



THE UNFINISHED REFORM

Rethinking Local Governance in Albania

Ervis ILJAZAJ/ Gentjan HAJDARI/ Anjeza XHAFAERAJ/ Elda BAGAVIKI/ Endirë BUSHATI/ Ilir BARJABA/ Abla XHAFERI/ Blegina HASKO BEZO/ Evis SHURDHA



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EDITORIAL

The Unfinished Reform: Rethinking Local Governance in Albania _____

_____ *Ervis ILJAZAJ* _____

Local government represents one of the most important dimensions of modern democratic governance. As the level of government closest to citizens, it is where the principles of democracy, representation, accountability, and citizen participation should take their most concrete form. In Albania, more than three decades of democratic transition have been accompanied by a continuous process of reforming local government. At the same time, however, this process has revealed significant tensions between the formal framework of decentralization and the actual political, financial, and administrative autonomy of local institutions.

This issue of *Jus and Justicia* is dedicated to precisely this complex and evolving dimension of Albanian governance. Local government in Albania cannot be examined solely through institutional structures or legal reforms. It must also be understood as a political, legal, and social process directly connected to the quality of democracy, the distribution of political power, the relationship between central and local government, and the capacity of local institutions to respond effectively to the needs of their communities.

The administrative-territorial reform and the broader process of decentralization have brought significant changes to the organization and functioning of local government. The consolidation of local government units was intended to strengthen administrative and financial capacities, while the transfer of functions to the local level sought to create more efficient governance closer to citizens. Yet the experience of recent years raises a fundamental question: has institutional decentralization been accompanied by genuine political, financial, and administrative autonomy for local government?

This question is particularly important in a political system where relations between central and local authorities continue to be characterized by a considerable weight of central government. Local autonomy is not merely a matter

of competencies formally assigned by law. It also depends on financial resources, administrative capacities, the ability to make decisions independently, and, above all, the capacity of local institutions to provide citizens with meaningful opportunities to participate in decision-making.

In this sense, the debate on local government is also a debate about the quality of Albanian democracy itself. Democracy cannot be measured only through central institutions, national elections, or formal mechanisms of political control. It must also be assessed by the extent to which citizens are able to participate in decisions that directly affect their everyday lives. Municipalities, municipal councils, and other local institutions constitute spaces in which citizens should not be viewed merely as recipients of public services, but also as active participants in the democratic process.

For this reason, the issue of local government requires an approach that goes beyond the narrow concept of administrative efficiency. Local governance should be assessed not only in terms of efficiency, but also through the principles of democratic legitimacy, transparency, accountability, and citizen participation. If territorial reform produces larger administrative structures without necessarily creating institutions that are more representative, accountable, and accessible to citizens, a gap remains between institutional reform and its democratic purpose.

This issue of *Jus and Justicia* seeks to contribute to this debate by bringing together different perspectives on the development and challenges of local government in Albania. The contributions included in this issue approach the subject from diverse legal, political, and institutional perspectives, offering an opportunity to reflect on the achievements, challenges, and possible future directions of local governance.

At a time when Albania continues its path toward European integration, strengthening local government assumes even greater importance. The principles of local autonomy, subsidiarity, transparency, and citizen participation are fundamental elements of European democratic governance and provide important standards against which Albania's institutional development should also be assessed. Local government reform, therefore, should not be understood as a completed process, but as an ongoing institutional and democratic agenda.

Ultimately, the challenge facing local government in Albania is not simply how many competencies have been transferred to the local level, but how effectively and autonomously those competencies can be exercised in a democratic manner and in the service of citizens. The answer to this question will significantly shape the quality of Albanian democracy in the years ahead.

With this issue, *Jus and Justicia* seeks to provide another space for academic reflection on these challenges and to contribute to the broader debate on the future of local governance in Albania.

Institutionalizing Youth Participation without Empowerment? Evidence from Albanian Municipalities _____

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Abstract

Youth participation has become an increasingly important component of democratic governance, particularly within frameworks promoting inclusive decision-making and civic engagement. In Albania, the adoption of Law No. 75/2019 “On Youth” established the first comprehensive legal framework aimed at strengthening youth participation through institutional mechanisms such as Local Youth Councils and municipal structures responsible for youth affairs. This article examines the extent to which these reforms have contributed to meaningful youth participation in local decision-making processes. Drawing on a mixed-methods research design, the study combines survey data from 207 young people aged 15–29 with semi-structured interviews conducted with 24 representatives from 22 Albanian municipalities. The analysis is informed by theories of participatory governance and youth empowerment, as well as Arnstein’s Ladder of Citizen Participation and Hart’s Ladder of Youth Participation. The findings indicate that Law No. 75/2019 has contributed significantly to the institutionalization of youth participation across Albanian municipalities through the establishment of formal participatory structures and consultation mechanisms. However, awareness of these opportunities

remains uneven, participation levels are relatively modest, and many young people perceive their influence on local policymaking as limited. While municipalities increasingly provide opportunities for consultation and dialogue, participation often remains advisory rather than decisional. Information deficits, limited political efficacy, uneven municipal capacities, and insufficient financial resources continue to constrain meaningful youth engagement. The article argues that the Albanian case illustrates a broader challenge facing transitional democracies: the creation of participatory institutions does not automatically generate empowerment or influence. Although youth participation has become increasingly institutionalized, the transition from formal inclusion to substantive participation remains incomplete. The study contributes to debates on participatory governance, youth empowerment, and democratic inclusion by highlighting the gap between institutional participation and meaningful influence in local governance.

Keywords: youth participation; participatory governance; youth empowerment; local governance; democratic inclusion; Local Youth Councils; Albania; Law No. 75/2019

Introduction

Youth participation in political and decision-making processes has become an increasingly important component of democratic governance. Young people are recognized not only as beneficiaries of public policies but also as active contributors to social, political, and economic development. Their involvement enhances democratic legitimacy, strengthens social inclusion, and improves the responsiveness of public institutions (Checkoway, 2011; Hart, 1992). Nevertheless, young people often encounter barriers that limit meaningful participation, including restricted access to decision-making structures, low levels of institutional trust, and limited opportunities to influence policy outcomes (OECD, 2001; United Nations, 2018).

International organizations such as the European Union and the United Nations have increasingly emphasized youth engagement as a key element of inclusive governance and sustainable development. Through frameworks such as the EU Youth Strategy 2019–2027 and the UN Youth 2030 Strategy, youth participation is promoted not only as a democratic right but also as a mechanism for strengthening accountability, social cohesion, and democratic resilience (European Commission, 2018; United Nations, 2018).

In Albania, youth participation gained greater institutional recognition with the adoption of Law No. 75/2019 “On Youth,” the first comprehensive legal framework dedicated specifically to youth governance. The law introduced

mechanisms intended to strengthen youth empowerment and participation, most notably through the establishment of Local Youth Councils and municipal structures responsible for youth affairs. These reforms reflect broader efforts to align Albanian youth policies with European and international standards of participatory governance.

However, the existence of participatory mechanisms does not necessarily guarantee meaningful participation. Research on participatory governance has consistently demonstrated that institutional structures may facilitate consultation without necessarily providing citizens with substantive influence over decision-making processes (Arnstein, 1969; Cornwall, 2008). This challenge is particularly relevant in transitional democracies, where legal reforms often advance more rapidly than changes in institutional practices and political culture.

Against this backdrop, this study examines youth participation in local decision-making processes in Albania following the adoption of Law No. 75/2019. It explores young people's awareness of participatory mechanisms, their perceptions of influence in local governance, and the effectiveness of institutional structures designed to facilitate youth engagement. Using a mixed-methods approach that combines survey data from 207 young people with interviews conducted with representatives from 22 municipalities, the study evaluates the implementation of youth participation mechanisms at the local level.

The article argues that while Law No. 75/2019 has contributed significantly to the institutionalization of youth participation in Albania, the transition from formal participation to meaningful influence remains incomplete. Although municipalities have established participatory structures, young people continue to face informational, institutional, and empowerment-related barriers that limit their substantive role in local decision-making. By examining the Albanian case, this study contributes to broader debates on youth participation, participatory governance, and democratic inclusion in post-communist and transitional contexts.

Despite the growing body of literature on youth participation, participatory governance, and empowerment, limited research has examined the practical implementation of youth participation mechanisms introduced by Law No. 75/2019 in Albania. Existing studies have largely focused on youth policies, civic engagement, or political participation more broadly, while comparatively little attention has been devoted to assessing whether newly established institutional structures have translated into meaningful youth influence at the local level. This study addresses that gap by providing one of the first empirical assessments of the implementation of Law No. 75/2019 through a mixed-methods analysis combining youth perspectives and institutional experiences across Albanian municipalities. By examining the relationship between formal participatory structures and actual influence in local governance, the article contributes to broader debates

on participatory governance, youth empowerment, and democratic inclusion in transitional and post-communist contexts.

Literature Review and Theoretical Framework

Participation, Youth Engagement, and Democratic Governance

Youth participation in political and decision-making processes has become an increasingly important topic in contemporary democratic governance literature. Participation is generally understood as the active involvement of individuals and social groups in shaping decisions that affect their lives, communities, and broader social environments. Within youth studies, participation extends beyond electoral engagement to include involvement in policymaking, public consultations, civic activism, community initiatives, and institutional governance structures (Checkoway, 2011).

The literature distinguishes between formal and informal forms of participation. Formal participation encompasses institutionalized mechanisms such as youth councils, consultative bodies, and local governance structures, whereas informal participation includes protests, social movements, online activism, and community mobilization (Ekman & Amnå, 2012). Contemporary research suggests that young people increasingly prefer flexible, issue-oriented forms of engagement over traditional political participation, particularly in transitional and post-communist contexts characterized by lower levels of institutional trust (Furlong & Cartmel, 2007).

Participation is widely regarded as a fundamental component of democratic governance, contributing to accountability, legitimacy, and policy responsiveness. According to Chetwynd and Chetwynd (2001), effective participation depends on transparent governance, continuous communication between institutions and citizens, and mechanisms that enable citizens to engage as active actors in public affairs. Similarly, participatory and deliberative democratic theories emphasize that democratic systems function more effectively when citizens are actively involved in public decision-making processes (Pateman, 1970; Habermas, 1996). For young people, participation also plays an important role in political socialization, civic learning, and the development of democratic citizenship (Flanagan & Levine, 2010).

Understanding the quality of participation requires analytical frameworks capable of distinguishing between symbolic inclusion and meaningful influence. One of the most influential contributions in this regard is Arnstein's (1969) Ladder of Citizen Participation, which conceptualizes participation as a continuum ranging from non-participation and tokenism to genuine citizen power. Arnstein

argues that participation becomes meaningful only when citizens are able to influence decisions rather than merely being consulted, making the framework particularly useful for assessing whether participatory mechanisms generate substantive influence or simply create the appearance of inclusion.

Building on Arnstein's work, Hart (1992) developed the Ladder of Youth Participation, adapting participation theory specifically to young people's involvement in governance. Hart distinguishes between tokenistic forms of participation and genuine engagement, where young people are informed, consulted, involved in shared decision-making, and ultimately able to initiate and lead participatory processes. The model highlights the importance of recognizing young people as capable social and political actors rather than passive recipients of public policy.

Complementing these theoretical perspectives, the OECD (2001) identifies three levels of interaction between institutions and citizens: information, consultation, and active participation. This framework provides a useful operational tool for assessing the extent to which participatory mechanisms move beyond information sharing and consultation toward genuine influence in policymaking.

At the international level, youth participation has increasingly been promoted as both a democratic right and a governance priority. The United Nations and the European Union have advanced this agenda through initiatives such as the Youth 2030 Strategy and the EU Youth Strategy, emphasizing the role of young people in democratic governance, social inclusion, and sustainable development (European Commission, 2018; United Nations, 2018). Despite this growing recognition, research continues to identify significant barriers to youth engagement, including socioeconomic inequalities, limited institutional access, weak political representation, and low trust in public institutions (UNDP, 2012).

These challenges are also evident in Albania. Although reforms such as Law No. 75/2019 "On Youth" have strengthened the institutional framework for youth participation, questions remain regarding the extent to which these mechanisms generate meaningful influence at the local level. Drawing primarily on Arnstein's (1969) and Hart's (1992) models, this study evaluates whether the participation mechanisms established under the law facilitate substantive youth engagement in local governance or whether participation remains largely consultative and symbolic.

Concepts of Decision-Making and Youth Empowerment: Relevant Theories and Models

Participation in decision-making refers to the ability of individuals and social groups to influence the formulation, implementation, and evaluation of public policies. In youth studies, participation is closely associated with empowerment,

which emphasizes young people's capacity to exercise agency, influence institutions, and contribute to public life.

This study draws on two closely related concepts: participatory governance and youth empowerment. Participatory governance refers to governance arrangements that enable citizens to engage directly in policymaking and public decision-making processes. According to Fung and Wright (2003), it strengthens democratic legitimacy by creating institutional spaces for deliberation, collaboration, and citizen influence. Such approaches are typically associated with decentralization, transparency, consultation, and cooperation between public institutions and local communities.

Applied to youth participation, participatory governance promotes the inclusion of young people in local governance through mechanisms such as youth councils, public consultations, and community forums. These structures are intended not only to amplify youth voices but also to facilitate their active involvement in shaping policies and community development. In this sense, participatory governance challenges traditional top-down decision-making by encouraging more inclusive and collaborative democratic practices.

Closely connected to participatory governance is the theory of empowerment. Rappaport (1981) defines empowerment as a process through which individuals and communities gain greater control over decisions and resources affecting their lives. Empowerment theory highlights the importance of participation, access to resources, knowledge, and institutional opportunities in enabling marginalized or underrepresented groups to exercise influence within society. Zimmerman (1995) further conceptualizes empowerment through psychological, organizational, and community dimensions, emphasizing both individual capacities and structural opportunities for participation.

Applied to youth participation, empowerment refers to the process of equipping young people with the skills, knowledge, confidence, and institutional access necessary for effective engagement in governance and public decision-making. This includes civic education, leadership development, access to participatory platforms, and opportunities to engage with public institutions. Mechanisms such as Local Youth Councils (KVR), the National Youth Council (KKR), public consultations, and youth-oriented civic initiatives can therefore function as instruments of empowerment when they facilitate meaningful participation rather than symbolic inclusion.

The literature on youth empowerment also stresses the importance of creating supportive institutional environments in which young people perceive themselves as capable political and social actors. Effective participation requires institutions to reduce structural barriers such as unequal power relations, exclusionary political practices, limited access to information, and low levels of institutional trust. In many transitional democracies, these barriers continue to limit the substantive

influence of young people in governance processes despite the existence of formal participatory mechanisms.

From this perspective, meaningful youth participation depends not only on the formal existence of participatory structures, but also on the extent to which young people are genuinely able to influence outcomes and policymaking processes. As Cornwall (2008) argues, invited spaces of participation often risk becoming symbolic unless citizens possess real opportunities to shape decisions. Consequently, assessing youth participation requires attention both to institutional frameworks and to the actual distribution of influence and decision-making power within governance processes.

Participatory governance and empowerment are therefore deeply interconnected. Both approaches emphasize the need to move beyond passive models of citizenship by recognizing young people as active contributors to democratic life and community development.

International Frameworks: European Union and United Nations Perspectives on Youth Engagement

International organizations have played a significant role in promoting youth participation as a key component of democratic governance, social inclusion, and sustainable development. Among the most influential frameworks are those developed by the European Union (EU) and the United Nations (UN), which emphasize the importance of involving young people in public decision-making and policymaking processes.

The EU Youth Strategy 2019–2027 is built around three interconnected pillars—engagement, connection, and empowerment—and seeks to strengthen young people’s participation in democratic life, support mobility and cooperation, and enhance their skills and opportunities through education and training (European Commission, 2018). A central feature of the strategy is the promotion of structured dialogue between young people and policymakers through mechanisms such as youth councils, consultation processes, and participatory forums.

Similarly, the United Nations promotes youth participation through its Youth 2030 Strategy, which links youth engagement to inclusive governance, sustainable development, and the achievement of the Sustainable Development Goals (SDGs). In particular, SDG 16 emphasizes the importance of inclusive and participatory institutions, while the Youth, Peace and Security agenda recognizes young people as active contributors to peacebuilding, civic engagement, and social resilience (United Nations, 2018).

Both the EU and the UN emphasize that effective youth participation requires more than formal consultation. Meaningful engagement depends on creating institutional spaces where young people can contribute to policymaking and

exercise genuine influence over decisions affecting their communities. As a candidate country for EU membership, Albania has increasingly aligned its youth policies with these international standards, most notably through the adoption of Law No. 75/2019 “On Youth.” These frameworks therefore provide an important normative benchmark for assessing the effectiveness of youth participation mechanisms in Albania.

Legal and Institutional Framework of Youth Participation in Albania Law No. 75/2019 “On Youth” and the Institutional Framework for Participation

The adoption of Law No. 75/2019 “On Youth” established the first comprehensive legal framework regulating youth policy and participation in Albania. The law aims to strengthen the inclusion of young people in public, political, and social life while aligning domestic youth policies with European Union and United Nations standards on participation and empowerment.

The legislation is built upon principles of equality, non-discrimination, equal opportunities, non-formal education, and structured dialogue between young people and public institutions. Its primary objective is to create institutional channels through which young people can engage in policymaking and public affairs at both national and local levels. In this regard, youth participation is framed not only as a civic right but also as a component of democratic governance and local development.

The law defines the responsibilities of national and local authorities in implementing youth policies. While the ministry responsible for youth coordinates and monitors national policy, consultative bodies such as the National Youth Council (KKR) and Local Youth Councils (KVR) serve as the main institutional platforms for youth engagement. However, as participation literature suggests, the existence of formal structures does not necessarily translate into meaningful influence, making implementation and institutional commitment critical factors in determining their effectiveness.

National Youth Strategy 2022–2029

The National Youth Strategy 2022–2029 serves as Albania’s principal policy framework for youth development. It links youth participation to broader objectives including education, employment, social inclusion, wellbeing, innovation, and sustainable development. Among its priorities are strengthening youth representation in governance, promoting active citizenship, supporting entrepreneurship, and expanding access to educational and social opportunities.

The strategy reflects strong alignment with the EU Youth Strategy and the United Nations Sustainable Development Goals, positioning youth participation

within Albania's broader democratic consolidation and European integration agenda. Nevertheless, its implementation depends largely on local institutional capacities, inter-institutional coordination, sustainable funding, and the effective functioning of participatory mechanisms.

Institutional Mechanisms: National and Local Youth Councils

A central feature of Albania's youth governance framework is the establishment of formal mechanisms for dialogue between young people and public institutions. At the national level, the National Youth Council (KKR) functions as a consultative body that provides recommendations on youth policies, contributes to the implementation of the National Youth Strategy, and facilitates communication between youth organizations and public authorities.

At the local level, Local Youth Councils (KVRs) constitute the primary mechanism for youth participation in municipal affairs. Established in all 61 municipalities, they are intended to provide a platform through which young people can contribute to local policymaking, propose initiatives, and communicate community concerns to local authorities.

The establishment of KVRs represents an important step toward institutionalizing youth participation at the local level. However, their role remains largely consultative, and their capacity to influence municipal decision-making varies considerably across municipalities. Factors such as political support, administrative capacity, available resources, and levels of youth engagement significantly affect their effectiveness. Consequently, the key question is not whether these mechanisms exist, but whether they provide young people with meaningful opportunities to influence public decisions rather than merely participate in consultation processes.

Methodology

This study examines the extent to which Law No. 75/2019 "On Youth" has contributed to the inclusion of young people in local decision-making processes in Albania. More specifically, it investigates whether the institutional mechanisms introduced by the law have generated meaningful opportunities for youth participation at the municipal level.

The central research question guiding the study is: *How has youth participation in local decision-making evolved in Albania following the adoption of Law No. 75/2019 "On Youth"?*

To address this question, the study pursues three main objectives. First, it evaluates the level of youth participation in local governance structures and decision-making processes after the adoption of the law. Second, it analyzes young

people's awareness of participatory mechanisms and their perceptions regarding the effectiveness of local institutions in facilitating youth engagement. Third, it examines the implementation of youth participation mechanisms at the municipal level, with particular attention to the role of local authorities and civil society actors in promoting participatory governance.

Research Design

To address the research question, this study employs a mixed-methods research design to examine youth participation in local decision-making processes in Albania following the implementation of Law No. 75/2019 "On Youth." The integration of quantitative and qualitative methods enables a comprehensive examination of both patterns of youth participation and the institutional dynamics shaping participatory practices at the local level.

The choice of a mixed-methods approach reflects the multidimensional nature of youth participation as both a social and institutional phenomenon. Quantitative methods make it possible to identify broader participation patterns, levels of institutional awareness, and demographic trends among young people, while qualitative methods provide deeper insights into institutional practices, implementation challenges, and perceptions of the effectiveness of participatory mechanisms. The integration of these approaches strengthens the validity of the findings through methodological triangulation (Bryman, 2016).

The study focuses on youth participation within local governance structures established following the adoption of Law No. 75/2019, paying particular attention to the functioning of Local Youth Councils, cooperation between local institutions and young people, participatory opportunities offered by municipalities, and perceptions of youth influence in local decision-making.

Data Collection

Data were collected through an online survey and semi-structured interviews in order to capture both youth perspectives and institutional experiences.

The quantitative component consisted of an online survey administered to young people aged 15–29 across Albania. A total of 207 respondents participated. The questionnaire was designed to assess levels of participation in local decision-making, awareness of participatory mechanisms, perceptions of local government responsiveness, and barriers to youth engagement. It included a combination of multiple-choice, scaled-response, and open-ended questions, allowing both quantitative measurement and limited qualitative input.

The survey was distributed through social media platforms, email communication, and youth organization networks operating across different

municipalities. The online format facilitated participation from geographically diverse respondents, including young people living in rural and remote areas that are often underrepresented in traditional survey research.

The qualitative component consisted of semi-structured interviews with individuals directly involved in the implementation of youth participation mechanisms at the municipal level. Participants included representatives of municipal youth sectors, Local Youth Councils, and other actors engaged in local youth governance. In total, 24 representatives from 22 municipalities were interviewed.

The interviews explored the implementation of Law No. 75/2019, the functioning of Local Youth Councils, institutional cooperation, financial and administrative support for youth initiatives, and the challenges associated with youth participation at the local level. The semi-structured format provided flexibility for participants to discuss local experiences and institutional realities while ensuring consistency across the main themes relevant to the research objectives.

Sampling

The study employed a structured sampling strategy designed to ensure diversity across regions and social categories. Two groups of participants were included: young people participating in the online survey and institutional representatives participating in the interviews.

For the survey, a convenience sampling approach was used to reach young people aged 15–29 from different municipalities, educational backgrounds, and socioeconomic contexts. While this approach does not allow statistical representativeness, it facilitated broad geographical coverage and the inclusion of diverse youth perspectives.

For the qualitative component, purposive sampling was used to select participants directly involved in youth governance and the implementation of Law No. 75/2019. Participants included representatives of municipal youth sectors and Local Youth Councils from 22 municipalities. This approach ensured access to respondents with relevant institutional knowledge (Patton, 2002).

Participation was voluntary and based on informed consent. Anonymity and confidentiality were ensured by removing personal identifiers from the data, and participants retained the right to withdraw at any stage of the research process.

Document and Data Analysis

In addition to surveys and interviews, the study incorporated document analysis of legal and policy materials related to youth participation in Albania, including Law No. 75/2019, the National Youth Strategy 2022–2029, government reports,

municipal documents, and publications by civil society and international organizations. Document analysis was used to contextualize empirical findings and identify institutional developments and policy priorities concerning youth participation.

The quantitative data collected through the survey were analyzed descriptively in order to identify patterns of youth participation, levels of awareness of participatory mechanisms, perceptions of local government responsiveness, and barriers to engagement. The analysis focused primarily on frequencies, percentages, and comparative trends across key demographic and participation-related variables.

The qualitative data obtained through semi-structured interviews were analyzed using thematic analysis following the approach developed by Braun and Clarke (2006). Interview transcripts and notes were systematically coded to identify recurring themes related to youth participation, institutional effectiveness, implementation challenges, and perceptions of influence in local decision-making processes.

The coding process combined both deductive and inductive approaches. Initial analytical categories were informed by the study's theoretical framework, particularly concepts related to participation, empowerment, and participatory governance, while additional themes emerged directly from the interview data during the analysis. The integration of quantitative and qualitative findings enabled a more comprehensive interpretation of youth participation in Albania by linking broader participation patterns with the institutional realities shaping local governance practices.

Limitations

The findings should be interpreted in light of several limitations. The use of convenience and purposive sampling limits statistical generalizability, while the online distribution of the survey may have underrepresented less connected or less civically engaged youth. In addition, voluntary participation may have introduced self-selection bias, and the findings reflect the political and institutional context of Albania during the period of data collection.

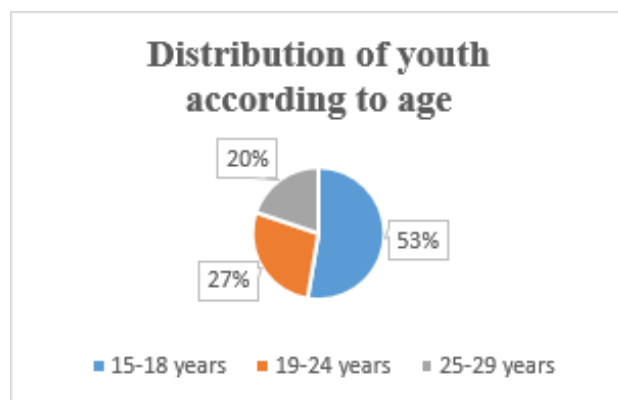
Findings: Institutionalizing Youth Participation without Empowerment? Evidence from Albanian Municipalities

Profile of Respondents

The survey was completed by 207 young people aged between 15 and 29 years old from municipalities across Albania. Respondents represented both urban and rural areas, with 54.1% residing in urban municipalities and 45.9% in rural communities. This relatively balanced geographical distribution provides an opportunity to capture perspectives from diverse local governance contexts and varying levels of access to participatory opportunities. Respondents originated from a wide range of municipalities, including Tirana, Durrës, Fier, Elbasan, Shkodër, Korçë, Berat, Kamëz, Vau i Dejës, Roskovec, Librazhd, Shijak, Dibër, and Krujë, among others. Such diversity increases the analytical value of the findings by incorporating experiences from both larger urban centers and smaller municipalities.

The sample was dominated by female respondents, who accounted for approximately three-quarters of participants, while male respondents represented a considerably smaller share. Thus, there were 159 female and 47 male respondents. In terms of age, 109 participants were aged 15–18, 57 were aged 19–24, and 41 were aged 25–29, indicating stronger participation among younger age groups.

Although the survey does not provide a statistically representative sample of all Albanian youth, it captures perspectives from a broad range of geographical, social, and demographic backgrounds. This diversity strengthens the analytical value of the findings by reflecting the varied experiences and challenges young people face in relation to local governance and participation across different municipalities and communities.



Educational attainment was relatively high, with most respondents having completed secondary education or pursuing higher education studies. More than 44% of respondents reported holding or pursuing university-level qualifications, while only a small proportion had completed only basic education.

Although the sample cannot be considered statistically representative of all Albanian youth, it reflects a broad range of educational, geographical, and social backgrounds, providing valuable insights into youth perceptions of participation and local governance.

Awareness of Local Governance and Youth Participation Mechanisms

A central objective of Law No. 75/2019 is to strengthen youth participation by creating institutional mechanisms that facilitate communication and cooperation between young people and local authorities. However, participation presupposes awareness. According to both Arnstein's (1969) Ladder of Citizen Participation and Hart's (1992) Ladder of Youth Participation, access to information represents a prerequisite for meaningful engagement. Citizens and young people cannot effectively participate in decision-making processes if they lack knowledge about institutional opportunities and governance structures.

The survey findings reveal a mixed picture regarding youth awareness of local governance processes. Slightly more than half of respondents (52.7%) reported being informed about decisions taken by their municipality, while 47.3% indicated that they were not informed. At first glance, this result appears encouraging because a majority of respondents demonstrate some awareness of local decision-making. Nevertheless, the fact that nearly one-half of surveyed youth remain uninformed highlights a significant transparency and communication challenge.

From the perspective of participatory governance theory, this finding is particularly important. Participatory governance assumes that citizens possess sufficient information to engage in consultation, deliberation, and policy influence (Fung & Wright, 2003). The survey results suggest that many municipalities have not yet succeeded in creating information channels capable of reaching a broad segment of the youth population. Consequently, participation opportunities may exist formally while remaining inaccessible in practice.

The findings also provide insight into the mechanisms through which young people acquire information. Social media emerged as the dominant source of information regarding municipal activities and decisions. Respondents frequently mentioned Facebook, Instagram, municipal websites, online news portals, and information shared through Local Youth Councils. This finding reflects broader trends identified in the literature concerning the increasing importance of digital platforms for youth civic engagement (Flanagan & Levine, 2010). At the same time, reliance on social media suggests that young people who are less active online

may face additional barriers in accessing information regarding participation opportunities.

A similar pattern emerges when examining awareness of Local Youth Councils (KVRs), one of the principal institutional innovations introduced through Law No. 75/2019. While 56.3% of respondents reported having heard of Local Youth Councils, 23.3% had never heard of them and an additional 20.4% were uncertain. These results indicate that despite efforts to institutionalize youth participation, awareness of the primary participatory mechanism remains incomplete.

The findings become even more revealing when respondents were asked whether a Local Youth Council had been established in their municipality. Although 51.9% confirmed its existence, more than 40% either did not know or were uncertain. This discrepancy highlights an important distinction between institutional creation and institutional visibility. Municipalities may formally comply with legal obligations by establishing Local Youth Councils, but the councils themselves may not yet function as visible or widely recognized participatory spaces within local communities.

This finding resonates strongly with Cornwall's (2008) critique of participatory institutions. Cornwall argues that the mere creation of participatory spaces does not guarantee effective participation. Such spaces must also be visible, accessible, and perceived as meaningful by those they are intended to serve. The Albanian case appears to reflect this challenge. While institutional structures exist, many young people remain unaware of them or uncertain about their purpose.

Awareness of municipal youth officers follows a similar pattern. Approximately 58% of respondents were aware that their municipality employed a staff member responsible for youth affairs. While this suggests that youth-related structures have achieved a certain degree of visibility, a substantial proportion of respondents remained uninformed. The persistence of these information gaps suggests that communication strategies continue to represent a significant weakness in local youth governance.

The issue becomes even more pronounced when examining consultation mechanisms. Only 46.1% of respondents indicated that municipalities organize open consultation meetings before adopting youth-related policies, while the majority either believed that such meetings do not occur or were unaware of their existence. Similarly, only 46.4% reported receiving advance notification regarding such meetings.

Taken together, these findings reveal an important paradox. Since the adoption of Law No. 75/2019, Albania has made substantial progress in institutionalizing youth participation through Local Youth Councils, municipal youth officers, and consultation mechanisms. However, the effectiveness of these structures appears constrained by uneven awareness and communication deficits. In Arnstein's terms, municipalities may have succeeded in establishing institutional channels

for information and consultation, yet many young people remain positioned at the lower levels of the participation ladder because they lack sufficient knowledge about how and when to engage.

Consequently, the findings suggest that the challenge facing youth participation in Albania is no longer solely the creation of institutions, but rather ensuring that those institutions become visible, accessible, and meaningful to the broader youth population. The transition from formal institutionalization to substantive participation remains incomplete, and communication appears to be one of the principal barriers preventing further progress.

Institutional Perspectives on Youth Participation: Between Formal Commitment and Practical Constraints

The interviews conducted with representatives from 22 Albanian municipalities provide important insights into how local authorities perceive youth participation and how participation mechanisms established under Law No. 75/2019 function in practice. While survey findings revealed that many young people remain only partially informed about local decision-making processes and perceive their influence as limited, municipal representatives generally portrayed a more positive picture of youth engagement. The comparison between these two perspectives highlights a recurring tension between institutional efforts to create participatory opportunities and young people's perceptions regarding the effectiveness of these opportunities.

Institutionalization of Participation Mechanisms

A first important finding concerns the successful institutionalization of youth participation mechanisms across Albanian municipalities. Nearly all interviewed municipalities reported having established structures intended to facilitate youth engagement, particularly Local Youth Councils (KVRs), public consultations, open meetings, and dedicated municipal staff responsible for youth affairs. Representatives consistently described youth participation as a municipal priority and emphasized efforts to create formal channels through which young people could communicate their concerns and proposals.

These findings suggest that Albania has made significant progress in implementing the institutional requirements introduced by Law No. 75/2019. From the perspective of participatory governance theory, the establishment of these structures represents an important step toward creating institutional spaces for civic engagement (Fung & Wright, 2003). Similarly, Arnstein's (1969) framework would place these developments above the level of non-participation, as municipalities have created mechanisms that at least enable consultation and communication with young citizens.

However, the findings also reveal considerable variation between municipalities regarding the maturity and effectiveness of these structures. While municipalities such as Shkodër, Roskovec, Bulqizë, Berat, and Vau i Dejës reported relatively active youth councils and regular consultations, other municipalities described more limited engagement or structures that were still in early stages of development. This uneven implementation suggests that institutionalization has occurred at different speeds across local governments.

The Participation Paradox: Meetings Exist, Yet Participation Remains Limited

One of the most striking findings emerging from the interviews concerns the discrepancy between the existence of participatory opportunities and actual youth engagement. Almost all municipal representatives reported organizing open meetings and consultation activities for young people. Yet many simultaneously acknowledged that participation levels remain inconsistent and frequently lower than expected. Several interviewees characterized youth participation as “satisfactory” or “good,” while others described it as “limited,” “weak,” or “sporadic.”

This finding closely mirrors the survey results. While municipalities report creating opportunities for participation, only 40.1% of surveyed young people reported having participated in open municipal meetings, and nearly 60% had never attended such activities. Similarly, more than half of respondents reported either not knowing whether consultation meetings existed or not being informed about them.

The discrepancy between institutional and youth perspectives illustrates what Cornwall (2008) describes as the distinction between invited spaces and effective participation. Municipalities may create participatory spaces, but these spaces do not automatically generate engagement. Participation requires visibility, accessibility, and the perception that participation can produce meaningful outcomes.

Why Are Young People Not Participating?

The interviews provide valuable insights into the factors that continue to limit youth engagement in local governance. Although municipalities have established a range of participatory mechanisms, interviewees consistently identified barriers that hinder young people from taking advantage of these opportunities. Four interconnected themes emerged: information deficits, low levels of trust and political efficacy, historical and cultural barriers, and demographic challenges linked to migration.

Information Deficits

The most frequently cited barrier was the lack of information regarding participation opportunities. Municipal representatives repeatedly emphasized

that many young people remain unaware of consultation processes, Local Youth Councils (KVRs), and other municipal initiatives targeting youth engagement. This finding strongly reinforces the survey results, where nearly half of respondents reported insufficient information about municipal decision-making processes, while substantial proportions were unaware of the existence or role of Local Youth Councils.

The persistence of these information gaps indicates that the challenge facing municipalities extends beyond the creation of participatory structures. Institutional opportunities cannot generate meaningful engagement if young people remain unaware of their existence. As several interviewees noted, communication efforts often fail to reach broader segments of the youth population, limiting participation to a relatively small group of already engaged individuals.

Trust, Political Efficacy, and Perceived Influence

A second recurring theme concerned trust in institutions and the perceived effectiveness of participation. Many interviewees observed that young people frequently question whether their involvement can produce tangible outcomes. Municipal representatives noted that participation is often discouraged by the belief that local authorities do not seriously consider youth opinions or that consultation processes rarely influence final decisions.

These perceptions closely mirror the survey findings. Only a minority of respondents believed they had substantial influence over municipal youth policies, while many reported remaining passive when they disagreed with local decisions because they doubted their views would make a difference. Such findings are particularly significant from the perspective of empowerment theory, which emphasizes that participation depends not only on opportunities for engagement but also on individuals' belief in their capacity to influence outcomes (Rappaport, 1981; Zimmerman, 1995). The interviews suggest that this sense of political efficacy remains relatively weak among many Albanian young people.

Historical and Cultural Barriers

Beyond institutional factors, interviewees frequently referred to deeper cultural and historical influences shaping youth engagement. Several argued that local government continues to be perceived as a sphere dominated by adults, political elites, and established actors, limiting young people's sense of belonging within governance processes. One respondent described local institutions as a "hermetically closed space," reflecting a perception of distance between young citizens and decision-making authorities.

These observations resonate with broader scholarship on civic participation in post-communist societies, where low institutional trust and limited traditions of participatory governance often constrain citizen engagement. In this context,

participation is influenced not only by the availability of institutional mechanisms but also by long-standing perceptions regarding the accessibility and responsiveness of public institutions.

Migration and Demographic Challenges

Interviewees from smaller municipalities highlighted youth migration as an additional obstacle to participation. The movement of young people toward larger urban centers or abroad reduces the pool of potential participants and weakens the continuity of local youth initiatives. This challenge was particularly evident in municipalities facing population decline, where maintaining active youth structures and sustaining participation over time proved increasingly difficult.

Taken together, these findings suggest that youth disengagement cannot be explained solely by institutional shortcomings. Rather, it reflects the interaction of informational, psychological, cultural, and demographic factors that shape young people's willingness and ability to engage in local governance.

Local Youth Councils: Symbolic Structures or Effective Mechanisms?

The interviews provide important evidence regarding the role of Local Youth Councils (KVRs), widely regarded by municipal representatives as one of the most significant innovations introduced by Law No. 75/2019. Interviewees generally described KVRs as institutional platforms through which young people can articulate concerns, propose initiatives, and contribute to discussions on local development.

However, the effectiveness of these councils varies considerably across municipalities. In municipalities such as Bulqizë, Shkodër, Mat, Roskovec, and Berat, interviewees reported regular meetings and active involvement in issues such as educational infrastructure, youth centers, digital skills training, sports facilities, and recreational spaces. In several cases, respondents identified tangible outcomes linked to council activities, including support for educational programs, community initiatives, and local infrastructure improvements.

In contrast, representatives from other municipalities described councils that met infrequently, struggled to attract participants, or played a largely symbolic role. Several interviewees acknowledged that youth proposals were often only partially implemented or remained unrealized because of administrative, financial, or political constraints. These differences suggest that while KVRs have been successfully institutionalized across municipalities, their practical influence remains uneven.

Viewed through Arnstein's (1969) framework, many Local Youth Councils appear positioned between consultation and partnership. Young people are increasingly included in discussions and invited to express their views, yet decision-making authority remains concentrated within municipal institutions. As

a result, participation often remains advisory rather than decisional, highlighting the continuing gap between formal inclusion and substantive influence.

Financial Constraints and the Limits of Participation

Among the structural barriers identified in the interviews, limited financial resources emerged as one of the most significant. Municipal representatives frequently reported the absence of dedicated budgets for youth participation initiatives, while others described allocations that were insufficient to meet local needs. In several municipalities, interviewees were unable to identify a specific budget line supporting youth participation activities.

This issue is particularly important because participatory mechanisms require resources to function effectively. Youth councils, consultations, training activities, and youth-led projects all depend on sustained financial support. Without adequate resources, participatory structures risk becoming symbolic institutions that exist formally but have limited capacity to influence policy or generate meaningful engagement.

The findings therefore suggest that one of the main challenges facing youth participation in Albania is not the absence of institutional mechanisms but the limited resources available to sustain and operationalize them. Strengthening youth participation requires not only formal structures but also the financial and administrative capacity necessary to translate participation into tangible outcomes.

Discussion: From Institutionalization to Meaningful Participation?

The findings reveal a significant gap between the institutionalization of youth participation and the realization of meaningful youth influence in local governance. While Law No. 75/2019 has expanded participatory opportunities through the establishment of Local Youth Councils, consultation mechanisms, and municipal youth structures, the evidence suggests that these arrangements often operate primarily at the level of consultation rather than shared decision-making. This distinction reflects broader debates within participatory governance literature concerning the relationship between institutional inclusion and effective empowerment (Fung & Wright, 2003; Cornwall, 2008).

The findings therefore support a distinction frequently emphasized in participation studies between formal participation and substantive influence. Although Albania has made important progress in creating institutional opportunities for youth engagement, awareness of participation mechanisms remains uneven, participation levels are relatively modest, and many young people perceive their ability to shape municipal decisions as limited. Similar patterns have been identified in previous studies, which argue that participation should not be assessed solely through the existence of participatory structures

but through the extent to which participants can influence outcomes (Checkoway, 2011; Fung, 2006). In this respect, the Albanian case suggests that institutional reforms have advanced more rapidly than the capacity of these institutions to generate meaningful engagement and influence.

Interpreting Youth Participation through Arnstein's Ladder

Arnstein's (1969) Ladder of Citizen Participation provides a useful framework for interpreting these findings. Arnstein argues that participation should be evaluated not by the existence of participatory mechanisms but by the degree of power and influence granted to participants. Her model distinguishes between non-participation, tokenism, and citizen power, emphasizing that genuine participation occurs only when citizens possess meaningful opportunities to influence decisions.

The evidence from this study suggests that municipalities have largely moved beyond the lowest levels of participation. Local authorities increasingly provide information to young people, organize consultations, establish Local Youth Councils, and create opportunities for dialogue. These developments indicate an important shift toward more participatory forms of governance and are broadly consistent with international standards promoted by the European Union and the United Nations.

However, participation frequently remains concentrated within the intermediate levels of Arnstein's ladder, particularly information and consultation. Although young people are increasingly invited to express their views, many respondents remain uncertain whether these views ultimately influence municipal decisions. Local Youth Councils generally function as advisory rather than decision-making bodies, and municipal representatives acknowledged that youth proposals are not always translated into policy outcomes. Consequently, participation often remains consultative rather than transformative.

This finding highlights the distinction between procedural and substantive participation. Municipalities may comply with legal requirements by creating councils and consultation processes, yet these mechanisms risk becoming symbolic if they fail to provide visible opportunities for influence. Similar concerns have been raised in studies of participatory governance, which emphasize that institutional innovations can generate inclusion without necessarily redistributing decision-making power (Fung & Wright, 2003; Cornwall, 2008).

Beyond Tokenism? Hart's Ladder of Youth Participation

Hart's (1992) Ladder of Youth Participation further enriches the interpretation of these findings by focusing specifically on young people's role within governance processes. Hart distinguishes between tokenistic forms of participation and forms

of engagement characterized by genuine collaboration and shared decision-making between adults and young people.

The findings suggest that Albanian municipalities have largely moved beyond the forms of manipulation, decoration, and tokenism identified by Hart. Youth councils, consultations, and participatory forums provide opportunities for young people to express opinions and engage with local authorities. Municipal representatives generally demonstrated a willingness to involve young people in discussions concerning youth-related policies and community development.

Nevertheless, participation rarely reaches the highest levels identified by Hart, namely youth-initiated activities, youth-led governance, or shared decision-making arrangements. Instead, participation appears concentrated within the categories of “consulted and informed” and “adult-initiated, shared decisions with young people.” While these levels represent meaningful progress, decision-making authority remains largely concentrated within adult-dominated institutional structures.

This observation is consistent with broader research on youth participation, which finds that young people are frequently invited to contribute ideas and opinions but are less often involved in agenda-setting and final decision-making processes (Checkoway, 2011; Percy-Smith & Thomas, 2010). The Albanian case therefore illustrates a broader challenge facing many democracies: moving from youth consultation toward genuine youth influence.

Participation, Empowerment, and Political Efficacy

A central argument of empowerment theory is that participation becomes meaningful only when individuals possess both opportunities for engagement and the perceived capacity to influence outcomes (Rappaport, 1981; Zimmerman, 1995). Empowerment therefore encompasses not only institutional access but also psychological dimensions such as confidence, efficacy, and trust.

The findings reveal an important tension in this regard. Municipalities have established formal opportunities for participation, yet many young people remain skeptical about the effectiveness of these mechanisms. Survey respondents frequently reported limited influence over municipal decisions, while interviewees identified low trust and weak perceptions of efficacy as major barriers to engagement. These findings suggest that institutional participation has progressed more rapidly than psychological empowerment.

This pattern is closely linked to broader debates on social capital and institutional trust. Previous research demonstrates that citizens are more likely to participate when they perceive institutions as responsive and trustworthy (Putnam, 1993; Norris, 2011). When participation is perceived as unlikely to produce meaningful change, citizens become less willing to invest time and effort in civic engagement.

Participation without influence may therefore generate frustration rather than empowerment, reinforcing political disengagement rather than reducing it (Cornwall, 2008).

Conclusion

This study examined youth participation in local decision-making processes in Albania following the adoption of Law No. 75/2019 “On Youth.” By combining survey data from 207 young people with interviews conducted with representatives from 22 municipalities, the research assessed the extent to which the institutional mechanisms introduced by the law have strengthened youth engagement in local governance.

The findings indicate that Law No. 75/2019 has played an important role in institutionalizing youth participation across Albanian municipalities. The establishment of Local Youth Councils, the expansion of consultation mechanisms, and the designation of municipal structures responsible for youth affairs have created new opportunities for young people to engage with local institutions. These developments represent a significant shift toward a more structured and participatory approach to youth governance.

However, the study demonstrates that the creation of participatory institutions does not automatically translate into meaningful participation or influence. Despite the existence of formal mechanisms, awareness of participation opportunities remains uneven, levels of engagement are relatively modest, and many young people continue to perceive their influence on local policymaking as limited. The findings suggest that youth participation in Albania remains largely concentrated at the levels of information and consultation, while opportunities for shared decision-making and substantive influence remain comparatively weak.

The article’s main contribution lies in highlighting the gap between institutionalization and empowerment. While Albania has successfully established the foundations of a youth participation system, the effectiveness of these mechanisms is constrained by information deficits, limited political efficacy, weak feedback mechanisms, uneven municipal capacities, and insufficient financial resources. As a result, participation often functions as a consultative process rather than as a mechanism through which young people can shape policy outcomes.

More broadly, the findings illustrate a challenge common to many transitional democracies. Institutional reforms can create formal spaces for participation, but democratic inclusion depends on whether citizens perceive these spaces as accessible, responsive, and capable of producing tangible outcomes. In this regard, the study identifies a participation paradox: municipalities increasingly provide opportunities for engagement, yet many young people remain unconvinced

that participation leads to meaningful influence. This perception weakens trust, reduces political efficacy, and ultimately limits sustained engagement.

The findings carry important implications for policy and practice. Strengthening youth participation requires moving beyond the creation of institutional structures toward improving their visibility, responsiveness, and effectiveness. Greater investment in communication strategies, civic education, youth leadership development, and dedicated financial support for youth initiatives would help strengthen the link between participation and influence. Equally important is the development of feedback mechanisms that demonstrate how young people's contributions shape local policies and decisions.

Ultimately, the success of youth participation policies should not be measured solely by the number of councils established or consultations organized, but by the extent to which young people are able to exercise meaningful influence over decisions affecting their communities. The next stage of youth governance reform in Albania therefore lies not in expanding participatory structures, but in ensuring that existing mechanisms evolve from forums of consultation into genuine arenas of democratic influence and co-decision.

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Rethinking Municipal Competence in Albania: Effective Decentralisation and the Implications for Administrative-Territorial Reform

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Abstract

This article assesses whether Albania's post-2015 legal framework for local self-government has delivered effective, rather than merely formal, decentralisation, and draws out the implications for the Administrative-Territorial Reform 2.0 (RAT 2.0) now before the decision is taken in the Albanian Parliament. The article combines doctrinal legal analysis of the Constitution, the European Charter of Local Self-Government, Constitutional Court jurisprudence and sectoral legislation with documentary analysis of two independent empirical sources: a legal-financial audit of the legislation implementing Law No. 139/2015 (2019) and the government's Performance Measurement System covering all 61 municipalities (2023-2024) which have started to be produced on regular basis since 2023. Albania has

achieved substantial formal alignment with European standards of local autonomy but continues to fall short of substantive decentralisation. Both empirical sources corroborate a recurring formal-real gap: functions historically exercised locally show the least genuine autonomy, while several functions newly transferred in 2015 are comparatively better regulated but under-resourced. Fiscal dependency on central transfers persists, and the statutory mechanism for monitoring financial adequacy has not been operationalised. The analysis relies on two government-produced datasets that are not independently audited, and the 2019 legal audit predates several subsequent legislative amendments. A second territorial reform confined to redrawing municipal boundaries would leave the more consequential legal-harmonisation and fiscal-adequacy deficits identified here unaddressed. This is the first study to combine doctrinal legal analysis with two independent empirical audits of Albanian municipal competence to inform the ongoing RAT 2.0 debate.

Keywords: *Municipal competences; Local self-government; Fiscal autonomy; Administrative-Territorial reform; Subsidiarity.*

Introduction

The transition from a centralised administrative state to one founded on decentralisation and local self-government has been a defining feature of Albania's post-1990 political and legal transformation. It has been understood not as a technical redistribution of administrative tasks but as constitutive of democratic statehood, tied to subsidiarity, accountability and the quality of services delivered closest to the citizens who use them.

Albania signed the European Charter of Local Self-Government in 1998 and ratified it by Law No. 8548/1999, incorporating into domestic law a treaty that defines local autonomy as the right and the effective ability of local authorities to regulate and manage a substantial share of public affairs under their own responsibility. The 1998 Constitution gave this a specific foundation, embedding decentralisation among the state's organising principles in its dedicated Part on local government (Articles 108-115). Two legislative cycles have since translated this commitment into ordinary law: the first, in 1999-2000, established the post-communist model through Law No. 8652/2000 and Law No. 8653/2000; the second, in 2014-2017, restructured the territorial map and the functional and financial architecture of local government through Law No. 115/2014, Law No. 139/2015 "On Local Self-Government," and Law No. 68/2017 "On the Finances of Local Self-Government."

This article asks a single question running through both cycles and the decade since the second: has Albania's legal framework delivered *effective* local

governance — the real capacity of municipalities to decide and act independently within a clearly defined, adequately resourced sphere of competence — or a more sophisticated but still largely *formal* decentralisation, in which legal recognition of competences is not matched by the means to exercise them? The central argument is that the effectiveness of Albania's local governance model is constrained less by the wording of the organic law than by the surrounding legal and institutional ecosystem: the relationship between organic and sectoral legislation, the financing mechanisms conditioning formally recognised competences, and municipalities' administrative and technical capacity to use the autonomy the law affords.

The remainder of the article proceeds as follows. Section 2 reviews the constitutional, European and jurisprudential literature defining local autonomy in Albania. Section 3 sets out the methodology. Section 4 presents the results of a functional analysis of the 2015 reform and Law No. 139/2015, triangulated with the two empirical sources introduced in Section 3. Section 5 discusses the findings in relation to sector-specific recentralisation, fiscal autonomy and the democratic costs of territorial consolidation. Section 6 states the study's limitations. The analysis is timely: RAT 2.0 is, in the agenda of public discourse and later for decision in the Parliament. The evidence assembled here is offered as a contribution to that debate rather than as a purely retrospective assessment.

Literature Review: The Normative and Jurisprudential Framework of Local Governance

International theories of decentralisation and multi-level governance

Before turning to the Albania-specific normative framework, it is useful to situate the article's central formal-real distinction within the wider comparative and theoretical literature on decentralisation, since the tension it identifies is not unique to Albania but recurs across the international scholarship on multi-level governance.

The economic case for decentralisation rests principally on fiscal federalism theory. Oates (1972) formalised the proposition, since known as the decentralisation theorem, that welfare is maximised when local public goods are provided by the level of government able to tailor output to heterogeneous local preferences, provided doing so does not sacrifice economies of scale or generate significant inter-jurisdictional externalities. This efficiency logic underpins the subsidiarity principle examined in Section 2.3 below, but it is a conditional rather than unconditional argument for devolving authority: Oates's own framework implies that decentralisation is welfare-improving only where local governments in fact possess the informational and institutional capacity to exercise the discretion

assigned to them — the same conditionality this article's formal-real distinction is designed to test empirically.

A parallel literature, more institutional than economic, distinguishes types and degrees of decentralisation. Rondinelli (1981) proposed an influential typology distinguishing deconcentration (the administrative dispersal of central authority to field offices, without genuine transfer of decision-making power), delegation (the transfer of specific functions to semi-autonomous bodies remaining accountable to central government), and devolution (the transfer of authority to independent, democratically accountable local governments) — a distinction later adopted by the World Bank as the standard framework for assessing decentralisation reforms in developing and transition countries (Litvack, Ahmad, & Bird, 1998). This typology is directly useful for the Albanian case: several of the recentralisation episodes examined in Section 5.1, in which sectoral legislation reassigns nominally devolved functions to centrally controlled joint-stock companies or agencies, are better classified, on Rondinelli's typology, as a reversion from devolution toward delegation or deconcentration, notwithstanding that the organic law continues to describe the underlying function as a municipal competence.

Multi-level governance (MLG) theory offers a complementary lens. Hooghe and Marks (2001, 2003) distinguish Type I MLG, characterised by a limited number of general-purpose, non-overlapping jurisdictions nested within a stable territorial hierarchy, from Type II MLG, characterised by task-specific, overlapping and more flexible jurisdictional arrangements. Albania's post-2015 model was designed as a Type I system — 61 general-purpose municipalities within a stable, nationally defined hierarchy — but the sector-specific recentralisation documented in Section 5.1, in which individual functions such as water supply or waste management are reassigned to specialised central agencies operating alongside rather than through the municipal hierarchy, introduces Type II characteristics into what remains formally a Type I framework. Whether this hybridisation reflects a considered institutional design choice, or an unplanned accumulation of sector-specific carve-outs is a question this article's evidence base cannot fully resolve, but the pattern itself is consistent with what the MLG literature would predict from a reform combining ambitious formal devolution with continued sectoral policy centralisation.

A third strand of the literature is more sceptical of decentralisation's presumed benefits. Prud'homme (1995) cautioned that decentralisation can as easily entrench local elite capture, widen regional disparities and undermine macroeconomic stability as deliver the efficiency and accountability gains its advocates predict, while Treisman (2007) shows, through a wide cross-national review, that the empirical relationship between political decentralisation and outcomes such as government quality, corruption and public service delivery is considerably weaker and more context-dependent than the normative literature often assumes.

Bardhan (2002) similarly stresses that the benefits of decentralisation are conditional on local accountability mechanisms functioning effectively, without which devolved authority risks reproducing central governance failures at a smaller scale. Rodríguez-Pose and Gill (2003) and Rodríguez-Pose and Ezcurra (2010) add a distributive dimension directly relevant to Section 4.4 and 4.5 below: cross-country evidence suggests fiscal decentralisation is associated with rising regional disparities in low- and middle-income countries, even where political decentralisation proceeds in parallel, a pattern that resonates with the uneven, size-correlated performance this article documents across Albania's 61 municipalities.

Finally, a smaller literature addresses decentralisation specifically in Central, Eastern and South-Eastern Europe. Swianiewicz (2013) identifies a distinct Balkan pattern of local government organisation, in which the formal scope of municipal functions is narrower than in the Central European states that joined the European Union in 2004, notwithstanding directly elected mayors and superficially similar constitutional guarantees. A recent OECD/SIGMA comparative assessment of subnational government across the Western Balkans confirms that Albania's 2015 territorial consolidation is broadly representative of a regional trend toward merging small local government units to increase administrative capacity, but finds that across the region "subsidiarity is operational only when supported by clear competences, predictable financing, and proportionate oversight" — conditions the same assessment finds only partially met, with central governments retaining substantial control "through fiscal instruments, detailed regulation, [and] discretionary oversight" even where formal legal frameworks assign functions locally (OECD/SIGMA, 2023, p. 3). This regional finding anticipates, at a comparative level, the country-specific formal-real gap that this article documents in the sections that follow through Albania's own constitutional and jurisprudential framework and the empirical record of its implementation.

The European Charter of Local Self-Government as a normative benchmark

The European Charter of Local Self-Government (ECLSG), adopted by the Council of Europe in 1985 and ratified by Albania in 1999, remains the principal international benchmark against which the domestic framework must be measured. Article 3 defines local self-government as the right and the *effective ability* of local authorities to regulate and manage a substantial share of public affairs under their own responsibility and in the interest of the local population — a functional test requiring inquiry into whether local authorities can, in practice, exercise their assigned competences, not merely hold them in law. The Charter frames local autonomy as encompassing interdependent political, administrative and financial dimensions, and further requires that administrative supervision be, as a general rule, limited to a review of legality and proportionate to the interests

it protects (Article 8), and that local authorities be entitled to adequate financial resources commensurate with their responsibilities, at least part of which must derive from local taxes and charges over which they have rate-setting discretion.

The constitutional architecture of local government

The 1998 Constitution translated these international commitments into domestic constitutional law. Article 13 establishes local government and decentralisation as a foundational organising principle of the state, and Part Six, “Local Government” (Articles 108-115), elaborates this into concrete guarantees. Article 108 recognises communes, municipalities and regions (later restructured by ordinary legislation) as units of local government with legal personality, elected bodies and the right to manage local affairs. Article 109 guarantees local units ownership of assets and independent management of local revenue, while Article 113 provides an enumerated, non-exhaustive catalogue of local competences, including the right to collect and spend revenue necessary for local functions, to set local taxes in accordance with law, to determine local organisation and functioning, and to defend local competences in court — a guarantee that transforms local autonomy into a justiciable right.

The Constitution does not, however, conceive of local autonomy as independence from the state. Article 114 establishes the prefect as the Council of Ministers’ representative in each region, confined in principle to legality review and coordination rather than substantive oversight. Article 115 allows the Council of Ministers to dissolve elected local bodies only for serious violations of the Constitution or law, subject to judicial review by the Constitutional Court with suspensive effect. A recurring theme in the constitutional text and Albanian scholarship is the distinction between the *formal transfer* of a function and its *effective exercise*: a function assigned by law but exercised without adequate decision-making authority or financing amounts to a formal reallocation of administrative burden rather than substantive decentralisation — a distinction between genuinely transferred competences, competences delegated subject to central instruction, and administrative tasks imposed without corresponding authority or financing that becomes the central analytical tool of this article.

Constitutional Court jurisprudence on decentralisation and local autonomy

The Constitutional Court has played a central role in giving legal substance to these constitutional guarantees, principally through its jurisdiction over disputes of competence between central and local authorities under Article 134 of the Constitution. In Decision No. 29/2006, a jurisdictional dispute between the Municipality of Tirana and central authorities over urban planning, the Court

articulated the leading domestic definition of decentralisation: local government reflects the right of a territorial community to govern its own affairs independently, and decentralisation transfers authority and responsibility for defined functions from central to local government on the principle of subsidiarity. The Court held that granting the Construction Police power to intervene without judicial authorisation in urban planning encroached upon functions the Constitution reserves exclusively to local government organs.

In Decision No. 19/2015, reviewing the constitutionality of Law No. 115/2014 on the new administrative-territorial division, the Court confirmed that territorial reform is not immune from constitutional scrutiny where it threatens to hollow out the substance of local self-government, though it ultimately upheld the 2015 reorganisation. Later decisions extended this jurisprudence to specific competences. In the National Theatre case, the Court found that failing to consult Tirana's Municipal Council before disposing of municipally owned property violated Article 133 and the principles of decentralisation and separation of powers. In Decision No. 19/2009, concerning the transfer of shares in water and sewerage companies to local government units, the Court affirmed that local authorities may challenge before it any act they consider to infringe decentralisation or local autonomy. In Decision No. 22/2010, arising from a parliamentary commission investigating the Municipality of Tirana, the Court reiterated that local self-government carries constitutional status, including the exercise of local functions free from central interference. In Decision No. 37/2015, the Court held that stripping local organs of competence to the point of rendering self-government illusory would itself violate that right, and found the central authority's decision breached Articles 13, 108, 109 and 113 together with the Charter.

Taken together, this jurisprudence has consolidated a functional understanding of local autonomy: decentralisation is not achieved by the formal transfer of functions alone, but requires the concomitant transfer of the legal, organisational and financial instruments necessary for their effective exercise, and any limitation of local competence must be grounded in law, proportionate to a legitimate aim, and respectful of the core content of self-government. This standard provides the principal legal yardstick against which the 2015 reform and its implementation are assessed below.

Methodology

This article adopts a mixed doctrinal-empirical design appropriate to a question that is simultaneously legal and factual: whether formally assigned municipal competences are, in practice, effectively exercised. Three complementary methods are combined.

Doctrinal legal analysis

The first component is a conventional doctrinal analysis of primary legal sources: the 1998 Constitution, the European Charter of Local Self-Government and its ratifying legislation, the organic law on local self-government (Law No. 139/2015) and its predecessor (Law No. 8652/2000), the law on local government finance (Law No. 68/2017), sectoral legislation governing individual competence areas (water and sewerage, waste management, territorial planning, public transport), and the published jurisprudence of the Constitutional Court on disputes of competence under Article 134 of the Constitution. Sources were identified through the Official Gazette (Fletorja Zyrtare), the Constitutional Court's public case database, and cross-referencing within the two empirical reports described below. The analysis is interpretive rather than statistical: it traces how the legal text distributes competence, decision-making authority and financing responsibility across levels of government, and how that distribution has changed through amendment since 2015.

Documentary and empirical analysis

The second component is a documentary analysis of two independent, non-academic empirical sources that together allow the doctrinal findings to be tested against administrative practice. The first is the Matrix of Competencies of Local Self-Government (Urban Research Institute, 2019), a legal-financial audit, funded by the European Union and prepared for the Ministry of Interior, that reviewed approximately 400 legal and sub-legal acts across every sector in which municipalities exercise functions under Articles 23 to 29 of Law No. 139/2015, classifying each function by the degree of regulatory and financial autonomy it in fact affords municipalities. The second is the government's own Performance Measurement System (Sistemi i Matjes së Performancës, SMP), operated since 2023 by the Ministry of State for Local Government and the Agency for the Support of Local Self-Government (AMVV) developed with international expertise, which scores all 61 municipalities annually against a common set of financial, service-delivery and governance indicators; the two SMP reports published to date cover the 2023 and 2024 reporting years (AMVV, 2024, 2025) and they constitute the first ever reports comprehensively monitoring the performance of municipalities. Both sources were analysed. Quantitative indicators relating to the six competences transferred to municipalities in 2015–2016—pre-school education, irrigation and drainage, forest and pasture management, rural roads, fire protection, and social services—were extracted and compared across the 2023 and 2024 SMP reports to identify within-source performance trends. These findings were then assessed

against the 2019 Matrix of Competencies, which remains the only comprehensive legal-financial audit of the implementation of Law No. 139/2015. As no equivalent cross-sectoral assessment has been produced since then, the Matrix was supplemented by a doctrinal review of constitutional, statutory and sectoral legislation, incorporating amendments adopted through mid-2026. The combined analysis enabled the study to determine whether the structural legal constraints identified in 2019 persisted, had been modified by subsequent legislative changes, or were reflected in later administrative performance.

Analytical framework

The three sources are triangulated through a single analytical construct used throughout the article: the distinction between the *formal* transfer of a competence — its inclusion in the organic law's competence catalogue — and its *effective* exercise, understood, following Charter Article 3, as the municipality's real ability to regulate and administer the function under its own responsibility. A competence is classified as having a *wide formal–real gap* when evidence from multiple sources indicates a mismatch between the legal assignment of responsibilities and their practical implementation. This classification is made where: (1) the doctrinal legal analysis identifies sectoral laws or secondary legislation that limit municipal discretion; (2) the 2019 Competence Matrix independently categorises the same competence as centrally regulated or legally non-executable; and (3) Municipal Performance Measurement System (SMP) data show low or stagnant performance on the corresponding indicator. Agreement between two or more of these sources is treated as corroborating evidence, increasing confidence in the classification. This construct is not specific to Albania: it operationalises, for a single-country context, the distinction the international literature draws between the *de jure* assignment of authority and its *de facto* exercise, reviewed in Section 2.1 below.

Scope, periodisation and limitations of method

The validity of the analysis is strengthened through triangulation of three types of evidence: constitutional and statutory provisions, an independent legal assessment, and administrative performance data. Rather than relying on a single source to assess municipal capacity, the study compares evidence across these sources. Where the doctrinal legal analysis and the empirical evidence lead to different conclusions, these differences are explicitly reported and discussed rather than resolved through assumption. Reliability is nonetheless bounded by the fact that two of the three sources originate from, or were commissioned by, the same institutional family (the Ministry of State for Local Government and AMVV), which may share common blind spots in what is measured and reported; this is

treated as a limitation of the evidence base rather than of the analytical method, and is discussed further in Section 6.

The analysis covers the period from the 1998 Constitution to mid-2026, with primary emphasis on the decade following the 2014-2017 reform cycle. All 61 municipalities are within scope, though the SMP data allow disaggregation by population size (four bands, from under 10,000 residents to Tirana) and by business density, which the analysis uses to test whether municipal size, rather than the legal-financial framework itself, better explains observed variation in performance. Methodological limitations specific to the empirical sources — including their government provenance and the temporal gap between the 2019 audit and the present — are addressed together with the study's other limitations in Section 6.

Results

The 2015 reform: from a fragmented to a consolidated territorial model

The model established by Law No. 8652/2000 was the first comprehensive legal architecture for local self-government in post-communist Albania, recognising local units as public law subjects and laying the foundations of administrative and financial autonomy broadly aligned with Charter standards. In practice, however, it exhibited a persistent gap between assigned competences and the capacity to exercise them. Its territorial structure — 65 municipalities and 308 communes — offered proximity between citizens and administration, particularly in rural areas, but at a considerable institutional cost. Many small units lacked specialised administrative capacity, project-design capability and sufficient own-source revenue to deliver increasingly complex services, and the division of functions among “own,” “shared” and “delegated” competences produced significant overlap, particularly for shared functions where it was often unclear which level bore ultimate responsibility, even as decision-making, standard-setting and resources remained largely central.

These weaknesses supplied the principal argument for the 2014-2017 reform, implemented through Law No. 115/2014, which replaced the 65 municipalities and 308 communes with 61 municipalities, eliminating the commune as a distinct category. Law No. 139/2015 then established the new legal framework governing municipal organisation, functions and competences, while Law No. 68/2017 addressed the financial dimension. According to the decennial performance assessment by the Ministry of State for Local Government and AMVV, the pre-reform structure of 373 units carried disproportionately high administrative costs, and consolidation into 61 municipalities is estimated to have reduced local

administrative expenditure by approximately 30 per cent (AMVV, 2024); over the same decade, local government's share of GDP rose from 2.4 per cent in 2015 to 3.2 per cent in 2023, suggesting that at least part of the released resources was redirected toward service delivery. As Sections 4.2 through 4.6 show, however, this fiscal expansion has not translated uniformly into effective local decision-making capacity, and more than a decade after implementation a considerable gap remains between the reform's declared objectives and results achieved.

The competence catalogue of Law No. 139/2015

Law No. 139/2015 assigns municipalities own, shared and delegated functions across 41 discrete areas, ranging from drinking water and wastewater treatment, local roads, public transport, waste management and pre-university school infrastructure, to pre-school education, territorial planning, social services, cultural heritage, environmental protection, agriculture, forestry, local economic development and civil protection. Six of these forty-one functions were transferred to the local level for the first time in 2015. The law provides that local units regulate and administer their own functions fully and independently, in accordance with the Constitution, the Charter and applicable law, while central government may establish general standards to safeguard national interests and service quality, extending financial support where local units lack sufficient means to meet them.

The legal attribution of a function, however, is only the first stage of decentralisation; whether it translates into genuine autonomy depends on the clarity of the division of responsibility, the decision-making discretion actually available, the adequacy of financing, administrative and technical capacity, and the extent to which sectoral legislation conditions its exercise. Law No. 139/2015 does not organise functions as a clean list unambiguously classified as exclusive, shared or delegated: establishing a function's real legal character requires a combined reading of the organic law, relevant sectoral legislation and the concrete pattern of implementation, since a purely formal reading risks misrepresenting the actual relationship between local and central authorities.

Subsidiarity in practice: formal competence versus real capacity

The principle of subsidiarity, embedded in the Charter and the Constitution, requires that public responsibilities be entrusted to the level of government closest to the citizen capable of exercising them effectively. The 2015 consolidation was intended, in part, to create the administrative conditions for its fuller application. The evidence assembled here suggests, however, that subsidiarity cannot be assessed solely by asking who holds the competence, but requires a second, more substantive inquiry: who has the real capacity to exercise it in the citizen's interest?

Even where a function is formally attributed to a municipality, its exercise frequently remains conditioned by sectoral legislation and sub-legal acts adopted centrally, prescribing standards or requirements that narrow local discretion. The reform also introduced a distinct community-level subsidiarity problem: the new, larger municipalities possess greater organisational capacity, but the administrative units created to replace the former communes lack political and financial autonomy, so decision-making on matters of immediate local concern has, in practice, moved further from smaller communities than before the reform.

Municipal size and institutional performance

Larger municipalities generally possess more developed administrative structures, broader human resources and greater capacity to mobilise financing, contributing to more consistent delivery of public functions. Size is not, however, determinative in itself: comparable variation can be observed even among similarly sized municipalities, and its influence is most visible in functions requiring specialised technical capacity — environmental management, local economic development, drainage and flood protection — where smaller administrations more often struggle to recruit and retain the required professional profiles. Functions such as social services and civil protection, by contrast, depend more on inter-institutional coordination and standardised procedures than on population size. Institutional performance thus appears to be a function not merely of size but of how the surrounding legal and institutional framework is structured, with legal ambiguity or competence overlap disproportionately disadvantaging smaller, less capacitated administrations.

Performance evidence: the SMP data, 2023-2024

The formal-real distinction can be tested directly against the two SMP reporting years, which allow six of the functions transferred in 2015-2016 to be assessed against the effective-ability standard of Charter Article 3 rather than the fact of formal transfer alone. Results are uneven across sectors. Irrigation and drainage — transferred in 2016 with a largely amortised inherited network — remained only 45 per cent (irrigation) and 64 per cent (drainage) functional nationally in 2024, with the shortfall attributed principally to unresolved asset-ownership questions and the absence of a technical canal inventory rather than to municipal effort (AMVV, 2025). Forest and pasture management shows a comparable pattern: only 26 of 61 municipalities (43 per cent) had adopted a management plan by 2024, covering 24 per cent of forested area, and forestry staffing — 0.54 employees per 1,000 hectares — remained a fraction of the EU average of roughly three (AMVV, 2025). In both sectors the formal 2015-2016 transfer has not been matched, a

decade on, by the capacity, or by property and cadastral clarity, needed to exercise it in substance.

Other transferred functions show a more encouraging trajectory. Fire protection and rescue, established in every municipality only by the end of 2018, had by 2024 reached roughly one firefighter per 1,500 residents, following a decade in which personnel nearly doubled, from 705 in 2015 to over 1,300 (AMVV, 2024, 2025). Waste management improved comparably: population coverage reached 85.6 per cent nationally in 2024, and cost recovery through tariffs rose from 68 to 83 per cent. Even here the improvement is unevenly distributed: firefighting capacity per resident is several times higher in municipalities under 10,000 residents than in Tirana, and waste cost recovery in the smallest municipalities remained below 50 per cent in 2024.

Pre-school education and social services display the widest gap between formal responsibility and effective delivery. National kindergarten enrolment stood at 68.6 per cent in 2024, well below the EU average of 90.6 per cent, and seventeen of sixty-one municipalities offered no public nursery place in either year measured. In social services, only around 30 per cent of disability cases referred by assessment commissions received support in 2024, and only 45 of 61 municipalities had adopted the Local Social Plan required by Law No. 121/2016 (AMVV, 2025). Technically demanding, capital-intensive functions and functions with entrenched central-local financing dependency thus show the widest formal-real gap, while more standardised functions have converged more successfully toward the standards implicit in the organic law. The data also complicate a purely linear size-performance relationship: while most indicators scale positively with size, municipalities under 10,000 residents achieved a 76 per cent budget execution rate in 2023 against a 60 per cent national average, while Tirana executed only 54 per cent — evidence that size interacts with, rather than substitutes for, the surrounding legal and financial framework.

Legal-financial audit: the 2019 Matrix of Competencies

The performance gaps documented above were, in substantial part, foretold by the 2019 Matrix, which reviewed roughly 400 legal and sub-legal acts across every sector in which municipalities exercise functions under Articles 23 to 29 of Law No. 139/2015. Its central finding anticipates, at the level of legal text, the formal-real gap identified here: regulatory competence is concentrated almost entirely centrally, with municipalities holding meaningful regulatory authority in only two areas — public transport and nursery administration (Urban Research Institute, 2019, pp. 1-2). Functions with a long local pedigree show the least genuine autonomy: drinking-water and wastewater treatment remain “entirely regulated from the central institutions,” with municipal competence limited to three narrow

monitoring tasks; kindergarten administration is “not at all a competence that can be considered as an own function” of municipalities; and household waste collection was found recentralised in substance through Decision No. 319/2018, which “indirectly determines the tariffs” Law No. 8094/1996 otherwise reserves to municipalities, “violating LGUs autonomy” by sub-legal act (Urban Research Institute, 2019, pp. 154-155).

By contrast, several functions newly transferred in 2015 — fire protection, irrigation and drainage, forest and pasture administration — were found “regulated in a more appropriate autonomous way,” consistent with the fire-protection and waste-management trends later confirmed by SMP. Others were found legally non-executable altogether: agricultural and rural development grants were assigned exclusively to the central Payments Agency, contradicting Article 27/4’s assignment to municipalities; environmental and biodiversity protection had, as of 2019, not been revised to reflect municipal competence; and the entire culture sector remained without a single implementing sub-legal act despite Law No. 27/2018, leaving it without means for its exercise (Urban Research Institute, 2019, pp. 2, 153-156). Primary health care facilities, social housing and storm-water and flood-protection functions suffered comparable legal voids.

The Matrix’s financial analysis identifies a further gap bearing directly on Section 5.2 below: Law No. 139/2015 ties financial adequacy to the “legal standards and norms” required for a function, but Law No. 68/2017 instead calibrates the unconditional transfer to the historical cost of the function as exercised centrally before decentralisation — a narrower, internally inconsistent standard within Albania’s own legislation. The same analysis found that the Ministry of Finance and Economy has no independent instrument for verifying municipalities’ reported costs, and that the biennial reports on achieved local-service standards required by Articles 26-27 of Law No. 68/2017 — the principal mechanism for monitoring financial adequacy — “have never been prepared” (Urban Research Institute, 2019, pp. 3, 151).

Discussion

Recentralisation: sectoral legislation and the erosion of formally assigned functions

A central finding from the decade following 2015 is a recurring pattern in which functions formally assigned to municipalities have subsequently been withdrawn, in whole or part, through sectoral legislation or sub-legal acts — properly described as recentralisation. Water supply and sewerage, listed among municipal own functions, were placed under majority state control in 2022 through joint-

stock utility companies and subsequently brought under a National Water Supply and Sewerage Agency. Local public transport was similarly affected: in October 2025 the Council of Ministers approved “MobAL” sh.a., a wholly state-owned company under the Ministry of Infrastructure and Energy, to operate road-based public transport. Solid waste management is likewise affected by Law No. 57/2025 “On Integrated Waste Management,” under which the National Waste Economy Agency is to become a joint-stock company by mid-2026. The water sector shows this recentralisation to be less a rupture than the formalisation of an arrangement already embedded before 2022: the 2019 Matrix found that, despite the formal assignment of water and wastewater under Article 23/1-2, Decisions No. 63/2016 and No. 1304/2009 already organised the function through joint-stock companies with municipal competence confined to three monitoring tasks (Urban Research Institute, 2019, p. 154). The 2022 reform thus consolidated, through primary legislation, a centralisation sub-legal acts had already substantially achieved a half-decade earlier.

Territorial planning has followed a comparable trajectory through amendments to Law No. 107/2014 and Council of Ministers Decision No. 408/2015: amendments in 2022, 2024 and 2025 have progressively expanded the categories of development for which the National Territorial and Water Council, rather than the municipality, is competent. The timing of the water and waste recentralisation is notable against the performance data available immediately before the change: national water-supply and sewerage coverage stood at 88 and 61 per cent of households respectively in 2023, while municipally managed waste services covered 99 per cent of the self-reported population and recovered 68 per cent of collection costs, rising to 85.6 per cent coverage and 83 per cent recovery in 2024 under continued municipal collection (AMVV, 2024, 2025). These figures do not establish that municipal management was more efficient, nor capture the capital-investment backlog that motivated central intervention in water; but they indicate that recentralisation was not a response to an outright breakdown of service delivery, and that the case for reassignment rested on considerations — capital-investment capacity, sectoral coherence, ability to mobilise external financing — outside the organic law’s own competence catalogue.

This pattern is symptomatic of a broader weakness: the absence of full harmonisation between the organic law and the sectoral legislation and sub-legal acts governing individual policy fields, which has often defined in detail how a nominally local function is exercised, retained central decision-making authority, and kept financing dependent on central decisions. The consequence is an institutional paradox in which municipalities remain accountable to citizens for service quality while the principal legal and financial instruments for defining and financing that service remain, in whole or part, central — compounded by a persistent overlap of competences in which municipalities bear responsibility for

delivery while central institutions retain competence over regulation, financing or strategic decisions, weakening the principle that citizens should know which institution is responsible for a service. Taken as a whole, the post-2015 model can properly be characterised as one of *constrained decentralisation*: municipalities occupy a larger institutional role than ever before, but their real autonomy continues to be limited by financial, administrative and normative factors operating largely outside the organic law itself.

Fiscal autonomy and the financing of local government

The fiscal dimension of reform, addressed principally through Law No. 68/2017, was intended to complete the 2014-2017 package by strengthening financial autonomy and clarifying financing mechanisms. The constitutional guarantees reviewed in Section 2.3 establish the normative baseline, yet the recurring finding across Section 5.1 is that dependence on central transfers continues to condition a significant share of municipal competences, particularly in capital-intensive sectors, where central financing decisions — and increasingly central control of the underlying delivery entities — have effectively displaced municipal decision-making even where the organic law formally assigns the function locally.

The scale of this dependency, and the progress in reducing it, can be quantified from the SMP data. Own-source revenue rose from 13 billion lekë in 2015 to 35 billion in 2023 and approximately 43 billion in 2024 — a 241 per cent increase — while unconditional and sectoral transfers grew only around 60 per cent, so own-source revenue's share of municipal budgets rose from 36 per cent in 2015 to 51 per cent in 2023 and 53 per cent in 2024 (AMVV, 2024, 2025). Arrears fell from roughly 12 billion lekë in 2015 to 3.1 billion in 2024. These aggregates conceal a highly uneven distribution: in 2024, own-source revenue amounted to only around 18 per cent of the budget in municipalities under 10,000 residents, against 83 per cent in Tirana. The national trend toward fiscal autonomy is thus disproportionately driven by a handful of municipalities with a favourable economic base, while most remain structurally reliant on central transfers even for their own functions.

This persistent dependency is consistent with the deeper legal diagnosis in Section 4.6: Law No. 68/2017 calibrates the unconditional transfer to historical cost rather than the legal standards specified by Law No. 139/2015, and the statutory reports intended to monitor whether municipalities receive adequate resources have never been produced. Absent that monitoring mechanism and a legally defined adequacy standard, the steady rise in own-source revenue cannot on its own establish that the constitutional principle of financial adequacy is being met; it establishes only that municipalities have become less dependent on a transfer whose own sufficiency remains, as a matter of law, unverified. The

resulting policy challenge is not a binary choice between central and local power, but a functional division of responsibility in which the state guarantees equity and minimum standards while municipalities retain a genuine sphere for organising services according to local priorities.

Territorial consolidation and democratic representation

The 2015 reform's consequences extend beyond the functional and fiscal dimensions to the democratic architecture of local government itself. Replacing the dual structure of municipalities and communes with 61 unified municipalities eliminated the commune as an institution that had, particularly in rural areas, provided citizens a direct and proximate channel of representation. The administrative units created to preserve a minimal link with these communities do not enjoy the legal status of former communes: they are not autonomous local government units, lack directly elected governing bodies, and possess neither political nor financial autonomy of their own.

Empirical data on how the enlarged municipalities are governed lend some texture to this diminished proximity. Staff turnover following a change of mayor is markedly higher than under an incumbent: rotation reached 17.1 per cent in municipalities that elected a new mayor in 2023, against 10.3 per cent where an incumbent was re-elected (AMVV, 2024). Because a single mayoral election now determines the administration for a territory aggregating, on average, six former communes and municipalities, electoral turnover carries correspondingly larger consequences than under the pre-2015 structure. Women's representation follows a comparable size gradient — averaging 33.7 per cent nationally in 2024 but rising to around 40 per cent in the largest municipalities and Tirana — suggesting consolidation has produced more professionalised but also more electorally consequential administrations. There is no universally optimal size for a local government unit: larger units typically have stronger financial capacity and more professional administration but may also produce greater distance between citizens and decision-making and weaker communal identity, itself an erosion of a foundational element of local self-government.

Limitations

Three limitations qualify the findings above. First, the two SMP reports, and the 2019 Matrix are government-produced or government-commissioned documents rather than independently audited datasets; several SMP indicators rely on municipalities' own self-reported figures, and the reports themselves note inconsistencies in certain categories, including waste-management coverage and

irrigation-canal length. Second, the Matrix of Competencies dates from 2019 and necessarily predates the water, transport and territorial-planning amendments discussed in Section 5.1; while its diagnosis of the underlying legal architecture is corroborated by later developments, specific provisions it reviewed may since have been amended in ways this article has not independently verified against the current consolidated text of each sectoral law. Third, the doctrinal method applied here draws on published legislation, jurisprudence and two documentary sources rather than primary interviews with municipal officials, central-government counterparts or citizens, and the analysis is a single-country case study whose conclusions about the relationship between territorial size, legal harmonisation and fiscal adequacy may not generalise directly to decentralisation processes in other post-socialist or Western Balkan states. A fourth limitation is prospective rather than retrospective: because RAT 2.0 was still under parliamentary discussion at the time of writing, this article assesses its likely implications in principle rather than its enacted statutory text, which may address some of the deficits identified here in ways this analysis cannot anticipate.

Conclusions

This assessment supports a central conclusion: Albania has achieved substantial *formal* alignment with European standards of local autonomy, evidenced by a detailed constitutional framework, a ratified Charter, an extensive catalogue of 41 municipal functions, a dedicated finance law, and an active Constitutional Court jurisprudence protecting local competences. Measured, however, against the functional test in Charter Article 3 — the *effective ability* of local authorities to manage public affairs under their own responsibility — the picture is considerably more constrained.

Three structural findings recur throughout this analysis. First, the relationship between the organic law and sectoral legislation remains poorly harmonised, producing a persistent pattern in which functions formally assigned to municipalities are subsequently narrowed or withdrawn through central legislation or sub-legal acts, as shown since 2015 in water and sewerage, waste management, public transport and territorial planning. Second, functional and fiscal autonomy are mutually dependent, and continued dependence on central transfers and financing decisions constrains municipalities' capacity to translate formal competences into independent policy, particularly in capital-intensive sectors. Third, the territorial consolidation underpinning the 2015 reform, while addressing genuine weaknesses in pre-2015 administrative capacity, has come at a measurable cost to proximity between citizens and local decision-making, only partially mitigated by administrative units lacking the autonomy of the communes they replaced.

None of these findings implies that the 2015 reform was misconceived, or that a more fragmented structure would better serve decentralisation; the pre-2015 model carried its own structural weaknesses. What the evidence suggests is that effectiveness cannot be secured through territorial reorganisation or an expanded competence catalogue alone. It requires, in addition, a sustained programme of legislative harmonisation between organic and sectoral legislation; a fiscal framework reducing municipalities' structural dependence on discretionary central transfers, particularly for capital-intensive services; and institutional mechanisms — whether strengthened administrative units, participatory budgeting or other forms of sub-municipal representation — capable of preserving a genuine connection between citizens and the local institutions that govern them.

These findings bear directly on RAT 2.0, now under parliamentary discussion. Because RAT 2.0 is, by its terms of reference, principally concerned with the number and boundaries of municipalities, it addresses only the third finding above — and only partially, since the evidence in Sections 4.4 through 5.3 shows municipal size to be one input among several, not the principal determinant, of institutional performance. A reform confined to redrawing boundaries would leave untouched the two findings this article's evidence identifies as more consequential: the unharmonised relationship between organic and sectoral legislation, which has permitted recentralisation of assigned functions without amending Law No. 139/2015 itself; and the unresolved gap between the constitutional principle of financial adequacy and its statutory implementation, including the continued absence of the monitoring reports Law No. 68/2017 requires. As Albania continues its EU accession process, the coherence of this relationship will remain a central test of whether its local governance model evolves from formal decentralisation toward the effective local governance the Constitution and the Charter were designed to secure. Without a parallel programme of legislative harmonisation and fiscal-adequacy reform, RAT 2.0's principal effect may be to re-consolidate municipalities still no closer to exercising in substance the competences the law already assigns them in form.

Future research could usefully extend this analysis in two directions: a comparative assessment of RAT 2.0's eventual statutory design against the functional and fiscal benchmarks identified here once the reform is enacted, and primary interviews with municipal officials and central-ministry counterparts to test whether the formal-real gap documented through doctrinal and documentary sources is perceived, and explained, in the same terms by the officials who administer these functions day to day.

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Note on citation style: legal instruments and Constitutional Court decisions are cited in text by their official title and number, consistent with standard legal-citation practice; the three empirical and institutional reports drawn upon throughout are cited by author and year in APA style and listed below.

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Citizen participation in local governance in Albania: A legal and institutional analysis

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Abstract

Citizen participation is a central element of democratic governance, particularly at the local level. In Albania, the legal framework governing local self-government provides for a range of participatory mechanisms, including local elections, public consultations, referenda, civic initiatives, and access to information. However, the effectiveness of these mechanisms remains disputed. This article examines the extent to which the Albanian legal framework enables effective citizen participation through electoral and non-electoral mechanisms. It employs doctrinal legal analysis, comparative analysis with European standards, and qualitative institutional assessment, focusing on the Constitution of Albania, Law No. 139/2015 On Local Self-Government, Law No. 146/2014 On Notification and Public Consultation, the Electoral Code, the European Charter of Local Self-Government, and selected European legal practices. The analysis finds that Albania has largely aligned its legal framework with European standards, but implementation remains uneven. The closed-list proportional electoral system for municipal councils weakens electoral accountability, while public consultations and local referenda have limited practical influence on municipal decision-making. Although gender quotas have substantially increased women's representation in municipal councils, women remain underrepresented in mayoral office. The article provides an integrated legal assessment of citizen participation in local self-government and proposes reforms

to strengthen electoral accountability, enhance the effectiveness of participatory mechanisms, improve the implementation of gender equality provisions, and further align Albanian law with European standards of local self-government.

Keywords: *Citizen participation, local self-government, electoral law, administrative law, public consultation, Albania.*

Introduction

Citizen engagement is acknowledged as a central principle of constitutional democracy, exemplifying the principle that administrative authority originates from the people and is exercised on their behalf (Hendriks & Michels, 2021). Consequently, the constitutional legitimacy of a democratic government relies not solely on representative institutions but also on the effective realization of citizens' political rights. This article investigates the degree to which the Albanian constitutional and legal framework ensures substantial citizen participation within the local self-government system via both electoral and non-electoral avenues. In a constitutional democracy, scholars emphasize that citizens are not merely passive recipients of governmental actions; rather, they are holders of political rights who possess a constitutional entitlement to influence, examine, and hold public authorities accountable (Hendriks & Michels, 2021).

While representative democracy is primarily enacted through elections, the constitutional right to engage in public affairs encompasses far more than just the electoral process. Municipal authorities in Albania, as stipulated by domestic legislation, are responsible for making decisions related to infrastructure, education, local taxation, urban planning, environmental protection, housing, public transport, social services, and community development. This responsibility significantly influences the daily interactions between citizens and public institutions. As a result, local government in Albania serves as the institutional framework where constitutional principles such as democracy, accountability, transparency, subsidiarity, and citizen participation are most directly manifested.

In pursuit of these constitutional objectives, Albania has progressively developed a constitutional and legislative framework governing local self-government. The current legal framework guarantees local autonomy, democratic local elections, public consultation, civic initiatives, access to information, transparency obligations, and multiple forms of citizen participation in municipal decision-making. These developments reflect Albania's continuing constitutional evolution and its efforts to align domestic legislation with European standards of local democracy, particularly the principles embodied in the European Charter of Local Self-Government and the country's European Union accession process (European Commission, 2024; OECD, 2025).

A significant stage in local autonomy was the territorial-administrative reform adopted in 2015, which reduced the number of local government units and reorganized the municipal structure. The reform improved administrative efficiency, strengthened institutional capacity, enhanced financial sustainability, and ensured more effective delivery of local public services. In principle, larger and better-resourced municipalities tend to strengthen local administration and facilitate more coherent territorial development policies (European Commission, 2024; OECD, 2025).

Despite these institutional reforms, important constitutional questions remain regarding the effective realization of participatory rights. By enlarging municipalities and reducing the number of local government units, the territorial reform also increased the risk of widening the physical, institutional, and political distance between citizens and municipal authorities. This concern is particularly evident in rural and peripheral areas, where greater distance may reduce citizens' access to local institutions, limit opportunities for direct participation, and diminish their practical influence over municipal decision-making (European Commission, 2024; OECD, 2025).

The principal issue examined in this article concerns the relationship between the formal constitutional recognition of participatory rights and their effective exercise within Albania's system of local self-government. Although the Albanian constitutional and legislative framework incorporates a broad range of guarantees consistent with European standards of local democracy, including local self-government, transparency, representative local elections, public consultation, gender quotas, and access to information, the formal recognition of these guarantees does not, in itself, ensure the effective exercise of participatory rights or meaningful citizen influence over local decision-making. In practice, the exercise of participatory rights frequently remains fragmented, inconsistent, and dependent upon political will, institutional capacity, and civic engagement.

This implementation gap is evident in both electoral and non-electoral mechanisms of participation. The electoral framework governing municipal councils raises constitutional concerns regarding representative accountability because the closed-list electoral system restricts voters' ability to choose individual candidates and weakens the direct political accountability of elected councilors to the electorate. Consequently, political parties in Albania retain substantial control over candidate selection and local political representation.

Comparable limitations are also apparent beyond the electoral sphere. Although public consultations, civic initiatives, petitions, local referenda, and, increasingly, participatory budgeting are recognized within Albania's legal and institutional framework, these mechanisms frequently remain underutilized or are implemented in a predominantly formalistic manner, thereby limiting their practical influence on municipal decision-making (OECD, 2025).

Consultation procedures are often initiated at a late stage of the decision-making process, may provide limited feedback to participants, and frequently fail to ensure the effective inclusion of marginalized groups, rural communities, women, young people, persons with disabilities, and citizens with limited digital access (European Commission, 2024; OECD, 2025). Similarly, local referenda and civic initiatives remain only rarely used as instruments of direct democracy, indicating that the constitutional framework has yet to foster a participatory culture in which citizens consistently influence municipal governance beyond periodic elections.

The central thesis of this article argues that, although Albania has established a comprehensive constitutional and legislative framework governing citizen participation in local self-government that is broadly aligned with European democratic standards, the practical effectiveness of this framework remains constrained by significant implementation deficiencies. Consequently, the constitutional recognition of participatory rights cannot, by itself, secure democratic legitimacy unless accompanied by effective institutional safeguards, transparent administrative procedures, and genuine opportunities for citizens to influence municipal decision-making. These structural shortcomings reveal a broader constitutional tension between the formal recognition of participatory rights and their effective realization in practice.

To evaluate this thesis, the article employs a doctrinal constitutional analysis supplemented by comparative public law and supported by empirical evidence. It systematically examines the Albanian constitutional and legislative framework against relevant international and European legal standards, jurisprudence, and comparative practice, while analyzing official reports, municipal practice, and available empirical evidence concerning the implementation of participatory mechanisms.

The analysis demonstrates that this implementation gap is reflected in three interrelated dimensions: first, limited electoral accountability resulting from party-controlled candidate selection in local elections; second, the ineffective operation of consultative and direct-democracy mechanisms; and third, the limited capacity of gender quotas and other formal inclusion measures to translate into substantive political influence within municipal decision-making.

On this basis, the article conceptualizes local democracy as a constitutional order in which representative institutions and participatory rights operate as mutually reinforcing guarantees of democratic legitimacy. Within this framework, local elections, public consultations, local referenda, access to information, and inclusive political representation constitute complementary constitutional safeguards of local self-government.

Accordingly, the quality of local democracy in Albania depends not merely on the formal legal recognition of participatory rights, but on their effective

accessibility, procedural integrity, inclusiveness, and capacity to enable citizens to exercise genuine influence over municipal decision-making.

Literature review: Theoretical and legal framework of participatory local governance in Albania

This article contributes to the existing scientific literature by integrating legislation of local self-government, electoral legislation, and participatory democracy principles into a single analytical framework. This integrated approach is necessary because citizen participation cannot be understood only through consultation procedures, electoral turnout, or formal legal rights in isolation. At the local level, participation depends on the combined operation of electoral design, municipal institutional capacity, transparency rules, gender equality measures, administrative openness, civic culture, and citizens' trust in institutions.

The conventional literature on participatory democracy is founded on the belief that citizens ought to be active contributors in the development, execution, and assessment of public policy, rather than mere passive recipients of governmental decisions. Arnstein's (1969) renowned "ladder of citizen participation" serves as a crucial reference point as it differentiates between symbolic participation and genuine citizen empowerment. At the lower stages of the hierarchy, participation may manifest as information sharing, consultation, or placation, whereas the upper rungs encompass partnership, delegated authority, and citizen control. This differentiation holds particular significance for Albania. Studies on local governance in Albania have consistently highlighted that formal decentralization and legal acknowledgment of participation do not inherently lead to effective local democracy unless citizens can influence decision-making processes in a transparent and accountable way (Ndreu, 2015; Dharmo & Bejko, 2025).

Deliberative democratic theory introduces a significant aspect by emphasizing not just the allowance of citizen participation, but also the capacity of public reasoning. Habermas (1996) posits that the legitimacy of lawmaking is contingent upon communicative processes that enable citizens to engage in public discourse. When applied to local governance in Albania, this implies that municipalities ought to regard consultation not merely as a procedural formality, but as a dynamic process wherein citizens are provided with timely information, comprehend policy options, contribute substantial feedback, and are made aware of how their contributions have influenced the final outcomes.

In the context of Albania, this holds particular significance due to the frequent operation of municipalities within an environment characterized by limited administrative capacity, diminished civic trust, and pronounced party influence. The territorial-administrative reform of 2015 expanded municipalities with the

intention of enhancing efficiency; however, it also raised concerns regarding the accessibility of local institutions for rural and peripheral communities (Ndreu, 2015; Dhamo & Bejko, 2025).

A second body of literature connects participation with democratic legitimacy. Easton (1965) posits that political systems necessitate citizen support to maintain stability and legitimacy. Norris (2011) subsequently expands on the notion of “critical citizens,” contending that dissatisfaction with democracy tends to rise when institutions fail to fulfill public expectations. In transitional democracies, insufficient participation may thus signal more profound issues related to trust, accountability, and institutional efficacy. Albania exemplifies this trend.

The literature on decentralization indicates that local governance can enhance democratic accountability by positioning decision-making nearer to the populace. Faguet (2014) contends that decentralization can lead to greater responsiveness when local authorities are endowed with significant powers, adequate financial resources, administrative capabilities, and mechanisms for accountability. Nevertheless, Smoke (2015) cautions that decentralization does not inherently guarantee increased participation or accountability. In instances where local governments lack fiscal independence, professional management, and transparent processes, decentralization may merely shift responsibilities without truly empowering citizens. This caution is particularly relevant to Albania.

The territorial-administrative reform of 2015 aimed to rationalize Albania’s fragmented local government system, resulting in the establishment of 61 municipalities. However, subsequent assessments have still highlighted remaining issues regarding fiscal autonomy, disparities in service delivery, and the gap between municipal centers and remote communities (World Bank, 2021; Dhamo & Bejko, 2025). Albanian scholars focusing on local governance also highlights the conflict between efficiency and democratic accessibility.

Ndreu (2015) suggests that the recent territorial-administrative reform was designed to strengthen local government capabilities and align Albania with European standards of local self-governance; however, its success depended on municipalities’ capacity to exercise true autonomy and deliver services effectively. Recent empirical studies conducted by Dhamo and Bejko (2025) also indicate that, almost ten years post-reform, issues persist concerning equity, service quality, and the public’s perception of local accountability. These results demonstrate that while territorial consolidation may improve administrative efficiency, it could simultaneously diminish participatory proximity, particularly if residents in former communes or rural regions feel increasingly alienated from municipal decision-making.

The literature on electoral systems is also important for understanding local governance. Carey and Shugart (1995) illustrate how electoral regulations shape candidates’ incentives to pursue personal votes. In systems that utilize closed-

list proportional representation, like Albania, candidates heavily depend on party leadership for their placement on the list, which can reduce their direct accountability to voters. This phenomenon is evident in Albanian municipal councils, where voters select party lists instead of individual council candidates. In contrast, mayors are elected directly, fostering a more personalized accountability dynamic between voters and the municipality's executive leader. Thus, Albanian local democracy functions through a dual representation model: party-focused council representation and candidate-focused mayoral representation. This duality may lead to institutional imbalances, particularly in situations where councils are politically dominated by the same party as the mayor or where there is weak opposition representation.

Within the broader framework of citizen participation in local governance, the representation of women constitutes an essential dimension of democratic inclusion. The body of research concerning gender quotas indicates that legal reforms can enhance descriptive representation, although they do not automatically ensure substantive influence. Dahlerup (2006) and Krook (2009) contend that quotas serve as vital corrective measures against systemic exclusion; however, their success is contingent upon factors such as party conduct, placement mandates, campaign funding, political culture, and enforcement mechanisms. Albania's local electoral system exemplifies this distinction.

Gender quotas have markedly boosted the representation of women in municipal councils, yet women continue to be underrepresented in the roles of mayors and in positions of executive political leadership. This observation aligns with the broader comparative conclusion that quotas tend to be more effective in list-based electoral bodies compared to single-person executive offices, where party nomination practices and political resources frequently remain dominated by men.

The broader legal framework governing local democracy is further reinforced by international and European standards, which advocate a comprehensive approach to democratic local governance. In particular, the Council of Europe's standards on local self-government emphasize that decentralization should not be understood merely as a territorial reorganization, but also as a means of strengthening democratic local institutions, promoting citizen participation, and enhancing local accountability.

In Albania, the Parliamentary Assembly of the Council of Europe (PACE) has consistently monitored the implementation of local governance reforms and the conduct of local elections, with particular attention to the involvement of local authorities in the decentralization process and the integrity of the 2023 local elections (Council of Europe, 2015, 2023). These European standards are of particular relevance to Albania, where local governance reforms constitute an integral component of the EU accession process and are closely linked to rule of

law conditionality, democratic governance, and the development of a transparent, accountable, and citizen-oriented public administration.

The existing literature reveals a significant gap in providing an integrated legal analysis that connects citizen participation, local electoral law, gender representation, decentralization, and European standards within the Albanian context. While research on local governance has primarily focused on territorial reform, fiscal decentralization, and service delivery, studies of electoral law have largely concentrated on parliamentary elections. Consequently, the legal and institutional relationship between local democratic participation, electoral regulation, and broader European standards remains insufficiently examined.

This article seeks to bridge these strands of scholarship by arguing that the effectiveness of local democracy depends on the interaction between the legal framework governing citizen participation and the institutional mechanisms of electoral accountability. In the Albanian context, the assessment of local democracy cannot be confined to the formal existence of municipalities, the periodic conduct of local elections, or the statutory recognition of participatory mechanisms.

Rather, it requires an examination of whether the legal framework enables citizens to exercise effective influence over local decision-making, whether municipal councils are equipped to perform meaningful oversight of executive authorities, whether mayors remain legally and politically accountable between elections, whether the legal framework ensures the effective representation of women and other underrepresented groups, and whether domestic law and institutional practice comply with European standards of local self-government, transparency, pluralism, and democratic participation.

Methodology

Research Design and Scope of Analysis

This article adopts a qualitative legal and institutional research design in order to examine the legal and institutional conditions that shape citizen participation in local governance in Albania. The study combines doctrinal legal analysis, comparative legal analysis, and qualitative institutional assessment to evaluate both the normative framework regulating participation and the practical effectiveness of participatory mechanisms within local democratic governance. The legal dimension of the research is particularly important because the effectiveness of citizen participation depends not only on the existence of formal legal guarantees, but also on the institutional, administrative, and political conditions under which those guarantees operate in practice.

The analysis primarily focuses on the post-2015 decentralization period following the territorial-administrative reform implemented through Law No. 115/2014 “On the Administrative-Territorial Division of Local Government Units in the Republic of Albania.” However, where necessary, the article also incorporates legal and institutional developments since the democratic transition after 1991 in order to provide historical and constitutional context regarding the evolution of local democracy and participatory governance in Albania.

The study is additionally informed by theories of participatory democracy, decentralization, democratic legitimacy, and institutional governance. The theoretical framework draws particularly from scholarship concerning participatory governance, local accountability, decentralization efficiency, and democratic inclusion. These theoretical perspectives provide the conceptual basis for evaluating whether legal mechanisms formally guaranteeing participation generate meaningful opportunities for citizen influence within local governance processes.

Doctrinal Legal Analysis

The primary methodological approach utilized in this article is doctrinal legal analysis. Doctrinal analysis examines the content, structure, interpretation, coherence, and practical implications of legal norms regulating local governance and citizen participation. The doctrinal component focuses on the Constitution of the Republic of Albania, Law No. 139/2015 “On Local Self-Government,” Law No. 146/2014 “On Notification and Public Consultation,” Law No. 10019/2008 “The Electoral Code of the Republic of Albania,” as amended, and related legislation concerning transparency, administrative procedures, access to information, gender equality, and local democratic accountability.

The purpose of doctrinal analysis is to identify the legal mechanisms through which citizens may participate in local governance and to evaluate whether these mechanisms create enforceable participatory rights or remain primarily declarative in character. Particular attention is devoted to constitutional principles concerning popular sovereignty, decentralization, representative democracy, equality before the law, local autonomy, and public participation in decision-making. The article additionally evaluates the interaction between constitutional guarantees and implementing legislation in order to determine the extent to which the Albanian legal framework creates coherent and operational participatory structures at the municipal level.

Doctrinal legal analysis is especially relevant in transitional democracies because democratic participation frequently depends upon the institutionalization of legal guarantees through detailed procedural legislation. Consequently, the article does not limit itself to the identification of formal rights but also considers issues of

legal certainty, enforceability, procedural clarity, and institutional accountability within the legal framework governing local participation.

Comparative Legal Analysis

The second methodological component employed in this study is comparative legal analysis. Albania is evaluated in relation to European standards concerning local democracy, decentralization, electoral governance, and citizen participation. The principal comparative framework is derived from the European Charter of Local Self-Government, recommendations of the Congress of Local and Regional Authorities, Venice Commission opinions, European Commission progress reports, and reports of the OSCE/ODIHR concerning elections and democratic governance in Albania.

The comparative analysis does not seek to argue that there is a single uniform European model of participatory local governance. Instead, it identifies recurring institutional characteristics associated with stronger participatory systems across European democracies. These include institutionalized public consultation procedures, participatory budgeting, local referenda, transparency obligations, digital participation mechanisms, gender parity measures, preferential or open electoral systems, and stronger municipal administrative capacity.

The comparative dimension is particularly important within the context of Albania's decentralization reforms, especially the 2015 territorial-administrative reform, which substantially altered the structure and territorial organization of local government. The reform sought to strengthen municipal administrative capacity, improve service delivery, and increase fiscal sustainability by reducing the number of municipalities and enlarging local administrative units. However, the reform also generated concerns regarding democratic accessibility, citizen proximity to institutions, and the practical capacity of residents to participate in local decision-making processes.

Drawing on decentralization theory, the article examines the tension between administrative efficiency and participatory accessibility, a dilemma extensively discussed in governance literature (Faguet, 2014, pp. 5–7; Smoke, 2015, pp. 102–104). The comparative approach therefore serves not only to evaluate Albania's compliance with European legal standards but also to identify structural and institutional limitations affecting democratic participation at the local level.

Institutional Effectiveness and Participatory Governance Assessment

The third methodological component consists of qualitative institutional assessment. This aspect of the methodology evaluates whether legal mechanisms regulating participation are capable of functioning effectively under actual

institutional and political conditions. Rather than assuming that formal legal guarantees automatically produce meaningful participation, the institutional assessment examines the practical environment within which participatory mechanisms operate.

The analysis considers factors including administrative capacity, implementation practices, institutional transparency, political party influence over candidate selection, local electoral competitiveness, voter turnout, women's representation, public trust in institutions, and the practical relevance or frequency of participatory mechanisms such as public consultations, citizen initiatives, and local referenda. Particular attention is devoted to the relationship between formal legal obligations and the practical capacity of municipalities to implement participatory procedures effectively.

The article relies on qualitative interpretation of publicly available institutional and electoral data. Sources include reports produced by the OSCE/ODIHR, the European Commission, the Venice Commission, the Congress of Local and Regional Authorities, the Central Election Commission of Albania, and academic studies concerning decentralization, democratic participation, electoral governance, and local institutional reform. Institutional reports and comparative assessments were selected based on their methodological credibility, relevance to democratic governance, and recurring use within European governance and electoral monitoring literature.

Where statistical information concerning participation is incomplete, inconsistent, or methodologically fragmented, the article treats numerical indicators cautiously and presents them as indicative evidence rather than as definitive measurements. This approach is particularly necessary in the Albanian context, where data concerning non-electoral participation mechanisms, including public consultations, citizen initiatives, and local referenda, is not systematically collected or publicly available in a uniform format across municipalities.

Sources, Analytical Reliability, and Methodological Validity

The study utilizes a combination of primary legal materials and secondary institutional and academic sources. Primary sources include constitutional provisions, legislation, electoral regulations, and official institutional documents. Secondary sources include scholarly literature concerning participatory democracy, decentralization, democratic legitimacy, local governance, and electoral systems, as well as reports and assessments prepared by international organizations and monitoring institutions.

To strengthen analytical reliability and validity, the article triangulates doctrinal legal analysis with comparative institutional reports, electoral and governance statistics, and secondary academic literature. Cross-referencing

multiple institutional and scholarly sources reduces the risk of relying upon isolated legal interpretation or incomplete institutional data. This methodological triangulation is particularly important because democratic participation cannot be fully understood through legal analysis alone; instead, it requires examination of the interaction between legal design, institutional implementation, and political practice.

The study further recognizes that evaluating participatory effectiveness necessarily involves qualitative institutional interpretation rather than purely objective numerical measurement. Consequently, the article adopts an interpretive institutional perspective that considers both normative legal guarantees and their practical operation within Albania's evolving democratic framework.

The article does not employ advanced quantitative statistical modeling because its principal objective is not to establish direct statistical causality between individual institutional variables. Instead, the purpose of the research is to evaluate the normative, legal, and institutional effectiveness of participatory mechanisms within the broader framework of Albanian local governance and democratic development.

Methodological Limitations

Despite its strengths, the methodology contains several limitations that must be acknowledged. First, the study relies primarily on doctrinal analysis and secondary institutional data and does not incorporate primary empirical research methods such as interviews, surveys, focus groups, or field observation across municipalities. As a result, the article may not fully capture local-level variation in participatory experiences, institutional practices, or citizen perceptions across different regions of Albania.

Second, data concerning non-electoral participation remains fragmented and inconsistently collected. Information relating to public consultations, citizen initiatives, participatory budgeting, and local referenda is often incomplete, inaccessible, or methodologically inconsistent across municipalities, limiting the possibility of systematic comparative measurement and comprehensive quantitative assessment.

Third, the comparative analysis employed in this article is selective and illustrative rather than exhaustive. The study focuses on representative European standards and comparative practices most relevant to Albania's decentralization and democratic governance context rather than constructing a comprehensive cross-national dataset. The objective of the comparative component is therefore analytical and normative rather than statistical.

Nevertheless, these limitations do not undermine the central objective of the article, which is to evaluate the legal and institutional conditions necessary

for effective citizen participation in local governance in Albania. Rather, the limitations reflect broader structural and methodological challenges associated with researching democratic participation, decentralization, and institutional effectiveness in transitional and consolidating democracies.

Results

The findings indicate that Albania possesses a relatively broad legal framework for citizen participation in local governance, but the effectiveness of these mechanisms remains uneven. The strongest and most consistently functioning form of participation is electoral participation. Citizens participate in local governance primarily through the election of mayors and municipal councils, while non-electoral mechanisms such as public consultation, local initiatives, and referenda remain less developed in practice. This creates a gap between the formal legal recognition of participation and its practical impact on municipal decision-making (Council of Europe Congress of Local and Regional Authorities, 2016; European Commission, 2023).

Empirical electoral data demonstrates that participation through elections remains substantially stronger than participation through consultative mechanisms. According to the Central Election Commission (CEC), voter turnout in local elections has fluctuated significantly during the post-communist period. The 2015 local elections recorded turnout of approximately 47.8%, while the 2019 local elections recorded turnout of approximately 22.97% due to the political boycott by opposition parties (Central Election Commission [CEC], 2019).

In the 2023 local elections, turnout increased to approximately 38.2%; yet, remained considerably lower than participation levels seen during the earlier transition period (CEC, 2023). These figures indicate declining public trust and limited citizen engagement with local political institutions. International observers similarly noted that political polarization and low public confidence have negatively affected participation at the local level (Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights [OSCE/ODIHR], 2023).

The real effectiveness of participation depends altogether on legislation, institutional capacity, administrative culture, and the willingness of local authorities to treat citizen input as meaningful rather than merely procedural (Anastasi, 2015; European Commission, 2023). However, local elections in Albania are often dominated by national political parties, which limits the autonomy of local electoral debate and weakens the direct connection between citizens and local policy priorities (OSCE/ODIHR, 2023).

The 2015 territorial-administrative reform significantly altered the structure of local governance. The number of local government units was reduced from 373 communes and municipalities to 61 municipalities (Council of Ministers of Albania, 2015). The reform aimed to improve administrative efficiency, fiscal sustainability, and service delivery capacity. Empirical evaluations by international organizations and Albanian institutions indicate mixed results.

On the one hand, larger municipalities generally improved administrative capacity and access to financial resources (Swiss Agency for Development and Cooperation [SDC], 2017). On the other hand, many citizens reported increased distance from local institutions, particularly in rural areas where former communes lost institutional representation (Council of Europe Congress of Local and Regional Authorities, 2016). Reports by the Congress of Local and Regional Authorities noted that territorial consolidation risked weakening local accessibility and direct citizen interaction with municipal authorities in geographically remote communities (Council of Europe Congress of Local and Regional Authorities, 2016).

Empirical monitoring reports demonstrate important implementation gaps in public consultation procedures. Studies by civil society organizations have found that municipalities frequently fail to publish consultation drafts within legally required deadlines or provide insufficient explanations regarding the incorporation of citizen feedback (Partners Albania, 2021). In many municipalities, consultation meetings attract limited participation and often involve only a narrow group of organized stakeholders rather than broader community engagement (Albanian Institute of Science, 2022). Digital consultation mechanisms have improved access in some urban municipalities, particularly in Tirana, Durrës, and Shkodër, but participation remains considerably weaker in smaller municipalities with lower administrative and technological capacity (European Commission, 2023).

The findings also show that direct democracy mechanisms, including local referenda, are legally recognized but rarely used. Local referenda are important because they allow citizens to decide directly on matters of local importance. Their limited use suggests that the existence of a legal mechanism is not sufficient to ensure participation. Procedural complexity, limited civic awareness, weak institutional incentives, financial and administrative barriers, and political reluctance may all reduce the practical use of referenda (Venice Commission, 2020). As a result, direct democracy remains more symbolic than operational in Albanian local governance. This contrasts with several European states where local referenda constitute a more institutionalized component of municipal governance (Council of Europe, 2021).

The results further indicate that citizen participation varies according to socio-economic and territorial factors. Urban municipalities in Albania generally demonstrate higher levels of civic engagement due to greater access to

information, stronger civil society organizations, and better digital infrastructure. Rural municipalities, by contrast, often face lower participation rates due to demographic decline, migration, limited institutional accessibility, and weaker civic mobilization (European Commission, 2023). Youth participation in Albania also remains relatively limited outside electoral periods, despite the increasing use of digital communication platforms by municipalities (United Nations Development Programme [UNDP], 2022).

Overall, the findings reveal a dual structure of participation in Albania. On the one hand, electoral participation is institutionally established and regularly practiced. On the other hand, non-electoral participation remains fragmented, weakly integrated, and often dependent on administrative discretion. This imbalance limits the development of a continuous model of local democracy. Citizen participation should not be confined to election day; it should also include regular opportunities to influence local policies, monitor municipal decisions, and hold local authorities accountable between elections.

Legal Framework of Local Governance and Democratic Accountability

Reports from (Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights [OSCE/ODIHR], 2023) regarding Albanian elections have consistently highlighted political polarization, claims of coercion against voters and public employees, the misuse of state resources, and concerns over vote-buying as factors undermining electoral confidence. In the local elections of 2023, the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights report (OSCE/ODIHR) determined that while the elections were generally well-managed and competitive, they also underscored ongoing polarization, the misuse of public resources, pressure exerted on voters and public-sector employees, and allegations of vote-buying (OSCE/ODIHR, 2023). These findings suggest that the main problem is not the absence of legal mechanisms, but the limited participatory effect of those mechanisms in practice.

The local elections of 2019 were characterized by a boycott from the opposition, which severely undermined political pluralism at the local level. In contrast, the 2023 local elections saw the main political parties participating again; however, ODIHR noted persistent polarization and issues regarding the misuse of public resources and voter pressure (OSCE/ODIHR, 2023). Furthermore, the Association of Albanian Municipalities has pointed out that the boycott during the 2019 local elections resulted in municipalities and municipal councils being predominantly dominated by a single political entity, thereby diminishing pluralistic oversight and local political competition (Association of Albanian Municipalities, 2023).

For municipal councils, the closed-list system means that voters generally choose among party lists rather than individual candidates. This enhances the role of political parties in structuring representation, but it limits the ability of citizens to reward or punish individual council candidates. The result is a weaker principal-agent relationship between citizens and council members. Council members may feel more accountable to party leadership, which controls list placement and future political advancement, than to citizens who cannot directly reorder candidates. This confirms the broader insight that closed-list systems reduce incentives for cultivating a personal vote (Carey & Shugart, 1995). In theory, this combination should balance representativeness and direct accountability. In practice, however, the balance in Albania is uneven because party leadership retains strong control over municipal council lists.

The direct election of mayors creates a different accountability logic. Voters select an individual candidate for executive office, making the mayor more personally visible and politically accountable. This can strengthen democratic legitimacy, especially where citizens identify local problems with mayoral leadership. However, it can also produce institutional imbalance. A directly elected mayor may enjoy stronger political authority than a municipal council elected through party lists, especially when the mayor's party controls the council. The 2023 elections showed this imbalance clearly: the Socialist Party won a dominant number of mayoral contests and also secured strong representation in municipal councils, creating conditions in many municipalities for limited council oversight of the executive.

Electoral Participation and Turnout in Local Elections

In Albania, citizen turnout in local elections has demonstrated a gradual decline over time, particularly following the territorial-administrative reform of 2015 and the political crisis surrounding the 2019 local elections. The 2019 elections represented an exceptional situation because the principal opposition parties boycotted the electoral process, resulting in historically low participation and raising significant concerns regarding democratic legitimacy and political pluralism (OSCE/ODIHR, 2019). By contrast, the 2023 local elections marked the return of major opposition participation and consequently produced higher turnout levels compared with 2019, although participation still remained below the levels observed in earlier electoral cycles (OSCE/ODIHR, 2023).

Empirical developments across the last three local election cycles illustrate the strong relationship between political context and voter participation. The 2015 local elections were the first elections conducted after the territorial-administrative reform that reduced the number of local government units from 373 communes and municipalities to 61 municipalities. Although the reform aimed to improve

administrative effectiveness and service delivery, concerns emerged regarding the increased distance between citizens and local institutions in larger municipalities. Turnout in the 2015 elections remained moderate, suggesting that the restructuring itself did not immediately undermine participation.

However, the 2019 elections produced a dramatic decline in turnout because the boycott by opposition parties substantially reduced electoral competition and weakened perceptions of legitimacy. The OSCE/ODIHR (2019) noted that the absence of meaningful political contestation negatively affected public confidence in the electoral process. In 2023, turnout partially recovered following the return of opposition participation and the restoration of greater electoral competition, yet participation still failed to return to the levels recorded in earlier years (OSCE/ODIHR, 2023).

These developments suggest that citizen participation in local elections depends not only on the formal existence of voting rights, but also on broader political and institutional conditions, including political competition, public trust, accountability, and the perceived meaningfulness of electoral participation (Easton, 1965; Putnam, 1993). The Albanian case therefore demonstrates that legal guarantees of participation are insufficient on their own to ensure sustained democratic engagement. Electoral participation is strongly influenced by whether citizens believe elections are genuinely competitive, politically consequential, and capable of producing responsive local governance.

TABLE 1. Voter Turnout in Local Elections (2011-2023)

Election year	Local election context	Reported turnout
2011	Pre-territorial reform local elections	50.9%
2015	First local elections after territorial-administrative reform	47.3-47.83%
2019	Opposition boycott and political crisis	22.9-22.97%
2023	Return of broader competition in local elections	38.23%

Note. Figures are compiled from public election datasets and reporting based on Central Election Commission data, and Open Data Albania.

Gender Quotas and Women's Representation in Local Governance in Albania

Although Albania's quota rules require political parties to include at least 30 percent of the less-represented gender on candidate lists, women remain underrepresented in local executive leadership. After the 2023 local elections, only seven of Albania's 61 municipalities were led by women mayors, demonstrating that candidate-list quotas have had stronger effects on council representation than on mayoral office (BIRN, 2023). This finding is significant because it shows that

formal equality mechanisms operate differently across electoral tiers: proportional council lists are more compatible with gender quota enforcement, while single-candidate mayoral races remain more dependent on party nomination practices.

The impact of these legal mechanisms is visible in women’s representation within municipal councils. According to global local government statistics published by UN Women and the United Cities and Local Governments database, women held 681 of 1,613 municipal council seats in Albania following the 2023 local elections, representing approximately 42.22 percent of local council members (UN Women, 2023). This figure demonstrates that Albania has achieved substantial progress in descriptive representation at the local level. It further indicates that legally binding quotas linked to candidate placement rules can produce measurable improvements in women’s political inclusion within representative institutions.

However, the situation differs substantially with respect to mayoral offices. Unlike municipal councils, mayoral elections are majoritarian and candidate-centered, meaning that the quota rules applied to proportional lists do not generate equivalent outcomes in executive contests. Prior to the 2023 local elections, UN Women reported that only 15 of 144 registered mayoral candidates were women, representing approximately 10.4 percent of all candidates (UN Women Albania, 2023). Subsequent election monitoring confirmed that women continue to constitute only a small minority of mayors across Albanian municipalities.

The contrast between municipal councils and mayoral offices reveals a structural limitation of Albania’s gender-equality framework: quota systems are generally more effective in proportional representation systems with party lists than in single-office executive elections, where candidate recruitment and party nomination practices play a decisive role (Krook & Norris, 2014; Krook, 2014).

International organizations and election observers have emphasized that quotas should be accompanied by additional institutional measures, including stronger internal party democracy, campaign financing support for women candidates, protection against gender-based political violence, equal media visibility, and leadership training programs (OSCE/ODIHR, 2023; UN Women Albania, 2023). Without these complementary mechanisms, women’s political participation may remain numerically significant while still constrained in terms of substantive political influence and decision-making power.

TABLE 2. Women’s Representation in Albanian Local Governance after the 2023 Local Elections

Indicator	Reported figure	Source basis	Interpretation
Women in local government seats	681 of 1,613 seats	UN Women global local government data	Women held 42.22% of local government seats after the 2023 municipal election results

Women mayoral candidates, 2023	15 of 144 candidates	UN Albania / UN Women public reporting	Women were only 10.4% of mayoral candidates
Women mayors after 2023 elections	Approximately 7-8 of 61 municipalities	Civil society and gender monitoring reports	Women remained strongly underrepresented in executive local offices
Local council quota rule	Gender-balanced ranking / alternating placement for local council lists	Electoral Code as summarized by UN Women / gender quota sources	List design supports descriptive representation in councils

Note. The table distinguishes council-level descriptive representation from mayoral/executive representation, where women remain underrepresented.

In conclusion, reports from OSCE/ODIHR have consistently highlighted the significance of women's involvement as a crucial aspect of electoral integrity. In the context of Albania, the rise in the number of women serving on local councils illustrates the impact of legal quota regulations, whereas the relatively low representation of women mayors reflects the constraints of formal equality, particularly in situations where party gatekeeping plays a critical role. Additionally, civil society reports have emphasized how women, youth, minorities, individuals with disabilities, and other marginalized groups continue to encounter obstacles to meaningful political engagement, including local governance. (Albanian Women Empowerment Network [AWEN], 2023).

Public Consultation, Citizen Initiatives, and Local Referenda

Despite a solid legal framework, empirical findings from both scholar and institutional sources indicate that the principal weakness of public consultation in Albania concerns enforceability and substantive impact. Consultation procedures may formally occur, yet authorities are often not legally required to demonstrate how citizen input influenced final decisions. As a result, participation risks becoming procedural rather than substantive.

The Council of Europe (2018) observed that many local authorities continue to treat consultation primarily as an administrative formality rather than as a mechanism for participatory governance. Similarly, studies conducted by Partners Albania for Change and Development have noted inconsistent implementation practices across municipalities, limited citizen awareness, insufficient publication of draft acts, and weak feedback mechanisms following consultations (Partners Albania, 2021).

These implementation gaps are particularly significant because they reduce public trust in participation processes and discourage future civic engagement. This challenge appears particularly acute in rural or peripheral municipalities where territorial consolidation following the 2015 reform increased the physical

and administrative distance between citizens and municipal institutions. Consequently, formal legal rights to participation do not always translate into effective practical access.

International assessments have also emphasized that Albania lacks a consolidated culture of local direct democracy compared with several European states where local referenda are more institutionally embedded (Council of Europe, 2018).

These findings demonstrate that Albania's non-electoral participation mechanisms remain vulnerable to procedural formalism. Although the legal framework formally recognizes consultation procedures, citizen initiatives, and local referenda, the practical influence of these mechanisms remains uncertain and uneven across municipalities.

This weakens local democratic governance because elections continue to function as the dominant channel of participation, despite the fact that electoral participation itself is affected by declining turnout, strong party control, and limited voter influence over candidate selection. The Albanian case therefore illustrates the broader challenge of transforming formal participatory rights into meaningful democratic influence within local governance structures.

Albania Compared with EU Member States and European Standards

A comparative analysis with European Union member states demonstrates that Albania has achieved substantial formal convergence with European norms concerning local governance and citizen participation, yet significant implementation gaps continue to persist in practice. The European Charter of Local Self-Government defines local self-government as the right and ability of local authorities to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population (Council of Europe, 1985). This standard connects local autonomy directly with democratic accountability and citizen participation. Local government should therefore not merely exist as an administrative structure; it must also possess the institutional capacity to represent, engage, and respond effectively to local communities.

Albania's legal framework reflects many of these European principles. The Constitution of Albania recognizes local self-government as a constitutional principle, municipalities elect mayors and municipal councils through democratic elections, and public consultation procedures are regulated through Law No. 146/2014 "On Notification and Public Consultation." From a formal legal perspective, Albania has therefore achieved substantial harmonization with European standards relating to decentralization, transparency, and local democratic participation (European Commission, 2023). However, the principal challenge lies less in the absence of legal norms and more in the effectiveness

and consistency of implementation. This reflects a broader pattern commonly identified in European integration and legal harmonization processes, where states adopt legislation aligned with European expectations while institutional practices and administrative culture evolve more slowly (Schimmelfennig & Sedelmeier, 2005).

Comparative experience from several EU member states illustrates that effective citizen participation depends not only upon legal authorization but also upon institutional practice and administrative habit. Participatory budgeting mechanisms, for example, have become increasingly institutionalized in municipalities across France, Italy, Spain, Portugal, and Poland, allowing citizens to propose, deliberate upon, and vote directly on local projects financed through municipal budgets (Sintomer et al., 2008).

Similarly, public consultation procedures in many EU member states are supported through digital participation platforms, structured feedback mechanisms, transparency portals, and mandatory reporting obligations that explain how public input influenced final decisions. In several European legal systems, local referenda and citizen initiatives are also more deeply embedded within local political culture, particularly in countries characterized by strong traditions of local autonomy and civic participation, such as Germany and Switzerland (Loughlin et al., 2011). Although participatory practices vary significantly across Europe, comparative analysis demonstrates that meaningful participation requires institutionalization, administrative commitment, and public trust in addition to formal legal rights.

Albania's closed-list proportional model limits this form of voter influence because party leadership largely determines candidate ranking and therefore electoral outcomes. While closed lists can facilitate implementation of gender-placement quotas and reinforce party-program coherence, they may simultaneously strengthen centralized party control over local representation. Comparative European experience suggests that reform debates in Albania could consider whether greater voter choice may be introduced without undermining proportional representation or gender equality protections.

Gender-equality frameworks provide another important area of both convergence and divergence between Albania and EU member states. Albania's quota requirements for municipal council lists are comparatively strong and have contributed to a relatively high level of women's descriptive representation in local councils. Nevertheless, several EU members states have adopted even more robust mechanisms, including parity systems, zipper-list requirements, and stricter sanctions for non-compliance with gender-balance rules. France, Spain, Belgium, and several Nordic countries provide examples of electoral systems that require alternating male and female candidates throughout party lists in order to ensure balanced representation (Dahlerup & Freidenvall, 2005).

Albania’s principal challenge therefore extends beyond maintaining representation within municipal councils toward addressing the persistent underrepresentation of women in mayoral offices and executive local leadership positions.

The comparative findings indicate that European standards concerning local democracy require more than formal decentralization and legal harmonization. They also require effective local autonomy, administrative transparency, institutional accountability, meaningful citizen engagement, and genuine opportunities for citizens to shape public decisions.

TABLE 4. Albania and Selected European Participation Standards in Local Governance

Dimension	Albania	Common practice in stronger EU local participation models	Main gap
Local autonomy	Constitutionally and legally recognized	Protected through strong municipal competences and resources	Financial and administrative capacity remains uneven
Municipal council elections	Closed-list proportional representation	Open-list, preferential, or locally personalized models in several systems	Limited voter influence over individual council candidates
Public consultation	Legally required through public notification and consultation rules	Structured consultation reports, digital portals, and stronger feedback duties	Consultations may remain formalistic
Participatory budgeting	Limited and uneven practice	Used in many municipalities across France, Italy, Spain, Portugal, Poland and others	Weak institutionalization
Gender equality	Strong council-list quota with significant women's council representation	Parity or zipper-list rules in several countries	Weak representation in mayoral offices
Direct democracy	Local referenda legally possible but rare	More frequent and embedded in some European local systems	Procedural and political barriers

Note. The comparison is functional rather than exhaustive; EU member states vary significantly, but stronger systems tend to combine legal rights with institutionalized practices.

Discussion

The findings reveal a structural tension within Albania’s system of local democratic governance. Although the legal framework establishes a comprehensive set of participatory rights and procedural guarantees, the practical capacity of these mechanisms to influence public decision-making remains limited. This

discrepancy between formal legal recognition and substantive democratic effectiveness is evident across the principal channels of local participation. Local elections are conducted on a regular basis within a stable constitutional and statutory framework; however, the closed-list proportional electoral system applicable to municipal councils constrains voters' ability to determine the selection and accountability of individual representatives.

Public consultation procedures are formally regulated through legislative requirements, yet they frequently produce limited normative or policy consequences. Similarly, although local referenda constitute a legally recognized instrument of direct democracy, they have remained largely dormant in institutional practice. While statutory gender quota provisions have substantially increased women's descriptive representation in municipal councils, this progress has not translated into comparable levels of representation within executive local government, particularly in mayoral offices and other positions exercising effective political authority.

Taken together, these findings demonstrate that Albania has largely succeeded in institutionalizing procedural participation, but has been less successful in ensuring that participatory mechanisms generate meaningful influence over public decision-making. Consequently, citizen participation frequently operates as a procedural guarantee rather than as an effective instrument of democratic co-governance. This distinction reflects the classical differentiation between formal and substantive democracy: legal opportunities for participation exist, yet the institutional conditions necessary for converting participation into effective political influence remain underdeveloped. In Arnstein's (1969) conceptual framework, many participatory mechanisms continue to resemble consultation or placation rather than partnership or delegated authority. Where citizens perceive those participatory procedures rarely affect policy outcomes, democratic legitimacy may gradually erode, reducing both electoral engagement and broader forms of civic participation.

The electoral framework governing municipal councils represents one of the principal institutional factors underlying this democratic deficit. Representative local government is intended to establish a direct relationship of political accountability between elected councilors and the electorate. However, under Albania's closed-list proportional representation system, political accountability is predominantly mediated through political parties rather than through voters themselves. Candidate selection, ranking, and prospects of election remain largely determined by party leadership, thereby weakening the representative relationship between councilors and local communities.

This observation should not be interpreted as a criticism of proportional representation *per se*. Comparative constitutional experience demonstrates that proportional electoral systems remain among the most effective instruments

for ensuring political pluralism, minority inclusion, and gender-balanced representation. The institutional deficiency lies not in proportionality itself but in the absence of complementary accountability mechanisms capable of strengthening the representative link between voters and elected councilors.

Carefully designed preferential or partially open-list systems may improve democratic accountability without undermining proportionality. Nevertheless, any reform of ballot structure should be accompanied by safeguards capable of preserving existing achievements in gender equality. Comparative evidence demonstrates that preferential voting may disproportionately advantage candidates possessing greater financial resources, established political networks, or higher media visibility, factors that frequently favor male candidates. Electoral reform should therefore be evaluated alongside gender equality objectives in order to reconcile democratic accountability with substantive equality.

The analysis likewise exposes significant structural limitations regarding women's access to executive political office. Whereas proportional electoral quotas have substantially increased women's representation within municipal councils, the majoritarian election of mayors continues to reproduce considerable gender disparities. The relatively limited number of female mayoral candidates indicates that the principal barrier lies less in electoral rules than in party nomination processes and internal political recruitment. Because executive elections are candidate-centered rather than list-based, quota mechanisms applicable to proportional representation cannot operate with equivalent effectiveness.

Consequently, the promotion of substantive gender equality within local executive government may require additional legislative and policy instruments, including strengthened obligations regarding candidate nomination, financial incentives linked to balanced representation, enhanced transparency of party recruitment procedures, leadership development programmes, and other measures encouraging equal access to executive office.

The legal framework governing public consultation also warrants further institutional development. Compliance with procedural consultation requirements should not constitute the sole measure of participatory governance. Rather, the effectiveness of consultation should be assessed according to substantive criteria, including the accessibility of consultation processes, the adequacy of information provided to participants, reasonable consultation periods, inclusiveness of participation, and the existence of transparent mechanisms demonstrating how public input has influenced the final administrative or legislative decision. Municipal authorities should therefore be required to publish comprehensive consultation reports identifying the observations received, explaining the legal and policy assessment of those submissions, and providing reasoned justification for their acceptance or rejection. Such an obligation would transform public consultation from a predominantly procedural requirement into a meaningful instrument of administrative accountability and democratic transparency.

From a comparative European perspective, the challenges identified in Albania are not exceptional. Numerous European legal systems continue to confront the broader question of how to reconcile representative democracy with more participatory models of local governance. Nevertheless, these issues acquire particular constitutional significance within the context of Albania's European Union accession process. European integration extends beyond the formal approximation of domestic legislation to the *acquis Communautaire*; it equally requires the effective functioning of democratic institutions, respect for the rule of law, administrative transparency, and meaningful citizen participation. Local self-government represents one of the most tangible manifestations of democratic governance because it constitutes the institutional level at which citizens interact most directly with public authority. Persistent weaknesses in local participation therefore possess implications extending beyond municipal governance, affecting the broader legitimacy and democratic resilience of the constitutional system.

The analysis consequently supports the need for an integrated programme of local democratic reform that addresses electoral regulation, participatory governance, institutional accountability, gender equality, and administrative capacity as mutually reinforcing dimensions of democratic consolidation. Electoral legislation should strengthen the accountability of municipal councilors while preserving the representational advantages of proportional electoral systems. Local government legislation should reinforce citizens' capacity to influence municipal decision-making through effective participatory mechanisms.

Public consultation procedures should impose legally enforceable standards of transparency, reasoned administrative responses, and institutional accountability. Gender equality measures should progress beyond descriptive representation towards ensuring equal access to executive leadership and effective political influence. Finally, fiscal and administrative decentralization should provide municipalities with sufficient institutional capacity and financial autonomy to respond meaningfully to citizen participation. Absent such an integrated approach, the existing legal framework risks preserving procedural participation without achieving the substantive democratic empowerment that constitutes the normative objective of contemporary local self-government.

Limitations

This study has several limitations. First, it relies primarily on legal analysis and available institutional data, rather than original fieldwork across municipalities. A more comprehensive empirical study could include interviews with municipal officials, civil society organizations, council members, women candidates, and citizens. Such research would provide deeper insight into how participation mechanisms operate in practice.

Second, data on citizen participation in Albania are not always systematic. Election turnout is available, and gender representation can be measured through official or international datasets. However, data on public consultations, citizen initiatives, participation in budget hearings, and local referenda are less consistently collected and published. This limits the ability to compare municipalities quantitatively.

Third, the article compares Albania with selected European practices rather than conducting a full country-by-country comparative study. EU member states vary significantly in their local government systems, electoral rules, and participatory traditions. The comparative section therefore identifies broad patterns and examples rather than exhaustive legal equivalence.

Finally, the article focuses on legal and institutional design. It does not fully examine socio-economic factors such as migration, poverty, education, digital access, media environment, or clientelism, all of which may shape participation. Future research should integrate these variables into a broader empirical model of local democratic participation in Albania.

Conclusion

This article has examined the legal framework governing citizen participation in local governance in Albania through a doctrinal analysis of constitutional provisions, local government legislation, electoral law, participatory mechanisms, gender equality measures, and applicable European legal standards. The analysis demonstrates that Albania has established a comprehensive normative framework that formally guarantees multiple avenues for citizen participation in local public affairs, including local elections, public consultations, citizens' initiatives, local referenda, access to public information, and representative participation through municipal councils. Furthermore, legislative measures introducing mandatory gender quotas have substantially improved the descriptive representation of women within local representative bodies.

Despite these normative developments, the study demonstrates the existence of a persistent implementation gap between the formal legal guarantees of participation and their practical realization. While local elections continue to constitute the principal mechanism of democratic participation, the operation of closed-list proportional representation limits voters' capacity to influence the selection of individual municipal councilors and consequently weakens electoral accountability. Similarly, although public consultation procedures are extensively regulated, they frequently remain procedural rather than substantive, with limited evidence that citizen input meaningfully influences municipal decision-making.

Direct-democracy instruments, particularly local referenda, remain largely underutilized, while the progress achieved through gender quota legislation has not translated into equitable representation in executive municipal offices or within political party nomination processes. Consequently, although Albania's legislative framework is broadly consistent with European standards governing local democratic participation, deficiencies in institutional implementation continue to undermine its effectiveness.

The findings suggest that further reform should move beyond the adoption of additional legislative guarantees and instead prioritize the effective implementation of the existing legal framework. Electoral legislation should be reviewed to strengthen democratic accountability while preserving political inclusiveness and the achievements attained through gender quota mechanisms. Equally, statutory consultation procedures should be accompanied by stronger procedural safeguards ensuring transparency, reasoned administrative responses, and demonstrable consideration of citizens' submissions.

The legal and procedural requirements governing local referenda and citizens' initiatives should be simplified in order to facilitate their practical use, while municipalities should be provided with adequate administrative, institutional, and financial capacity to implement participatory mechanisms effectively. In parallel, future gender equality reforms should extend beyond representative bodies and address structural barriers affecting access to mayoral offices, executive leadership positions, and candidate selection within political parties.

Within the broader context of Albania's European Union accession process, strengthening citizen participation in local governance extends beyond the sphere of administrative reform and constitutes an essential component of democratic governance, the rule of law, and effective local self-government. Although Albania has largely incorporated the principal legal standards derived from the European Charter of Local Self-Government, the Council of Europe *acquis*, and relevant European Union governance principles, the effectiveness of these guarantees ultimately depends upon their consistent implementation in administrative practice.

The consolidation of participatory local democracy therefore requires moving beyond formal legal compliance toward the effective implementation of the legal framework, ensuring that legally guaranteed participatory rights operate as enforceable mechanisms of democratic accountability, institutional transparency, and meaningful citizen participation in local decision-making in Albania.

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Local government reform and unitary state consolidation: Controlled decentralization in Albania after the 2015 territorial reform _____

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Abstract

This article examines Albania's 2014-2015 Territorial-Administrative Reform (TAR) as a political-institutional process through which local government reform may strengthen the unitary state while formally advancing decentralization. It treats TAR as a rescaling of authority, not as a simple reduction of local units. The study is theoretical-conceptual and is based on an integrative narrative review. It combines decentralization theory, state rescaling, infrastructural power and intergovernmental steering. Albania is used as an illustrative case, supported by country-specific secondary sources from the Council of Europe, OECD/SIGMA, NALAS and the World Bank. The paper develops the concept of controlled decentralization: a configuration in which formal delegation of municipal functions coexists with central steering through fiscal conditionality, administrative standardization and party verticality. In Albania, TAR reduced fragmentation and increased municipal scale, but also made local government more legible, comparable and governable from the center. The paper does not provide an original causal test of TAR; it offers a mechanism-based conceptual framework for future empirical research. The framework helps

assess whether reform expands meaningful local discretion or mainly improves local implementation under stronger vertical control. The article links territorial reform to debates on democratic accountability, state capture and democratic erosion in South-East Europe.

Keywords: *controlled decentralization; territorial reform; unitary state consolidation; fiscal decentralization; administrative standardization; Albania*

Introduction

Local government reform is rarely a purely administrative matter. Even when it is presented through the language of efficiency, professionalization and proximity to the citizen, it reorganizes the territorial distribution of political authority. In a unitary state, where constitutional sovereignty remains concentrated, the local level operates as the point where the state becomes concrete. It is there that financial transfers become services, central standards are translated into daily administration and political parties mediate the relationship between national strategies and local communities. For this reason, decentralization should be read not only as a promise of local self-government, but also as a political technique that may reshape the balance between center and periphery.

The comparative literature has long emphasized that decentralization is not a linear movement from the center to the local level. Reforms formally described as decentralizing can expand municipal responsibilities while preserving, or even strengthening, the instruments through which the center directs local action (Falleti, 2005; Eaton, Kaiser, & Smoke, 2011; Dickovick, 2011). This is the paradox of decentralization. Autonomy may increase in legal form while practical discretion remains limited by funding rules, administrative standards, reporting obligations and party hierarchy. The paradox is especially visible in post-transition unitary states, where local revenue bases are weak, administrative capacity is uneven and political competition is often organized through national parties rather than autonomous local platforms.

Albania's 2014-2015 Territorial-Administrative Reform (TAR) offers an important context for examining this paradox. The reform consolidated a fragmented territorial system by replacing 373 communes and municipalities with 61 municipalities and by reorganizing sub-municipal administrative units within the new structure. The official justification stressed economies of scale, improved service delivery and the need to create municipalities capable of exercising broader responsibilities. These objectives are not insignificant. Fragmentation may weaken local administration, reduce professional capacity and make public services unequal. However, the same reform also simplified the institutional

map for central ministries, reduced the number of local interlocutors and made auditing, reporting and programme implementation easier to standardize.

This article develops the concept of controlled decentralization to capture this dual movement. Controlled decentralization refers to a reform configuration in which the formal delegation of responsibilities to municipalities coexists with central steering through fiscal conditionality, administrative standardization and party verticality. The concept does not deny the managerial advantages of territorial consolidation. It also does not assume that every form of central coordination is illegitimate. Rather, it asks how local responsibilities are financed, monitored and politically aligned, and whether municipalities have the resources and discretion needed to respond primarily to local democratic preferences.

The Albanian case has relevance beyond national institutional history. Across the Western Balkans, Europeanization has encouraged both local self-government and stronger state capacity. SIGMA's regional assessment for 2024 covers Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia and treats public financial management, accountability, service delivery and digitalization as core dimensions of administrative reform (OECD, 2025b). NALAS also situates Albanian local finance within wider South-East European patterns of fiscal decentralization, local revenue constraints and intergovernmental transfers (NALAS & KDZ, 2025). This regional setting matters because debates on decentralization intersect with debates on democratic erosion and state capture. Where parties and central institutions control access to resources, local government may either become a counterweight to centralized power or another channel through which power is vertically organized (Bieber, 2020; Richter & Wunsch, 2020).

The purpose of the article is therefore conceptual and analytical. It clarifies controlled decentralization as a lens for examining local government reform in unitary states; it identifies the mechanisms through which territorial reform may consolidate central power; and it provides a set of observable indicators for future empirical research. Albania is used as an illustrative case. The article does not claim to provide a full causal evaluation of TAR, but it offers a framework that can be used to assess whether decentralization expands meaningful local discretion or mainly strengthens local implementation under central direction.

Controlled decentralization and the political logic of unitary consolidation

Controlled decentralization describes a governance configuration with three related features. First, municipalities receive or expand functional responsibilities, such as service delivery, planning, local infrastructure and community

development. Second, central institutions retain or strengthen the instruments that determine how those functions are financed, standardized and monitored. Third, the combined effect may increase the infrastructural power of the unitary state, understood as the ability to implement decisions across the territory through administrative reach, information systems and organizational coordination (Mann, 1984). In this sense, decentralization and consolidation are not automatic opposites. They may be produced through the same reform.

The concept stands between two simplified interpretations. One interpretation treats decentralization as inherently democratic and equates autonomy with the formal allocation of competences. Another interpretation treats decentralization as only a rhetorical cover for central domination. Controlled decentralization offers a more precise diagnosis. It does not begin from the label of the reform, but from the mechanisms that structure real decision-making. It examines how rules, money, information and political careers define the actual choices available to mayors, municipal councils and local administrations.

Decentralization is multidimensional. Political decentralization concerns elected local authorities and representative institutions. Administrative decentralization concerns the organization of public service delivery. Fiscal decentralization concerns revenue authority, spending discretion and the predictability of local resources (Oates, 1972; Rondinelli, 1981; Treisman, 2007). These dimensions rarely move at the same speed. A municipality may have an elected mayor and a broad list of tasks, while still depending on transfers designed at the center. It may manage services while operating inside national templates for procurement, personnel and reporting. When responsibilities expand without corresponding resources and discretion, reform produces responsibility without autonomy (Rodden, 2004).

The order of reforms is also important. Falleti's sequential approach shows that the timing of political, administrative and fiscal decentralization affects the bargaining power of central and local actors (Falleti, 2005). If municipalities receive administrative tasks before they obtain stable fiscal authority, the center can later steer local action through transfers, eligibility rules and oversight procedures. This sequence is relevant in post-transition systems, where central institutions often justify stronger steering by referring to weak local capacity, uneven service quality and fiscal discipline.

Central influence is often exercised through steering rather than direct command. Contemporary governance works through instruments that operate at a distance by shaping incentives, information and standards (Hood, 1991; Pierre & Peters, 2000). Conditional grants, performance indicators, audits, inspections and digital reporting systems do not formally abolish local competences. They define the conditions under which those competences can be exercised. From a principal-agent perspective, delegation creates risks of information asymmetry

and policy divergence; monitoring and conditionality respond to those risks. Yet the same instruments can become political technologies of control when they are discretionary, selectively applied or connected to access to funds.

Fiscal conditionality is the first mechanism of controlled decentralization. In unitary states with weak municipal tax bases, intergovernmental finance becomes decisive for local autonomy. Own-source revenue protects discretion only when it is sufficiently broad and usable. When municipal budgets depend heavily on transfers, the design of transfers shapes local agendas. Predictable, formula-based and unconditional transfers can protect a minimum of local choice. Earmarked grants, competitive investment funds and complex co-financing requirements can give the center a filtering role. Municipal priorities then become aligned with central programmes because access to resources passes through central rules and approvals (Eaton et al., 2011; Smoke, 2015).

Administrative standardization is the second mechanism. Standards for budgeting, procurement, personnel management and sectoral services can improve integrity, legality and equal treatment. However, they also centralize information and narrow the space for local adaptation. Digital reporting systems, audit routines and inspection regimes make local action visible and comparable. This visibility can strengthen accountability, but it also increases the capacity of the center to intervene. Under controlled decentralization, municipalities are not necessarily deprived of tasks; they are placed inside a dense structure of standards that turns political choice into procedural compliance.

Party verticality is the third mechanism. Center-local relations are mediated not only by law and finance, but also by party organization. In nationalized party systems, local candidates, mayors and councillors often depend on national party leadership for nomination, political advancement and access to resources (Chhibber & Kollman, 2004). When investment channels and administrative careers are politically mediated, local autonomy becomes conditioned by vertical loyalty. This dynamic does not require open illegality. It can operate through expectations of alignment, informal brokerage and selective access to programmes. The result is a form of local discretion exercised under the shadow of central political control.

Territorial rescaling connects these mechanisms. Reforming municipal boundaries is not only a question of administrative size. It changes the scale at which public problems are governed, representation is organized and state capacity is projected (Brenner, 2004; Jessop, 2002; Keating, 2013). Municipal amalgamation can create larger administrations with stronger professional capacities. At the same time, it can make the local field more legible to the center, reduce the number of actors to be coordinated and facilitate uniform standards. This is why local government reform can function as state consolidation without openly recentralizing competences.

Albania after the 2015 Territorial-Administrative Reform

TAR in Albania was presented as a response to territorial fragmentation. Before the reform, many communes and municipalities had small populations, limited staff and weak revenue bases. Consolidation into 61 municipalities was intended to create larger jurisdictions with more professional administrations and better capacity for planning, service delivery and investment absorption. The reform therefore had a credible administrative rationale. However, its political-institutional effects cannot be reduced to administrative efficiency. It also changed the interface between the central state and local government.

Recent secondary sources support this interpretation. The Council of Europe's Congress acknowledged substantial progress in decentralization and welcomed the implementation of the 2015-2020 decentralization and local governance strategy. At the same time, it stressed that the division of responsibilities between central and local authorities needs further clarification, and that delegated powers remain exercised under close ministerial supervision, limiting local room for initiative (Council of Europe, 2025). This is precisely the tension captured by controlled decentralization: formal progress in local government reform coexists with mechanisms that keep practical initiative under central direction.

SIGMA's 2024 assessment provides additional grounding. It notes that the 2014-2015 reform reduced the number of municipalities to 61 and that Albanian municipalities now have one of the largest average population sizes in Europe (OECD, 2025a). This supports the claim that TAR strongly rescaled the territorial structure of local government. SIGMA also observes that multi-level governance is steered by central institutions and that local autonomy in policymaking and management of functions remains relatively low. The same assessment reports that less than 40% of surveyed citizens expressed trust in local governments, which is significant for the democratic implications of the reform (OECD, 2025a).

The fiscal dimension is equally important. SIGMA reports that own revenues account for 41% of total municipal budgets in Albania, above the Western Balkan average, but also underlines very large disparities among municipalities and limited equalization effects. It notes that the difference in per capita own revenues between the first and ninth decile of municipalities was over 28 times in 2022, and that 53 of 61 municipalities had considerable payment arrears in 2023 (OECD, 2025a). These figures show that aggregate improvement does not eliminate uneven fiscal capacity. Some municipalities may have room for local initiative, while others remain highly dependent on transfers and central support.

NALAS and KDZ also confirm the importance of fiscal asymmetry. Their 2025 fiscal decentralization report shows that Albanian local government revenues

reached EUR 302 per inhabitant in 2023, or EUR 864 million in total including conditional grants. It also notes that the infrastructure impact tax represented 38% of own-source revenues in 2023, but that this revenue is concentrated mostly in Tirana and a few other large municipalities (NALAS & KDZ, 2025). This confirms that own-source revenue cannot be treated as a uniform sign of autonomy. It is territorially unequal and closely linked to patterns of urban growth.

Investment finance further illustrates the logic of controlled decentralization. NALAS and KDZ report that local capital spending in Albania reached EUR 295 million in 2023 when conditional grants are included, and that local governments contributed about 25% of total public investment in that year (NALAS & KDZ, 2025). These data show that municipalities matter for public investment. Yet the inclusion of conditional grants also shows that local investment capacity is partly structured by central and programme-based funding channels. The World Bank's analysis of intergovernmental fiscal relations similarly emphasizes the need to align municipal responsibilities with predictable and adequate financing (World Bank, 2021).

Administrative standardization reinforces this fiscal relationship. Larger municipalities can absorb sectoral programmes and donor-supported projects more effectively. Yet absorption often requires compliance with centrally defined planning formats, procurement rules, reporting systems and performance expectations. This may improve professional administration, but it also places municipalities inside a national architecture of monitoring. The central state can observe, compare and correct local activity more easily after the territorial map has been simplified. In this sense, TAR increased local administrative capacity while also increasing the center's capacity to steer that capacity.

The political dimension completes the picture. Albanian local politics is strongly connected to national party competition. After TAR, municipal leadership positions became more significant because the new municipalities cover larger populations, budgets and administrative territories. This increases the strategic value of mayoral offices for national parties. Where access to investment programmes, administrative appointments and political careers is mediated by party hierarchy, local discretion becomes conditioned by vertical alignment. This is not only a question of legal design; it is a question of how political power is organized in practice.

The Albanian case therefore illustrates a broader Western Balkan pattern. EU candidate countries are expected to strengthen decentralization, participation and local self-government, while also improving regulatory coherence, public financial management and administrative performance. SIGMA's regional overview treats these as core reform areas across the Western Balkans (OECD, 2025b). NALAS frames fiscal decentralization as a regional issue because local governments across South-East Europe face similar problems of revenue constraints, unequal capacities

and dependence on intergovernmental finance (NALAS & KDZ, 2025). Albania is not an exception to this pattern. It is a case in which territorial consolidation makes the paradox especially visible.

This interpretation does not deny that TAR may have produced managerial benefits. Larger municipalities can plan better than very small communes, employ more specialized staff and develop more coherent service systems. The point is that capacity-building and central consolidation can be co-produced. The same reform that enables a municipality to implement more tasks can also make it a more efficient channel for central programmes, central standards and party-mediated priorities.

Democratic implications and analytical indicators

The concept of controlled decentralization must be empirically traceable. It cannot remain only a theoretical label. Five groups of indicators can guide future research and policy analysis without transforming this article into a quantitative study.

The first group concerns territorial scale and democratic access. Relevant indicators include the size and internal geography of municipalities, the distribution of administrative units, travel time to municipal centers, the location of service points and participation in local consultations. Territorial consolidation may increase administrative capacity, but it may also create internal peripheries if rural communities become distant from municipal decision-makers. Democratic proximity should therefore be assessed together with administrative efficiency.

The second group concerns fiscal autonomy and predictability. Researchers should examine the share of own-source revenue in municipal budgets, the weight of unconditional transfers, the share of earmarked or conditional funds, the stability of revenues per capita and the ability of municipalities to reallocate expenditures without central approval. Fiscal dependence becomes a mechanism of control when funding is unpredictable, discretionary or tied to centrally defined priorities. Formula-based and transparent financing is therefore a democratic safeguard, not only a technical budget rule.

The third group concerns investment channels and conditionality. The key issues are the weight of competitive funds, co-financing requirements, transparency of eligibility criteria and predictability of disbursement. When access to investment depends on central approval, municipalities may adapt their agendas to the priorities of ministries or national programmes. The center then steers through incentives rather than command. This is a softer form of recentralization, but its democratic effect may be substantial.

The fourth group concerns administrative standardization and oversight. Indicators include the number and rigidity of national templates, the frequency

of audits and inspections, the use of digital reporting platforms, the scope of sanctioning powers and municipal discretion over staffing and procurement. Oversight can protect legality and integrity. It becomes problematic when it shifts decision-making from local political deliberation to compliance with central procedures. The analytical task is to distinguish integrity-oriented oversight from politically selective control.

The fifth group concerns accountability and party verticality. Evidence may include the oversight capacity of municipal councils, transparency practices, local media vitality, civil society participation, candidate selection practices and patterns of partisan alignment between municipalities and central government. A systematic shift from horizontal accountability toward vertical compliance is the democratic signature of controlled decentralization. Municipalities continue to exist as elected institutions, but their practical agenda may be shaped more by funding rules, inspections and party hierarchy than by local public deliberation.

These indicators also connect the article to debates on democratic erosion and state capture in South-East Europe. State capture is not expressed only through illegal acts or formal institutional breakdown. It may also operate through stable control over resources, appointments, oversight bodies and access to public investment (Richter & Wunsch, 2020). If local government becomes dependent on vertically controlled channels of finance and political advancement, decentralization can strengthen the territorial reach of captured or dominant party networks. Conversely, if local councils, transparency mechanisms and autonomous revenue bases are strengthened, municipalities can become counterweights to democratic erosion.

The practical implication is clear. A unitary state has a legitimate interest in coherent service standards, fiscal discipline and equal minimum provision. These goals should not be pursued by hollowing out local autonomy. Reform design should protect predictable unconditional transfers, clarify the division of responsibilities, reduce discretionary filtering of investment resources and strengthen municipal councils and public participation. Central oversight should focus on legality and integrity, not on replacing local democratic choice with administrative obedience.

Conclusions

This article argued that local government reform in a unitary state should be analysed not only as decentralization, but also as a possible instrument of unitary state consolidation. Through the concept of controlled decentralization, the paper showed how formal delegation of municipal responsibilities can coexist with stronger central steering through fiscal conditionality, administrative standardization and party verticality. Albania's TAR illustrates this configuration.

The reform reduced fragmentation and created larger municipalities, but it also made local government more legible, comparable and steerable from the center.

Several conclusions follow from the analysis. First, local autonomy cannot be measured only by legal competences. Real autonomy depends on the alignment between responsibilities, resources and discretion. Where municipalities receive broader tasks but remain dependent on centrally designed transfers and standards, decentralization may create implementation capacity without full self-government. Second, territorial rescaling is a political process. Municipal amalgamation can improve administrative performance, but it can also increase the distance between peripheral communities and municipal centers. Third, intergovernmental finance is the main channel through which a unitary state can steer decentralized governance. Transfer design, conditionality and investment approvals determine whether municipalities act as autonomous political communities or as local implementers of centrally defined priorities.

Fourth, administrative standardization is politically significant. Standards, reporting systems, audits and inspections may improve integrity and service quality, but they also centralize information and define the range of acceptable local decisions. Fifth, party verticality shapes how formal decentralization operates in practice. When local political careers and access to resources depend on national party hierarchies, municipal discretion becomes politically conditioned even without open legal recentralization.

The democratic implication is central. Controlled decentralization can contribute to democratic erosion when it shifts accountability from citizens and municipal councils toward ministries, oversight bodies and party leadership. It can also contribute to state capture when control over investment, administrative careers and oversight is organized vertically and selectively. This does not mean that every act of central coordination is undemocratic. It means that the democratic quality of decentralization depends on whether central steering is rule-based, transparent and integrity-oriented, or whether it becomes a mechanism for disciplining local power.

The article's limitation is that it is theoretical-conceptual and does not offer original quantitative testing. Future research should examine Albanian municipalities comparatively, combining budget data, institutional analysis and interviews with local and central actors. Particular attention should be given to fiscal disparities, internal peripheries, party alignment and the strength of municipal councils. Such research would clarify when decentralization strengthens local democracy and when it mainly expands the infrastructural reach of the unitary state.

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From Authorship to Accountability: Rethinking Copyright Governance for AI-Generated Art

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Abstract

This study examines how the rapid expansion of generative artificial intelligence (AI) challenges traditional copyright law by shifting legal concerns beyond authorship and ownership toward transparency, disclosure, traceability, and accountability in AI-assisted artistic production. The study adopts a doctrinal and comparative legal methodology to analyse copyright principles, emerging regulatory frameworks, and policy developments relating to AI-generated content. Particular attention is given to the European Union Artificial Intelligence Act, international copyright debates, and the Albanian legal framework under Law No. 35/2016 “On Copyright and Related Rights”. The analysis demonstrates that existing copyright regimes remain predominantly authorship-centred and provide limited guidance regarding accountability when AI systems contribute to artistic creation. Significant regulatory gaps persist concerning disclosure obligations, traceability of AI involvement, transparency of creative processes, and the allocation of responsibility among users, developers, and platform providers. The findings further indicate that accountability-based governance offers a valuable complement to traditional copyright doctrines in addressing the challenges of AI-assisted creativity. The study is limited to legal

and regulatory analysis and does not incorporate empirical evidence from creators, policymakers, technology developers, or judicial practice in Albania. Future research may benefit from examining stakeholder perspectives and the practical implementation of emerging AI governance frameworks. The findings support the development of governance mechanisms based on mandatory disclosure of AI involvement, documentation of human creative contribution, enhanced transparency standards, and traceability measures for AI-generated artistic content. These measures may strengthen legal certainty and improve copyright enforcement in AI-assisted creative environments. The study contributes to current scholarship by moving beyond the traditional debate on authorship and copyrightability and proposing an accountability-oriented framework for copyright governance. It offers one of the first analyses linking transparency, disclosure, traceability, and accountability principles to the regulation of AI-generated art within both the Albanian and European legal contexts.

Keywords: Artificial Intelligence; Copyright Governance; AI-Generated Art; Transparency; Traceability; Accountability.

Introduction

The rapid expansion of generative artificial intelligence (AI) has transformed the production, distribution, and circulation of artistic content on an unprecedented scale. Systems such as Midjourney, DALL·E, Stable Diffusion, and other generative models are now capable of producing sophisticated visual works from simple textual instructions, enabling new forms of creative expression while simultaneously challenging existing legal and regulatory frameworks (Lucchi, 2025; U.S. Copyright Office, 2025). As AI-generated content becomes increasingly integrated into artistic practice, copyright law faces pressures that extend beyond traditional questions of authorship and ownership.

Early legal and academic debates concerning AI-generated works focused primarily on whether such outputs satisfy the requirements of originality and whether copyright protection should be granted in the absence of direct human creation (Ginsburg & Budiardjo, 2019; Samuelson, 2023). Consequently, discussions have largely revolved around identifying the author of AI-assisted works and determining the extent of human creative contribution necessary for copyright protection. While these questions remain important, the growing complexity of AI-assisted artistic production reveals a broader governance challenge that cannot be adequately addressed through authorship doctrines alone.

Contemporary AI systems operate within complex technological ecosystems involving multiple actors, including developers, platform providers, data curators,

and end users (Floridi et al., 2018). Artistic outputs are often generated through opaque processes that provide limited information regarding the training data employed, the extent of algorithmic intervention, or the precise role of human participation. As a result, disputes concerning copyright infringement, unauthorized use of protected works, stylistic imitation, and ownership increasingly raise questions not only of authorship but also of transparency, disclosure, and accountability (Ananny & Crawford, 2018; Wieringa, 2020).

The absence of clear disclosure obligations creates significant legal uncertainty. In many cases, neither copyright holders nor regulatory authorities can determine whether AI was involved in the creation of a work, which datasets contributed to its generation, or who should bear responsibility when legal violations occur. This lack of traceability challenges traditional mechanisms of copyright enforcement and weakens the ability of legal systems to allocate responsibility effectively (Kroll, 2021; Cobbe et al., 2023).

Against this background, the present study argues that copyright law must move beyond an authorship-centered framework and adopt a governance-oriented approach capable of addressing the realities of AI-assisted artistic production. Using a doctrinal and comparative legal methodology, the article examines emerging regulatory developments within the European Union, international debates concerning AI governance, and the Albanian legal framework under Law No. 35/2016. The study seeks to evaluate whether existing copyright rules provide sufficient mechanisms for transparency and accountability and proposes a governance model based on disclosure obligations, traceability standards, and enhanced accountability throughout the creative process (European Parliament and Council, 2024; OECD, 2019).

By shifting the focus from authorship to accountability, the article contributes to ongoing discussions concerning the future of copyright governance in the age of artificial intelligence and offers recommendations for adapting legal frameworks to the challenges of AI-generated art.

Evolution of Copyright Challenges

Copyright law has historically evolved in response to technological innovation. From the invention of the printing press to the emergence of photography, broadcasting, digital media, and the internet, each technological transformation has required legal systems to reconsider the balance between protecting creators and promoting public access to knowledge and culture. Although new technologies have frequently disrupted existing legal frameworks, copyright law has traditionally maintained a relatively stable foundation centered on human creativity, originality, and authorship (Ginsburg & Budiardjo, 2019; Samuelson, 2023).

The digital revolution of the late twentieth century introduced unprecedented challenges related to the reproduction and dissemination of copyrighted works. The rise of online platforms, peer-to-peer file sharing, and digital content distribution intensified concerns regarding unauthorized copying, enforcement mechanisms, and cross-border infringement. Legislative responses, including international treaties and regional directives, sought to adapt copyright protection to the realities of the digital environment while preserving incentives for creative production (Berne Convention, 1886/1979; European Parliament and Council, 2019).

The emergence of artificial intelligence represents a qualitatively different challenge. Unlike previous technologies that primarily facilitated the creation, reproduction, or distribution of human-generated content, generative AI systems actively participate in the production of creative outputs. Through machine learning processes trained on vast quantities of existing cultural and artistic material, these systems generate new works that may resemble, transform, or recombine protected content in ways that traditional copyright concepts struggle to address (Lucchi, 2025; U.S. Copyright Office, 2025).

Consequently, copyright debates have expanded beyond questions of reproduction and infringement to include concerns regarding training data, algorithmic decision-making, transparency, and responsibility. Legal uncertainty no longer arises solely from the unauthorized use of copyrighted works but also from difficulties in identifying the actors responsible for AI-generated outputs and determining the extent of human involvement in the creative process (Wieringa, 2020; Cobbe et al., 2023).

As AI-generated content becomes increasingly prevalent, the central challenge for copyright law is shifting from the protection of individual works toward the governance of complex socio-technical systems. Legal uncertainty now extends beyond questions of infringement and ownership to encompass issues of transparency, traceability, and responsibility across interconnected AI ecosystems. Addressing these challenges requires legal frameworks capable of integrating accountability mechanisms while continuing to safeguard human creativity and technological innovation. In this context, emerging regulatory initiatives increasingly emphasize governance principles designed to ensure that AI-assisted creative processes remain transparent, verifiable, and subject to effective oversight (Floridi et al., 2018; European Parliament and Council, 2024; Lucchi, 2025).

Research Gap

The growing body of scholarship on artificial intelligence and copyright law has primarily concentrated on questions of authorship, originality, ownership, and

the copyrightability of AI-generated works. Existing studies have extensively examined whether AI-assisted outputs satisfy traditional copyright requirements, the extent of human creative contribution necessary for legal protection, and the potential need for new intellectual property regimes to accommodate emerging technologies (Ginsburg & Budiardjo, 2019; Samuelson, 2023; Lucchi, 2025). These debates have largely focused on determining whether existing copyright doctrines can adequately address creative outputs produced with varying degrees of algorithmic involvement.

However, the increasing integration of generative AI into artistic production has revealed a significant gap in contemporary copyright scholarship. While considerable attention has been devoted to determining who may be recognized as the author of AI-generated content, comparatively limited research has addressed how responsibility should be allocated when AI systems participate in the creative process. Issues relating to transparency, disclosure, traceability, and accountability remain insufficiently explored despite their growing relevance to copyright enforcement and regulatory compliance (Ananny & Crawford, 2018; Wieringa, 2020).

This limitation is particularly evident in situations involving copyrighted training datasets, stylistic imitation, algorithmically generated infringements, and disputes concerning the provenance of AI-generated works. In such cases, identifying authorship alone is often insufficient to determine legal responsibility or ensure effective governance. The absence of clear mechanisms for documenting AI involvement and tracing the origin of creative outputs creates substantial legal uncertainty for creators, copyright holders, platform providers, and regulatory authorities (Kroll, 2021; Cobbe et al., 2023).

Furthermore, within the Albanian context, scholarly attention has largely focused on the compatibility of existing copyright rules with AI-generated works, while the broader governance implications of transparency and accountability have received little systematic examination. Consequently, there remains a lack of research evaluating whether Law No. 35/2016 provides adequate tools for addressing emerging accountability challenges associated with AI-assisted artistic production (Republic of Albania, 2016).

To address this gap, the present study shifts the analytical focus from authorship to accountability and develops a governance-oriented perspective on copyright regulation. By examining transparency, disclosure, and traceability as essential components of contemporary copyright governance, the study seeks to contribute to ongoing international debates while offering recommendations relevant to both European and Albanian legal frameworks (Floridi et al., 2018; European Parliament and Council, 2024).

Research Objectives

The primary objective of this study is to examine how the increasing use of generative artificial intelligence in artistic production challenges traditional copyright governance and necessitates a shift from authorship-centered approaches toward frameworks based on transparency, disclosure, and accountability. To achieve this objective, the study pursues the following specific objectives:

1. To analyse the limitations of traditional copyright concepts, particularly authorship and originality, when applied to AI-generated artistic works.
2. To examine the legal and regulatory challenges arising from the use of generative AI in artistic production, including issues related to traceability, disclosure, and responsibility.
3. To evaluate emerging international and European regulatory developments, with particular attention to transparency and accountability requirements introduced through contemporary AI governance frameworks.
4. To assess the adequacy of the Albanian legal framework under Law No. 35/2016 in addressing accountability-related challenges associated with AI-generated art.
5. To identify governance gaps concerning the allocation of responsibility among users, developers, and platform providers involved in AI-assisted creative processes.
6. To propose a governance-oriented model for copyright regulation that incorporates transparency, disclosure, and accountability mechanisms while preserving incentives for human creativity and technological innovation.

Research Questions

To address the identified research gap and achieve the objectives of the study, the following research questions are proposed:

- RQ1:** How do AI-generated artworks challenge traditional copyright governance frameworks based on authorship, originality, and ownership?
- RQ2:** What role do transparency and disclosure mechanisms play in establishing accountability within AI-assisted artistic production?
- RQ3:** To what extent does the Albanian copyright framework under Law No. 35/2016 provide adequate legal mechanisms to address the accountability challenges posed by AI-generated art?
- RQ4:** How can copyright governance be restructured to incorporate transparency, traceability, and accountability while preserving incentives for human creativity and technological innovation?

Literature Review

The relationship between artificial intelligence and copyright law has generated extensive scholarly debate across legal, technological, and policy-oriented disciplines. Existing literature has primarily examined questions of authorship, originality, ownership, and copyrightability, while more recent research has increasingly focused on transparency, traceability, and accountability in AI-assisted creative environments. This review synthesizes the principal theoretical and regulatory debates relevant to AI-generated art and establishes the conceptual foundation for the governance-oriented framework developed in this study.

Human Authorship and Copyright Theory

The concept of human authorship represents a fundamental pillar of modern copyright law. Across both civil law and common law traditions, copyright protection has traditionally been based on the premise that creative works originate from human intellectual activity. The normative justification for copyright is closely linked to the recognition of creativity, personal expression, and the economic incentives that encourage cultural and artistic production (Ginsburg & Budiardjo, 2019; Samuelson, 2023).

Classical copyright theory has developed through complementary perspectives. Natural rights theories, influenced by John Locke, emphasize the relationship between individual labor and legal entitlement to creative outputs. By contrast, utilitarian theories view copyright as a mechanism for encouraging innovation through economic incentives for creative activity (Gervais, 2020).

Within continental European legal traditions, authorship is also associated with moral rights, reflecting the view that creative works embody the personality and dignity of their creators. Consequently, copyright protection extends beyond economic interests to preserve the personal relationship between authors and their works. This principle is reflected in the **Berne Convention for the Protection of Literary and Artistic Works**, which places human authors at the center of international copyright protection (Berne Convention, 1886/1979).

The principle of originality further reinforces the human-centered character of copyright law. Although jurisdictions apply different originality thresholds, protection generally requires an intellectual contribution attributable to a natural person. European copyright jurisprudence has consistently held that protection exists only where a work reflects the author's own intellectual creation (Infopaq International A/S v Danske Dagblades Forening, 2009). Similarly, the United States Copyright Office maintains that copyright protection requires meaningful human

creative involvement and does not extend to works generated solely through autonomous machine processes (U.S. Copyright Office, 2023; U.S. Copyright Office, 2025).

Generative artificial intelligence challenges these traditional assumptions. Unlike conventional creative tools operating under direct human control, AI systems can produce artistic outputs through sophisticated computational processes, making the relationship between human intention and creative expression increasingly difficult to define. This development raises fundamental questions regarding whether existing concepts of authorship remain adequate where creative decisions are partially influenced by algorithmic systems (Lucchi, 2025; Ginsburg & Budiardjo, 2019).

Despite rapid technological change, contemporary copyright doctrine continues to regard human authorship as a prerequisite for legal protection. Nevertheless, the increasing prevalence of AI-assisted artistic production has exposed tensions between established copyright theories and emerging forms of human-machine collaboration, providing the foundation for contemporary debates on transparency, accountability, and copyright governance (Samuelson, 2023; U.S. Copyright Office, 2025).

AI-Generated Art and Contemporary Copyright Debates

The emergence of generative artificial intelligence has transformed artistic production and intensified debates within copyright scholarship. Unlike conventional digital tools operating under direct human control, generative AI systems produce visual, textual, musical, and multimedia content through machine-learning models trained on large datasets. This development challenges traditional assumptions concerning creativity, originality, authorship, and ownership that have long underpinned copyright law (Lucchi, 2025; U.S. Copyright Office, 2025).

A central debate concerns whether AI-generated outputs satisfy the originality threshold required for copyright protection. While some scholars argue that works created with minimal human involvement should remain outside copyright protection, others maintain that prompt design, selection, and iterative refinement may constitute sufficient human creative contribution (Ginsburg & Budiardjo, 2019; Samuelson, 2023).

Related discussions distinguish between **AI-assisted** and **AI-generated** works. AI-assisted creation involves meaningful human control, whereas AI-generated outputs result from more autonomous computational processes. This distinction has become increasingly important because it directly affects determinations of authorship and copyright eligibility (U.S. Copyright Office, 2023; Lucchi, 2025).

Copyright debates also extend to the use of protected works in AI training datasets. Questions arise as to whether model training constitutes reproduction,

falls within text-and-data mining exceptions, or requires authorization and compensation for copyright holders. These issues have prompted litigation, regulatory scrutiny, and policy discussions across multiple jurisdictions (World Intellectual Property Organization, 2024; European Parliament and Council, 2019).

Further controversy concerns stylistic imitation. Generative AI systems may reproduce recognizable artistic styles without directly copying individual works, creating uncertainty regarding the boundary between lawful inspiration and copyright infringement. Existing legal frameworks provide only limited guidance for resolving these issues (Lucchi, 2025).

Recent regulatory developments demonstrate that copyright debates are gradually expanding beyond authorship and ownership toward broader concerns relating to transparency, disclosure, traceability, and accountability. Consequently, copyright governance is evolving from the protection of individual works toward the regulation of the broader relationships among creators, technology providers, platforms, and rights holders (European Parliament and Council, 2024; Floridi et al., 2018; Wieringa, 2020).

Transparency and Traceability in Digital Governance

Transparency and traceability have emerged as core principles of contemporary digital governance, particularly where artificial intelligence increasingly influences decision-making and creative activities. As AI systems become more integrated into social, economic, and cultural environments, regulators have emphasized the need for technological processes to remain understandable, verifiable, and subject to oversight (OECD, 2019; UNESCO, 2021). These concerns are especially relevant in AI-generated art, where algorithmic complexity often obscures the origin and development of creative outputs (Floridi et al., 2018).

Transparency refers to the availability of information concerning the operation of AI systems, the data on which they are trained, and the processes through which outputs are produced. Within AI governance, it supports trust, regulatory compliance, and the protection of intellectual property rights. In artistic production, transparency includes disclosure of AI involvement, identification of training data sources, and documentation of human participation in the creative process (Ananny & Crawford, 2018; OECD, 2019).

Traceability complements transparency by enabling the reconstruction of the processes, inputs, and actors involved in producing AI-generated outputs. It facilitates documentation of human contributions, identification of AI systems, and verification of creative decisions, thereby supporting the resolution of disputes concerning authorship, ownership, infringement, and liability (Kroll, 2021; Cobbe et al., 2023).

Recent regulatory initiatives reinforce these principles. The European Union AI Act introduces obligations relating to transparency, documentation, and record-keeping, while international discussions increasingly promote provenance systems, metadata preservation, and watermarking technologies to improve the traceability of AI-generated content (European Parliament and Council, 2024; UNESCO, 2021; World Intellectual Property Organization, 2024).

From a copyright perspective, transparency and traceability enable rights holders and regulatory authorities to identify AI involvement, assess human creative contribution, and investigate potential infringements. Without such mechanisms, allocating responsibility becomes significantly more difficult in AI-assisted creative environments (Wieringa, 2020; Cobbe et al., 2023). Consequently, these principles have become essential components of contemporary copyright governance, supporting legal certainty, accountability, and the protection of human creativity (Floridi et al., 2018; European Parliament and Council, 2024).

Accountability Frameworks for Artificial Intelligence

Although copyright scholarship has extensively examined authorship, originality, and ownership in relation to AI-generated works, accountability has received comparatively less attention. Most studies focus on whether AI-generated outputs qualify for copyright protection and who should be recognized as the legal author, while accountability remains a secondary consideration within copyright governance (Ginsburg & Budiardjo, 2019; Samuelson, 2023; Lucchi, 2025).

The growing complexity of AI systems has nevertheless intensified debates concerning responsibility in digital environments. Accountability frameworks seek to identify responsible actors, establish oversight mechanisms, and ensure that legal obligations can be enforced when infringement or other legal harms occur. Unlike traditional legal models centered on individual actors, AI ecosystems involve multiple stakeholders—including developers, data providers, platform operators, and users—making responsibility allocation considerably more complex (Wieringa, 2020; Cobbe et al., 2023).

Within AI governance literature, accountability is generally understood as the obligation to explain, justify, and assume responsibility for the consequences of AI-assisted decisions and outputs. Effective accountability depends on transparency, documentation, and traceability mechanisms capable of linking outcomes to identifiable actors and actions (Ananny & Crawford, 2018; Kroll, 2021).

Recent regulatory developments have elevated accountability to a core principle of AI governance. International organizations increasingly emphasize human oversight, risk management, auditability, and documentation as safeguards for trustworthy AI. Similarly, the European Union AI Act introduces obligations concerning transparency, record-keeping, and compliance monitoring designed

to strengthen accountability throughout the AI lifecycle (European Parliament and Council, 2024; OECD, 2019; UNESCO, 2021).

In AI-generated art, accountability is particularly important because copyright disputes frequently involve multiple actors whose legal responsibilities remain uncertain. Questions concerning copyrighted training materials, stylistic imitation, and infringing AI-generated outputs illustrate that identifying an author alone is insufficient to determine responsibility for dataset selection, system design, or commercial deployment (Lucchi, 2025; U.S. Copyright Office, 2025).

Accordingly, accountability complements rather than replaces traditional copyright doctrines by integrating transparency, traceability, and responsibility throughout AI-assisted creative processes (Horneber, 2023; Williams et al., 2022; Wieringa, 2020).

Methodology

This study examines the governance challenges arising from the growing use of generative artificial intelligence in artistic production. Given the evolving nature of AI regulation and the limited availability of judicial precedent, the research adopts a legal and policy-oriented approach rather than an empirical one. The methodology combines doctrinal legal analysis with comparative examination of regulatory frameworks to evaluate how contemporary copyright systems address transparency, disclosure, traceability, and accountability in AI-assisted creative environments.

Research Design

This research employs a combined doctrinal and comparative legal methodology to examine the implications of generative artificial intelligence for contemporary copyright governance. The doctrinal component analyses legal principles, statutory provisions, regulatory instruments, and interpretative approaches relevant to copyright protection, with particular attention to transparency, disclosure, and accountability as emerging governance mechanisms in AI-assisted artistic production. This approach evaluates the capacity of existing legal frameworks to respond to challenges generated by increasingly sophisticated AI technologies (European Parliament and Council, 2024; U.S. Copyright Office, 2025).

The comparative analysis examines developments within the European Union and the United States, two jurisdictions that currently shape international debates on artificial intelligence and intellectual property. Particular attention is given to the European Union Artificial Intelligence Act, policy guidance issued by the United States Copyright Office, and recent legal developments concerning

AI-assisted creative production (European Parliament and Council, 2024; U.S. Copyright Office, 2023).

The study also considers the Albanian copyright framework through Law No. 35/2016 *On Copyright and Related Rights*, assessing its capacity to address governance challenges associated with AI-generated artistic works. Comparison with emerging European and international approaches allows the identification of areas of convergence, divergence, and regulatory gaps, particularly regarding transparency, traceability, and accountability (Law No. 35/2016; European Parliament and Council, 2024).

This methodological approach is appropriate because the regulation of AI-generated artistic content remains an evolving field characterized by limited judicial precedent and ongoing legislative development. Accordingly, the study prioritizes normative legal interpretation and policy analysis over empirical investigation, with the objective of identifying weaknesses in existing copyright governance and proposing principles for a more transparent, traceable, and accountable regulatory framework (OECD, 2019; UNESCO, 2021).

Data Sources

The research draws upon both primary and secondary legal materials selected for their relevance to contemporary debates on artificial intelligence, copyright governance, and regulatory responsibility.

Primary sources include legislation, regulatory instruments, policy guidance, and official reports addressing the interaction between artificial intelligence and intellectual property law. Particular emphasis is placed on the European Union Artificial Intelligence Act, whose provisions on transparency, documentation, risk assessment, record-keeping, and accountability provide the principal regulatory framework for the analysis (European Parliament and Council, 2024).

The study also examines guidance issued by the United States Copyright Office concerning the registration and protection of works containing AI-generated material, providing insight into contemporary interpretations of human authorship, originality, and copyrightability (U.S. Copyright Office, 2023; U.S. Copyright Office, 2025). An international perspective is further supported through reports published by the World Intellectual Property Organization (WIPO), which examine global developments in artificial intelligence and intellectual property governance (World Intellectual Property Organization, 2019; World Intellectual Property Organization, 2024).

At the national level, the analysis considers Albania's copyright framework through Law No. 35/2016 *On Copyright and Related Rights*, with particular attention to provisions governing authorship, ownership, moral rights, and their relevance to AI-assisted artistic production (Law No. 35/2016).

Secondary sources comprise peer-reviewed journal articles, academic books, legal commentaries, and interdisciplinary studies on copyright law, AI governance, and digital regulation that provide the theoretical and analytical foundation of the research (Floridi et al., 2018; Lucchi, 2025; Wieringa, 2020).

Together, these primary and secondary materials provide a comprehensive basis for evaluating contemporary copyright governance and the regulatory challenges associated with transparency, traceability, disclosure, and accountability in AI-assisted artistic production.

Analytical Framework

To examine the governance challenges associated with AI-generated art, this study adopts an analytical framework based on three interrelated dimensions: transparency, disclosure, and accountability. Together, these dimensions provide a structured basis for evaluating the adequacy of existing copyright regimes and emerging regulatory frameworks in addressing the legal challenges of AI-assisted artistic production (Floridi et al., 2018; European Parliament and Council, 2024).

Transparency

Transparency refers to the availability of information concerning the operation of AI systems involved in artistic creation. Within copyright governance, it enables stakeholders to identify whether AI has contributed to the creation of a work, the nature of that contribution, and the extent of human participation. The analysis examines legal mechanisms that promote visibility regarding AI-generated content, training practices, and system functionality (Ananny & Crawford, 2018; OECD, 2019).

Particular attention is given to transparency obligations contained in contemporary AI governance frameworks, including documentation, record-keeping, and disclosure requirements. These measures are evaluated in terms of their ability to reduce informational asymmetries, strengthen copyright enforcement, and support informed decision-making by creators, rights holders, and regulatory authorities (European Parliament and Council, 2024; UNESCO, 2021).

Disclosure

Disclosure refers to the communication of relevant information concerning the use of artificial intelligence during the creation, dissemination, or commercialization of artistic works. This dimension examines whether existing legal frameworks require users, developers, or platform providers to disclose AI involvement and how such obligations contribute to legal certainty and copyright enforcement. Particular attention is given to regulatory initiatives requiring disclosure of AI-

generated content and documentation of human creative contribution (European Parliament and Council, 2024; U.S. Copyright Office, 2023).

Within the analytical framework, disclosure is evaluated as a governance mechanism that distinguishes human-created from AI-assisted works, thereby supporting transparency, informed decision-making, and the enforcement of intellectual property rights (OECD, 2019; UNESCO, 2021).

Accountability

Accountability refers to the allocation of responsibility among actors involved in AI-assisted artistic production. This dimension examines how legal systems assign responsibility for copyright infringement, unauthorized use of protected content, and other legal harms associated with AI-generated works. It evaluates whether existing copyright frameworks adequately allocate responsibility among developers, platform operators, data providers, and end users, and assesses the incorporation of accountability principles within contemporary AI governance initiatives (Wieringa, 2020; Cobbe et al., 2023).

Particular attention is given to the relationship between accountability and supporting mechanisms such as transparency, documentation, and traceability. Because effective accountability depends upon reliable information concerning the origin of AI-generated outputs and the actors involved in their production, this dimension evaluates whether existing legal frameworks provide sufficient tools for allocating responsibility and resolving disputes in AI-assisted creative environments (Ananny & Crawford, 2018; Kroll, 2021).

Together, these three dimensions provide the analytical basis for evaluating the strengths and limitations of contemporary copyright regulation. Applied to international, European, and Albanian legal developments, they enable assessment of whether existing copyright governance adequately addresses the challenges posed by AI-generated art and identify areas requiring regulatory reform (Floridi et al., 2018; European Parliament and Council, 2024).

Results

This chapter presents the principal findings of the comparative legal analysis. The results are organized around four interrelated themes: (1) the limitations of the traditional authorship-based approach, (2) transparency deficits in AI-assisted artistic creation, (3) accountability gaps within existing copyright systems, and (4) regulatory challenges within the Albanian legal framework. Collectively, these findings illustrate the principal legal and regulatory issues identified through the comparative analysis and provide the basis for the discussion presented in the following chapter.

Limitations of the Authorship-Based Approach

The analysis demonstrates that contemporary copyright frameworks remain primarily centered on human authorship as the basis for copyright protection and rights allocation. Across most jurisdictions, copyright law continues to assume that protected works originate from identifiable natural persons whose intellectual contribution can be legally recognized. While this human-centered model has historically provided a coherent foundation for copyright protection, the findings indicate that generative artificial intelligence increasingly challenges its application to AI-assisted artistic production (U.S. Copyright Office, 2025).

A principal limitation identified by the analysis is the difficulty of accommodating complex forms of human-machine collaboration. Generative AI systems participate in multiple stages of artistic production, including image generation, stylistic composition, and content transformation. Because creative outputs often result from a combination of human input and algorithmic processes, determining the precise source of creative expression becomes increasingly difficult. Consequently, legal categories based on a direct relationship between a human author and a completed work are less suited to AI-assisted creative environments.

The findings further indicate that identifying a human author alone provides limited guidance for resolving disputes involving AI-generated content. Even where authorship can be established, questions remain regarding the responsibilities of developers, platform providers, data curators, and other actors whose contributions influence AI-generated outputs. Traditional copyright doctrines therefore provide only limited guidance for allocating responsibility within contemporary AI ecosystems.

Another limitation concerns AI training datasets. Existing copyright frameworks primarily evaluate the originality and ownership of completed works rather than the processes through which those works are produced. Consequently, they provide limited mechanisms for addressing the use of copyrighted material during model training, stylistic imitation, or the incorporation of protected elements into AI-generated outputs. These issues extend beyond authorship and increasingly involve questions of transparency, documentation, and accountability.

Comparative analysis also identifies an emerging regulatory shift. While the United States Copyright Office continues to emphasize meaningful human authorship as a prerequisite for copyright protection (U.S. Copyright Office, 2023; U.S. Copyright Office, 2025), recent European initiatives place greater emphasis on transparency, documentation, traceability, and accountability (European Parliament and Council, 2024).

Overall, the findings indicate that existing authorship-based frameworks provide only a partial response to the legal challenges posed by AI-assisted artistic production, highlighting the need for complementary governance mechanisms addressing transparency, traceability, disclosure, and accountability.

Transparency Deficits in AI-Assisted Artistic Creation

The analysis demonstrates significant transparency deficits throughout the lifecycle of AI-assisted artistic production. Although generative AI is increasingly used to produce visual, musical, textual, and multimedia works, the processes through which these outputs are generated frequently remain opaque to users, copyright holders, and regulatory authorities. This lack of transparency limits the ability to assess the legality, provenance, and copyright implications of AI-generated content.

A major concern identified by the analysis relates to the datasets used for training generative AI models. Although these systems are commonly trained on extensive collections of digital content, including copyrighted works, information concerning dataset composition, origin, licensing status, and selection criteria is often unavailable or only partially disclosed. As a result, copyright holders face considerable difficulty in determining whether their works have been used during model training.

The findings also reveal limited transparency regarding the operation of AI systems. Contemporary generative models function through complex machine-learning architectures whose internal processes are difficult to interpret. Consequently, users and regulators often lack meaningful information about how outputs are generated, which data sources influence specific results, and the extent of human contribution to the creative process. This opacity complicates assessments of originality, copyright infringement, and authorship.

Transparency deficits are equally evident in the dissemination of AI-generated works. Many AI-assisted outputs are distributed without indicating the involvement of artificial intelligence, making it difficult to distinguish between human-created and AI-assisted content. This informational asymmetry weakens legal certainty, complicates copyright enforcement, and undermines public trust.

Comparative analysis further indicates that recent regulatory initiatives increasingly seek to address these shortcomings through documentation requirements, record-keeping obligations, metadata preservation, transparency reporting, and related governance mechanisms (European Parliament and Council, 2024; UNESCO, 2021). Nevertheless, existing copyright frameworks continue to provide only limited guidance regarding transparency obligations specifically applicable to AI-assisted artistic production.

Overall, the findings identify transparency deficits as a fundamental governance challenge rather than merely a technical characteristic of AI systems. Without effective mechanisms for documenting AI involvement and identifying the origin of creative outputs, it becomes considerably more difficult to verify provenance, assess copyright compliance, and allocate legal responsibility. Enhanced transparency therefore emerges as a prerequisite for effective traceability, accountability, and sustainable copyright governance (European Parliament and Council, 2024).

Accountability Gaps in Current Copyright Systems

The analysis identifies substantial accountability gaps within contemporary copyright systems when applied to AI-generated artistic production. While existing copyright frameworks provide well-established mechanisms for identifying authors, allocating ownership, and enforcing exclusive rights, they offer considerably less guidance regarding the distribution of legal responsibility in AI-assisted creative environments. Because generative AI operates through interconnected ecosystems involving multiple actors, traditional copyright doctrines frequently struggle to determine responsibility when disputes arise.

A principal challenge concerns the allocation of responsibility among developers, platform providers, data curators, commercial deployers, and end users. Unlike conventional creative processes, where a direct relationship exists between the author and the completed work, AI-generated outputs result from interactions among multiple stakeholders. Consequently, uncertainty often arises as to whether responsibility should be attributed to the user, the model developer, the organization responsible for training datasets, or the platform distributing the generated content.

The findings further indicate that existing copyright systems remain primarily focused on protecting creative outputs rather than governing the processes through which they are produced. Current legal frameworks generally address ownership and infringement after a work has been created while providing limited mechanisms for allocating responsibility throughout the AI lifecycle. This reactive approach is increasingly inadequate because potential legal concerns may arise during data collection, model training, algorithmic processing, system deployment, or dissemination.

Another important accountability gap concerns evidentiary challenges. The absence of systematic documentation regarding AI involvement often makes it difficult to reconstruct the creative process and identify the actors responsible for specific stages of content generation. Without reliable records concerning training datasets, prompt histories, model versions, or human interventions, courts and regulatory authorities face significant obstacles in establishing responsibility and

enforcing copyright obligations. Consequently, limited traceability weakens both legal certainty and effective enforcement.

The analysis also demonstrates that accountability deficiencies are particularly evident in disputes involving stylistic imitation, derivative creation, and copyrighted training materials. Existing copyright doctrines provide limited guidance where infringement results indirectly from machine-learning processes rather than deliberate human copying, making it difficult to establish causation, assess liability, and allocate responsibility among participants in AI ecosystems.

Comparative analysis further indicates a gradual transition toward governance models emphasizing accountability throughout the AI lifecycle. Recent regulatory initiatives increasingly incorporate documentation, transparency, audit, record-keeping, and compliance requirements to strengthen oversight and responsibility allocation (European Parliament and Council, 2024; OECD, 2019). Nevertheless, these mechanisms remain only partially integrated into copyright law.

Overall, the findings identify accountability as one of the principal unresolved challenges in contemporary copyright governance. Existing legal frameworks continue to prioritize authorship and ownership while providing insufficient mechanisms for allocating responsibility in distributed AI ecosystems. Addressing these accountability gaps is therefore essential for strengthening legal certainty, improving copyright enforcement, and supporting responsible innovation in AI-assisted artistic production (European Parliament and Council, 2024; UNESCO, 2021).

Albanian Copyright Law and Regulatory Challenges

The analysis demonstrates that Albania's copyright legislation remains grounded in traditional concepts of human authorship, originality, and intellectual creation. Law No. 35/2016 *On Copyright and Related Rights* establishes a comprehensive framework for protecting authors' moral and economic rights but predates the widespread emergence of generative artificial intelligence. Consequently, it contains no explicit provisions addressing AI-assisted artistic production or the legal status of AI-generated content (Republic of Albania, 2016).

The findings indicate that the current legal framework provides only limited guidance for works resulting from human-machine collaboration. While copyright protection is based on the intellectual contribution of a natural person, the legislation does not specify the degree of human involvement required when AI participates in the creative process. This creates uncertainty regarding both authorship and the availability of copyright protection for AI-assisted works.

A further limitation concerns the absence of transparency and disclosure obligations. Existing legislation does not require creators, technology providers, or

digital platforms to disclose AI involvement or provide mechanisms for verifying the extent of AI participation in artistic production. This lack of transparency complicates assessments of originality, human contribution, and potential copyright infringement.

The analysis also shows that questions of legal responsibility remain largely unresolved. Law No. 35/2016 regulates relationships among authors, rights holders, and users but provides little guidance regarding responsibility within AI ecosystems. Disputes involving copyrighted training datasets, AI-generated infringements, stylistic imitation, or derivative works therefore remain inadequately addressed (Republic of Albania, 2016).

Another governance challenge concerns the absence of mechanisms supporting the traceability of AI-assisted creative processes. The legislation contains no requirements concerning documentation, metadata preservation, provenance information, or record-keeping that could facilitate the reconstruction of AI-assisted creation and support evidentiary assessment in future copyright disputes.

Comparative analysis highlights important opportunities for legislative modernization. Albania's ongoing approximation with European Union law provides an appropriate framework for incorporating governance principles emphasizing transparency, documentation, traceability, and accountability (European Parliament and Council, 2024).

Overall, the findings indicate that Law No. 35/2016 remains effective for conventional forms of authorship but is insufficiently adapted to the governance challenges posed by generative AI. Legislative reform addressing transparency, disclosure, traceability, and accountability would strengthen legal certainty while preserving the human-centered foundations of copyright protection.

Discussion

The findings demonstrate that the legal challenges associated with AI-generated artistic production extend beyond traditional questions of authorship and copyright ownership. While existing copyright systems continue to rely on concepts developed for human-centered creativity, the increasing use of generative artificial intelligence has exposed governance deficiencies relating to transparency, disclosure, traceability, and accountability. These findings suggest that copyright law is undergoing a conceptual transition in which traditional doctrines remain essential but are no longer sufficient to regulate AI-assisted creativity.

The discussion interprets these findings within broader debates on copyright governance and AI regulation, focusing on the shift from authorship-based approaches toward accountability-oriented models and their implications for the modernization of the Albanian copyright framework.

From Authorship to Accountability

The findings suggest that contemporary copyright law is undergoing a significant conceptual transition. For decades, copyright has been primarily concerned with identifying the creator of a work and determining the rights arising from authorship (Ginsburg & Budiardjo, 2019; Samuelson, 2023). However, generative artificial intelligence has exposed the limitations of this approach and highlighted the need for a broader governance perspective centered on accountability.

Traditional copyright doctrine assumes a direct relationship between the author and the creative work. In AI-assisted artistic production, however, creative outputs result from interactions among users, developers, data curators, platform providers, and other actors. Under these circumstances, identifying an author does not necessarily resolve questions of legal responsibility, regulatory compliance, or enforcement (Cobbe et al., 2023; Wieringa, 2020).

The findings indicate that authorship alone is insufficient to address issues relating to copyrighted training materials, stylistic imitation, AI-generated infringements, and the absence of disclosure mechanisms. Consequently, the central regulatory question increasingly concerns who should bear responsibility for AI-assisted creative processes rather than solely who created the final work (Guadamuz, 2024; U.S. Copyright Office, 2025).

This development reflects broader trends in AI governance, where transparency, documentation, traceability, human oversight, and accountability are increasingly recognized as essential regulatory principles (Floridi et al., 2018; European Parliament and Council, 2024).

From this perspective, accountability complements rather than replaces authorship. Human authorship remains fundamental to copyright protection, moral rights, and creative incentives, while accountability broadens the analysis to include the technological processes and institutional actors involved in AI-assisted creation. This perspective is particularly relevant because legal risks frequently arise during data collection, model training, system development, or content dissemination rather than solely from the final output (Kroll, 2021; Wieringa, 2020).

Accordingly, effective copyright governance requires traditional authorship doctrines to be complemented by mechanisms that promote transparency, traceability, accountability, and effective enforcement throughout the AI-assisted creative process. Such an integrated approach better addresses the realities of generative AI while preserving the fundamental objectives of copyright law: protecting human creativity, intellectual property rights, and cultural innovation (European Parliament and Council, 2024; UNESCO, 2021).

Copyright Governance in the Age of Generative AI

The findings indicate that generative artificial intelligence has fundamentally transformed the regulatory environment in which copyright law operates. Traditional copyright systems were designed to govern relationships among human creators, rights holders, and users of protected works. By contrast, AI-assisted artistic production occurs within interconnected socio-technical ecosystems involving multiple stakeholders, algorithmic systems, and data-driven creative processes. Consequently, copyright governance can no longer focus solely on protecting individual works but must also regulate the conditions under which creative content is produced and distributed (Floridi et al., 2018; Wieringa, 2020).

The analysis further demonstrates that existing copyright regimes remain primarily focused on authorship, ownership, and the enforcement of exclusive rights. Although these functions remain essential, they provide only a partial response to the challenges introduced by generative AI. Many contemporary legal disputes originate during data collection, model training, algorithmic processing, or digital dissemination rather than from the final creative output itself. Effective copyright governance therefore requires mechanisms that promote transparency, documentation, traceability, and accountability throughout the AI lifecycle (Cobbe et al., 2023; Horneber, 2023).

From this perspective, copyright governance extends beyond the allocation of exclusive rights to encompass the regulation of AI-assisted creative processes. Effective governance depends on legal and institutional mechanisms that ensure transparency, verifiability, and accountability, particularly where AI systems rely on copyrighted training materials or generate outputs that may reproduce protected content (Kroll, 2021; UNESCO, 2021).

Recent regulatory developments reinforce this broader approach. The European Union AI Act introduces obligations relating to transparency, documentation, record-keeping, risk management, and regulatory oversight that provide an important governance framework for AI-assisted artistic production (European Parliament and Council, 2024). Similarly, international policy initiatives increasingly emphasize responsible innovation, legal certainty, and accountability as essential principles for AI regulation (OECD, 2019; UNESCO, 2021).

The findings therefore suggest that future copyright governance should integrate traditional copyright doctrines with broader principles of AI governance. Such an approach addresses not only ownership and protection of creative works but also the conditions under which AI systems operate, the information that should be disclosed, and the allocation of responsibility when disputes arise.

Accordingly, generative AI requires a gradual transition from a predominantly rights-based model of copyright protection toward a governance-oriented

framework grounded in transparency, traceability, documentation, and accountability. Rather than replacing traditional copyright principles, this evolution strengthens their capacity to regulate increasingly complex human-machine creative environments (Floridi et al., 2018; European Parliament and Council, 2024).

Toward a Transparency-Based Regulatory Model

The findings of this study indicate that transparency should constitute a foundational principle of future copyright governance in relation to AI-generated artistic content. Traditional copyright frameworks remain primarily concerned with questions of authorship, ownership, and infringement. Although these concepts continue to provide the legal basis for copyright protection, the analysis demonstrates that they are insufficient to address the governance challenges created by increasingly autonomous and data-driven creative technologies. A transparency-based regulatory model therefore represents an important evolution of copyright governance by emphasizing visibility, disclosure, traceability, and informed regulatory oversight throughout the lifecycle of AI-assisted artistic production (European Parliament and Council, 2024; Floridi et al., 2018).

At the core of this model lies the principle that relevant stakeholders should have access to reliable information concerning the role of artificial intelligence within the creative process. Transparency enables copyright holders, creators, users, regulatory authorities, and courts to determine whether AI systems contributed to the production of a work and to assess the extent of meaningful human creative participation. By reducing informational asymmetries, transparency strengthens legal certainty, facilitates regulatory compliance, and supports more effective enforcement of intellectual property rights (Ananny & Crawford, 2018; OECD, 2019).

The findings further suggest that a transparency-based regulatory framework should incorporate three complementary governance mechanisms. First, disclosure obligations should require creators, commercial users, and platform providers to indicate when generative artificial intelligence has been employed in the production or dissemination of artistic content. Such disclosure would improve legal certainty without necessarily affecting the availability of copyright protection. Second, documentation requirements should record significant stages of the creative process, including prompt development, human modifications, creative selection, iterative refinement, and AI-generated outputs. These records would provide valuable evidentiary support in future copyright disputes. Third, traceability mechanisms—including metadata preservation, provenance systems, digital watermarking, and audit trails—should facilitate verification of the origin, evolution, and dissemination of AI-generated works while supporting effective

accountability and regulatory oversight (European Parliament and Council, 2024; Kroll, 2021).

At the same time, the findings indicate that transparency cannot be treated as an absolute principle. Effective regulation must balance transparency obligations against legitimate concerns relating to privacy, commercial confidentiality, trade secrets, cybersecurity, and technological innovation. Excessively burdensome disclosure requirements could discourage innovation or expose proprietary information essential to the development of advanced AI systems. Consequently, transparency measures should remain proportionate, risk-based, and sufficiently flexible to ensure meaningful accountability without imposing unnecessary regulatory burdens on creators, developers, or platform operators (Ananny & Crawford, 2018).

From a copyright perspective, transparency functions as the conceptual bridge connecting authorship with accountability. It enables the identification of human creative contribution while simultaneously providing the evidentiary foundation necessary to allocate legal responsibility when disputes arise. By integrating disclosure obligations, documentation standards, and traceability mechanisms into existing copyright frameworks, a transparency-based regulatory model strengthens legal certainty, facilitates copyright enforcement, and improves institutional oversight of AI-assisted artistic production. More broadly, the analysis suggests that transparency should be understood not merely as a procedural requirement but as a substantive governance principle capable of supporting the long-term adaptation of copyright law to increasingly complex forms of human-machine creativity (Wieringa, 2020; Cobbe et al., 2023; European Parliament and Council, 2024).

Implications for Albania and EU Harmonization

The findings of this study suggest that the transition from authorship-centered copyright regulation toward accountability-based governance carries significant implications for Albania's ongoing process of legal modernization and European integration. As generative artificial intelligence becomes increasingly integrated into creative industries, copyright systems can no longer rely exclusively on traditional concepts of authorship and ownership. Instead, they must progressively incorporate governance mechanisms capable of addressing transparency, disclosure, traceability, and accountability within increasingly complex AI-assisted creative environments (European Parliament and Council, 2024).

The analysis indicates that Albania faces a dual regulatory challenge. On the one hand, future legislative reform must preserve the fundamental principles of copyright law, including the protection of human creativity, moral rights, originality, and the economic incentives that encourage artistic production. On the other hand,

the legal framework must evolve to accommodate technological environments characterized by distributed responsibility, algorithmic decision-making, and AI-assisted content generation. This reflects a broader transformation occurring across contemporary legal systems, where copyright protection increasingly operates within governance-oriented regulatory frameworks designed to manage complex digital ecosystems rather than solely protecting individual creative works (Floridi et al., 2018; Wieringa, 2020).

The findings further demonstrate that recent European regulatory initiatives provide an important point of reference for this transition. The European Union has progressively adopted governance principles emphasizing transparency, documentation, traceability, risk management, and accountability throughout the lifecycle of artificial intelligence systems. Although these regulatory developments extend beyond the traditional scope of copyright law, they increasingly shape the wider legal environment within which intellectual property rights are created, exercised, and enforced. Consequently, future harmonization is likely to require closer integration between copyright regulation and broader AI governance principles (European Parliament and Council, 2024).

For Albania, alignment with emerging European standards represents not only a legal obligation arising from the European Union accession process but also an opportunity to modernize national copyright legislation before AI-related disputes become widespread within domestic creative industries. The findings suggest that proactive legislative adaptation could reduce legal uncertainty, strengthen institutional capacity, improve investor confidence, and support the sustainable development of the country's cultural and creative sectors. In this respect, harmonization should not be understood merely as the formal transposition of European legal instruments but as the incorporation of governance principles capable of promoting transparency, accountability, legal certainty, and public trust in AI-assisted artistic production (OECD, 2019; UNESCO, 2021).

The analysis also suggests that Albania would benefit from introducing carefully targeted legislative provisions addressing disclosure of AI involvement, documentation of creative processes, provenance information, and evidentiary standards applicable to AI-assisted works. Such measures would strengthen legal certainty by improving the ability of courts, regulatory authorities, creators, and copyright holders to identify the role of artificial intelligence within the creative process while preserving the human-centered foundations of copyright protection established by Law No. 35/2016 (Republic of Albania, 2016).

More broadly, the Albanian experience illustrates a challenge shared by many emerging legal systems seeking to regulate rapidly evolving digital technologies while maintaining stable legal principles. The findings indicate that future copyright reform should not be limited to expanding existing rules on authorship but should also incorporate governance mechanisms capable of supporting transparency,

traceability, and accountability throughout AI-assisted creative processes. Such an approach would strengthen both copyright protection and regulatory resilience while facilitating gradual alignment with evolving European standards.

Ultimately, the transition toward accountability-oriented copyright governance represents an opportunity rather than merely a regulatory challenge. By adopting governance principles that integrate traditional copyright doctrine with contemporary approaches to artificial intelligence regulation, Albania has the potential to develop a more adaptive, transparent, and future-oriented copyright framework capable of balancing technological innovation with the long-term protection of human creativity and intellectual property rights (European Parliament and Council, 2024; Floridi et al., 2018).

Limitations

This study is subject to several methodological and contextual limitations that should be considered when interpreting its findings and recommendations. These limitations do not diminish the relevance of the analysis but instead define the scope within which the conclusions should be understood and indicate areas requiring further investigation as artificial intelligence regulation continues to evolve.

First, the analysis is constrained by the absence of Albanian judicial practice specifically addressing AI-generated works and related copyright disputes. As generative artificial intelligence remains a relatively recent technological phenomenon, Albanian courts have not yet developed case law capable of clarifying how existing copyright principles should be applied to AI-assisted artistic production. Consequently, the assessment of the Albanian legal framework relies primarily on statutory interpretation, comparative legal analysis, and emerging international regulatory developments rather than on established judicial precedent.

Second, the rapidly evolving nature of artificial intelligence regulation constitutes an inherent limitation of the research. Legislative initiatives, regulatory guidance, policy instruments, and judicial decisions concerning AI governance continue to develop at both national and international levels. Consequently, legal frameworks that are currently emerging may substantially influence future interpretations of copyright law, transparency obligations, and accountability mechanisms. As regulatory and technological developments continue to evolve, some of the conclusions presented in this study may require reassessment in light of future legislative reforms and judicial practice.

Third, the study adopts a doctrinal and comparative legal methodology and therefore focuses primarily on legislation, judicial authorities, policy documents,

and academic scholarship. It does not incorporate empirical evidence derived from interviews, surveys, or case studies involving artists, copyright holders, AI developers, platform providers, policymakers, or legal practitioners. As a result, the research does not directly examine stakeholder perceptions, practical implementation challenges, or industry-specific experiences associated with the use of generative artificial intelligence in artistic production.

Fourth, the scope of the analysis is intentionally limited to copyright governance within the context of AI-assisted visual and digital artistic creation. Although artificial intelligence raises numerous legal questions extending beyond copyright law, including issues relating to patents, trademarks, trade secrets, data protection, privacy, contractual liability, and competition law, these areas fall outside the objectives of the present study and therefore require separate and more specialized investigation.

Finally, the study primarily examines contemporary legal frameworks within the European Union, the United States, and Albania. Although these jurisdictions provide an appropriate basis for comparative legal analysis, the findings should not be interpreted as universally applicable to all legal systems. Future research would benefit from broader comparative investigations involving additional jurisdictions and from empirical studies examining how transparency, disclosure, and accountability mechanisms operate in practice across different creative industries.

Despite these limitations, the study provides a comprehensive conceptual and regulatory analysis of the governance challenges associated with AI-generated artistic production. By integrating copyright law with emerging principles of AI governance, it contributes to ongoing scholarly and policy debates concerning transparency, traceability, disclosure, and accountability while offering a foundation for future comparative, empirical, and interdisciplinary research on copyright governance in the age of generative artificial intelligence.

Conclusions

Generative artificial intelligence has exposed important limitations within copyright frameworks traditionally built around the concepts of human authorship, originality, and ownership. Although these principles remain fundamental to copyright protection, the analysis presented in this study demonstrates that they are no longer sufficient on their own to regulate the increasingly complex realities of AI-assisted artistic creation. As artificial intelligence becomes progressively integrated into creative practice, copyright law must address not only questions of authorship and ownership but also broader governance issues relating to transparency, disclosure, traceability, and accountability.

The study demonstrates that contemporary copyright systems continue to prioritize the identification of authors and the allocation of exclusive rights while providing only limited mechanisms for assigning responsibility across the multiple actors involved in AI ecosystems. Governance challenges arise from opaque training datasets, insufficient disclosure practices, limited traceability of AI-assisted creative processes, and the absence of clear accountability mechanisms applicable to developers, platform providers, data curators, and end users. These shortcomings are particularly evident within the Albanian copyright framework, which was adopted before the widespread emergence of generative artificial intelligence and therefore contains no provisions specifically addressing AI-assisted artistic production.

The analysis further identifies transparency as a foundational principle for the future development of copyright governance. Effective regulation increasingly depends on the capacity to document meaningful human creative participation, identify the role of artificial intelligence throughout the creative process, and establish appropriate mechanisms for allocating legal responsibility when disputes arise. Within this emerging governance paradigm, accountability should be understood as complementing rather than replacing the traditional doctrine of human authorship, thereby preserving the normative foundations of copyright while adapting them to contemporary technological realities.

Based on the results of the study, several recommendations emerge:

1. **Introduce mandatory disclosure requirements** concerning the use of artificial intelligence in artistic production.
2. **Encourage systematic documentation** of human creative contributions, including prompts, revisions, selections, and other forms of meaningful creative intervention.
3. **Establish transparency and traceability obligations** for AI platforms through documentation, record-keeping, provenance information, and metadata preservation.
4. **Align Albanian copyright legislation** with emerging European approaches to artificial intelligence governance and regulatory accountability.
5. **Develop comprehensive accountability frameworks** capable of allocating responsibility among developers, platform providers, data curators, commercial deployers, and end users involved in AI-assisted creative processes.

Beyond these practical recommendations, the study contributes to contemporary copyright scholarship by proposing a shift from an authorship-centered perspective toward a governance-oriented approach grounded in transparency, traceability, disclosure, and accountability. In doing so, it expands

current debates beyond questions of copyrightability and ownership and highlights the importance of regulating the socio-technical processes through which AI-generated artistic content is created.

Ultimately, the future of copyright governance will depend not only on identifying creators but also on ensuring that AI-assisted creative processes remain transparent, traceable, and accountable throughout their entire lifecycle. By integrating governance principles with established copyright doctrines, legal systems can develop more adaptive, resilient, and future-oriented regulatory frameworks capable of balancing technological innovation with the long-term protection of human creativity, legal certainty, and intellectual property rights in the age of artificial intelligence (European Parliament and Council, 2024; Floridi et al., 2018).

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Public Procurement, European Integration, and Sustainable Economic Development – The Cases of Croatia, Albania, the Czech Republic, and Romania

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Abstract

This study examines public procurement's role in European integration and sustainable economic development across four post-socialist European countries: Croatia, Albania, the Czech Republic, and Romania. Relying on EU reports, technical documents, and other international sources, the analysis in this paper explores the progress and challenges in aligning legal and institutional procurement frameworks with EU standards, as well as their contribution to transparency, anti-corruption efforts, innovation, and sustainable economic development. Particular attention is paid to the strategic function of public procurement, which remains unevenly developed across the cases, particularly in Albania and Romania, thereby weakening the connection between public procurement planning and broader sustainable development goals. The findings suggest that despite formal harmonization with EU legislation, the implementation of good governance principles and strategic approaches remains challenging, especially where implementation capacity remains uneven, as in Albania and Romania.

Keywords: *Public procurement; European integration; sustainable development; strategic procurement; innovation procurement; governance; comparative analysis.*

Introduction

Public procurement represents one of the most important policy instruments at the disposal of governments to pursue economic development, improve the delivery of public services and support long-term social and environmental objectives. In OECD countries, procurement expenditure accounts for a significant share of gross domestic product, making procurement policy not simply an administrative function, but an important mechanism through which governments influence market behaviour, stimulate innovation, strengthen institutional performance and promote sustainable development (OECD, 2019).

Within the European Union, public procurement has evolved significantly over the last two decades. While previous procurement systems mainly emphasised legal compliance, competition and transparency, current European policy increasingly sees procurement as a strategic governance instrument capable of supporting innovation, environmental sustainability, digital transformation and inclusive economic growth (European Commission, 2024d; Fazekas & Blum, 2021). As a result, procurement is no longer judged solely on its procedural legality, but also on its contribution to the creation of wider public value.

For countries aspiring to join the European Union (EU), public procurement reforms have gained particular importance. Compliance with the EU procurement acquis constitutes an essential component of accession negotiations, as procurement systems directly impact transparency, competition, public financial management and institutional credibility. Therefore, candidate countries are expected not only to transpose European legislation into their domestic legal systems, but also to demonstrate effective implementation through capable institutions, transparent procedures, professional procurement officers and strong accountability mechanisms (European Commission, 2023). Similar expectations continue to shape procurement reforms within EU Member States, where continued alignment with evolving European priorities remains necessary. Although Croatia, Romania, the Czech Republic and Albania differ significantly in terms of their administrative traditions, political development and stages of European integration, they share common challenges in transforming procurement from a largely administrative activity into a truly strategic instrument of public governance. Therefore, a comparative assessment of these countries provides valuable insight into how procurement reforms interact with institutional capacity, political commitment, quality of governance, technological modernisation and sustainable development objectives.

The existing comparative literature has generally examined procurement from a legal, institutional or anti-corruption perspective. Comparatively fewer

studies integrate strategic procurement, innovation procurement, sustainability, institutional governance and European integration into a single analytical framework. This paper aims to address this gap by comparing four European countries across multiple strategic dimensions of procurement performance, rather than focusing exclusively on legislative compliance. Specifically, the paper compares Croatia, Albania, the Czech Republic and Romania on strategic planning, institutional capacity, transparency, corruption risks, innovation procurement, e-procurement and policy integration. Rather than ranking countries solely on formal legal harmonisation, the analysis assesses how effectively their procurement systems contribute to the broader objectives of sustainable economic development and European integration. The study argues that successful procurement reform depends not only on legislative harmonisation, but also on administrative capacity, political commitment, strategic planning and institutional learning. Countries able to integrate these dimensions are more likely to transform procurement into a strategic instrument that supports innovation, competitiveness and sustainable development.

Literature Review

Public procurement has evolved considerably over the past three decades. It is no longer understood solely as an administrative mechanism for acquiring goods, services, and public works, but increasingly as an instrument of public governance capable of supporting economic development, innovation, environmental sustainability, social inclusion, and institutional integrity. Contemporary research therefore emphasizes that procurement should not be evaluated only according to legal compliance, procedural efficiency, or the lowest purchase price. It should also be assessed according to its capacity to generate long-term public value and contribute to wider policy objectives (Fazekas & Blum, 2021; OECD, 2019).

Within the European Union, this transformation became particularly visible with the adoption of the 2014 public procurement framework. Directive 2014/24/EU expanded the possibilities for contracting authorities to consider life-cycle costs, environmental and social criteria, innovation, accessibility, and quality when evaluating tenders. The Directive therefore created a stronger legal basis for moving beyond a narrow lowest-price approach and for using procurement in support of broader economic, environmental, and social policies (European Parliament & Council of the European Union, 2014). The legal development of public procurement at the EU level reflects a broader shift from procedural purchasing toward strategic public governance.

One of the central concepts emerging from this literature is *strategic public procurement*. Strategic procurement connects purchasing decisions with wider

governmental priorities, including economic competitiveness, environmental objectives, digital transformation, social inclusion, and the modernization of public services. Under this approach, procurement is not treated as an isolated administrative activity but as part of the broader policy cycle. Procurement decisions should consequently be coordinated with budgetary planning, sectoral policies, investment strategies, and long-term development objectives (OECD, 2019).

The strategic dimension of procurement is especially important during the planning phase. Procurement planning determines institutional needs, expenditure priorities, technical specifications, market engagement, implementation schedules, and the allocation of financial resources before a competitive procedure begins. Weak planning may result in fragmented purchasing decisions, restrictive specifications, cost overruns, implementation delays, limited competition, and contracts that fail to meet users' needs. By contrast, effective planning allows contracting authorities to assess market capacity, define functional requirements, consider life-cycle costs, identify sustainability objectives, and connect individual contracts with national or sectoral development strategies (Fazekas & Blum, 2021; OECD, 2019). The OECD's (2019) review specifically treats strategic integration, capacity, integrity, efficiency, evaluation, and risk management as interdependent components of an effective procurement system.

Closely related to strategic procurement is the concept of sustainable public procurement. Sustainable procurement broadens the traditional emphasis on price and short-term efficiency by incorporating environmental, social, and economic considerations into purchasing decisions. Contracting authorities may therefore consider energy efficiency, emissions, resource consumption, waste reduction, labour conditions, accessibility, social inclusion, and the total cost of ownership over the life cycle of a product or service. Sustainable procurement is based on the premise that public purchasing decisions have consequences extending beyond the immediate contractual relationship between the public authority and the supplier. Because governments represent major purchasers in national markets, their demand can influence production practices, technological choices, employment standards, and the diffusion of environmentally sustainable products and services (Brammer & Walker, 2011).

However, the inclusion of sustainability criteria in legislation does not automatically guarantee sustainable procurement outcomes. Implementation depends on the capacity of contracting authorities to translate policy objectives into tender specifications, award criteria, contract clauses, monitoring indicators, and enforceable supplier obligations. Procurement officials must also be able to balance environmental and social objectives with competition, proportionality, transparency, and value for money. Sustainable procurement should therefore be understood as both a legal possibility and an organizational capability. Its

effectiveness depends on institutional knowledge, political support, market readiness, reliable data, and contract-management capacity.

Another important stream of scholarship concerns public procurement of innovation. This literature understands procurement as a demand-side policy instrument through which governments can stimulate the development, commercialization, and diffusion of new products, technologies, and services. Rather than purchasing only established solutions, public authorities can define unmet needs or functional problems and allow suppliers to propose innovative responses. Public demand can thus reduce market uncertainty, provide an initial market for new solutions, and encourage private investment in research and development (Edler & Georgiou, 2007).

The literature nevertheless distinguishes between several related concepts. Public procurement of innovation concerns the purchase of a new or significantly improved solution; procurement for innovation refers more broadly to procurement practices designed to stimulate innovative activity; and innovative public procurement may refer to innovations within the procurement process itself, including electronic platforms, data analytics, and new organizational procedures. Obwegeser and Müller (2018) organize this literature into three broad streams: innovation in procurement processes, innovation in public services through procurement, and procurement as a demand-side innovation-policy instrument. This conceptual distinction is important because the digitalization of a tendering procedure does not necessarily mean that the resulting contract is innovative or that it produces wider innovation effects.

Empirical research also indicates that procurement can stimulate firms' innovative behaviour when public demand is supported by appropriate tender design and a suitable regulatory framework. Evidence from a German legislative reform suggests that greater contractual flexibility and the possibility of purchasing innovative solutions can positively affect innovation-related activity among suppliers (Czarnitzki et al., 2020). Nevertheless, innovation procurement involves uncertainty and requires capabilities that are not equally distributed across contracting authorities. Public buyers must be able to identify needs, engage with the market without distorting competition, use functional rather than excessively prescriptive specifications, assess technological risks, and manage contracts whose final outputs may not be completely known at the beginning of the procedure.

Digital technologies can further strengthen the innovative function of procurement. Electronic procurement platforms, interoperable databases, automated risk indicators, data analytics, and artificial intelligence may improve access to information, reduce administrative burdens, standardize procedures, and support the identification of irregular bidding or contracting patterns. In the Albanian context, Shurdha and Sqapi (2025) argue that artificial intelligence has the potential to improve the efficiency and transparency of procurement

and to assist in identifying corruption risks. However, they also emphasize that technological instruments cannot function effectively without high-quality data, appropriate legal regulation, cybersecurity safeguards, qualified personnel, and effective institutional oversight. Their analysis therefore illustrates an important distinction: digitalization may support procurement reform, but it cannot substitute for institutional capacity or eliminate political and governance problems by itself.

The governance dimension of public procurement has likewise received extensive attention. Procurement systems must ensure open competition and value for money while also safeguarding integrity, accountability, equal treatment, and public trust. Procurement is especially vulnerable to corruption because it brings together substantial public expenditure, administrative discretion, technical information, and interactions between public officials and private economic actors. Risks may arise during the planning of a contract, the drafting of technical specifications, bidder qualification, tender evaluation, contract modification, subcontracting, or the monitoring of performance. For this reason, transparency in the tendering stage alone is insufficient. Effective governance must cover the entire procurement cycle, from needs assessment and planning to contract execution and ex-post evaluation (OECD, 2019).

These governance challenges are especially significant in countries undergoing institutional and democratic transition. Ateljevic and Budak (2010), in their analysis of Croatia, demonstrate that corruption in public procurement is closely connected with broader weaknesses in institutions, political accountability, and the transition environment. Procurement irregularities should consequently not be interpreted only as technical violations committed by individual officials. They may also reflect informal networks, political influence, weak control institutions, limited enforcement, and close relationships between political and economic actors.

This argument is also relevant to Albania. Sqapi (2022) shows that the absence of an adequately regulated and transparent framework for lobbying can allow relationships between interest groups and decision-makers to remain informal and largely hidden from public scrutiny. In post-communist and weakly consolidated institutional environments, such informal relations may facilitate clientelism, undue influence, tailor-made decisions, and the pursuit of private interests at the expense of the public interest. Although Sqapi's (2022) analysis focuses primarily on lobbying and policy influence, its conclusions are relevant to procurement governance because procurement decisions may also be exposed to pressure from politically connected or economically powerful interests (See also Sqapi & Shurdha, 2025). Transparency must therefore include not only publication of tender documentation but also greater accountability regarding who influences public decisions and how those decisions are made.

European integration provides an important reform framework for addressing these problems. Alignment with the EU procurement *acquis* requires candidate countries to approximate their legislation to EU standards, establish review and oversight institutions, improve competition, develop electronic systems, and strengthen administrative capacity. However, formal legislative approximation does not necessarily produce effective implementation. The Albanian experience demonstrates that progress in legal and electronic procurement reform can coexist with continuing concerns regarding competition, institutional capacity, contract implementation, corruption risks, and the effectiveness of oversight (European Commission, 2023).

The difference between formal compliance and effective implementation is therefore central to the literature. A procurement law may formally incorporate European principles while contracting authorities continue to lack professional staff, strategic planning, market knowledge, data-management systems, or effective contract-monitoring mechanisms. Similarly, electronic procurement may improve procedural transparency without addressing restrictive specifications, weak competition, unjustified contract modifications, political influence, or poor implementation. Procurement performance must consequently be assessed through institutional practice and outcomes, not only through the existence of legislation or digital platforms.

Existing studies have examined individual dimensions of procurement reform, including legal harmonization, anti-corruption mechanisms, sustainability, innovation, electronic procurement, and institutional modernization. However, comparatively fewer studies integrate these dimensions into a common framework explaining how public procurement contributes simultaneously to European integration and sustainable economic development. Legal studies frequently concentrate on compliance with EU rules, while innovation studies examine procurement as a demand-side instrument. Governance research often focuses on corruption and transparency, whereas sustainable-procurement scholarship emphasizes environmental and social outcomes. These approaches are closely connected but are not always examined together.

This study contributes to the literature by combining strategic planning, procurement governance, institutional capacity, anti-corruption mechanisms, innovation procurement, sustainability, and technological modernization within one comparative framework. The comparison of Croatia, the Czech Republic, Romania, and Albania is analytically relevant because the countries share post-socialist institutional trajectories but differ in EU membership status, administrative development, reform experience, and implementation capacity. The inclusion of three EU Member States and one candidate country makes it possible to examine whether EU membership and legislative approximation are sufficient to generate strategic procurement capacity or whether implementation continues to depend on domestic institutions and political commitment.

Building on the reviewed literature, the paper argues that legislative approximation is necessary but insufficient for the creation of an effective procurement system. Sustainable procurement outcomes depend on the interaction of several factors: strategic planning, professional and organizational capacity, technological infrastructure, transparent decision-making, independent oversight, market engagement, and sustained political commitment. Public procurement should therefore be understood not merely as a legal procedure required by European integration but as a strategic governance instrument whose developmental impact is determined by the quality of its implementation.

Methodology

This study employs a qualitative, structured, and focused comparative case-study design. This approach is appropriate for examining a small number of national cases through the same analytical questions and dimensions while preserving the institutional context of each case (George & Bennett, 2005; Lijphart, 1971). The units of analysis are the national public procurement systems of the four countries. The four countries were selected purposively. Croatia, the Czech Republic, and Romania are European Union Member States, whereas Albania is an EU candidate country. All four share post-socialist institutional legacies, but they differ in the timing and depth of European integration, administrative capacity, governance performance, and procurement modernization. This combination permits a controlled comparison between broadly similar institutional backgrounds and different levels of procurement reform and implementation. In this study, sustainable economic development is treated as a policy-oriented outcome reflected in public value creation, innovation, environmental and social considerations, market competition, and institutional quality, rather than as a directly measured macroeconomic effect. The analysis principally covers the period 2019–2025. Evidence was collected through documentary analysis of European Commission country, enlargement, procurement, and innovation-policy reports; OECD and World Bank publications; national legislation and policy documents; technical reports; and peer-reviewed academic studies (European Commission, 2023, 2024d; Fazekas & Blum, 2021; OECD, 2019). Older publications were used only where they provide relevant conceptual or historical foundations. Comparable categories of documentary evidence were used wherever available, although the precise sources differed according to country coverage and data availability. Because the documentary sources report data for different reference years and Albania is not included in the 2024 European Innovation Procurement Observatory benchmarking, the country assessments reflect the latest available evidence rather than a fully harmonized single-year dataset. This limitation is taken into account in interpreting the findings.

The comparative framework consists of four dimensions derived from the literature review and the substantive analysis: (1) strategic planning and policy integration; (2) governance, transparency, and resistance to corruption and political influence; (3) digitalization, innovation, and sustainability; and (4) institutional capacity, professionalization, and staff training. Numerical ratings are used only for the first two dimensions, for which the available documentary evidence permits a more structured comparison. The third and fourth dimensions are examined qualitatively because the available cross-country evidence is not sufficiently harmonized, particularly since Albania is not included in the 2024 European innovation-procurement benchmarking. For each scored dimension, every country is assessed on a scale from 0 to 10 by summing five sub criteria: the existence of a legal or policy framework; institutional arrangements; evidence of practical implementation; monitoring and publicly available data; and demonstrated coverage or outcomes.

The scores used in Sections IV and V summarize patterns and facilitate comparison rather than establish precise causal effects. The qualitative analysis therefore remains primary and explains the evidence underlying each rating. The study identifies plausible relationships between European integration, governance capacity, and procurement performance while recognizing that documentary comparison cannot independently demonstrate causality.

TABLE 1: Scoring Framework for the Comparative Assessment

Sub criterion	0 points	1 point	2 points
Legal or policy framework	Absent or seriously deficient	Exists but remains incomplete	Comprehensive and aligned with relevant standards
Institutional arrangements	Absent or ineffective	Partially established or fragmented	Clearly established and operational
Practical implementation	Little or no implementation	Partial or inconsistent implementation	Substantial and systematic implementation
Monitoring and public data	No meaningful monitoring or data	Limited or irregular monitoring	Regular monitoring and accessible evidence
Coverage or demonstrated outcomes	No demonstrated progress	Mixed or limited progress	Broad coverage and documented progress

Note. Each scored dimension has a maximum score of 10. Scores are analytical assessments constructed by the author from documentary evidence and do not represent official rankings issued by the European Union or another international organization.

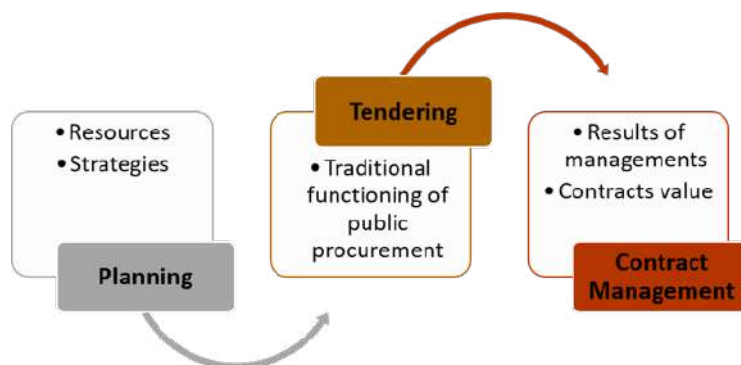
The Strategic Function and Planning of Public Procurement

Public procurement is one of the most important activities undertaken by public administration because it enables institutions to acquire the goods, services, and works required for the delivery of public services. Nevertheless, procurement should not be understood exclusively as a formal or administrative process. It also has a strategic function through which governments can connect public expenditure with long-term economic, social, environmental, and innovation objectives (Fazekas & Blum, 2021; OECD, 2019). The strategic function of public procurement includes the identification of public needs, long-term expenditure planning, market analysis, supplier engagement, contract design, and the coordination of procurement decisions with wider governmental policies. When these elements are integrated effectively, procurement can generate added public value by improving service quality, encouraging innovation, strengthening competition, and contributing to sustainable economic development. By contrast, when procurement is treated primarily as a procedural obligation, contracting authorities may focus narrowly on completing tendering requirements rather than assessing whether contracts produce sustainable and socially valuable outcomes.

A recurring weakness across the four countries examined in this study is the limited integration of procurement planning with broader national development strategies. The extent of this weakness differs considerably between the cases, but public procurement is still frequently approached as an administrative and budgetary process rather than as an instrument for implementing economic, industrial, environmental, and innovation policies. This challenge concerns both EU Member States, such as Croatia, Romania, and the Czech Republic, and a candidate country such as Albania.

The planning phase is particularly important because the strategic value of procurement is largely determined before the formal tendering procedure begins. Decisions concerning needs assessment, budget allocation, technical specifications, contract division, award criteria, sustainability requirements, and market consultation shape the level of competition and the outcomes that can subsequently be achieved. Poorly developed planning can result in fragmented purchases, restrictive specifications, delays, cost increases, limited participation by small and medium-sized enterprises, and contracts that fail to respond adequately to public needs. Effective planning, in contrast, connects procurement decisions with institutional priorities and allows contracting authorities to consider quality, innovation, sustainability, life-cycle costs, and long-term social value (Fazekas & Blum, 2021; OECD, 2019).

FIGURE 1: The Strategic Function of Public Procurement



Source: Author's elaboration based on Fazekas and Blum (2021) and OECD (2019).

As Figure 1 demonstrates, the traditional procurement function is generally concentrated on tendering, contract award, and procedural compliance. A strategic procurement model expands this process by connecting available resources, governmental strategies, procurement planning, contract management, and the evaluation of results. The effectiveness of procurement should therefore be assessed not only by whether a legally compliant procedure was completed, but also by whether the contract achieved its intended economic, social, environmental, and institutional objectives. In more developed procurement systems, this broader orientation is commonly expressed through the concept of value for money. Value for money does not necessarily mean selecting the tender with the lowest initial price. Instead, it concerns the optimal relationship between cost, quality, performance, risk, and the results delivered throughout the life cycle of a contract. Similarly, the principles of economy, efficiency, and effectiveness—the “3E” approach—require contracting authorities to consider whether resources are obtained at an appropriate cost, used efficiently, and transformed into the intended results.

Although these concepts are increasingly reflected in European procurement policy, their implementation depends on institutional capacity and political commitment. Formal legislative alignment does not ensure that contracting authorities possess the knowledge, incentives, market information, or administrative autonomy required to use procurement strategically. This distinction between formal rules and implementation is particularly relevant in countries that have undergone difficult post-socialist transitions.

The four cases share aspects of this institutional legacy, including periods of administrative instability, changing legal frameworks, uneven professional capacity, and tensions between formal rules and informal political or economic influence. Political conflict, clientelistic relationships, state-capture risks, and informal networks may redirect procurement decisions away from broader public

objectives and toward narrower interests (Ateljevic & Budak, 2010; Sqapi, 2022). In such circumstances, weak planning does not represent merely a technical deficiency. It can also reduce transparency by allowing procurement priorities, specifications, and expenditure decisions to be shaped without sufficient public justification.

Comparative Developments and Implementation Challenges

The comparison shows that the Czech Republic and Croatia have moved further toward integrating procurement with strategic policy priorities. Their EU membership, longer experience with the application of EU procurement rules, and comparatively stronger administrative structures have supported the development of more established planning and coordination mechanisms. Nevertheless, implementation remains uneven across contracting authorities, particularly at decentralized and local levels. The presence of a formal strategic framework does not always ensure that sustainability, innovation, or life-cycle considerations are applied consistently in individual procedures.

The Czech Republic receives the highest assessment among the four cases. Its procurement framework demonstrates a comparatively stronger connection between public expenditure, efficiency principles, digitalization, and policy planning. The use of economy, efficiency, and effectiveness as guiding principles indicates a more developed understanding of procurement performance. However, the implementation of these principles can differ among contracting authorities, and the strategic use of procurement remains dependent on professional competence and organizational capacity.

Croatia has also developed a clearer strategic orientation, particularly following EU accession. European rules and funding mechanisms have encouraged greater standardization, digitalization, transparency, and attention to sustainable and innovative procurement. However, implementation remains uneven, particularly where local administrative capacity is limited or where large and technically complex projects require stronger market analysis and contract-management expertise.

Romania has undertaken substantial legal and institutional reforms, but procurement planning continues to be affected by fragmentation, changing regulatory arrangements, and uneven inter-institutional coordination. Strategies formulated at the central level do not always translate consistently into contracting practices. This gap between policy formulation and implementation can produce delays, administrative uncertainty, and difficulty in connecting procurement decisions with wider development goals.

Albania has achieved substantial formal alignment with the EU procurement framework and has established electronic procurement procedures. Nevertheless, strategic planning remains less developed and is not always systematically

connected with sectoral development priorities, innovation policy, sustainability, or measurable long-term outcomes. Annual procurement plans may fulfil formal and budgetary requirements without necessarily functioning as comprehensive strategic instruments. Limited monitoring capacity and uneven professional expertise further restrict the ability of contracting authorities to move from procedural compliance toward public-value creation (European Commission, 2023).

The comparative evidence therefore suggests that EU integration provides an important legal and policy stimulus but does not automatically create strategic procurement capacity. EU rules, technical assistance, and benchmarking can facilitate reforms, yet the domestic effect of these instruments depends on administrative professionalism, institutional coordination, monitoring, political commitment, and the ability to adapt European principles to national and local conditions. The European Commission's benchmarking of innovation-procurement policy frameworks provides an additional reference for evaluating the extent to which procurement is integrated with innovation and strategic policy objectives (European Commission, 2024d).

TABLE 2: Strategic Planning and Policy Integration

Country	Legal or policy framework	Institutional arrangements	Practical implementation	Monitoring and public data	Coverage or demonstrated outcomes	Total	Comparative interpretation
Albania	1	1	0	1	0	3/10	Strategic planning remains weak and fragmented, and procurement reforms are not yet systematically integrated with wider policy objectives.
Romania	1	1	0	1	0	3/10	Planning remains fragmented, with uneven implementation and limited inter-institutional coordination.
Croatia	2	1	1	1	1	6/10	A clearer strategic orientation has developed, although implementation varies across institutions and administrative levels.
Czech Republic	2	2	1	1	1	7/10	Procurement is more strongly integrated with strategic and efficiency-oriented principles, although implementation challenges remain.

Note. Scores were constructed by the author using the coding framework presented in Table 1. Each sub-criterion ranges from 0 to 2. The assessments synthesize documentary evidence from European Commission reports, Fazekas and Blum (2021), OECD publications, relevant national frameworks, and academic literature. They are comparative analytical scores only and not official national rankings.

The ratings indicate a gradual difference in strategic maturity rather than a simple division between EU and non-EU countries. Albania's lower score reflects the continuing gap between formal reforms and strategic implementation. Romania's similar score demonstrates that EU membership alone does not eliminate institutional fragmentation. Croatia's intermediate result reflects more developed policy structures but uneven application, while the Czech Republic's higher score indicates comparatively stronger strategic integration without implying that its system is free from implementation weaknesses.

The comparison also demonstrates that strategic procurement is cumulative. A comprehensive legal framework is important, but it must be supported by operational institutions, implementation capacity, monitoring systems, publicly accessible data, and demonstrable outcomes. A country may therefore score strongly for formal policy development but less strongly for implementation or results. This explains why none of the cases receives the maximum score. Overall, the comparison confirms that the strategic function of procurement depends on more than legislative harmonization. Countries must develop the organizational capacity to link procurement plans with policy priorities, assess market conditions, integrate sustainability and innovation criteria, manage contracts effectively, and evaluate whether public expenditure produces the intended results. Without these elements, procurement may remain largely procedural and reactive rather than becoming a proactive instrument of sustainable economic development.

Governance, Political Influence, and Corruption in Public Procurement

Public procurement is essential for the management of public finances and the delivery of fundamental services to citizens. At the same time, it is particularly vulnerable to corruption because it combines substantial financial resources, administrative discretion, technical complexity, and frequent interaction between public officials and private economic operators. Procurement-related corruption can arise during any phase of the procurement cycle, including needs assessment, planning, the preparation of technical specifications, bidder qualification, tender evaluation, contract award, contract modification, and performance monitoring (OECD, 2019).

Corruption in public procurement can take different forms, including the deliberate restriction of competition, tailor-made technical specifications, collusion among bidders, conflicts of interest, unjustified use of negotiated procedures, manipulation of evaluation criteria, and favourable treatment of politically connected companies. It may also involve clientelist allocation of contracts, trading in influence, uncontrolled lobbying, or contract modifications that alter the economic balance of an agreement after the competitive procedure

has been completed. These practices reduce competition, increase expenditure, weaken service quality, and redirect public resources away from broader social and economic objectives.

The consequences extend beyond the direct financial loss associated with an individual contract. Corruption can operate as an additional and arbitrary cost imposed on economic activity, discouraging participation by firms that do not possess political connections and weakening confidence in the fairness of public markets. When procurement funds are misallocated, fewer resources remain available for healthcare, education, infrastructure, social protection, and other public services. Procurement integrity is therefore closely connected to sustainable economic development, equality of market access, and citizens' trust in public institutions (Ateljevic & Budak, 2010; OECD, 2019).

Political factors influence public procurement by shaping legislation, institutional appointments, budgetary priorities, oversight arrangements, and the degree of autonomy granted to contracting authorities. Political direction is not inherently improper because elected governments must determine public policy priorities. The risk emerges when political authority is used to influence the selection of suppliers, design specifications around predetermined beneficiaries, weaken supervisory institutions, or prevent the investigation and sanctioning of irregularities.

This distinction is particularly important in post-socialist and transitional contexts. Formal procurement rules may coexist with informal relationships connecting political actors, public officials, and private economic interests. Sqapi (2020, 2022) demonstrates that where lobbying and interest-group influence remain insufficiently regulated, interactions between private interests and decision-makers may take place outside public scrutiny. In such circumstances, legitimate interest representation can become difficult to distinguish from privileged access, trading in influence, clientelism, or tailor-made public decisions. Although Sqapi's analysis addresses the broader policymaking process in Albania, the argument is directly relevant to public procurement, where non-transparent influence may affect planning decisions, technical requirements, tender evaluation, and contract implementation.

The effectiveness of anti-corruption policies consequently depends on more than the formal criminalization of bribery or the establishment of electronic procurement platforms. It also requires independent review bodies, effective audit and prosecution institutions, transparent access to procurement information, clear conflict-of-interest rules, protection for reporting irregularities, meaningful sanctions, and the capacity to identify risk patterns across the entire procurement cycle. Electronic systems can reduce direct interactions and generate data that support monitoring, but they do not automatically eliminate biased specifications, political pressure, collusion, or manipulation of information entered into the system.

Comparative Assessment of the Four Countries

Albania

Albania has undertaken substantial legal and technological reforms, including the development of electronic procurement procedures and further alignment with the EU public procurement acquis. Nevertheless, the implementation of procurement rules continues to face challenges related to effective competition, administrative capacity, monitoring, contract implementation, and corruption risk (European Commission, 2023).

The principal weakness is not the complete absence of formal rules but the gap between formal regulation and consistent enforcement. Political influence, limited institutional independence, informal networks, and privileged access to decision-makers may weaken equal treatment among economic operators. The context described by Sqapi (2022), in which lobbying remains unregulated and relationships between political and economic actors frequently occur outside formal transparency mechanisms, increases the risk that procurement decisions may serve narrow interests rather than public interest. Electronic procurement and proposed AI-supported controls may increase transparency and assist in identifying anomalies. Nevertheless, digitalization cannot by itself address political influence, poor data quality, weak oversight, or deficiencies in contract management. Albania's governance score therefore remains low because the presence of legal and technological reforms has not yet produced sufficiently consistent implementation and demonstrated outcomes (European Commission, 2023; Shurdha & Sqapi, 2025).

Romania

Romania has developed a comparatively extensive anti-corruption framework, including specialized institutions such as the National Anticorruption Directorate. Investigations and prosecutions involving high-level corruption have demonstrated that the institutional system possesses the capacity to address serious offences. EU integration has also contributed to the development of procurement legislation, electronic procedures, review mechanisms, and integrity requirements (European Commission, 2024c).

Nevertheless, the existence of specialized institutions does not eliminate procurement-related risks. Romania continues to experience difficulties associated with fragmented administration, uneven preventive controls, inconsistent implementation, and the translation of central reforms into the routine practices of contracting authorities. The country's score therefore reflects a mixed position: its formal legal and institutional architecture is stronger than Albania's, but the

effectiveness and consistency of implementation remain insufficient to justify a high rating.

Croatia

Croatia has strengthened its procurement and anti-corruption framework, particularly during and after the EU accession process. The country has more developed control, review, audit, and prosecution mechanisms than during the earlier post-socialist transition. EU rules and EU-funded projects have also increased requirements relating to documentation, transparency, competition, and financial control (European Commission, 2024a).

However, procurement remains a corruption-sensitive area, particularly in high-value, technically complex, and infrastructure-related contracts. Ateljevic and Budak (2010) show that procurement corruption in Croatia was closely connected to the wider institutional environment, political accountability, and relationships between public authorities and economic actors. Although the study relates to an earlier stage of Croatia's development, its core argument remains analytically important: legal reform cannot be separated from the quality of governance and enforcement.

Croatia's intermediate score reflects the development of stronger institutions and control mechanisms together with continuing implementation risks. The country performs better than Albania and Romania in this comparative framework but has not achieved a level at which political influence and procurement-related corruption can be regarded as marginal.

Czech Republic

Among the four cases, the Czech Republic demonstrates the most consolidated combination of procurement regulation, institutional oversight, public access to information, and anti-corruption mechanisms. Its longer experience with EU procurement requirements and comparatively stronger administrative structures have contributed to a more stable governance environment (European Commission, 2024b).

Nevertheless, a higher comparative score does not imply that corruption risks have been eliminated. Complex infrastructure, defence, information-technology, and other high-value contracts can remain vulnerable to limited competition, conflicts of interest, or insufficient transparency. Differences in capacity between central and decentralized contracting authorities may also affect the consistency of implementation.

The Czech Republic is therefore assessed as the strongest of the four cases rather than as a corruption-free model. Its score reflects comparatively more effective institutional safeguards and greater resistance to political influence, while also recognizing continuing vulnerabilities.

Comparative Interpretation

The comparison demonstrates that the relationship between EU integration and procurement integrity is neither automatic nor linear. EU membership can strengthen legal standards, reporting obligations, institutional controls, and access to supranational oversight. However, membership alone does not guarantee effective implementation. Romania’s lower assessment relative to Croatia and the Czech Republic illustrates that countries operating under the same EU legal framework may achieve different outcomes because of differences in institutional coordination, administrative professionalism, enforcement, and political commitment.

Albania’s experience similarly shows that legislative approximation and electronic procurement are necessary but insufficient. When oversight bodies lack adequate authority, independence, information, or professional resources, formal transparency may coexist with informal influence and weak accountability. The decisive variable is therefore not simply whether procurement procedures are regulated, but whether the institutions responsible for applying, reviewing, auditing, investigating, and sanctioning those procedures can operate consistently and independently.

TABLE 3: Governance, Transparency, and Resistance to Corruption and Political Influence

Country	Legal and integrity framework	Institutional arrangements	Practical implementation	Monitoring and public information	Demonstrated enforcement and outcomes	Total	Comparative interpretation
Albania	1	1	0	1	0	3/10	Formal and electronic reforms are present, but political influence, weak implementation, limited competition, and insufficiently demonstrated enforcement remain important concerns.
Romania	2	1	1	0	0	4/10	A developed legal framework and specialized anti-corruption institutions coexist with fragmented prevention and uneven implementation.
Croatia	2	1	1	1	1	6/10	Control and enforcement mechanisms have developed substantially, although risks remain in complex and high-value procurement.

Country	Legal and integrity framework	Institutional arrangements	Practical implementation	Monitoring and public information	Demonstrated enforcement and outcomes	Total	Comparative interpretation
Czech Republic	2	2	1	1	1	7/10	Comparatively consolidated institutions and oversight mechanisms provide stronger resistance to political influence, although sector-specific risks continue.

Note. Scores are author-constructed analytical assessments based on the framework established in Section III. Each subcriterion is coded from 0 to 2. The values summarize the documentary evidence and do not constitute official corruption rankings issued by the European Union, OECD, or another institution.

Albania's score reflects progress in formal regulation and transparency alongside major implementation weaknesses. Romania's score recognizes its stronger legal and anti-corruption architecture but also its inconsistent practical effects. Croatia's score reflects more established control mechanisms and EU-related governance improvements, while the Czech Republic's higher result indicates the most consolidated institutional environment among the four cases.

Overall, the comparison indicates that successful anti-corruption reform requires an integrated system combining preventive and punitive measures. Transparency must cover planning, tendering, award, contract modification, implementation, and final results. Oversight institutions must possess sufficient independence, authority, expertise, and access to information, while sanctions must be credible and consistently applied. Digital tools, open procurement data, and artificial intelligence may reinforce these mechanisms, but their contribution depends on the institutional environment in which they operate.

The evidence therefore does not support a simple causal conclusion that EU membership automatically produces procurement integrity. A more defensible interpretation is that European integration creates legal, financial, and institutional incentives for reform, while the strength of domestic institutions determines whether those incentives generate durable improvements. This distinction helps explain the different scores of the three EU Member States and the continuing implementation gap observed in Albania.

Digitalization, Innovation, and Institutional Capacity

Electronic procurement has become an essential mechanism for modernizing public administration and improving the transparency, accessibility, and efficiency of public expenditure. It enables contracting authorities to publish procurement information, receive bids electronically, standardize documentation, and create data that can be used to monitor procurement activity. Nevertheless, electronic procurement should not be equated automatically with strategic or innovative procurement. Digitalizing an existing administrative procedure may improve its efficiency without necessarily changing the quality of planning, competition, contract management, or final public outcomes (OECD, 2019).

The strategic value of digitalization depends on whether electronic systems are integrated with other administrative databases, provide accessible and reliable data, support effective monitoring, and enable contracting authorities to evaluate performance throughout the procurement cycle. Digital platforms may also facilitate the participation of economic operators by reducing administrative costs and geographical barriers. However, complex interfaces, inconsistent data, excessive documentation, and inadequate technical support may create new difficulties, particularly for small and medium-sized enterprises.

Innovation in public procurement includes both innovation within procurement processes and the use of procurement to stimulate innovative goods, services, and technologies. The European Commission's 2024 benchmarking initiative evaluates national innovation-procurement frameworks through elements such as action plans, expenditure targets, incentives for public buyers, and specialized competence centres. The benchmarking covers 30 European countries and illustrates that an electronic tendering system alone is insufficient: innovation procurement also requires policy coordination, professional support, financial incentives, and institutional expertise (European Commission, 2024d).

The available evidence indicates that all four countries have expanded electronic procurement, but the relationship between digitalization, an innovative procurement, and institutional capacity remains uneven. Croatia and the Czech Republic benefit from longer experience with EU procurement requirements and established electronic systems; however, this does not necessarily translate into comprehensive innovation-procurement policies or consistently strong capacity across contracting authorities. Romania has developed electronic procurement infrastructure, but its effects remain constrained by institutional fragmentation and uneven implementation. Albania introduced electronic procurement comparatively early, yet limited technical expertise, weaknesses in data quality, insufficient interoperability, and uneven institutional capacity continue to restrict

the strategic use of procurement data for planning, monitoring, risk analysis, and policy development.

Institutional capacity is the principal factor connecting digitalization with procurement performance. Public officials must possess legal, economic, technical, environmental, and contract-management skills. They must be capable of conducting market analysis, developing functional specifications, evaluating quality and life-cycle costs, managing technological risks, and monitoring contractual performance. Professionalization is therefore not limited to procedural training; it requires continuing education, specialized career structures, practical guidance, institutional knowledge management, and access to expert support (OECD, 2019).

This capacity is also necessary for sustainable procurement. Environmental and social requirements must be translated into measurable specifications, award criteria, contract conditions, and performance indicators. Without suitably trained personnel, sustainability clauses may remain symbolic or may be applied inconsistently. Similarly, procurement of innovation requires officials who can engage with markets, evaluate unfamiliar solutions, manage uncertainty, and avoid unnecessarily restrictive tender requirements.

The comparative evidence does not support a simple hierarchy across all dimensions of digitalization, innovation procurement, and institutional capacity. The European Commission's (2024d) benchmarking identifies important weaknesses in the innovation-procurement policy frameworks of Croatia, the Czech Republic, and Romania, although Croatia demonstrates comparatively stronger performance in ICT-based innovation procurement. Albania is not included in this benchmarking, which limits direct numerical comparison. Accordingly, the findings in this section should be interpreted qualitatively rather than as a precise cross-country ranking.

Across all four cases, the main implication is that investment in digital systems must be matched by sustained professional development, organisational support, and contract-management expertise. Technological modernisation is therefore more likely to produce meaningful procurement outcomes when it is embedded in capable institutions and supported by appropriate professional skills.

Conclusions and Policy Implications

This study compared public procurement systems in Albania, Croatia, Romania, and the Czech Republic, focusing on strategic planning, governance, digitalization, innovation, and institutional capacity. The findings indicate that all four countries have made progress in aligning procurement legislation and procedures with European standards, but significant differences remain in implementation.

The Czech Republic and Croatia receive higher assessments in the strategic-planning and governance dimensions examined in this study, although important weaknesses remain in innovation procurement and capacity-building. Romania presents a mixed picture, combining substantial legal and technological reforms with institutional fragmentation and uneven implementation. Albania has advanced in legislative approximation and electronic procurement, but still faces the largest gap between formal reform and the effective strategic use of procurement. The comparison therefore suggests that EU membership and legal harmonization alone do not automatically produce better procurement outcomes; their impact depends on domestic institutional capacity, political commitment, oversight, and consistent enforcement.

Public procurement can contribute to sustainable economic development only when it is treated as a strategic governance instrument rather than merely as a procedural activity. Albania and Romania should prioritize professionalization, institutional coordination, contract management, and the systematic use of procurement data, while Croatia and the Czech Republic should focus on ensuring more consistent implementation across contracting authorities and strengthening outcome evaluation. Digitalization and artificial intelligence may improve transparency, efficiency, and risk detection, but they cannot replace reliable data, independent oversight, legal safeguards, and professional judgment. Overall, the main policy challenge is not simply to adopt additional rules or technologies, but to ensure that procurement systems are capable of linking public expenditure with innovation, sustainability, fair competition, and measurable public value.

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