
**INFORMAL FORMS OF CONTROL OVER THE ORGANS OF THE
ADMINISTRATION**

Temelko Risteski

FON University, Skopje, Macedonia, temelko_mkd@yahoo.com

Vesna Sijic

vesnasijic@live.com,

Metin Hasanbegovic

FON University, Skopje, Macedonia, metin.hasanbegovic@fon.edu.mk

Abstract: According to the Constitution, the Republic of Macedonia is a democratic state. A democratic state fits a democratic society. In a democratic society, administration is a service for citizens. The things it performs are in the function of satisfying the needs of the citizens. The interests of the citizens arise from the needs. A general interest of the citizens is administration to be efficient in the performance the tasks within its competence.

The administration is efficient if its activities accomplish the goals of the citizens.

Control over the administration provides an insight into the administrative function in order to perceive possible deviations in the performance of the activities that compose it from the goals set by the society as an association of citizens and to undertake corrective measures for removing those deviations.

Beside the formal control of the administration that citizens exercise through the control and protection organs and institutions of society in the manner and in the procedures for work of those organs and institutions prescribed by law, there are informal forms of control whose implementation is not formally prescribed by normative acts. Citizens perform these forms of control individually or organized in civic associations such as political parties, trade union organizations, citizens' associations, media etc.

If the entities of control are outside the organizational structure of the administrative organs, this is an external informal control over the administrative organs. If they are in the organizational structure of these organs, this is an internal informal control over the administration organs.

The paper provides an analytical overview of the forms of external and internal informal control over the administration organs.

A central issue of the analysis is the control over the administration by political parties belonging to the opposition. Within this issue, a review of the constructiveness of the opposition is a necessary imperative for uniting the will of the citizens in the direction of achieving the goals of the constitutional order of the Republic of Macedonia: establishing and consolidating the rule of law; guaranteeing human rights and civil liberties; providing peace and coexistence, social justice, economic well-being and prosperity in the life of the individual and the community.

Keywords: administration, organs, control, forms, citizens

1. INTRODUCTION

The control is an integral part of the existence of any organization. Every organized social activity must be controlled. Control is not just a management function (administrative function). It is also a function of the organization. Each organized social system has its own subsystems designed to control its functioning.

One of the principles of the system of managing social affairs is its continuity. Given that, control is a process function of management - administration by the administrative organs, it must function continuously. The essence of control over these organs is reduced to perceiving the differences between the planned (promised) to the citizens by the administrative organs and the actual achievements.²⁷⁴

Viewed through the prism of social relations and their dynamics, control is the social relationship between two social entities. One is the subject that controls it. It is the active subject of control or controller. The other subject is the subject that is controlled. It is the passive subject of control or the controlled entity. If inadmissible deviations of the realized in relation to the planned are occurring, most often an intervention by the active subject occurs in order to eliminate or minimize those deviations. Due to neglect of the control and due to untimely interventions, the cumulative deviations result, thus reducing the prospects, planned to be realized.²⁷⁵

From the perspective of the theory of action, control over the administrative organs is a set of measures and procedures for the purpose of determining and monitoring the legality of the working, the regularity of the

²⁷⁴ Jovanović B., Fundamentals of Military Management, Vojnoizdavački Zavod, Belgrade, 1984, p. 218-219

²⁷⁵ Ibid, p. 220.

organization and the correctness of the use of the financial and material and technical means in the execution of the planning objectives in the work of the organ.

Control is a large and divided activity, and therefore an extremely important mechanism for protection of legality. It deals with the overall work of the administrative organs.

According to whether it is prescribed and regulated by normative acts or is not, the control over the organ of the administration is divided into formal control and informal control.

According to the place of the controlling entity regarding the organizational structure of the administrative organs, control is divided into external control and internal control.

External control over the administrative organs can be parliamentary control, government control, judicial control, constitutional judicial control, ombudsman control, financial control and administrative control, control by citizens, control by means of public information, and so on.

Internal control over the said organs is performed by specialized organizational units of the administrative organs.

Control over administrative organs involves more formal and informal forms.

Formal forms include all institutionalized forms of control that these organs are carried out by subjects of social control and supervision that are outside the organizational structure of these organs and within them.

Informal forms of control over the administrative organs cover all forms of control performed by the control subjects of the society that are not covered by the system of the official structure of state organs and which exercise control beyond the formal legal framework of control established by the regulations on control and oversight in society. These include the control of political parties, various social economic groups of citizens (unions, chambers and other associations), the control performed by the citizens themselves as members of society, as well as the control carried out by the mass media.

2. EXTERNAL INFORMAL CONTROL OVER ORGANS OF ADMINISTRATION

2.1. Immediate control over the administrative organs by the citizens

The administration is a service of the citizens. By the administrative bodies they exercise a number of rights and obligations. That's why they are the lifeful interest for the work of the administration. Their interest and influence are aimed at making the administration work efficiently.

Citizens, as members of society and citizens of a particular state, through the media and other forms of informal communication (personal contacts, meetings, rallies, etc.) come to information about the situation and events in certain areas of social life. Based on the available fund of information through social and psychological processes, a public opinion is formed about them for certain phenomena in a certain area of social life, which, as a social-psychological phenomenon, is a very important control factor.²⁷⁶ There is no doubt that anyone who works and decides in a particular area of social life, whether it is an individual or an authority, seeks public opinion on his work to be positive. If this is not the case, he will endeavor or change his work (manner, quality, intensity of work) or to influence informatively public opinion to be changed. That is to take appropriate measures, to transform the public opinion on his work from negative, to positive one. In this way, public opinion plays a very important role in improving the quality of the work of the administration organs as a whole, the work of managerial workers who manage the organizational units of their composition, as well as the work of officials who manage these organs.

Citizens can make a positive impact on the work of the organs and institutions in a certain area of social life, within the competence of a certain administrative organ, indicating the noted shortcomings in their work and the situation in them, with direct individual addresses to the authorities through various correspondence and complaints, then by means of their calls through the mass media: radio, television, press and the like.

Complaints are a very effective means for citizens to control the administration. Given that their submission is not related to time limits, they can influence these authorities, point them to the mistake and skipper in the work, and require them it to be removed. Although the law did not set deadlines for submitting them, it should be taken into account that they should be submitted within a reasonable time, while the issue in relation to which the complaint is submitted, is still current. After the cessation of his actuality, the complaint substantially loses its worthiness. In that case, it comes down to indicating the omissions and the mistakes that have been made in the future, to not be repeated.

Finally, citizens have significant influence on the work of the administrative bodies through their associations - political parties, trade union organizations, various forums, clubs, civic associations, and the like. Of these associations, of course, political parties and trade unions have the greatest role to play in controlling the administration.

²⁷⁶ Zvonarevic M., "Social Psychology", Skolska knjiga, Zagreb, 1989, p. 313-318

2.2. Control over administration bodies by civil associations

With the provision of Article 20 of the Constitution of the Republic of Macedonia, citizens are guaranteed freedom of association for the purpose of exercising and protecting their political, economic, social, cultural and other rights. Pursuant to this provision of the Constitution, citizens can freely establish associations of citizens and political parties, access to them and exit from them.

Political parties, as political associations of citizens, have their own political programs for action with which, besides other segments of society, the administration is also involved. Aware that they are under the scrutiny of the intensified interest of the political parties, especially those from the opposition, the managerial workers in the administration organs always take the necessary measures in order not to find themselves under the bite of party criticism and not to draw any consequences for possible omissions and shortcomings in their work.

The role of the opposition parties should be emphasized, which, with a watchful eye, follow the work of the state authorities, especially the executive, to which the administration belongs. With their criticism of the work of certain administrative bodies, with the parliamentary questions posed by parliamentarians from their ranks, with the inferences of certain ministers who are proposed by them, they significantly contribute to keeping the responsibility of administrative officials at a level that guarantees quality work and, of course, to improve the efficiency and effectiveness of their work.

When we are with the opposition parties, the question of constructiveness in their work, ie for a constructive opposition, is raised. To be constructive means to build. When it comes to state, its constitutional order is being built. The construction of the constitutional order of the state should be finalized with the achievement of the goals for which it is constitutionally established. The goals of the constitutional order of the Republic of Macedonia are determined by the preamble of the Constitution. They are: establishing and strengthening the rule of law, guaranteeing human rights and civil liberties, securing peace and coexistence, social justice, economic well-being and the advancement of personal and community life. One constructive opposition should monitor the government at a rate, in this particular case, the executive power, that is, the administration, and on the basis of the truthful facts about that situation, to point out the mistakes and omissions in its work, having in mind always the goals of the constitutional order of the Republic.

The constructive opposition together with the parties of the ruling set of parties, aiming to achieve the goals of the constitutional order, should enable the wills of all citizens of the Republic of Macedonia to merge in a sole will, aimed at building a welfare society in conditions of a high personal and social standard.

The trade union organizations monitor the situation regarding the exercise of the rights from the employment of the employees in the administrative bodies and, by applying the methods of trade union action, they influence the improvement of these conditions and contribute to a faster and more efficient exercise of the rights of the employees embroiled in the constitution and the laws of the state.

In certain situations, trade unions, in accordance with the law, undertake measures for immediate protection of the rights of certain employees before the administrative bodies and the courts and represent their interests in front of these state bodies.²⁷⁷ The right to take these measures and procedures is brought by the trade unions in the role of direct protectors of economic and social rights guaranteed by the constitution and the laws. It seems that this role of trade unions in the administrative bodies is not yet sufficiently intensified, which, without a doubt, is a kind of disadvantage for the employees in these bodies in exercising their rights. The existing Trade Union of the Employees of the Administration, the Judicial Authorities and the Citizens' associations of the Republic of Macedonia, makes considerable efforts for protection of the rights of the employees. Progress is evident. But there is no doubt that it must be maintained and the protection of the labor rights to be promoted, so as it not to get a formal character.²⁷⁸

Non-governmental organizations are non-profit organizations of citizens who are established for the purpose of realization and protection of their economic, social, cultural, scientific, professional, technical, humanitarian, educational, sports and other rights, interests and beliefs in accordance with the constitution and the law. Within the

²⁷⁷ In connection of this, see Article 184, paragraph 2, of the Law on Labor Relations ("Official Gazette of the Republic of Macedonia" No. 62/05), Article 47, paragraph 3 of the Law on General Administrative Procedure ("Official Gazette of the Republic of Macedonia" No. 38/05) and the Law on Administrative Disputes ("Official Gazette of the Republic of Macedonia" No. 62/06)

²⁷⁸ This is a statement from the working meeting held in the Government of the Republic of Macedonia on October 22, 2018, of the Government headed by Prime Minister Zaev, in addition to representatives were also attended representatives of all Macedonian trade unions.

framework of the realization and protection of the stated interests of the citizens, these organizations monitor the work of the administrative organs, point out the shortcomings in their work, propose measures and procedures for removing the shortcomings, submit legal remedies for the protection of the rights and interests of their members, through the mass media provide data and criticism about the work of the administrative organs.

With these activities, non-governmental organizations in all modern democratic countries have a significant influence on the work of the administration.

In the Republic of Macedonia, non-governmental organizations are formed and act under the common name of civic associations. These associations, as a form of interesting association of citizens, within their activities monitor the administrative organs, request information from them, provide them with information and cooperate with them. With their activity they help the administration to be modernized, to be efficient in carrying out its tasks, to be familiar with the current life needs of the citizens and in their work within the administrative function, to be managed, above all, by those needs.

2.3. Control over the administration bodies by the media

The media (press, radio, television, internet) are primarily a control mechanism within the social control over the subjects of social life in each state. Regarding the social control over the work of the administration bodies, they:

- inform the public about the work of the administrative bodies,
- criticize the work of these authorities,
- give ideas for improving their work, etc.

With these and other activities, the public information media occupy a significant place within the social control over the public administration system, primarily by informing citizens about all happenings in that system, and then by allowing them to express their views, opinions and ideas about the work of the administration bodies.

Informing the public, the mass media provide citizens with information about the work of the administration. Information is an information base for citizens' activity and their participation in social processes. Only a well-informed citizen can participate in these processes. Participating in them, he will criticize, point out mistakes and omissions, give initiatives and proposals, and, of course, will influence the situation in all areas of social life covered by the administration organs and thus control the administration.

3. INTERNAL INFORMAL CONTROL OVER ORGANS OF THE ADMINISTRATION

3.1. Control over the administration organs by the employees

Carriers of the internal informal control over the work of the administration organs are the employees in those organs and the trade union.

All persons employed in the administrative organs are deeply interested about the situation in the organ in which they work, especially for those situations that directly reflect their status in the service, and through it and their income in connection with its performance. Therefore, they vigilantly monitor the development of the situation in the administrative organ in which they work, the introduction of new organizational solutions, their implementation in practice, the compliance with the regulations by the managerial workers and other officials, the process of normative regulation of social relations with by-laws and other regulations. As a result of this monitoring, employees of the administration organ develop a special internal public opinion as an essential part of the social climate in which the activities are taking place. Therefore, their implementation is inconceivable without respecting the views of the public opinion in the body. This is because the persons who carry out these activities, as members of the administration, cannot remain outside the influence of the public opinion, even when they want it.

Regarding the employees as carriers of internal informal control over the work of the administration organs, it should be noted that a very effective means of control are the meetings of the working collectives of the administrative organs and their organizational units. They represent a form of collective engagement of the employees for improvement the life and work in the administration organs. Skillfully guided and directed by the managerial staff, they can be a reliable indicator of the moral state of the administration, a good opportunity to acquire numerous information about the situation, an effective means of eliminating the accumulated frustration among the employees, a rich source of numerous and very quality ideas and suggestions for resolving the blurred problems. Therefore, senior executives should never avoid holding meetings with their employees.

3.2. Internal control over the organs of administration by the trade union

As for the trade union as the holder of the informal control, here we will just point out that the employees in the administrative organs have the right to trade union organization. Organized in the trade union they collectively protect their rights and interests in the work and in connection with the work in the administration organ. The ways of the trade union action in protecting the rights and interests of employees have already been discussed, and therefore, we will not go back to this issue here.

A powerful tool for protecting the rights and interests of employees in the administration organs is the strike. It puts pressure on the employer - the administrative organ to accept certain demands of the employees, which do not rarely refer to the consistent implementation of the legality in the work of the organs in relation to the exercise of the rights of the employees. Trade union organizations play an enormous role in the use of this tool because they regularly appear as its organizers.

Regarding the right to trade union organization and the right to strike of the employees in the administrative organs in the Republic of Macedonia, the Constitution prescribes the possibility for them to be restricted by law in order to ensure the minimum unimpeded performance of the functions of the organ and the necessary level of accomplishment the rights and interests of citizens and legal entities.²⁷⁹

4. INCLUDING CONCLUSION

Citizens are an active subject of external, and, as a workers, of informal control over the administration organs. They do it directly and indirectly through their associations - political parties, citizens' associations, trade unions, or through the media. By performing the activities within its competence, the administration works in the function of the general goals of the citizens of the Republic of Macedonia defined in the Preamble of the Constitution and on the specific goals in the spheres of social life for which the administrative bodies are formed. Within the specific goals, citizens realize their individual goals in the form of rights and obligations for which the administrative bodies decide.

The general objectives of the citizens of the Republic are: establishment and strengthening of the rule of law, guaranteeing human rights and civil liberties, securing peace and coexistence, social justice, economic well-being and the progress of personal and community life.

The specific objectives of the citizens are defined by the laws of the Republic adopted for the regulation of social relations in certain areas of social life, such as: economy, finance, education and science, culture, labor and social policy, defense, internal affairs, foreign affairs etc.

The individual goals of the citizens are reduced to the exercise of their rights and obligations before the administrative bodies.

With the achievement of the individual and special goals, the general goals of the citizens of the Republic of Macedonia are realized. That is why individual, special and general goals represent dialectical unity. Control over the organs of administration is in function of the realization this dialectical unity.

The realization of this dialectical unity, directly by the citizens, or indirectly, through their associations - political parties, citizens' associations, trade unions, etc. de facto means the realization of a welfare society in conditions of high personal and social standard in the Republic of Macedonia.

Therefore, the administration needs intensive communication with the citizens - directly or through their associations and trade unions, and within this framework it is necessary to intensively receive and provide information. In this way, it will acquire greater authority and turn into a service of the citizens in the true sense of the word.

REFERENCES

- [1] Grizo N., Davitkovski B., Problems of Management, University "St. Cyril and Methodius, "- Faculty of Law, Skopje, 2001.
- [2] Jovanović B., Fundamentals of Military Management, Vojnoizdavački Zavod, Belgrade, 1984.
- [3] Risteski T., Public and State Administration, concepts for lectures - script FON University, Skopje, 2010.
- [4] Zvonarevic M., "Social Psychology", Skolska knjiga, Zagreb, 1989.
- [5] Constitution of the Republic of Macedonia, special edition, Phoenix, Skopje, 2005.
- [6] Law on Labor Relations ("Official Gazette of RM", No. 62/05).
- [7] Law on Public Sector Employees (Official Gazette of the Republic of Macedonia No. 27/14 119/14 and 27/16).
- [8] The Law on General Administrative Procedure ("Official Gazette of the Republic of Macedonia", No. 38/05)
- [9] Law on Administrative Disputes ("Official Gazette of the Republic of Macedonia", No. 62/06)

²⁷⁹ See article 37 of the Constitution of the Republic of Macedonia and article 32 of the Law on Public Sector Employees (Official Gazette of the Republic of Macedonia No. 27/14 119/14 and 27/16).

