

Efficiency in the Judicial Review of Administrative Acts in Kosovo

RUZHDI HALILI, PUBLIC INTERNATIONAL BUSINESS COLLEGE MITROVICA, PUBLIC ADMINISTRATION AND PUBLIC LAW, FACULTY OF SOCIAL SCIENCES, KOSOVO

Abstract

This article examines the efficiency of judicial review of administrative acts in Kosovo by analyzing the Clearance Rates (CR) and disposition time (DT) in administrative cases during 2020–2024, using the CEPEJ methodology. Drawing on quantitative data from Kosovo and comparative data from CEPEJ and OECD sources, the study assesses the performance trends and Kosovo's position compared to the Western Balkans and Council of Europe (CoE) countries. The findings show that, despite some improvements, the efficiency of the judicial review of administrative acts in Kosovo remains a persistent structural challenge, particularly at the court of first instance, where backlog accumulation and prolonged DT are evident. Comparatively, Kosovo follows regional trends and converges with the CoE benchmarks at the second instance, while the first instance level indicates lower performance with slight variations. The article identifies key factors contributing to inefficiency and discusses the recently introduced reforms in the Kosovo judicial review system by providing evidence on the efficiency of the judicial review of administrative acts in Kosovo, regional and European perspective.

Keywords: administrative justice, judicial efficiency, judicial review, clearance rate, disposition time, CEPEJ, Kosovo, Western Balkans

1. Introduction

Public administration plays an essential role in determining citizens' rights, entitlements, duties, and responsibilities, and shaping the development of a country. Administrative procedure is a fundamental instrument of the rule of law in protecting constitutional rights of individuals against possible abuse of power by administrative bodies. Woodrow Wilson, often regarded as the founder of public administration as a field of study, defined public administration as the "detailed and systematic execution of law. Every particular application of law is an act of administration" (Wilson 1887, 212). Against this background, an effective and efficient system for controlling the administrative action is essential to protect those affected by decisions of public administration authorities.

There are different forms of administrative control, including internal administrative remedies, inspectorates, ombudsman, and parliamentary oversight. However, administrative justice

remains a fundamental requirement of a society based on the rule of law. It signifies a commitment to the principle that government and its administration must act within the scope of legal authority (OSCE/ODIHR 2013, 11). In this sense, judicial review of administrative acts in line with the principles of the European Convention on Human Rights is considered a key mechanism to control the unlawful exercise of executive authority.

Different countries apply different models of administrative justice. Regardless of the model adopted or legal tradition, efficiency, quality, and independence are central to an effective justice system (European Commission 2017). Many countries face efficiency challenges mainly concerned to lengthy proceedings, low clearance rates (CRs), or high backlog of cases. Similar challenges characterize the administrative justice system in the Republic of Kosovo. Delays in resolving cases affect citizens and businesses in many ways: increased costs, reduced productivity, adverse health effects, causing employment losses and disturbing relationships, and thus could discourage individuals from seeking legal remedies for future disputes (OECD 2021b, 236).

While Western Balkans countries followed their own approach, with the European integration agenda as one of the drivers in undertaking public administration reforms (Halili and Berisha 2023, 62) and despite the slight improvements of efficiency in the justice system (European Commission 2023, 21), international and national reports continue to identify significant efficiency constraints in the administrative judicial review in Kosovo. Available evidence indicates that efficiency constraints are shaped by both internal and external factors. Internal factors include the organization and management of work within competent courts, lack of support for judges, insufficient number of judges, and lack of specialization and expertise or issues related to the quality of representation (KLI 2017, 10; Ligi, Kmecl and Lapimaa 2024; Ministry of Justice 2023a). External factors involve ambiguities in the legislative framework and inefficiency of public administration in fulfilling its obligations. In response, recent reforms include the establishment of the Commercial Court, the adoption of the Law on Administrative Disputes, the initiative to establish an Administrative Court, and the Law on the Realization of the Right to a Trial within a Reasonable Timeframe.

This article analyses the current situation and critically discusses the prospect of newly introduced reforms in the administrative justice system, focusing on efficiency in adjudicating administrative cases by courts. The article also provides an overview of the evolution of the legislative and institutional framework of the judicial review in Kosovo, following the deployment of the United Nations Mission in Kosovo in 1999, and particularly after Kosovo's declaration of independence in 2008. The added value of this article is that it provides a more in-depth and comprehensive analysis of efficiency, challenges, and ongoing reform initiatives using primary data from Kosovo's judicial system, as well as existing analyses and assessments. The article contributes to the literature and policymakers in Kosovo, providing a systematic and indicator-based assessment of the efficiency of judicial review of administrative acts in Kosovo, using the European Commission for the Efficiency of Justice (CEPEJ) methodology, combined with the comparative regional and European perspective.

Building on these considerations, the study aims to address the following research questions and is guided by the following hypothesis:

Research Questions:

RQ1. What do CEPEJ efficiency indicators reveal about the performance of Kosovo's system in judicial review of administrative acts?

RQ2. How does Kosovo's performance in judicial review of administrative acts, measured through CEPEJ indicators, compare with regional trends and those observed in Council of Europe (CoE) member states?

Hypothesis:

H1. CEPEJ efficiency indicators reveal persistent challenges in Kosovo's system in judicial review of administrative acts.

H2. Kosovo's efficiency in judicial review of administrative acts is broadly comparable to regional trends and CoE members, as measured by CEPEJ indicators.

This article is structured as follows. Following the Introduction, Section 2 presents an overview of comparative judicial review systems. Section 3 examines the evolution of the justice system of review administrative acts in Kosovo. Section 4 outlines the theoretical framework for assessing the efficiency of judicial review. Section 5 introduces the conceptual framework, while Section 6 outlines the research methodology. Section 7 presents detailed empirical findings, and Section 8 analyzes findings in relation to the research questions and hypothesis. Section 9 examines factors contributing to inefficiency, and Section 10 provides an overview and analysis of recent legislative and institutional reforms, followed by a concluding section.

2. General Overview and Comparative Systems of Judicial Control on Administrative Action

Judicial Review of the administrative acts is often defined remedially, as an application for a judicial remedy focused specifically on declaring the illegality of government action and on that illegality's immediate consequences (Aronson Groves and Weeks 2017, 4). According to the Council of Europe (CoE), by "judicial review" is meant the examination and determination by a tribunal of the lawfulness of an administrative act and the adoption of appropriate measures, with the exception of review by a constitutional court (Council of Europe 2004). Another interrelated concept is the *control over the administration*. Control over the administration refers to a broader mechanism of oversight of administrative actions. In general terms, control over the administration is an oversight that a higher body exercises over a lower body of the administration, as well as the control of general or specialized state authorities carried over the administrative bodies (Batalli 2016). Judicial control over the public administration comprehends the supervision of administrative decisions, carried out either by ordinary or by special administrative courts (Pál 2017, 34). However, judicial review is a form of supervision of administration that is at the heart of a society based on the rule of law. Other forms of supervision of administration are: prosecutor, appeal on the merits, ombudsmen, internal complaints procedures, inspectorates and similar institutions, and finally parliament and the committees of parliament (OECD 1997, 77). Whatever other mechanisms and institutions may

be required, the supervision of the administrative process by the courts is essential. Moreover, judicial supervision is a cornerstone of constitutionalism and the rule of law. OECD outlines that judicial supervision may be built on and added to, but it is not itself optional (OECD 1997, 77).

In terms of modalities of its application, judicial review is performed in a majority of states by a specialized administrative court in accordance with Articles 6 and 13 of the European Convention on Human Rights (Sever et al. 2016, 135). The essence of judicial review is that, in response to an application by a person or group of persons, the court examines an action performed by an administrative or executive authority to determine whether it complies with the prevailing legal standards. Subsequently, in accordance with the ECHR and Council of Europe recommendations (Council of Europe 2004), administrative acts are subject to judicial review in order to ensure the legality and protection of human rights (Sever et al. 2016, 138).

The applied system of judicial review of administrative acts is largely determined by historical developments and by the different judicial systems prevailing within different countries. This is because, in common law countries, case law constitutes a primary source of law, whereas in civil law countries, well-established administrative decisions are treated as governing principles within the field of administrative law. The approach these systems interpret and apply the doctrine of separation of powers is a factor shaping how judicial review mechanisms are applied. Consequently, in countries with the common law system (such as the US and England), the judicial review of administrative action is entrusted to regular courts, whereas in countries that represent the civil law system (particularly France and Germany), the judicial review is entrusted to special administrative courts. In Germany and France, the well-founded doctrine of the separation of powers forms the basis for defining the relationship between the administrative agencies and courts (Windthorst 2009). In the continental European systems a rough distinction is made between: (a) the group of countries without a specialized administrative court (Denmark), (b) the group of countries where administrative control is exercised by general courts with special administrative sections (Spain, the Netherlands, Slovenia until 1997, Kosovo), and (c) the group of countries with specialized administrative courts (France, Sweden, Italy, Germany, Belgium, Greece, Portugal) (Ziller 2003, 265). The legal systems of Austria, Germany, and Slovenia still share many common aspects, such as the separation of powers with various approaches to restricting power, including the Administrative Court as a specialized body supervising the work of the centrally organized Government, and the Constitutional Court as the body designed to resolve issues pertaining to constitutional law (Kovač 2013, 39). Building on this broader European tradition, Balkan countries (except Kosovo and Bosnia and Herzegovina) have also adopted the European model of functional specialisation on administrative disputes and have set up separate administrative courts, at least in the first instance (Ligi, Kmecl and Lapimaa 2024, 12).

While the institutional models and legal traditions of judicial control over administrative actions differ across legal systems, the effectiveness of these systems ultimately depends on the efficiency with which judicial review of administrative acts is exercised in practice. To contextualise the analysis on the efficiency, the following sections outline the development of the Kosovo system for judicial review of administrative acts.

3. Overview of the Kosovo System for Judicial Review of Administrative Acts

Building on the comparative perspectives discussed above, Kosovo has adopted a distinct model for the judicial review of administrative acts. Within Kosovo's newly established institutions, the development of the administrative justice has involved continuous effort to identify an effective and efficient model for the judicial review of administrative acts. These developments were influenced by the complex applicable legislative system that emerged after the deployment of United Nations Mission in Kosovo (UNMIK) in 1999. The system comprises UNMIK regulations and their subsidiary instruments, laws adopted by the Kosovo Assembly during the UNMIK mandate, and laws adopted after the independence of Kosovo. In many instances, legal gaps are filled by the application of the Yugoslav legislation applicable at the time. This variety of legislative sources and models has often caused confusion and a lack of clarity in their application.

After the establishment of the Kosovo government under the auspices of UNMIK, the Constitutional Framework (Chapter 9.4.2) guaranteed the right to judicial review by providing that *"a person claiming to have been directly and adversely affected by a decision of the Government or an executive agency under responsibility of the Government shall have the right to judicial review of the legality of that decision after exhausting all avenues for administrative review"* (UNMIK 2001). The guarantee was also highlighted in assessments on the judicial review system in Kosovo (OSCE 2007).

Judicial review of administrative acts, as well as the administrative review mechanisms, was regulated by the Law on Administrative Procedures adopted in 2006 (Law on Administrative Procedure 2005) and by the Law on Administrative Disputes of 1977. Although a new law on administrative disputes was drafted and approved by the Kosovo Assembly in 2006, it never entered into force. The judicial system inherited from the former Yugoslavia represented a mixed model. Under the 1977 Law on Administrative Disputes, jurisdiction on administrative cases was assigned to the Supreme Court through a dedicated Chamber responsible for handling administrative disputes.

Following the declaration of Kosovo's independence, Article 23 of the new Constitution of the Republic of Kosovo (2008) established that *"every person has the right to pursue legal remedies against judicial and administrative decisions which infringe on his/her rights or interests, in the manner provided by law."* Furthermore, Article 54 provides that administrative acts are subject to judicial review in an administrative dispute.

These constitutional developments laid the foundations for the new reforms in the administrative justice system. The reform took place in 2010 when Law No. 06/L-054 on Courts entered into force. Until then, the Supreme Court had been the only instance authorized to settle administrative disputes (Koprić et al. 2016, 37). Since 2010, Kosovo has belonged to the group of countries where administrative control is exercised by general courts with special administrative sections.

The new Law on Administrative Disputes and the Law on Courts, which both entered into force in 2010, replaced the judicial review system inherited from Yugoslavia. The institutional reforms introduced by these two laws resulted in the establishment of a Department of Administrative

Matters within the Basic Court in Prishtina, vested with the territorial competence on administrative matters for the entire territory of Kosovo. This approach reflects a centralization of administrative adjudication, consistent with the governance logic of small states, such as Kosovo, where limited scale and administrative capacity often necessitate the concentration of specialized functions within a single national unit (Saarniit and Sarapuu 2024).

At the second instance, the Court of Appeals established the Department for Administrative Matters, whereas the Supreme Court retained the competence on extraordinary legal remedies. (Ministry of Public Administration 2017, 3).

The jurisdiction of the Department for Administrative Matters remained unchanged also after the adoption of the new Law No. 06/L – 054 on Courts in 2018 (Article 12.4 and 17). The only innovation was the establishment of the Fiscal Division within the department, responsible for adjudicating cases related to customs, tax, property tax, real estate, and any other fiscal matters (Article 17.3).

From the perspective of efficiency, the judicial reform introduced in 2010 aimed to decentralize the administrative justice system to the basic courts and to reduce the excessive number of cases concentrated at the Supreme Court. The establishment of the Department for Administrative Matters within the Basic court in Prishtina aimed to shorten the length of adjudication and improve the efficiency in handling administrative disputes. However, available evidence shows that these reforms did not translate into substantial results in practice. Despite the reforms implemented, the limited number of judges and the challenges in building adequate administrative capacities affected the proper implementation of the new institutional arrangements (Koprić et al. 2016).

In response to the continuous challenges in adjudicating administrative disputes, additional institutional reforms were introduced with the establishment of the Commercial Court in 2022. Pursuant to Article 4.1 of Law no. 08/L-015 on Commercial Court, all business and administrative disputes fall within its jurisdiction (Article 4.1). At first instance, the Fiscal Department and the Department for Administrative Matters within the Commercial Court adjudicate administrative cases initiated by businesses, while appellate chambers within the Commercial Court adjudicate second-instance cases (article 10).

The establishment of the Commercial Court represented an important institutional reform aimed at improving the handling of administrative disputes, in particular, the improvement of efficiency in handling administrative cases involving businesses. However, as demonstrated in the empirical analysis section, the establishment of this Court has not resulted in improving the efficiency, namely in reduction in disposition time (DT) and backlog for administrative cases under its jurisdiction, nor for cases that have remained within the jurisdiction of the Basic Court.

It should be emphasized here that the capacities of the court in terms of the number of judges have remained unchanged since its establishment. In 2022, the year in which the Commercial Court was established, a total of 13 judges handled all cases before the court, of whom 9 served at the first instance and 4 at the second instance (Commercial Court 2023). In 2025, the Court reported 12 judges at first instance—only two of whom are responsible for administrative cases and 4 judges at second instance (Commercial Court 2024). This

indicates that, despite the institutional reorganization introduced with the establishment of the Commercial Court, judicial capacity has not improved both at the Commercial Court as a whole and with regard to its capacity to adjudicate administrative cases specifically.

In practice, however, the judicial review system for administrative acts in Kosovo is more complex. Jurisdiction may also shift between administrative and civil court divisions, particularly in public employment cases, depending on the status of the public employee. For example, if the employee qualifies as a civil servant according to the Law on Public Officials (Law No. 08/L-197 on Public Officials, Article 5.1.1), the dispute is handled by the Department for Administrative Matters within the Basic Court in Pristina. Otherwise, where the employee is not included in this law, such as police officers, customs officers (Article 3.2), the case is adjudicated by the civil divisions of the general departments of the basic courts in the seven regions of Kosovo. In these instances, although labor disputes are legally required to be treated with priority (Law no. 03/I-006 on Contested Procedure, Article 475), in practice, especially when the public sector is a party, they are processed in the same manner as ordinary civil disputes. As a consequence, such cases often face significant delays, with some lasting more than 3 years at the first instance and up to 5 years overall. The lack of a dedicated administrative court to adjudicate such disputes appears to be a contributing factor to these prolonged timelines (Ministry of Justice 2023a).

While judicial review is generally limited to determining the legality of administrative acts, its precise scope may vary in different systems. In the case of Kosovo, as illustrated above, the fragmented allocation of jurisdiction has resulted in a model procedurally complex and with functional obstacles. The evolution of the judicial review system since its establishment after the war has been built under complex circumstances with ongoing efforts to identify an appropriate model capable of addressing these challenges, thus ensuring efficiency and legality.

4. Theoretical Framework of the Efficiency of Judicial Review of Administrative Acts

Before examining the efficiency of judicial review in Kosovo, this section outlines the broader theoretical foundations reinforcing the efficiency of judicial review of administrative acts. Efficiency constitutes a core component of judicial performance (Palumbo et al. 2013, 9). Together with the effectiveness, it represents an essential component of the rule of law and contributes to an effective and fair justice system, ensuring that laws are respected, legal needs are addressed, and appropriate sanctions are imposed when violations occur (OECD 2017).

European Commission further underlines that, regardless of the institutional model or legal tradition, efficiency, quality, and independence are central components to an effective justice system (European Commission 2018, 1).

Scholarly work, including Posner (1998) and Messick (1999), identifies independence, access, efficiency, and quality as four primary determinants of judicial effectiveness. These dimensions are recognized in the literature and are relevant to the focus of this article. In a broader

context, Botero et al. (2003) show the interrelations among these components, particularly emphasizing judicial inefficiency in transition societies (as cited in Bosio 2023, 3).

The literature confirms that judicial efficiency is an important principle for the judicial system as a whole (Hicks 2024; Jin and Amaral-Garcia 2019). Consequently, the efficiency and effectiveness are causally interlinked. They play a crucial role not only in protecting citizens from unlawful actions of the administration, but also in enhancing the efficiency and effectiveness of public administration performance (Batalli and Pepaj 2018). In this regard, judicial review of administrative acts contributes to enforcing efficiency as a core governance principle, which has been widely promoted, though also critically examined, within the New Public Management paradigm (Drechsler 2005).

Several dimensions of judicial performance, such as speed of adjudication, accessibility of justice services, and the predictability of judicial decisions, are emphasized by the Organization for Economic Co-operation and Development (OECD) as core indicators of efficiency (Palumbo et al. 2013, 9). Beyond the authority of *res judicata*, litigants are concerned, in practice, with certain factors affecting the trial, such as the time required for judgment, to be delivered, the urgency in obtaining a ruling, and finally, the enforcement of the judicial decisions (Droit et Justice 2007).

As an efficient justice system supports economic growth (Jin and Amaral-Garcia 2019) and promotes entrepreneurship activity, a variety of tools to measure the efficiency in the justice system have been developed. Bosio (2023) identified several measures, including active case management, restructuring of large courts into smaller ones to exploit economies of scale, the use of digital technologies, and performance indicators to measure CRs, age of pending cases, and backlog levels. Other studies demonstrate that factors such as the number of judges, performance management, and alternative dispute resolution mechanisms also have a significant impact on efficiency (Bosio 2023).

Bielen, Marneffe and Vereeck (2015) underlined that simple procedural improvements reduce delays and costs in court proceedings. Empirical evidence from Belgian courts show that the implementation of the *synthesis pleadings* accelerates the judge's deliberation, binding procedural calendars, regulating the length of adjournments, binding deadlines, reduces delays, lowers costs, limits frivolous litigation and enhances overall court efficiency. (Bielen, Marneffe and Vereeck 2015; also in Bosio 2023, 9). In addition, judicial discretion is also highly correlated with the efficiency of court proceedings (Kondylis and Stein 2022, as cited in Bosio 2023, 12).

These case-based improvements in efficiency correspond to broader structural factors identified by the OECD, which are categorized into supply-side and demand-side factors. Supply side factors influencing efficiency, including the quality and quantity of financial and human resources, as well as the efficiency of the production process, are influenced by the degree of task specialization, the use of case management techniques, diffusion of information and ICT systems, and the governance structure of courts. (Palumbo et al. 2013, 9-10). Demand-side factors can be divided into internal factors related to the organization and functioning of the judicial system, and external factors related to the characteristics of countries. It is important that both the supply and demand factors for judicial services are affected by procedural rules and institutional arrangements, which reflect different legal

origins and judicial traditions (Ibid).

These structural determinants identified in the literature are also reflected in wider European trends, where a number of European Member States continue to face persistent challenges with the efficiency of their justice systems. These challenges concern the length of first instance proceedings together with low CRs or a high number of pending cases (European Commission 2018, 2). At the European level, a particular focus on efficiency of the judicial proceedings was given by the CoE through the work of CEPEJ.

According to CEPEJ, the efficiency of the judicial system is associated with the optimal use of resources. In reality, a service is more efficient when, assuming equal effectiveness (i.e., equal results), it operates with lower cost or uses fewer resources. However, CEPEJ emphasizes that, in order to achieve efficiency, merely the reduction of costs is not sufficient, but it's necessary to maintain, if not improve, the level and the quality of the service delivered (CEPEJ 2016).

The duration of court proceedings constitutes one of the most important indicators for measuring the efficiency of judicial systems. The European Court of Human Rights (ECtHR) considers the excessively long duration of court proceedings as an indicator of inefficient functioning of the judiciary. In its case law, including *Zimmermann and Steiner v. Switzerland* (No. 8737/79, 1983), the ECHR held that Article 6.1 of the European Convention of Human Rights imposes member states to organize their systems in a manner that enables courts to adjudicate cases within a reasonable time. The state bears responsibility for preventing any unnecessary delay in the judicial proceedings.

The length of judicial proceedings is a very complex challenge that many European States experience to different degrees of gravity. In some jurisdictions, excessive duration is a systemic issue, whereas for others it is rather an occasional dysfunction of an otherwise effective system of administration of justice (Venice Commission 2007).

From the constitutional perspective, the Constitution of Kosovo reflects these human rights protection standards (Vokri 2021, 421). Article 31.2 guarantees "a fair and impartial public hearing as to the determination of one's rights and obligations or as to any criminal charges within a reasonable time by an independent and impartial tribunal established by law" (Kosovo Constitution, article 31.2). The Constitutional Courts, in Case No. KI06/21 also found a violation of the right to a fair trial within a reasonable time as guaranteed by the Constitution (Constitutional Court of the Republic of Kosovo 2022). The Ministry of Justice (2023) recognizes that the state bears the responsibility to improve the situation in the judiciary or adjust it accordingly with the circumstances, to address the backlogs and repeated proceedings (Ministry of Justice 2023, 29). It further emphasizes that the speed of the procedure is only one element of the right to a fair trial, which must nevertheless be treated appropriately in terms of a fair procedure (Ministry of Justice 2023, 5).

Building on the theoretical determinants discussed above, the following section presents the conceptual framework of the study, outlining the formal definitions of efficiency, effectiveness, and judicial review that guide the empirical analysis.

5. Conceptual Framework for Assessing Judicial Review of Administrative Acts

The concept of efficiency in judicial proceedings has gained a particular importance in the European legal tradition and academic discourse, especially in the context of safeguarding the rule of law and ensuring effective functioning justice system (Council of Europe 2002; CEPEJ 2024). Efficiency of judicial proceedings is linked with the obligation to comply with Article 6 of the European Convention on Human Rights by affording judicial proceedings within a reasonable time, whilst complying with the other guarantees of a fair trial. In line with these standards, measures should be taken to avoid undue delays in judicial proceedings and to reduce their cost (Council of Europe 2002).

In parallel, the concept of effectiveness provides an important complementary perspective. According to OECD, effectiveness is the extent to which the intervention achieved, or is expected to achieve, its aimed objectives, and intended results, including any differential results across groups (OECD 2023, 29). From the perspective of the CoE, judicial review is effective when courts have the power to redress and annul unlawful administrative acts, order corrective action, award costs or compensation, enforce their judgments, and grant provisional protection pending the outcome of the proceedings (Council of Europe 2004). In the context of this conceptual framework, judicial review is thus defined as the examination and determination by a tribunal of the lawfulness of an administrative act and the adoption of appropriate measures, with the exception of review by a constitutional court (Council of Europe 2004).

Building on these definitions, this study conceptualizes judicial efficiency and effectiveness as interrelated but distinct dimensions of judicial performance. Efficient courts constitute an essential guarantee of upholding the rule of law and ensuring fair trials, as mandated by Article 6 of the European Convention on Human Rights. "Justice delayed is justice denied," says the legal maxim. Conversely, a judicial system that is efficient supports citizens and businesses in enjoying their fundamental rights and freedoms, thus creating an environment of legal certainty suitable for further growth and development of society (CEPEJ 2024, 109). Whereas, according to the European framework, effectiveness is understood as a composite concept in which quality, independence, and efficiency constitute the key components of an effective justice system (European Commission 2018, 1).

Judicial efficiency in this study is measured through two standardized CEPEJ indicators: the CR, which reflects the system's capacity to process incoming cases, and DT, which reflects the duration of proceedings. These indicators, taken together, allow for a simultaneous assessment of case flow dynamics, backlog resolution, and expected time for resolution of administrative disputes (CEPEJ 2024). The conceptual relationship between these dimensions is presented in Figure 1.

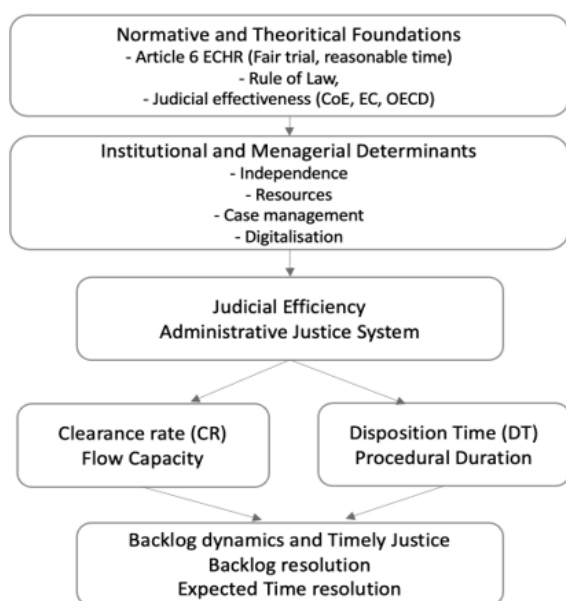


Figure 1: Conceptual framework for assessing the efficiency of administrative judicial review. CoE, Council of Europe; CR, clearance rate.

This conceptual framework establishes the analytical logic that guides the empirical analysis. Judicial efficiency as measured by the CEPEJ indicators, CR, and the DT, which will serve as a measurement mechanism to assess efficiency in the Kosovo system for judicial review of administrative acts. Institutional and managerial determinants such as judicial independence, resources, case management practices, and technology will serve as influencing determinants. Effectiveness, as defined by the CoE, European Commission, and OECD, will be an orientation and supporting determinant that will complement the efficiency, rather than as a direct verifiable variable.

On this basis, the following section presents the research methodology used to operationalize and empirically assess these concepts in the context of Kosovo, providing a comparative perspective as well.

6. Research Methodology

The study applies a mixed methodological approach by combining the qualitative document analysis and quantitative indicator analysis using the CEPEJ measurement methodology. The purpose of this methodology is to assess the efficiency of the Kosovo system for judicial review of administrative acts through standardized indicators and an approach compared to the performance in regional and CoE countries.

The document analysis consists of the legislative framework which regulates the administrative justice system; strategic and policy documents for the rule of law and justice sector; institutional assessment reports and periodic work reports relevant to the administrative justice, in particular annual reports of the Kosovo Judicial Council for the years 2020–2024. Reports and studies of other national and international authorities related to the performance

of the administrative justice system in Kosovo, the Western Balkans, and European Countries were used as well. In this regard, CoE, OECD, and EC official reports and studies were paid particular attention.

National quantitative data were obtained through annual statistical reports of the Kosovo Judicial Council, which covered incoming cases, resolved cases, and backlog at the end of the year for the court of first and second instance for the period 2020–2024. Data were also obtained from reports produced by courts separately to complement the data gaps. Comparative data were obtained from the CEPEJ datasets¹ for the CoE members and Western Balkan Countries for 2020 and 2022, as well as European Judicial Systems, CEPEJ Evaluation reports for the corresponding years were used.

Operationalization of efficiency in the judicial review of administrative acts in this article is conducted through standardized indicators developed by the CEPEJ and widely used in comparative European analysis. In line with CEPEJ methodology, efficiency is measured through two indicators: the CR and DT (CEPEJ 2024, 109).

The CR is calculated as the ratio between the number of resolved cases and the number of incoming cases during the same period, expressed as a percentage. A CR above 100% indicated a reduction of backlog, while a rate below 100% indicate an accumulation of pending cases.

$$CR = \text{Resolved Cases} / \text{Incoming Cases} \times 100.$$

DT reveals the time needed for a pending case to be resolved, considering the current pace of work. It is reached by dividing the number of pending cases at the end of a particular period by the number of resolved cases within that period, multiplying the result by 365 to express it in days. DT provides an indicative estimate of system efficiency and workload pressure.

$$DT = \text{Pending Cases} / \text{Resolved Cases} \times 365$$

The empirical analysis applies descriptive statistical analysis and trend analysis to examine changes over time in CR, DT, and backlog dynamics for the period of time 2020–2024. In addition, comparative analysis is used to compare the performance of the Kosovo judicial system with the Western Balkan countries and CoE member states based on the data for 2020 and 2022. The capacity of the judicial system is also assessed through classification based on the CEPEJ efficiency categories.

Data from Kosovo Judicial Council (KJC) was extracted annually and at the court level. Consistency checks were applied where necessary to ensure coherence between incoming, resolved, backlog of cases, and other statistics. Quantitative fundings were analyzed in connection with policy and legislative documents, while case management practices were also contextualized across trends and patterns.

The analysis distinguished between national data for the period 2020–2024 and regional and CoE members' data for 2020 and 2022 due to their availability. The comparative assessment of judicial efficiency between Kosovo, the Western Balkans, and CoE members is limited to 2020 and 2022, as CEPEJ has conducted its most comparative assessments only for these years.

¹ Data for individual Council of Europe member states were obtained from the CEPEJ public database, available at: <https://public.tableau.com/app/profile/cepej/viz/EfficiencyEN/Efficiency>

The regional and CoE comparison analysis follows a broad regional and European approach, avoiding country-by-country comparisons. Nevertheless, to show specific comparisons at the regional level, data are presented for each Western Balkan country.

The analysis relies on institutional data; limitations were faced due to the absence of comparable data for certain countries in the CEPEJ datasets at both regional and European levels. It should be emphasized that labor-related cases involving Kosovo public authorities, which are adjudicated by regular courts as part of civil litigations, cannot be disaggregated from other civil law proceedings. Consequently, they could not be included in the empirical analysis. In addition, disaggregated data on administrative cases at the Supreme Court level of Kosovo are not available. As a result, this study does not cover the final appellate level of administrative justice.

7. Empirical Assessment of the Efficiency of Judicial Review of Administrative Acts in Kosovo: A Comparative Perspective

Despite modest improvements evidenced in recent years, international and national assessment reports suggest that the efficiency of the judicial review of administrative acts in Kosovo remains a persistent concern. While the European Commission observes a slight progress on the overall justice system (European Commission 2023, 21), OECD and national reports evidence continuous challenges related to the duration of proceedings and caseload pressures in judicial review of administrative acts (OECD 2021a; OECD 2025). Data published by the Kosovo Judicial Council indicates that administrative judicial proceedings are characterized by relatively long adjudication times, although some fluctuations and periodic improvements can be observed over time (Ministry of Justice 2023, 20, Kosovo Judicial Council 2020–2024). On this basis, the following section presents detailed statistical data and subsequently analyzes trends, comparative performance, and efficiency of indicators of administrative judicial review in Kosovo, including the comparative perspective.

7.1. CR of Administrative Cases

CR as applied in CEPEJ methodology reflects the capacity of the administrative justice system to adjudicate with the incoming caseload and is an indicator that shows whether the backlog is being reduced or accumulated over time. A CR above 100% indicates a reduction of backlog of cases, whereas a rate below 100% signals that the backlog is accumulating.

7.1.1. CR at the First Instance Courts

Data presented in Table 1 shows that the CR of administrative cases at the first instance courts fluctuated over the period between 2020 and 2024, indicating the trend of accumulation of cases over time. In 2020 the CR was 102%, whereas in 2021, it was 105%, showing a modest reduction in the backlog during this years.

Table 1: Caseload, CR, and pending administrative cases at first-instance courts in Kosovo (2020–2024)

Court level	Year	Newly received administrative cases (total)	Resolved cases (total)	Efficiency rate (average %)	Pending cases at year-end
First instance	2020	1905	1947	102	6338
	2021	2816	2951	105	6212
	2022 ²	3225	2612	68	7801
	2023 ³	3012	2885	81	6673
	2024 ⁴	5792	2783	64	9428

Source: Kosovo Judicial Council Annual Reports 2020–2025. Data are presented at the instance level, while disaggregated court-level data are provided in the footnotes.

However, in 2022, the CR dropped into 68% for administrative cases adjudicated by the Basic Court and the newly established Commercial Court. Disaggregated data indicate that CR at the Basic Court was 84%, while the Commercial Court recorded only 51%, reflecting the limited capacity of the Commercial Court to adjudicate its caseload during its initial period of operation. This decline in efficiency resulted in an increase in backlog from 6212 cases in 2021 to 7801 cases in 2022.

Although the CR improved in 2023, reaching 81% and reducing the backlog to 6673 cases, the situation deteriorated in 2024. During that year, the CR declined to 64%, leading to a backlog that reached 9424 cases by the end of 2024. Data indicate that efficiency at the Commercial Court remained a challenge, as the CR further declined to only 44% in 2024 (see footnote).

7.1.2. CR at the Court of Second Instance

The CR at second instance courts, as presented in Table 2, also demonstrates fluctuations over the period 2020–2024. In 2020, the CR was 78% with a backlog of 721 cases. In 2021, the CR declined further to 74%, while the backlog increased substantially to 1024 cases by the end of the year.

2 Separate statistics for each court 2022:

Basic Court: 2933 new cases; 2463 resolved cases; pending cases and of the year 6408; efficiency rate 84%
Commercial Court: 292 new cases; 149 resolved cases; pending cases and of the year 1393; efficiency rate 51.03%.

3 Separate statistics for each court 2023:

Basic Court: 2418 new cases; 2557 resolved cases; pending cases and of the year 5014; efficiency rate 106%
Commercial Court: 594 new cases; 328 resolved cases; pending cases and of the year 1659; efficiency rate 55.22%.

4 Separate statistics for each court 2024:

Basic Court: 5152 new cases; 2246 resolved cases; pending cases and of the year 7664; efficiency rate 83.64%
Commercial Court: 642 new cases; 537 resolved cases; pending cases and of the year 1764; efficiency rate 44%.

Table 2: Caseload, CR, and pending administrative cases at the second instance court in Kosovo (2020–2024)

Court level	Year	Newly received administrative cases (total)	Resolved cases (total)	Efficiency rate (average %)	Pending cases at year-end
Second instance	2020	797	620	78	721
	2021	1180	877	74	1024
	2022	1010	1016	101	350
	2023 ⁵	1207	937	78	620
	2024	1154	844	73	930

Source: Kosovo Judicial Council, Annual Reports 2020–2025.

A significant improvement was recorded in 2022, when the CR increased in 101%, resulting in a reduction of the backlog to 350 cases. This year represents the peak on the second instance courts efficiency during the observed period, after which the performance gradually declined.

In 2023, the CR declined again to 78%, resulting in an increase in the backlog to 620 cases. This negative trend continued in 2024, when the CR further decreased to 73%, while the backlog increased to 930 cases. Notably, the number of newly received cases after 2021 did not show a substantial increase, whereas the number of resolved cases gradually declined in 2023 and 2024, indicating constraints or decreasing institutional efficiency at the second instance courts.

7.1.3. Comparative Perspective on the CRs

The latest data reported by CEPEJ for 2020 and 2022 indicate persistent challenges in CR across Western Balkan Countries. This section provides a comparative presentation of the performance in Kosovo compared to Western Balkan countries and CoE member states, based on the CEPEJ's most recent assessment cycles in 2020 and 2022 as presented in Table 3.

⁵ The statistics for 2023 do not include administrative cases from the Commercial Court, as the annual report of the second-instance Commercial Court does not disaggregate these cases from other cases decided by the court

Table 3: CRs at courts of first and second instance in the Western Balkans and CoE Average (2020–2022)

Country	First instance (%)		Second instance (%)	
	2020	2022	2020	2022
Kosovo	102	67	78	101
Albania	94	93	39	24
Montenegro	129	40	102	91
Bosnia & Herzegovina	98	88	95	148
Serbia	72	39	n/a	n/a
North Macedonia	110	104	119	103
Western Balkans Average	101	72	87	93
CoE average	97	98	102	103

Source: CEPEJ 2022; CEPEJ 2024; Kosovo Judicial Council, Annual Reports 2020–2022. Author's own calculations based on reported data.

CoE, Council of Europe.

Comparative Perspective on the CR at Courts of First Instance

The CRs at courts of first instance across the Western Balkan countries show significant variation between 2020 and 2022. The regional average in 2020 was 101%, indicating an overall capacity to resolve administrative cases. However, by 2022, the regional average substantially declined to 72%, indicating an increasing pressure on the first instance judicial review systems.

In contrast, the average CR in the CoE members in 2021 recorded 97% and slightly increased to 98% in 2022, suggesting a higher efficiency in handling cases at the European level.

Kosovo followed the declining trend evidenced in the Western Balkans. The CR in Kosovo declined substantially from 102% in 2020 to 67% in 2022. While Kosovo performed above both the Western Balkans and CoE averages in 2020, its performance declined below both Western Balkans and CoE averages in 2022, reflecting a significant capacity deterioration in handling administrative proceedings.

Comparative Perspective on the CR at Courts of Second Instance

At the second instance level, Kosovo followed the average trend observed in the Western Balkans, where the CR improved between 2020 and 2022. However, the increased level in Kosovo was considerably higher. The CR increased from 78% in 2020 to 101% in 2022. Over the same period, the average CR in the Western Balkans rose from 87% to 93%, indicating an improvement in case handling capacity. In Kosovo, the increase to 101% reflects a substantial, though temporary, capacity to resolve more cases than those newly received.

The improvement from 78% in 2020 to 101% in 2022 positioned Kosovo above the average of Western Balkans and close to the CoE countries' average of 103% in 2022. While this leads to the convergence with the European standards, the persistence of this performance requires

further analysis in light of the subsequent trends and DT indicators.

7.2. DT of Administrative Cases

DT, together with the CR, is a core indicator to measure the efficiency of the judicial review system. The DT reveals the theoretical time needed for a pending case to be resolved, considering the current pace of resolution (CEPEJ 2024, 110).

7.2.1. DT at Courts of First Instance

The DT at the court of first instance in Kosovo during the period 2020-2024 shows a gradual improvement, although it remains relatively at a high level (Figure 2).

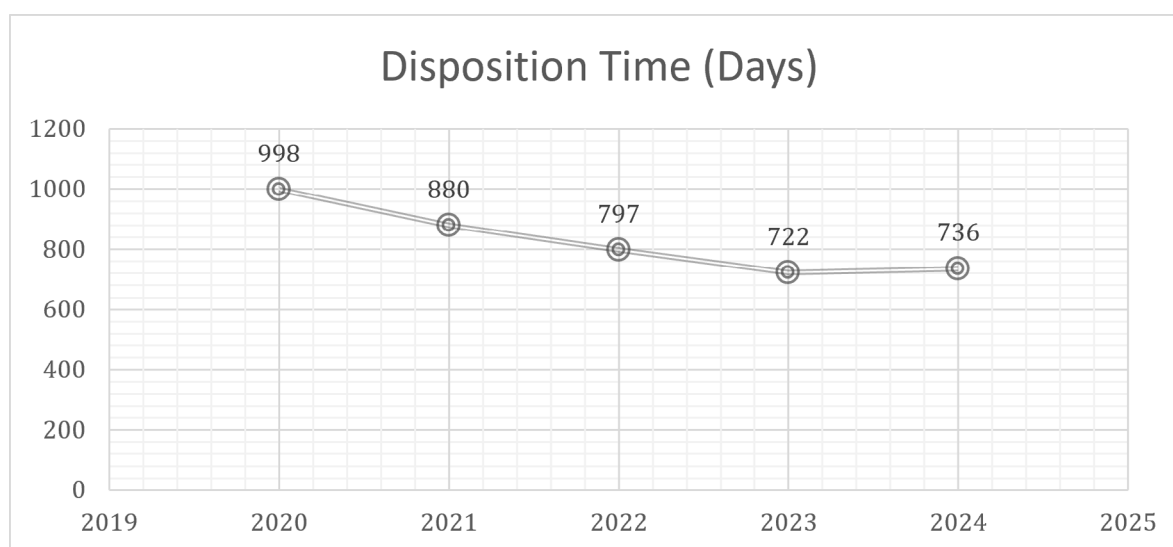


Figure 2: DT at the court of first instance. *Source:* Kosovo Judicial Council, Reports for 2020-2025. DT, disposition time.

In 2020, the DT was 998 days, and in 2021 it decreased to 880 days, indicating that it requires more than 2 years to solve the pending caseload. The DT continued to decline to 797 days in 2022 and further continued to improve in 2023, to 722 days. In 2024, a slight increase to 736 days was recorded.

Overall, the data reveal a positive trend with slight fluctuations, showing a positive progress in the first instance efficiency, although the high level of DT levels still indicates prolonged proceedings.

7.2.2. DT at the Courts of Second Instance

The DT at the court of second instance in Kosovo shows a highly fluctuating pattern over the period 2020-2024 (Figure 3).

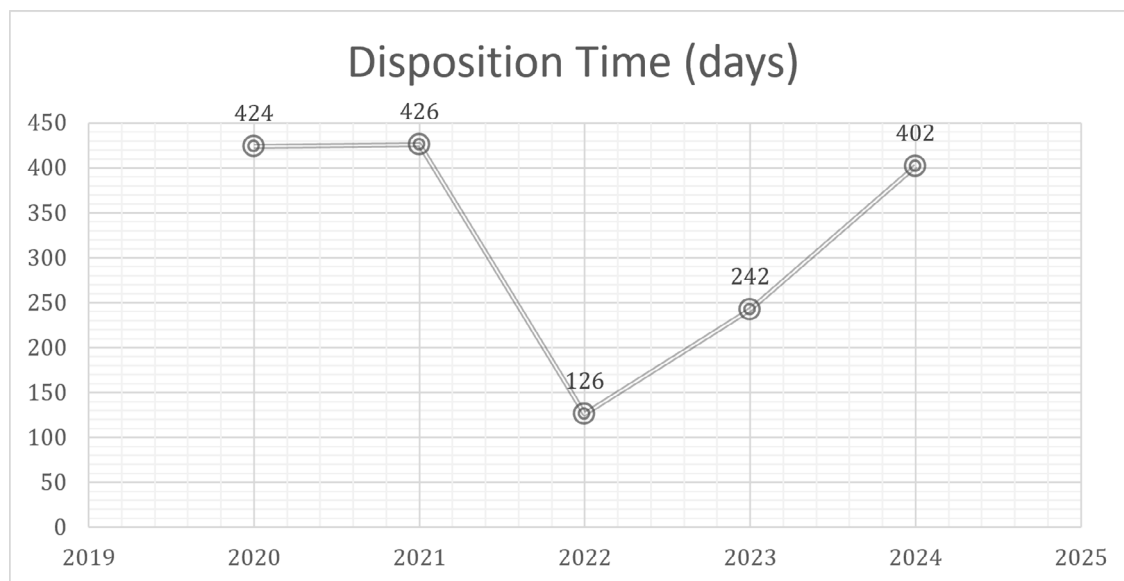


Figure 3: DT at the court of Second instance. *Source:* Kosovo Judicial Council, Reports for 2020–2024. DT, disposition time.

In 2020, the DT was 424 days and slightly increased to 426 days in 2021, indicating that resolving the backlog requires more than 1 year at the existing pace of work. In 2022, the DT decreased substantially to 126 days, reflecting a temporary improvement in efficiency. However, this improvement was not sustained. In 2023, the DT increased again to 242 days, followed by a further rise to 402 days in 2024, indicating a growing pressure at the second court instance, resulting in the decline in the overall efficiency of the judicial review of administrative acts in Kosovo.

7.2.3. Comparative Perspective on the Disposition Time

This subsection presents a comparative overview of the court of first and second instance, comparing the Kosovo court's performance in DT in relation to the Western Balkans median and values of CoE member states.

Comparative Perspective on the DT at Courts of First Instance

In comparative terms, despite a positive trend, Kosovo's DT at the court of first instance remained considerably above the Western Balkans and CoE members' medians (Table 4).

Table 4: DT at courts of first and second instance in Western Balkans and CoE Median (2020–2022)

Country	First instance (days)		Second instance (days)	
	2020	2022	2020	2022
Kosovo	998	797	424	126
Albania	199	179	4485	8680
Montenegro	441	1180	56	114
Bosnia & Herzegovina	424	389	452	271
Serbia	754	1528	n/a	n/a
North Macedonia	228	303	131	92
Western Balkans Median	433	593	424	126
CoE median	358	292	253	215

Source: CEPEJ 2022, 2024; Kosovo Judicial Council Annual Reports 2020 and 2022. Author’s own calculations based on reported data.

CoE, Council of Europe.

In 2020, with 998 days and in 2022 with 797, Kosovo exceeded the Western Balkans median level (433 days in 2020 and 593 days in 2022) and more than doubled compared to the CoE median (358 days in 2020 and 292 days in 2022). These figures suggest persistent efficiency constraints in handling administrative cases at the court of first instance in Kosovo.

Comparative Perspective on the DT at Courts of Second Instance

Compared to the other Western Balkan countries, Kosovo’s performance at the second instance level corresponds to the Western Balkan median in both 2020 and 2022, with the DP of 424 days in 2020 and 126 days in 2022. When compared to the CoE median (253 in 2020 and 215 days in 2022), the Kosovo second instance court DP median in 2020 was almost double. However, the substantial improvement in 2022, with a reduction of DT in 126 days, positioned Kosovo in a significantly more favorable position.

7.3. Classification Based on CEPEJ Efficiency Categories

In order to provide a more comprehensive insight into the efficiency of judicial systems, the CEPEJ classified court performance into six efficiency categories by combining the two performance indicators CR and DT, examined in this section. These classifications enable interpretation of the court’s capacity to resolve incoming cases, ensuring timely proceedings and preventing backlog accumulation as presented in Table 5.

Table 5: Classification based on CEPEJ efficiency categories

Efficiency categories	Clearance rate (CR)	Disposition time (DT)
Very High DT	all	DT>=4XMedian
Very High CR	CR>200%	all
Warning	CR<100%	4XMedian>DT>2XMedian
Reducing backlog	CR>=100%	4XMedian>DT>2XMedian
Creating backlog	CR<95%	DT<2XMedian
Standard	CR>=95%	DT<2XMedian
NA	NA	NA

Source: CEPEJ 2024.

Based on the CEPEJ efficiency framework, Table 6 presents the CR of the Kosovo administrative judicial system on a year-by-year basis and for the courts of first and second instance.

Table 6: CR classification for Kosovo based on CEPEJ categories (2020–2024)

Year	First instance CR (%)	First instance trend	Second instance CR (%)	Second instance trend
2020	102	Reducing backlog	78	Warning/Creating backlog
2021	105	Reducing backlog	74	Warning/Creating backlog
2022	68	Warning/Creating backlog	101	Reducing backlog
2023	81	Warning/Creating backlog	78	Warning/Creating backlog
2024	64	Warning/Creating backlog	73	Warning/Creating backlog

CR, clearance rate.

Table 7 presents the DT of the Kosovo Administrative justice system for the court of first and second instance. In line with the CEPEJ methodology, DT values are classified by comparing Kosovo's performance against Western Balkans and CoE median levels for 2022, which is the most recent year with comparative data.

Table 7: DT classification for Kosovo based on CEPEJ efficiency categories (2020 & 2022)

Year	Court level	DT Kosovo	WB median	CoE median	CEPEJ category (WB)	CEPEJ category (CoE)
2020	First instance	998	433	358	Warning	Warning
2022	First instance	797	593	292	Warning	Warning
2020	Second instance	424	424	253	Standard	Standard
2022	Second instance	126	126	292	Standard	Standard

CoE, Council of Europe; DT, disposition time.

CEPEJ-based classification reveals diverging efficiency patterns between the two court instances. At the first instance, although CR indicated a positive performance in the reduction of backlog in 2020, performance deteriorated in 2021, placing the court instance on notice and creating a backlog category. From 2022 onwards, the courts of first instance consistently fall under the Warning/Creating backlog category, reflecting structural challenges in handling the increasing caseload.

However, the courts of second instance show a more mixed pattern. While the CR at the second instance remained within the warning/clearing backlog for most of the period, a notable shift towards reducing backlog category was observed in 2022.

Concerning DT, the court of first instance displays structural delays, with values remaining above both WB and CoE median levels in 2020 and 2022. Conversely, the DT at the court of second instance corresponds to the WB median during both reference years 2020 and 2022 and falls within the standard CEPEJ category compared to the CoE median.

Taken together, these CEPEJ categorizations provide an initial efficiency assessment that synthesizes CR and DT trends, and compares with the regional and European benchmarks. This framework offers an analytical bridge between empirical descriptive findings and the examination of research questions and hypotheses.

8. Empirical Analysis and Assessment of Hypothesis

8.1. Assessment of Hypothesis 1

When examined together, the CR trends at the first and second instance courts indicate continuous difficulties in absorbing incoming caseloads, in particular after 2021 at the court of first instance. Periodic improvements in the second instance court were not sustained and were followed by the accumulation of a backlog and declining the efficiency at both court levels. These findings support Hypothesis 1, confirming that clearance outcomes affect efficiency, which, as a consequence, reveals persistent challenges.

Taken together, the DT at the first and second instance courts indicate persistent efficiency challenges. The DT at the first instance court reveals a gradual reduction over the period 2020-2023; however, the overall time remains over 2 years. The DT moderately increased again in 2024, indicating that the improvement in efficiency is not sustained. At the second instance court, the DT displays sharp fluctuations, including a temporary improvement in 2022, which was not maintained in the subsequent years, suggesting efficiency improvements were episodic. These findings support Hypothesis 1, confirming that the DT outcomes in judicial review of administrative acts in Kosovo continue to face persistent challenges.

When analyzed together, the CR and DT provide complementary information on the efficiency of the judicial review system in Kosovo. While CR at the court of first instance exceeds 100% in 2020 and 2021, contributing to a reduction in backlog, the CR during recent years was below 100%, resulting in the increased backlog accumulation in 2024. This pattern suggests that improvements were periodic rather than systematic and not as a result of institutional reforms undertaken within the justice system in Kosovo.

Although DT indicators at the court of first instance show a slight reduction over the observed time, the simultaneous increase of backlog indicates that measures undertaken were not sufficient to address the increased volume of incoming cases. As presented in Table 1, this situation resulted in the accumulation of pending cases, despite the improvements in average case processing time.

At the court of second instance, CR and DT display a strong correlation between these two indicators. In 2021, a low CR of 74%, with a backlog of 1024 cases, resulted in a prolonged DT of 426 days. The increase in the CR in 2022 to 101% led to a substantial reduction in backlog to 350 cases, which corresponded to the reduced DT to 126 days. A similar relationship is evidenced in 2023 and 2024 when the CR declined to 78% and 73% respectively, contributing to an increase of backlog from 620 to 930 cases, and corresponding to the rise in DT from 242 to 402 days.

Overall, a joint interpretation of results for both indicators, the CR and DT, indicates that efficiency improvements in the judicial review of administrative acts in Kosovo were periodic, rather than structural. These findings support Hypothesis 1, confirming that efficiency outcomes reveal persistent challenges.

Nevertheless, variations in caseload distribution across court levels, in particular at the Basic Court and Commercial Court, cannot automatically be considered to have a causal effect on the efficiency indicators such as CR and DT. The redistribution of cases between these courts reflects primarily the institutional reorganization rather than the performance in handling administrative cases. The data in both courts suggest that the establishment of the Commercial Court has not demonstrated the improvement of efficiency, as it has not, to date, resulted in improved efficiency, as it has not led to a reduction in backlog.

In this context, simple arithmetic averages do not always clearly capture the complexity of judicial performance. For example, cases filed in 2007 reached the preparatory session only in 2017 (Ministry of Justice 2023, 20). In this case, it is difficult to establish a causal link between recent reform measures, such as the establishment of the Commercial Court in 2022, and changes in efficiency indicators. Firstly, because the establishment of a new institution requires

time to produce results, and second, judicial efficiency depends on a complex interaction of internal and external factors as elaborated further in the respective section below.

8.2. Comparative Perspective: Assessment of Hypothesis 2

From a comparative perspective, the analysis suggests that the performance of the judicial review of administrative acts in Kosovo broadly follows the regional pattern observed across the Western Balkan countries.

In terms of CR, Kosovo generally follows regional trends, although the decline recorded in 2022 was sharper at the court of first instance than the regional average. In contrast, at the second instance level, Kosovo demonstrated a similar pattern with the regional performance, with a comparatively higher performance in 2022.

When compared with the CoE member states, the CR at the court of first instance initially performed better than CoE averages but declined sharply in 2022. At the second instance, the performance of the Kosovo administrative justice system remained comparable to CoE trends over the same period.

In terms of DT, despite the positive trend, Kosovo's judicial review of administrative acts at the first instance remained significantly above the Western Balkans and CoE medians in 2020 and 2022. With 998 days in 2020 and 797 days in 2022, Kosovo exceeded the Western Balkan median (433 days in 2020 and 593 days in 2022) and recorded more than double the DT of the CoE median (358 days in 2020 and 292 days in 2022). This indicates persistent constraints in handling administrative cases at the first instance. Such constraints were shown by many other Balkan countries, such as Montenegro and Serbia, in 2022.

At the second instance, Kosovo aligns with the regional medians while standing close to the CoE trends. In both 2020 and 2022, the DT in Kosovo corresponded exactly to the Western Balkan median (424 days in 2020 and 126 days in 2022). While the second-instance courts in Kosovo's DT in 2020 were substantially higher than the CoE median (253 days), the marked improvement in 2022 positioned Kosovo in a significantly more favorable position, falling below the CoE median of 215 days.

The analysis of DT suggests that the judicial review in Kosovo follows the regional trends, with the convergence towards regional and CoE benchmarks at the second instance, while showing constraints at the first instance level.

Overall, the comparative assessment of both indicators, respectively, CR and DT in Kosovo, follows the Western Balkan countries and CoE members' patterns. Convergence towards Western Balkans and CoE is observed at the second instance level, while persistent structural constraints remain at the first instance courts. These findings support Hypothesis 2, confirming broadly comparable performance with the regional and CoE benchmarks as measured by the CEPEJ indicators on the efficiency of the judicial review of administrative acts in Kosovo, while revealing significant variations between the courts of first and second instance.

9. Factors for Inefficiency of the Administrative Justice in Kosovo

Effective and efficient justice requires quality throughout the entire judicial process. While judicial independence, included as a theoretical determinant, constitutes a fundamental structural precondition for effective and efficient administrative justice, this section focuses on the institutional and managerial factors that are more directly linked to the operational performance of courts. These factors, which are generally accepted as relevant, can help improve the quality of justice systems, including: modern ICT, in particular case-management systems; training of judges and court staff; monitoring and evaluation of courts' activities; the use of satisfaction surveys; and giving justice systems adequate funding and staff (European Commission 2018, 4).

Building on this framework, empirical studies and assessment reports identify a range of internal and external factors that contribute to the inefficiency of the administrative justice in Kosovo. The evidence suggests that capacity constraints, particularly the limited number of administrative judges and insufficient support to judges, constitute the main bottleneck affecting the efficiency of the administrative justice proceedings.

These capacity limitations are further illustrated by the comparative staffing data. In 2023, Kosovo had 0.69 administrative judges per 100,000 inhabitants, while the average rate in Western Balkan countries is 1.22 and 2.33 in 16 EU Member States for which data are available (Ligi, Kmecl and Lapimaa 2024, 15). The OECD estimates that, with the existing number of judges adjudicating administrative cases, each judge would have to resolve approximately 500 cases just to clear the current backlog, irrespective of the new incoming cases (OECD 2021a 105; OECD 2025).

Additionally, full specialization of the judges in the basic court of Prishtina is not ensured. Administrative judges are also assigned to handle cases of criminal misdemeanor in parallel with administrative cases, whereas there are insufficient experts in specialized areas such as customs, tax, and pension rights.

Insufficient support staff is also pointed out as another constraint, though it is part of the other broader limitations, including the inadequate IT systems or court infrastructure. In this respect, in 2022, Kosovo had only 0.7 non-judge staff per judge, while the average in Western Balkan Countries is 1.6 and in the EU is 2.0 (Ligi, Kmecl and Lapimaa 2024, 41). Empirical evidence from the OECD/SIGMA surveys in the Western Balkan countries further supports these findings. The lack of support to judges is identified as the main factor affecting the overall efficiency of administrative court proceedings, cited by 38% of judges in Bosnia and Herzegovina, Kosovo, North Macedonia, and Serbia (ibid, 39). This comparative gap underlines structural capacity constraints directly affecting efficiency in the administrative judicial proceedings.

Capacity constraints are further deepened by other organisational and procedural factors as well. The Department for Administrative Matters is overwhelmed by a rising number of cases (Table 1), while judges are overburdened with numerous interim measures, which hamper the effective case management. Moreover, the practice where judges refrain from deciding on the merits, and instead refer them for retrial to the administrative body, causes delays in resolving administrative cases (Ministry of Justice 2023, 23). This ping-ponging practice between courts and administrative authorities cause prolonging administrative proceedings,

and increases the caseload. Importantly, the new Law No. 08/L-182 on Administrative Disputes, which entered into force in 2025, aims to address this deficiency by strengthening the obligation that all court decisions must be based on the merits, thereby limiting the possibility of returning cases to administrative bodies for reconsideration or reinstatement.

External factors further contribute to inefficiency in courts handling administrative cases. Weak implementation of Law No. 05/L-031 on General Administrative Procedure has resulted in delays and unlawful decisions taken by administrative authorities, which are further challenged before courts. In particular, the failure of public authorities to fulfill obligations arising from collective contracts has forced citizens to seek their rights in the judicial system. This has led to a large influx of administrative cases, causing additional pressure on the courts, while undermining their ability to adjudicate disputes within a reasonable time (KLI 2024).

The Government acknowledges that several factors contributed to the excessive duration of proceedings and the violation of the principle of trial within a reasonable time. These include the large number of inherited and newly received cases compared to the number of judges, the lack of professional support staff, "ping-pong" practice between the Court of Appeal and the Basic Court, the postponement of hearings as a result of the non-appearance of the parties at the hearing, and the absence of judges (Ministry of Justice 2023, 21). These findings are further confirmed by the OECD survey results, indicating that after judges' weak support, problems with the legal framework constitute the most significant factor (with 16%) affecting the efficiency of the administrative court process in the Western Balkans (Ligi, Kmecl and Lapimaa 2024, 39).

While managerial arrangements and case management systems remain important mechanisms to support court efficiency (Bosio 2023, 18), the introduction of an advanced electronic case management system (CMIS) in Kosovo in 2019 represents an important achievement. However, its impact remains limited due to its underutilization. The system facilitates automatic allocation of cases to judges, monitors in the case process, enables the generation of procedural notices and decisions, and provides real-time data on the workload of courts and individual judges. It also enhances transparency for parties in court proceedings, by allowing them to monitor the status of their cases online (OECD 2021a, 105). The European Commission Report on Kosovo 2023 highlights that the advancement of the CMIS with CEPEJ standards and the automatic assignment of cases to judges are positive developments (European Commission 2023, 16). However, the CEPEJ Case Management System index score 2.5 out of 4 points for administrative cases (CEPEJ 2021b, 4)⁶ indicate that the potential of the system in the court efficiency has not yet been sufficiently utilised.

The literature and comparative practice suggest that not all of the factors discussed above necessarily cause inefficiency in the judiciary, given the complexity of the system. Empirical evidence suggests that an increase in the number of judges does not automatically lead to court output. It reduces the caseload to judges, who in many cases respond by lowering their

6 The Case Management System (CMS) Index is an index from 0 to 4 points calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralized or interoperable database; early warning signals; status of integration with a statistical tool) summarized while the deployment rate is multiplied as a weight. In this way if the system is not fully deployed the value is decreased even if all features are included to provide an adequate evaluation (CEPEJ 2021, 4).

productivity (Bosio 2023, 19–20). These findings suggest a comprehensive reform approach that goes beyond a numerical increase in judicial staff. Such an approach should include strengthening judicial capacity in terms of both numbers and expertise, improving their support structures, enhancing clarity in legislation and procedures, and advancing case management practices, including the utilization of technological solutions. In this regard, Kosovo authorities initiated further measures to address the efficiency concerns and quality of judicial review of administrative acts, and several new initiatives are underway, as elaborated in the following section.

10. Recent Reform Initiatives in Administrative Judicial Review

In recent years, Kosovo authorities have undertaken several legislative and institutional reform initiatives aiming to improve the effectiveness and efficiency of the justice system in general, including judicial review of administrative acts. These reforms were introduced through policy and strategic planning documents, as well as legislative measures and administrative reorganizations of the administrative justice system in Kosovo.

10.1. Strategic Framework for Administrative Justice Efficiency

Improving the efficiency of the justice system as a whole is declared as a priority by the Kosovo Government in both the National Development Strategy 2030 and the Strategy on Rule of Law 2021–2026.

The Strategy on the Rule of Law 2021–2026, which aims at *"Increasing the efficiency of the judicial and prosecutorial system."* While the Strategy on Rule of Law foresees several measures related to the justice efficiency, a central reform was the restructuring of the institutional framework through the establishment of the Commercial Court. The aim in establishing the Commercial Court was to take over the jurisdiction to handle cases coming from businesses, including administrative cases, thereby discharging the Department of Administrative Matters at the Basic Court to handle such cases. In addition, the strategy focuses on broader issues such as the clarification of internal procedures, improvement of case allocation and prioritization mechanism, treatment of inactive cases, and in general, the case flow management for the entire justice system (Ministry of Justice 2021, 27). Nevertheless, targeted measures, in particular related to specific and structural challenges of the judicial review system, were not clearly articulated in the Strategy on the Rule of Law.

Similarly, the National Development Strategy 2030 places efficiency of the justice within the broader goal of *"Timely Justice"* (Goal 9.1), emphasising efficiency, professionalism, independence, and accessible justice as key enablers of sustainable development. The Strategy sets targets aiming to reduce the average length of administrative proceedings from 419 days,⁷ to 323 days in 2026 and to 300 days in 2030. It further targets an increase of resolution rate from 73% to 171% in 2026 and to 150% in 2030, and backlog reduction by 25% (from 6093 cases) by 2026 and 50% by 2030 (Government of Kosovo 2023).

⁷ The exact baseline dates are not specified in the NDS. Nevertheless, given that the strategy was approved in 2023, either that year or the preceding year may be considered as the baseline for analytical purposes.

While the targets set out in the National Development Strategy reflect a strong political commitment to improve administrative justice, they also raise feasibility concerns. The empirical evidence presented in this article suggests that current efficiency levels in handling administrative cases, as measured by the CEPEJ performance indicators, confirm constraints that hinder achieving these objectives.

10.2. Legislative Initiatives

A number of legislative reforms that aim to address the administrative justice efficiency have been introduced in recent years.

The new Law No. 08/L-182 on Administrative Disputes, which entered into force in 2025, introduces significant innovations that aim to contribute to the efficiency of the judicial system and allow for appropriate protection of the parties' rights. The law introduces the procedural flexibility allowing the case to be decided through main court sessions where the parties are invited, or through written procedure without the presence of the parties (Article 49). This option aims to accelerate the procedure and reduce unnecessary delays.

In addition, the electronic communication between parties and courts and the possibility of holding remote court sessions (Article 28.4) and strengthened enforcement mechanisms are additional measures by the new Law on Administrative Disputes aimed to improve courts' efficiency. In this context, the rights of the parties are strengthened by ensuring that the administration bears its own costs of procedure, regardless of the outcome of proceedings (Article 101.3, OECD 2025). In addition, the law strengthens the requirement that court decisions must be based on the merits, to avoid returning to public administration for reconsideration (ping-pong effect). It also introduces the option for the Court to impose fines on responsible officials and the senior administrative officials of public institutions for non-implementation of court decisions (Article 107 of Law No. 08/L-182, Ministry of Justice 2023a, 16). However, as this law entered into force only in 2025, its effects on the administrative efficiency cannot yet be assessed.

Another initiative aimed at improving efficiency in the justice sector is the draft Law on the Realization of the Right to a Trial within a Reasonable Timeframe, which is already under the government drafting procedure. The draft law introduces the maximum time limits of 3 years on the first instance and 2 years on the court of the second instance proceedings. Although this initiative is generally welcome, it has also been considered potentially inconsistent with the jurisprudence of the ECtHR, which holds that the assessment of the reasonableness of length of proceedings must be assessed on the case-by-case basis, *"considering the complexity of the case the conduct of the applicant and that of the relevant authorities, and the importance of what was at stake for the applicant in the litigation"* (European Court of Human Rights 2001). The stipulation of a maximum time limit of 3 years at the court of first instance and 2 years at the second instance may contribute to reduction of the duration of civil and criminal proceeding. However, the objective of shortening administrative procedures through statutory time limits is more problematic and may produce the opposite effect. The empirical evidence presented in this article indicates that the average DT in administrative disputes at both the first and second instances is already below the proposed requirements for a reasonable time

limit foreseen in the draft law. As a result, the draft law would allow administrative judges, in both instances, more time than is currently the average DT to resolve cases, potentially undermining ongoing efforts to improve efficiency in handling administrative disputes.

In addition, concerns have been raised regarding the effectiveness of the legal remedy for compensation mechanisms provided by the draft law, as it may result in unequal treatment of parties who make use of it and those who do not use the available remedy (KLI 2024, 9).

These legislative reforms provide essential procedural and enforcement mechanisms. However, their impact to improve efficiency on judicial review of administrative acts is closely linked with the appropriate institutional arrangements and resources, discussed in the next section.

10.3. Institutional Measures

Establishment of the Commercial Court

One of the most significant institutional reforms implemented in recent years in the judicial review area was the establishment of the Commercial Court in 2022, aimed at streamlining procedures in the adjudication of administrative cases initiated by businesses. The reform was expected to address efficiency challenges in the judicial review through the introduction of a specialised approach in handling administrative cases. However, as demonstrated in the section related to empirical analysis, the efficiency issue has not been addressed. The data show that neither the backlog nor the DT in cases under the jurisdiction of the Commercial Court, nor cases under the jurisdiction of the Basic Court, were improved.

The lack of progress in the efficiency indicators corresponds to the unchanged judicial capacities in the Commercial Court (see Section 3). In this regard, it is evidenced that institutional reforms that are not followed by adequate human resource capacities do not necessarily translate into performance outcomes.

The Proposal to Establish the Administrative Court

A more transformative reform of the administrative justice is proposed with draft Law no.08/L-291 on the Administrative Court, which foresees establishing an administrative court in Kosovo with the jurisdiction to decide on all administrative disputes at the first and second instance. The Court is expected to replace all court instances dealing with the administrative disputes (department on administrative affairs at the Basic Court and jurisdiction on the second instance as well as competences on employment-related disputes between the natural person and the public sector institution). Nevertheless, the competences vested in the Commercial Court will remain unchanged.

The purpose of establishing the Administrative Court is to provide better clarity in terms of the court's jurisdiction on administrative cases and enhance the efficiency of the administrative judicial proceedings by increasing institutional capacities, both in terms of the number of judges and support staff, as well as by enabling the specialization of judges in specific administrative matters (Ministry of Justice 2023). The new administrative court is planned to

have 25 judges at first instance and 9 judges at the second instance, thereby substantially increasing the capacities compared to the current system (ibid).

Considering the increasing trend in the number of incoming administrative cases, which results in the increase of backlog, the establishment of an administrative court is viewed as a potential opportunity to address shortcomings in the judicial review system. In this context, it is expected to contribute to increased efficiency and to clarify jurisdictional responsibilities among courts in handling administrative cases. OECD also welcomes the initiative to establish an Administrative Court, particularly emphasizing its potential to enhance judicial specialization (OECD 2025, 16).

However, concerns have been raised as to whether the establishment of an Administrative Court will be able to achieve its intended objectives. In light of the existing efficiency challenges and the inevitable difficulties associated with the parallel implementation of the new Law on Administrative Disputes, the introduction of a major organizational redesign, even if it is rational and necessary, raises serious concerns regarding the stability and business continuity of the administrative justice system (OECD 2025, 16). However, transferring such competence on such employment disputes to the new Administrative Court will unavoidably increase the number of administrative cases, which are currently decided by the civil courts and thus are not reflected in the figures shown in Table 1 above. As a consequence, this shift would require a substantial increase in the number of judges, non-judge staff, and other resources. However, since the number of administrative cases currently handled by regular courts cannot be assessed, their potential impact on the workload of the Administrative Court still remains unknown.

At the same time, several factors affecting efficiency, such as increasing the number of court staff, including judges and support staff, strengthening the support tools, enhancing judicial specializations, and improving case administration, can also be addressed through the existing court setup. Nevertheless, it should be acknowledged that securing budget increases and additional resources may be easier if the court operates as a separate budgetary entity, whereas greater autonomy in managing the internal operations may help address several internal factors contributing to inefficiency.

11. Conclusions

The findings of this study indicate that, despite sustained institutional and legislative reform efforts, the efficiency of the judicial review of administrative acts in Kosovo has not achieved the desired and systematic improvements. Empirical findings demonstrate that the CR in solving administrative cases remains insufficient to ensure systematic backlog reduction, while the DTs continue to reflect prolonged case processing, limiting sustainable efficiency improvement.

From a comparative perspective, the findings suggest that the performance of the administrative justice in Kosovo broadly follows regional and CoE patterns. Since the CR and DT remain lower at the court of first instance, the second instance demonstrates better convergence with the regional and CoE benchmarks, and in some periods it stands better. This

suggests that efficiency challenges in the Kosovo judicial review system are concentrated at the first instance courts and reflect systematic capacity and case management constraints compared to the second instance jurisdiction.

The analysis reveals that these outcomes are not primarily a result of shortcomings in the legislative reforms or justice administrative reform initiatives. It shows that Kosovo has undertaken several reforms, such as the establishment of the Department of Administrative Affairs at the Basic Court in Prishtina, establishing the Commercial Court, introducing several new measures with the new Law on Administrative Disputes, establishing the Administrative Court through the proposed Law on Administrative Court, introduced the law on the Right to a Trial within a Reasonable Timeframe. However, the empirical evidence reveals that the legislative and institutional reforms have not been accompanied by an increase in capacity resources and improvement of case management systems that would result in performance improvement.

A systemic challenge identified by this study is the mismatch between the increased incoming caseload and the capacity of the judicial review system. While the number of incoming cases at the court of first instance has more than doubled between 2020 and 2024, the number of judges included in the newly established Commercial Court remained unchanged during the same period. Moreover, supporting capacities, particularly the case management system, have not been materialized to address structural delays in case resolution.

Based on these findings, the study provides several recommendations. First, the number of judges and professional staff should be increased at all administrative court instances to meet the caseload needs and align with regional benchmarks. Second, full utilization of the case management system should be enhanced to support management of cases and enable monitoring of the backlog, DT, and CRs. Third, the specialization of judges dealing with specialized areas can be introduced. The study demonstrates that without such measures, further legislative and institutional reforms, in particular the establishment of an administrative court, constitute positive steps but are not likely to produce the sustainable improvements in the efficiency of judicial review of administrative acts in Kosovo.

Bibliography

- Aronson, Mark, Matthew Groves and Greg Weeks. 2017. *Judicial Review of Administrative Action and Government Liability*. 6th edn. Sydney: Lawbook Co.
- Batalli, Mirlinda and Islam Pepaj. 2018. "Increasing Efficiency in Public Administration through a Better System of Administrative Justice." *Pécs Journal of International and European Law*, 2018/II, 54-65.
- Batalli, Mirlinda. 2016. "Factors Affecting the Transformation of Public Administration." *Acta Universitatis Danubius. Juridica*, 12(3), 31-43.
- Bielen, Samantha, Wim Marneffe and Lode Vereeck. 2015. "An Empirical Analysis of Case Disposition Time in Belgium." *Journal Review of Law & Economics*. Available at: <https://www.degruyter.com/document/doi/10.1515/rle-2015-0023/html>
- Bosio, Erica. 2023. "A Survey of Judicial Effectiveness. The Last Quarter Century of Empirical Evidence." In *Policy Research Working Paper*. Washington, DC: World Bank Group.
- Botero, J., R. La Porta, F. Lopez-de-Silanes, A. Shleifer and A. Volokh. 2003. *Judicial Reform*. The World Bank Research Observer, 18(1): 61-88.

- CEPEJ. 2016. *Measuring the Quality of Justice*. Strasbourg: Council of Europe. Available at: <https://rm.coe.int/1680747548>.
- CEPEJ. 2021. *HFI: Towards a Better Evaluation of the Results of Judicial Reform Efforts in the Western Balkan*. DASHBOARD Western Balkans Part 2 (A) – Beneficiary fiche – Kosovo. Strasbourg: Council of Europe. Available at: <https://rm.coe.int/kosovo-20220630-deliverable-2/1680a8c31d>.
- CEPEJ. 2022. *European Judicial Systems: CEPEJ Evaluation Report – 2022 edition (2020 data)*. Council of Europe. <https://www.coe.int/en/web/cepej/special-file-evaluation-reports>
- CEPEJ. 2024. *European Judicial Systems: CEPEJ Evaluation Report – 2024 edition (2022 data)*. Strasbourg: Council of Europe. Available at: https://rm.coe.int/cepej-evaluation-report-part-1-en-/1680b272ac?utm_source=chatgpt.com
- Commercial Court. 2023. *Annual Report for Commercial Court (August-December 2022)*. Commercial Court of Kosovo. Available at: <https://komerciale.gjyqesori-rks.org/raporti-i-punes/?cYear=2022>
- Commercial Court. 2024. *Annual Report for Commercial Court 2024*. Commercial Court of Kosovo. Available: https://komerciale.gjyqesori-rks.org/wp-content/uploads/reports/78688_Gj_Komerciale_Raporti_vjetor_punes_per_vitin_2024.pdf.
- Council of Europe. 2002. Resolution Res(2002)12 Establishing the European Commission for the Efficiency of Justice (CEPEJ). Strasbourg: Committee of Ministers. Available at: <https://search.coe.int/cm?i=09000016804ddb99>
- Council of Europe. 2004. *Recommendation Rec(2004) 20 on Judicial Review of Administrative Acts*. Strasbourg: Council of Europe. Available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805db3f4
- Drechsler, Wolfgang. 2005. "The Re-Emergence of "Weberian" Public Administration after the Fall of New Public Management: The Central and Eastern European Perspective." *Halduskultuur: The Estonian Journal of Administrative Culture and Digital Governance* 6, 94-108.
- Droit et Justice. 2007. "Effectiveness and Efficiency of Review." *La Justice administrative en Europe Administrative Justice in Europe*. Presses Universitaires de France, 67a-76a.
- European Commission. 2017. *The 2017 EU Justice Scoreboard*. Luxembourg: Publications Office of the European Union. Available at: https://commission.europa.eu/document/download/6f55e311-4063-45c9-9aaf-16d171d4e0bc_en?filename=justice_scoreboard_2017_en.pdf
- European Commission. 2018. *European Semester Thematic Factsheet Effective Justice Systems*. Available at: https://commission.europa.eu/system/files/2018-06/european-semester-thematic-factsheet-effective-justice-systems_en_0.pdf
- European Commission. 2023. *Kosovo Report 2023*. Brussels: European Commission.
- Government of Kosovo. 2023. *National Development Strategy and Plan 2030*. <https://kryeministri.rks-gov.net/wp-content/uploads/2023/03/06032023-Strategjia-dhe-Plani-Kombetare-per-Zhvillim-2030.pdf>
- Halili, Ruzhdi and Qerkin Berisha. 2023. "Public Consultation in Kosovo: Legal Framework, Methods, Tools, and Their Application." *HKJU – Croation and Comparative Public Administration* 23(1), 61-90.
- Hicks, Jordan. 2024. "Judicial-ish Efficiency: An Analysis of Alternative Dispute Resolution Programs in Delaware Superior Court." *Washington and Lee Law Review* 81(1), 321-368.
- Jin, Yosuke and Sofia Amaral-Garcia. 2019. *Enhancing Judicial Efficiency to Foster Economic Activity in Portugal*. Economic Department Working Paper No. 1567. Paris: OECD.
- KLI. 2017. *Effective Legal Remedies in Administrative Justice*. Prishtina: Kosovo Law Institute.
- KLI. 2024. *The Trial within a Reasonable Time (Constitutional issues of the current Draft Law)*. Prishtina: Kosovo Law Institute.

- Koprić, Ivan, Polonca Kovač, Vedran Đulabić and Jasmina Džinić. 2016. *Comparative Study Legal Remedies in Administrative Procedures in Western Balkans*. Danilovgrad: Regional School of Public Administration. Available at: <https://respaweb.eu/download/doc/Legal+Remedies+in+Administrative+Procedure.pdf/a5df247741cb7e7481d1cd0ffd71596d.pdf>
- Kosovo Judicial Council. 2020. *Raporti Statistikor i Gjykatave. Vjetori 2020*. Prishtina: Kosovo Judicial Council.
- Kosovo Judicial Council. 2022. *Raporti Statistikor i Gjykatave. Vjetori 2021*. Prishtina: Kosovo Judicial Council.
- Kosovo Judicial Council. 2023. *Raporti Statistikor i Gjykatave. Vjetori 2022*. Prishtina: Kosovo Judicial Council.
- Kosovo Judicial Council. 2024. *Raporti Statistikor i Gjykatave. Vjetori 2023*. Prishtina: Kosovo Judicial Council.
- Kosovo Judicial Council. 2025. *Raporti Statistikor i Gjykatave. Vjetori 2024*. Prishtina: Kosovo Judicial Council.
- Kovač, Polona. 2013. "Effective Adjudication through Administrative Appeals in Slovenia." *Utrecht Law Review* 9(3), 39–50.
- Ligi, T., A. Kmecland V. Lapimaa. 2024. *The Functioning of Administrative Judiciaries in the Western Balkans*. SIGMA Papers, No. 73. Paris: OECD Publishing. <https://doi.org/10.1787/6499dad5-en>.
- Messick, R. 1999. *Judicial Reform and Economic Development: A Survey of the Issues*. The World Bank Research Observer, 14(1): 117–136.
- Ministry of Justice. 2021. *Rule of Law Strategy, 2021–2026*. Prishtina: Ministry of Justice.
- Ministry of Justice. 2023a. *Concept Document on the Administrative and Labour Court*. Prishtina: Ministry of Justice.
- Ministry of Justice. 2023b. *Concept Document for Realization of Civil Rights Including the Right of the Parties to a Trial within a Reasonable Time*. Prishtina: Ministry of Justice.
- Ministry of Public Administration. 2017. *Concept Document on Administrative Disputes*. Prishtina: Government of Kosovo.
- Kondylis, F. and M. Stein. 2022. *The Speed of Justice*. The Review of Economics and Statistics 1–46.
- OECD. 2017. *Government at a Glance 2017*. Paris: OECD Publishing. https://doi.org/10.1787/gov_glance-2017-91-en
- OECD. 2021a. *Monitoring Report: Kosovo 2021*. SIGMA Monitoring Reports. Paris: OECD Publishing. <https://doi.org/10.1787/b8e12bca-en>.
- OECD. 2021b. *Government at a Glance 2021*. Paris: OECD Publishing. <https://doi.org/10.1787/1c258f55-en>.
- OECD. 2023. *Glossary of Key Terms in Evaluation and Results-Based Management for Sustainable Development*. Paris: OECD Publishing. <https://doi.org/10.1787/632da462-en-fr-es>.
- OECD. 2025. *Public Administration in Kosovo 2024: Assessment against the Principles of Public Administration*. SIGMA Monitoring Reports. Paris: OECD Publishing. <https://doi.org/10.1787/a53fce6b-en>.
- OSCE. 2007. *Report on the Administrative Justice System in Kosovo*. Vienna: OSCE. Available at: <https://www.osce.org/files/f/documents/0/3/24637.pdf>
- OSCE/ODIHR. 2013. *Handbook for Monitoring Administrative Justice*. Warsaw, Poland: OSCE/ODIHR.
- Pál, Emese. 2017. "Towards an Autonomous Administrative Judicial Power?" *Studia Iuridica Cassoviensia*. Ročník 5(1), 34–46.

- Palumbo et al. 2013. *The Economics of Civil Justice: New Cross-country Data and Empirics*. OECD Economics Department Working Papers, No. 1060, Paris: OECD Publishing. <https://doi.org/10.1787/5k41w04ds6kf-en>.
- Posner, R. 1998. *Creating a Legal Framework for Economic Development*. The World Bank Research Observer, 13(1): 1-13.
- Saarniit Leno and Külli Sarapuu. 2024. "Corruption and Country Size: Insights from Small State Studies." *Halduskultuur: The Estonian Journal of Administrative Culture and Digital Governance* 22(2), 6-25.
- Sever, Tina, Ana Đanić and Polonca Kovač. 2016. "Effective Legal Protection against the Excessive Length of Administrative Decision-Making: The Cases of Slovenia and Croatia." *The NISPAcee Journal of Public Administration and Policy* IX(1), 135-166.
- Venice Commission. 2007. *Report on the Effectiveness of National Remedies in Respect of Excessive Length of Proceedings*. Strasbourg: Council of Europe.
- Vokri, Muhamet. 2021. Aspects of Safety and Health at Work in the Context of EU and Kosovo. *Sigurnost* 63(4):419-433.
- Wilson, Woodrow. 1887. "The Study of Administration." *Political Science Quarterly* 2(2), 197-222.
- Windthorst, Kay. 2009. "Separation of Powers from the German Perspective." *Duquesne Law Review* 41, 905-919. Available at: <https://dsc.duq.edu/dlr/vol47/iss4/11>
- Ziller, Jacques. 2003. "The Continental System of Administrative Legality." In B.G. Peters and J. Pierre (eds). *Handbook of Public Administration*. London: SAGE Publications, 260-269.

Legal Sources

- Constitution of the Republic of Kosovo. 2008. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>
- Draft Law No. 08/L-291 on the Administrative Court. 2024. Republic of Kosovo. Available at: <https://www.kuvendikosoves.org/eng/projektligjet-dhe-ligjet/draftlawopen/?draftlaw=533>
- Law No. 03/L-006 on Contested Procedure. 2008. Republic of Kosovo. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2583&langid=2>
- Law No. 05/L-031 on General Administrative Procedure. 2016. Republic of Kosovo. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=12559&langid=2>
- Law No. 08/L-015 on the Commercial Court. 2022. Republic of Kosovo. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=53748&langid=2>
- Law No. 08/L-182 on Administrative Disputes. 2024a. Republic of Kosovo. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=25839>
- Law No. 08/L-182 on Administrative Disputes. 2024b. Republic of Kosovo. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=85181>
- Law on Administrative Disputes. 1977. Official Gazette of the Socialist Federal Republic of Yugoslavia (SFRY), No. 4.
- Law on Administrative Procedure. 2005. Kosovo. Promulgated by the UNMIK Regulation no. 2006/33 of 13 May 2006. Available at: <http://old.kuvendikosoves.org/?cid=2,191,186>
- UNMIK. 2001. Regulation No. 2001/9 on the Constitutional Framework for Provisional Self-Government in Kosovo. Available at: https://unmik.unmissions.org/sites/default/files/regulations/02english/E2001regs/RE2001_09.pdf

Cases

Constitutional Court of the Republic of Kosovo. 2022. Case No. KI06/21. Available at: https://gjk-ks.org/wp-content/uploads/2022/08/ki_19_21_agj_shq.pdf

European Court of Human Rights. 1983. Zimmermann and Steiner v. Switzerland, No. 8737/79. Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-57609%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57609%22]})

European Court of Human Rights. 2001. Kurzac v. Poland, No. 31382/96. Available at: [https://hudoc.echr.coe.int/eng#{"itemid":\["001-59218"\]}](https://hudoc.echr.coe.int/eng#{)