought poverty and changed the human essence. Indeed, there were a number of reforms in Albania, but the main part of the public administration, specifically "the civil service" continues to be in the in the hands of corruption and militantism.

Compared with other developed democratic states that in certain periods have dealt with the phenomenon of militantism, sanctioning the will of political leaders with laws for the employment of militants in the public administration, Albania has a very unique case. Albania has a unique case because the law of the civil service has sanctioned for 22 years, starting in 1996, the implementation of the merit principle to recruit the staff of the public administration. This being said, our country has a set of laws with very high standards. But the main problem in Albania remains the "*implementation of the law*". For this reason, this paper is not going to be focused on analyzing the content of the law of the civil service, but on the issue of laws not being implemented.

By observing the relationship between political leaders and the civil servant, and exploring the roots of militantism in Albania, it is aimed to encourage the writing of laws for the depoliticization of the public administration in accordance with the historic, political, social and economic context of our country. The analization of facts is the best experiment to discover the unchanged regulations and to find the key of the negative phenomena that trouble the society in its whole and the public administration specifically.

The legal reforms of the civil service in the developed democratic states for eradication of the deformed politicization in the public administration should be studied and carefully examined. But they should never be used by the albanian legislator because the historical timeline of the development of democracy and the cause of the birth of militantism in these countries are very different from the reality and the history of how militantism was born in Albania.

2. Public Administration and the Civil Service

To analyze the phenomenon of militantism in the public administration, the origin of the word "*administration*" has to be considered. Etymologically, the word *"administration*" has its origins from the ancient latin "*ad minister*". The word administration "*was used by romans*" to show the activity which was conducted "*under the leadership of someone*" (Stavileci, Sokoli & Batalli, 2010, p. 10). Referring to this definition, one of the main features of the administration is the hierarchical organization of its activity which means that it is a pyramidal organization where the highest the organizational unit, the bigger the number of organization units which are under its supervision.

At the end of the nineteenth century and the beginning of the twentieth century, the German sociologist Max Weber observed and analyzed the hierarchy in organizations and reached important theoretical conclusions. He was the first to use the concept of "*bureaucracy*" and the first to write on the structure of big organizations in a comprehensive manner. According to him, bureaucracy was every big organization, being that public or private, which was characterized by a specific hierarchy regarding the division of tasks, where the authority to give orders related with these tasks was derived by official rules. According to Weber, bureaucracy is the best way of organizing: *"Experience shows that the bureaucratic type of administration is capable to achieve the highest level of achievement and in this sense is the most rational device known to control human beings"* (Gerth & Mills, 1946, p. 337, cited in Denhardt, 2010; Denhardt, 2010, p. 160). Meanwhile even L. Gulick and Urwick are representatives of this classic viewpoint of the formal organization. According to them, the organization presents the interdependance of the tasks of individuals that are placed in the structure of authorities, where the highest level coordinates the work by ordering the lowest, or the coordination is done from up to down (Stavileci, 1997, pp. 253-254). A few known authors mention four elements for identifying the concept of an organization: people, tools, the purpose and the set structure (Stavileci, 1997, p. 254). For this reason, one of the most important elements of an administrative organization are the people, which are gathered together to achieve a specific purpose, which consists in exercising their social tasks according to the general division of tasks in a specific structure. But if the main purpose in private organizations of the business is profit, in public organizations, who are commited to democratic values, the aim is to offer the benefits of public service to all individuals. Thus, here is where the notion of "public administration" emerges, which in its entirety consists of an organized public

structure that exercises a specific activity, based on laws and articles, which means "*a continous activity in the plannification, direction, control and evaluation"* of any social activity *"in the framework of a wide system of rules"* (Stavileci et al., 2010, p. 13).

2.1. The Public Administration and the Civil Service, a few Characteristics

"Public Administration" includes "*public institutions*", with organizational structures that *"comprise the base of taking and implementing decisions",* as well as with "*regulations according to which any public activity is done*" (Stavileci, 2007, p. 36). Thus in this definition, the "*public administration*" consists of two interwined meanings. That being the formal organizational definition, specifically organizational structures, and the material functional definition, which consists of the type of activities of the public administration, comprised by taking and implementing decisions. Hence, the term of "public administration" is wider than the term of "*civil service*", because beside the organizational element, it implicates even the administrative activity which is comprehensive, dynamic and very crucial for the implementation of state politics. Meanwhile, the civil service is focused in the investment of the human capital, which constitutes the core of the public administration and does not take in consideration the administrative activity. The reform of the civil service in its entirety, has the aim of building the necessary organizational structures, with capable people, with individuals who are selected through an objective method with competitions, who are independent of politics and interested to continously increase their professional knowledge and work performance in order to successfully withstand the wide administrative activities.

If we look upon the purpose of the reform in the civil service, we arrive to the conclusion that building a professionally capable administration serves for increasing the quality of the performance of the activities of the public administration. For this reason, researchers consider the civil service as a part of the public administration. Meanwhile, it needs to be clarified that the definition of the civil service is closely related with the field of action that the law has predicted in a specific country.

In a majority of EU Members, including such different countries as Greece, France, Ireland the Netherlands or Sweden, government officials - be they employed by central government or local authorities - normally are civil servants, with possible exceptions for temporary employment, which often is also governed by special public law rules. (Organisation for Economic Cooperation and Development [OECD], 1998, p. 145).

This kind of legal approach comprises the wider concept of the civil service. Meanwhile in a limited number of countries, only a part of the permanent officials of the government are civil servants. Such a fact consists the limited concept of the civil service.

The public administration in a more normative approach, constitutes of a variety of legal norms that include many different fields and are characterized from the dynamics and the variety of regulations of the administrative activity.

Even though administration is one of the state instruments with which the government carries out the wide range of activities, the main characteristic of it in a democratic state, is that all the parts of this administration should act in accordance with the law.

The civil service in a normative sense, consists of a wide range of legal norms that have the purpose of including in the administrative apparatus, the most professional capable people by sanctioning the merit principle. The legal framework of the civil service is closely related with the public administration, because the overall legal norms of the civil service are in function of creating a stable and professional public administration, which is capable of meeting the challenges of development in all fields (The Law for the Civil Servant, 2013, p. 3952).

The public administration includes not only the civil servants, but also the chosen or the appointed political individuals, political advisors, the cabinet members and the administrative officials that perform other supporting service in the public administration. The civil service includes that part of the administrative personnel that have high professional qualifications and that are experts of the field and managers who should be chosen through a competition and should be promoted according to their performance and experience. The civil service includes the administrative personnel, to which the law offers a specific protection due to the importance of the human capital in the public administration. This human capital is embodied in the civil servant, which is selected according to their skills and capacity, and whom through continous trainings is specialized in the field of the public administration. Unlike other political positions that have a mandate, the functions of the civil servant are characterized by continuity and stability.

3. The Deformed Politicization of the Public Administration

The deformed politicization of the public administration is the main issue of the public administration; anissue which prevents the implementation of the merit principle in the civil service. Considering that the mandate of the appointed political individuals is periodic and limited in time in a democratic society, the "*militantism*" or "*the deformed politicization*" of the public administration occurs when the political party that wins the elections, employs in all the positions of the public administration their activists and militants who have contributed in them winning the elections.

Legal norms that sanction the implementation of the merit principle in the civil service, predict a special protection for the main personnel of the public administration, the civil servant, in such a way that their independence from politics, their work stability and their career development in accordance with their skills, performance and work experience is guaranteed. Meanwhile, "*the deformed politicization*" or "*militantism*" is a destructive mechanism, which harms not only the human capital in the public administration, but it poisons and questions the system of democracy.

In fact, "*the balanced politicization*" for the positions of high officials and their cabinets is a characteristic even of developed democratic states, but their experience and their democratic culture has created a clean system of merit for all the positions which are included in the civil service (Peters, 2004, pp. 125-137).

Despite the fact that the phenomenon of militantism is born in hierarchical levels of a bureaucratic organization, like that of the public administration, this phenomenon is in contradiction with all the substantial elements of the term "bueaucracy" which is talked about in the theory of Weber. Referring to his theory, the hierarchical principle is in function of a better functioning and management in big organizations, where the pyramidal system of authority offers the control of all the parts of an organization. This is because each level in an organization, from down to up, is supervised by a higher level, securing this way the integrity of a whole organization. Meanwhile, militantism in the public administration consists of the malfunctioning and malmanagement of the public administration where the hierarchy is in function of using the power for the self interest of the political party, by rewarding the activists and supporters who helped them in the elections.

For this reason, the term of "*militantism*" or "*the deformed politicization*" of the administration" includes the concept that "favors belong to the winner" (Denhardt,

2010; Denhardt, 2010, pp. 286-287). This means that the personnel of the public administration is not selected through skills and capacity, but through their engagement and contribution in the election of the winning party.

The negative phenomenon of militantism in the public administration is firstly fought with legal reforms in the civil service which aim to implement the merit principle for choosing through competitions capable individuals with integrity in all the crucial positions of the public administration. But in Albania, there is a visible contradiction between the content of laws and reality. The Albanian legislator has composed very good content laws by profiting from the experience of developed democratic states, but the application of those laws continues to be threatened from the deformed politicization which has developed not only in the public administration, but in all the structures of society. Reality has proven that the majority of civil servants in Albania have been militants, professionally uncapable and with diplomas they did not deserve, who have contributed in elections and were rewarded with high positions in the public administration, without owning any of the qualities and skills necessary to be a civil servant. This kind of reality where militantism prevails, brought many negative consequences to the society, democracy and the building of a just state, because this issue of our society has damaged the most essential factor in the public administration, the human factor.

Militantism is a negative phenomenon which has affected in specific time periods even consolidated democratic societies. It needs to be mentioned the birth and the development of the militant phenomenon in the American government, a federal state that had a very qualified public administration, that consisted of the elite society. "*By the time of Andrew Jackson's presidency (1828-36) the "spoils system" was well institutionalized and virtually all positions in the federal government were in the gift of politicians* (White, 1965, cited in Peters, 2004, p. 125). The tendency and the will of President Jackson to democratize the public administration to make it more achievable for the common people, resulted in a much more efficient mechanism to spoil even the most consolidated democratic system. This situation changed through slow stages with the approval of the Pendelton Act of the year 1883 and the subsequent laws, which reformed the civil service in USA and sanctioned the merit principle in all the positions included in the civil service (Denhardt, 2010; Denhardt, 2010, p. 286).

4. The Independence of the Civil Servant from Politics

Why the civil servant must be independent from politics?

There is a contradiction of the hierarchical principle in the public administration with the independency of the civil servant from politics. On one side, the civil servant which represent the core of the public administration are dependent to the political leader, in function of achieving the common purpose of the public administration, for the implementation of politics and laws in a democratic state. On the other side, the civil servant is independent from politics, in the sense that acceptance, promotion and quitting from the civil service should be independent from the will of political leaders. For this reason, entering and starting your career in the civil service should be based on skills, dedication to work and the overall work performance of the civil servant in implementing the laws and in completing their tasks responsibly without being held hostage to the will of the political leader.

Independence of the civil servant from politics means stability and continuinity in the position, in function of completing their tasks with dedication and professionality while being conscious that at the head of the administrative hierarchy is the constitution and the law and then is the political leader.

The activity of the pubic administration is wide, comprehensive and dynamic and this is the reason why it needs skilled individuals for completing its mission for the implementation of legal reforms and politics for the benefit of the citizens. This is the reason why the independency of the civil servant from politics is closely connected with the need of the state and the citizens to have qualified civil servant who are capable of withstanding the dynamics and the challenges of the public administration to answer the requests of a developing society. Consequently, all the civil service reforms have as a primary purpose the establishment of a high capacity administration as one of the main factors for the reformation of the public administration.

4.1. The Civil Servant and the Political Functionaires, Distinctive Characteristics

Political functionaires are all individuals that work in political leading functions in the central and local government bodies of the public administration, as titulars and vice titulars in specialized public institutions, as well as the people whose activity is directly helping for the realization of political functions of the above-mentioned individuals. Whereas, the civil servant is part of composing and implementing

politics, monitoring for the correct implementation of regulations and administrative procedures, and offering the administrative support for their application.

Political leaders and functionaires that stand at the top of the pyramid of the hierarchical organization of the public administration, are temporary because they have a limited mandate for practicing their work position. "*The jurisdical relationship of political functionaires starts with their election and their appointment and it is regulated through specific jurisdical dispositions"* (The Law for the Civil Service in the Albanian Republic, 1996, p. 30). Thus their time period of having the position in the public administration is defined in the Constitution, in the law of elections or in special laws that regulate their status. Meanwhile the admission of civil servants should be carried out through an open competition, based on merit, where the winning candidate is appointed from the competent body. According to the laws and articles for the civil service, the jurisdical relationship of the civil servant starts with their appointment to the position and is not limited in time.

Political functionaires have a political experience but not an administrative experience. Whereas the civil servant consists of the foundation of the public administration because with their knowledge and experience, their service to the public administration is turned into a profession; "*Profession is the primary activitiy of an individual in a specific field, which requires a set level of knowledge, expressions, preparations and experience..."* (The Dictionary of the Contemporary Albanian Language, 1980, p. 1553).

To illustrate the reality of the implementation of these obligations in a country which continues to suffer from militantism, I will try to bring to the eye of the reader two contradictory situations that are displayed in the hierarchical relationship of a political leader with the civil servant, based on the personal experience of a civil servant with a 15 years experience in the public administration. Indeed, the axiom that "the boss is always right" has more power than the constitution and law in the public administration that suffers from the deformed politicization. Implementing the will of the political leader to accept, promote and fire from work the civil servants creates an administrative personnel who is "loyal to the leader".

To analyze a few problematic situations in the politicized public administration, two typical cases will be analyzed:

4.2. The Political Leader with a Weak Legal Consciousness

In the first case: The political leader is a devoted activist of their political party, who has experience and political contributions, who is committed to work but has a

fragile egal consciousness that is typical for the majority of Albanian politicians throughout the 27 years of transitioning to democracy. Such a political functionary, for the interest of the party or for personal gain, undertakes to execute an administrative activity that goes against legal norms. Referring to the personal experience (2002-2018) in the Regional Council of Shkodra, where four leaders have been changed, three of them were with a weak legal consciousness.

In the concrete cases when we are in front of situations where the order of the political leader to favorite a person or subject goes against the law, the behavior of "*militant*" officials is always conform the will of the political leader.In reality, even the most corrupted leaders try their hardest not to apply openly favoritism to a person or a specific subject, which is against the law. This effort creates a dual reality, where the just is intertwined with the unjust. Thus in reality an unjust action is displayed in documents as just and in accordance with the law. For this reason, ethical and capable employees have to confront their titular who goes against their will to apply the law, and this creates a conflict in their job. In a politicized public administration, conscious employees feel threatened most of the time. These kinds of officials are seen as unfit to work in the public administration. Their political leaders accuse them of not being in the same line with the hierarchy of the public administration. Thus, in the situation when the will of a civil servant is necessary, they are in a constant pressure to sign an act that goes against their ethics and legal consciousness. In truth, their service to the public administration turns into a continuous stress and they try hard to find another job opportunity.

Even in the cases when the orders of the political functionaries are legal, the capable officials in the public administration that work with devotion and responsibility feel discriminated in a politicized public administration.To answer the dynamics of the activities in the public administration, they are overloaded with work, because the hardest and most voluminous tasks are given to them, due to the fact that their "*militant"* colleagues are not able to accomplish these tasks. This can be from their lack of experience, knowledge and the necessary skills to work in the administration. Even though they have a work overload, they take the same salary as their "*militant*" colleagues or even a lower wage, because their work position is lower than the position of the officials that have the support of politics.

4.3. The Political Leader, Visionary

In the second situation (2007-2011): The political leader has a high legal consciousness, is responsible towards citizens, and is also a visionary to undertake initiatives and reforms in the common interest of the citizens. In reality, these kind

of politicians are very rare in Albania, not because there is a lack of intellectuals, but because these kind of individuals are always avoided from leading positions, because they are not ready to blindly follow their political party that has contributed in their election. This situation is in reference of the President of the Regional Council of Shkodra during his 4 year mandate (2007-2011), specifically Pr. As. Dr. Gjovalin Kolombi, who was just, capable, dedicated to work and a visionary. His professionalism and dedication during his mandate (2007-2011), expanded in all the administrative structure. Reality is the best experiment to discover the rules that cause an increase in the work performance of the public administration and the importance of the leader in strengthening administrative capacities.

Measuring the work results of every directory, of every sector and every specialist, as well as the dedication to complete all tasks in the most efficient and fast way, and the ability to precede reformative processes and to take initiatives for the benefit of the community, consist of the key of success. Above all, it was the ability of the leader of the Regional Council of Shkodra (2007-2011), to motivate all the human potential of the institution by taking many development reforms for the Region of Shkodra. Through his leadership skills, he transformed the public administration of the Regional Council of Shkodra, by employing skillful individuals with high administrative capacities. But in the year of 2011, his political career finished, because it resulted in discontent in the political party that assigned him that position (Vuksanlekaj, 2016, pp. 454-465).

5. The Consequences of Militantism in the Public Administration

Why the deformed politicization harms the public administration?

The negative consequences of militantism give a direct negative impact for the whole of society, infringe the core concept of the public administration, transforming it from an administration for the public interest, into an administration in the interest of a limited number of individuals, thus destroying every functioning part of the state.

Considering the fact that the public administration is a holder of the executive power, that has to apply laws and state politics to fulfill the common interests of the society, its inability to achieve this difficult mission due to militantism, has caused a miss tuning of all the state cells, impinging the legal order in the contemporary society.

Taking in consideration the definition of the administration that is composed of two antagonist characteristics interwinned with each other, on one side is "*a form of state power*" and on the other side is the notion of "*service*" that fulfills the needs of the citizens (Stavileci et al., 2010, p. 42), the negative consequences of militantism, harm the quality of the service to the citizens and above all harm the image of the public administration in the eyes of the society.

The negative consequences of militantism are especially deeper in post communist countries because the past consequences and the challenges of transitioning to a democratic society, burden the public administration with a double responsibility. They have to get away from the negative inertia of the past and have to answer the rhythm of the new reforms that need to be taken to integrate a consolidated democracy to the state. But reality has shown that the negative phenomena have passed down very fast in transitioning countries, meanwhile democratic values have had a very difficult and slow journey.

To reach a conclusion in this paper, it is not enough to state the problems and the negative consequences of militantism in the public administration, but the research paper has to focus on the causes of the birth of this phenomenon.

5.1. The Historic Perspective over the History of Militants in Albania

How did militantism start in Albania? Albania, one of the countries with a fragile democracy, has faced many challenges in the difficult journey of building a legal state. One of the main reasons that has prevented reforms to take place and that has slowed down the building of a stable and professionally capable public administration, has been militantism. The roots of this negative phenomenon have to be searched in the history of 50 years of the communist system. Building a socialist structure of the society in Albania, consisted in one political party leading the country for half a century. According to the 11th Article of the Constitution of the People's Socialist Republic of Albania: "*The Communist Party of Albania, the guard of the working class, is the only leading political party of the state and society...*" (Albanian Constitution, 1976, Article 3, p. 11). The Socialist party had the monopoly on power for 50 years to direct the activity of the state and society in all the fields. The lack of pluralism and the leading of all the state activities by one party was a characteristic of all post communism countries in Europe. But the governing system in Albania before the 90s was of a special kind, different from the communist systems in the South-Eastern Europe. The purpose of this paper is not to talk about this phenomenon and the socialist society, but to describe the roots of the politicization of the public administration in Albania.

The history of communism for half a century, not only spread poverty and isolation, but it harmed the human capital. By creating a new human breed with socialist and communist ideas, it created a loyal slave to the state-party. According to the Article No. 9 of the Constitution of the People's Socialist Republic of Albania: "*State developed a wide ideological and cultural activity for creating the new human. The state is taking care specifically for the development and the comprehensive education of the new generation with the socialist and communist ideals"* (Albanian Constitution, 1976, Article 9, p. 12).The socialist order of society created a new individual, who was fed with the unattainable ideals of communism, creating an false reality of "*communism*" in the thoughts of the citizens, away from the gloomy reality of poverty and isolation. The new man was the official, employee, the worker and every Albanian, who for 50 years was fed with false ideals of a better life which would be achieved through communism. But after the 90s, the new human, was confronted with the truth and the house of cards of false communist ideologies. The socialist and communist era had left the society out of the normal flow of the development of society. It had left it impoverished and isolated, but above all stripped of faith and the basic human rights, transforming them into blind slaves of the ideologies of the Working Party and the communist ideals.

Despite the aspirations of the Albanian people to detach from the past of before the 90s, time showed that the inertia of the past to serve the party and to concentrate the power to the winning party that had the faith of the people, was stronger than the will to build a legal state based on democratic values.

The dynamics of legal reforms in the civil service had their starting point in the year 1996, to continue than in the year 1999. Meanwhile in May of the year 2013, the new law of the civil service passed, a law with high standards which was composed with the help of Europian experts, with the purpose of the depoliticization of the public administration. In fact, the Albanian legislator has composed many good laws by benefiting from the experience of developed democratic states. Nevertheless, the main characteristic of this difficult journey in building a democratic state in Albania, is the lack of the authority of law, which has resulted in the fragility of the legal order. And one of the main reasons of this reality is militantism in the public administration, a phenomenon which has damaged the ability and the capacity of the public administration to answer the challenges and requests of this era to put into practice the values of democracy.

6. The Main Responsibilities of the Public Administration in Albania

The public administration practices a wide and comprehensive activity in all the fields and has many responsibilities to put into practice the democratic values, but the main responsibility is spread upon three main directions.

The first responsibility is to detach from the wrong beliefs to serve the interest of the political parties, which despite the fact that they aspire democratic values through their political programs, they suffer from the communist ideals to consolidate their power and to serve the party by neglecting the implementation of the law. The civil servants through their knowledge and skills, should not only know the content of democratic values, but also the evolution process in the contemporary society of developed democratic states, to understand the importance of putting into practice the values of democracy.

Second responsibility of the public administration is strengthening the authority of the law. The current reality of Albania found out that democracy cannot be build only through composing and passing laws with democratic values. To compose a democratic constitution, to predict the basic rights of a human and the main values of developing democracy to regulate the life of a citizen in all fields, while not investing in creating a democratic consciousness in the individual, is like throwing a good seed in a pebble that is then eaten by the birds..."*a sower went out to sow his seed: and as he sowed, some fell by the way side; and it was trodden down, and the fowls of the air devoured it."* (Luka 8:5).

If one does not plow the earth, if one does not invest in the human capital for them to obey to democratic values and to the authority of the law, not just legally but also morally, thendemocratic values will not have thedesired effect (Vuksanlekaj, 2011, p. 39).

But the Albanian reality has shown that in the public administration, capable individuals, that have implemented the law with devotion, have not been appreciated and have also felt threatened and insecure for their work stability and the continuity of their career. Meanwhile, the militants that are involved in the public administration have been successful in their career because there are more flexible in neglecting the implementation of the law, due to a lack of administrative skills but also mainly from their loyalty to the party and not to the law.

The third responsibility of the public administration in Albania is the ability and capacity to cooperate with the European partners to achieve the process of integration in all the fields, by implementing and integrating the European legislation

in an efficient way with the Albanian legislation. This kind of responsibility needs officials with high administrative capacities, with experience, with a good knowledge of the English language and the European legislation and who undergo continuous training. But even in the cases when it was invested in individuals to face this kind of responsiblity, through the rotation of political parties, experienced youth for whom European funds were spend for their training, have been replaced by the winning party of elections.

7. Conclusions

Militantism in Albania was created as a past inertia, where the will to be loyal to the party and the reality that the party was above the state and above the law and the rights of the citizens, was engraved in the psychology of Albanians for 50 years in a row. For this reason, the effort to build an Albanian democratic state after the 90s has been very difficult as a result of the wrong way of building these democratic values because it has been led by the wrong communist mentality.

The deformed politicization of the public administration has to be fought through legal reforms for the civil service that aim to apply the value of merit in selecting through a competition capable people with integrity in all the positions of the public administration. But in Albania there is a contradiction with the content of laws and reality.

The Albanian legislator has composed many good laws by benefiting from the experience of developed democratic state, but putting them into practice has been threatened by the deformed politicization that has entered not only the public administration, but all the structures of the society.

The scientific analization of facts has proven that when the stability of the core of a cell is violated, that cell disintegrates and is destroyed. In this context, it can be observed that when the stability of the civil service is infringed through militantism, the public administration gets deformed and loses its stability.

The negative consequences of militants, have a direct negative impact, by harming the core concept of the public administration by transforming it from an administration in function of the interest of citizens, into an administration for the interest of a limited number of people, thus impinging the legal order and harming the quality of the service towards the society. Meanwhile, militantism harms the

human capital in the public administration and also creates the proper environment for corruption to take place.

Observing the reality through the eyes of a civil servant in the public administration is the best experiment to discover how a higher performance can be achieved in the public administration. By analyzing concrete cases of the relationship between a civil servant with political leaders, one can see the importance of a visionary leader with integrity that wants to strengthen the administrative capacities in a country with a fragile democracy. Meanwhile, civil official that are capable and with integrity, and whose primary obligation is protecting the public interest and implementing the law, have to be conflicted with their political leaders that have a fragile legal consciousness.

The independence of the civil servant from politics is closely connected with the need of the state and the citizens to have qualified civil serevant who are capable to face the dynamics and the challenges of the public administration for the development of the society.

The Albanian legislator has to cooperate with researchers of the administrative science, to compose laws in accordance with the historic, political, social and economic context of our country. This should be in order to create a stable administration that is professionally capable and independent from politics in order to confront the many challenges that this era has.

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