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Navigating the Data Stream: The Intersection of Digital Politics and Indonesian Foreign Policy in the Era of Big Data

Abdullah Sumrahadi, Musa Maliki and Harryanto Aryodiguno

Abstract

In the contemporary landscape of international relations, the fusion of digital politics and big data analytics has emerged as a pivotal force reshaping diplomatic strategies and national foreign policy. This paper delves into the intricate interplay between digital politics and Indonesian foreign policy within the expansive realm of big data. Indonesia is a dynamic archipelago boasting a burgeoning digital ecosystem that serves as an illuminating case study to unravel the multifaceted dynamics of this intersection.

In this era of information overload (Wood et al., 1998), big data analytics revolutionized the traditional diplomacy paradigm, offering unprecedented insight into global trends, public sentiment, and policy preferences. Traditionally grounded in diplomatic norms and statecraft, Indonesian foreign policy is now navigating the data stream, leveraging digital technologies to enhance strategic decision-making.

The convergence of digital politics and big data has democratized access to information and posed novel challenges, including privacy, misinformation, and algorithmic biases (Boyd, 2008). Against this backdrop, Indonesian policymakers are tasked with crafting nuanced approaches to harness the potential of big data while safeguarding national interest and democratic values.

Through a comprehensive analysis of Internet research methods through case studies, policy initiatives, and theoretical frameworks, this paper illuminates the transformative potential of big data in shaping the contours of Indonesian foreign policy. By exploring the synergies between digital politics and diplomatic endeavors, this study contributes to a deeper understanding of the evolving landscape of international relations in the digital age.

Keywords: digital politics, big data, international relations, diplomacy, foreign policy

Introduction

In the dynamic landscape of> strategies and international relations (Herrera, 2002; Mueller, 2013). Nowhere is this convergence more evident than in Indonesia, a nation navigating the complexities of diplomacy amidst the rise of big data and digitalization (Hanson, 2012). As the world's largest archipelago and a pivotal player in Southeast Asia, Indonesia stands at the crossroads of tradition and modernity, embracing technological innovation while upholding its rich cultural heritage. In this era of rapid information dissemination and interconnectedness, understanding how digital politics influence Indonesia's foreign policy decisions is paramount (Fathun, 2021). This article delves into the nuanced interplay between digital politics and Indonesia's foreign policy, shedding light on the opportunities, challenges, and implications that arise in this increasingly interconnected landscape. Departing from the brief introduction above, digital politics has sparked intellectual and public debates in Indonesia, which is no surprise (Ruddyard, 2023). Therefore, the fact that intellectual debate surrounding the intersection of digital politics and Indonesia's foreign policy in the era of big data today encapsulates a spectrum of perspectives ranging from enthusiastic embrace to cautious skepticism can be understood temporarily at this stage. At the heart of this discourse lies a fundamental question: How does Indonesia navigate the digital landscape while safeguarding its national interests and sovereignty on the global stage?

On the one hand, one proponent of leveraging digital technologies in foreign policy argues that Indonesia can benefit from harnessing the power of big data analytics, social media diplomacy, and digital platforms to enhance diplomatic outreach, economic cooperation, and cultural exchange (Scholz, 2013). Experts in international relations and international law emphasize the potential of digital diplomacy to amplify Indonesia's voice in international forums, engage with global stakeholders, and shape public opinion on critical issues. Moreover, these experts also contend that embracing digital innovation can bolster Indonesia's competitiveness in the worldwide arena, enabling the nation to adapt to rapidly changing geopolitical dynamics and capitalize on emerging opportunities.

Conversely, critics caution against the pitfalls and vulnerabilities inherent in Indonesia's increasing reliance on digital platforms for foreign policy endeavors. Concerns revolve around data privacy, cybersecurity threats, and the potential for digital misinformation and manipulation to undermine diplomatic efforts and national security. Skeptics argue that digital technologies offer unprecedented opportunities for connectivity and collaboration, but they also introduce new

risks and vulnerabilities that require careful management and regulation (Schiller, 1999). Moreover, concerns exist about digitalism within Indonesia, with disparities in access to technology and digital literacy exacerbating existing inequalities and potentially hindering the country's ability to fully capitalize on the benefits of the digital era in its foreign policy pursuits. For example, one can see that digital technologies radically transform the world and promise new forms of community, alternative ways of knowing and feeling, creative innovation, participatory culture, networked activism, and the seeds of democracy. To enrich the debate, pessimists argue that digital technologies do not bring positive change at all but instead exacerbate the depth and expansion of domination through new forms of control, such as networks of authoritarianism, digital dehumanization, alienation 2.0, networks of exploitation, and the rise of surveillance society (Trottier, 2016; Chandler & Fuchs, 2019).

In this ongoing intellectual debate, scholars, policymakers, and practitioners grapple with the multifaceted implications of the intersection of digital politics and Indonesia's foreign policy in the era of big data. While some parties push for bold experimentation and innovation, others urge caution and strategic foresight to ensure Indonesia navigates this complex terrain with prudence and resilience. Ultimately, the outcome of this debate will shape Indonesia's approach to digital diplomacy and foreign policy in the years to come, influencing its position and impact on the global arena.

Research Purpose and Background

International relations are critical in shaping global politics, economies, and societies in today's interconnected world. Understanding the dynamics of such complex international relations is very important for policymakers, analysts, and international relations academicians. Big data analytics has revolutionized various fields in recent years, and international relations studies are no exception. This article explores the relevanc> such as social media, online platforms, satellite images, and government records. This unprecedented data availability provides researchers with invaluable resources for exploring international relations at unimaginable depth and granularity.

One of the main advantages of extensive data analysis in international relations is its ability to improve predictive capabilities. By analyzing large volumes of data, researchers can identify patterns, correlations, and trends that can help predict

geopolitical events, conflict escalation, economic trends, and social unrest. This analytical approach can help governments and organizations make more informed decisions and develop effective strategies for reducing potential risks.

Public opinion and feelings are essential in international relations (Holsti, 2009). With the advent of social media and online platforms, people worldwide have a platform to express their views and feelings on various global issues (Lim, 2017). Big data analytics allow research to analyze and interpret these vast data streams to gain insight into public opinion and sentiment dynamics across countries and regions. This understanding can be an instrument in forming diplomatic strategies and crisis management efforts.

Extensive data analysis offers the potential to identify emerging threats and challenges in international relations (Payton & Claypoole, 2014). By analyzing data from multiple sources, research that involves the policy-making process can detect early warning signals related to security threats, terrorist activity, disease outbreaks, and environmental problems. This information can be used to develop proactive measures, improve preparations, and strengthen international cooperation to address these challenges effectively.

Effective policymaking requires accurate and up-to-date information. Big data analytics provides policymakers access to a wide range of data that can inform their decision-making processes. By analyzing large datasets, policymakers can identify trends, evaluate the impact of previous policies, and design evidence-based strategies. Additionally, extensive data analysis enables real-time monitoring of policy implementation, allowing policymakers to make timely adjustments when necessary.

While extensive data analysis has great potential for studying international relations, it also presents challenges and ethical considerations. Ensuring data privacy, protecting personal information, and maintaining data security are critical concerns that must be addressed. Moreover, data collection and analysis bias must be carefully considered to avoid reinforcing prejudices or inequalities.

Extensive data analysis has significantly improved the study of international relations by harnessing the power of big data. Research in policy formulation can gain unprecedented insight into global dynamics, predict future events, understand public opinion, identify emerging threats, and formulate evidence-based policies. However, navigating the challenges and ethical considerations associated with extensive data analysis is essential to ensure its responsible and constructive use in

international relations. As technology continues to develop, the potential of big data analytics in understanding and shaping global affairs will likely expand, offering exciting opportunities for researchers, policymakers, lawmakers, and analysts. Therefore, it can be concluded that the research interest and questions in this research paper can be started by asking how using big data in digital politics influences the Indonesian foreign policy decision-making process and what implications this has for Indonesia's diplomatic relations and international positioning.

Design and Approach

Studying the intersection between digital politics and Indonesian foreign policy in the era of big data requires a nuanced approach that integrates qualitative methods with the vast resources available on the Internet. For example, this research paper conducts a simple digital ethnography by becoming involved in online communities, forums, and discussion groups relevant to Indonesian politics and foreign relations. By observing interactions, identifying key critical thinkers and policy experts, and participating in discussions, researchers can gain deep insight into how digital platforms shape public opinion and policy debate. Therefore, textual analysis of digital media sources such as websites, blogs, and online publications can provide insight into how foreign policy issues are framed and discussed in the Indonesian context. Researchers can use natural language processing techniques to identify recurring themes, sentiments, trends, and changes in discourse over time. By integrating these qualitative methods and utilizing resources available on the Internet, the research gains a comprehensive understanding of the intersection between digital politics and Indonesian foreign policy in the era of big data. Internet research methodology is used to gather information, data, and insight from online sources. It involves utilizing various online platforms, databases, search engines, and digital tools to collect, analyze, and interpret data relevant to a research topic that aligns with the research problem statement. Internet research can include a variety of techniques and approaches, including but not limited to searching on a popular search engine such as Google and Bing or specialized search engines such as Google Scholar to find articles, reports, web sources, and other online resources related to this topic. Internet research methods offer researchers flexibility, accessibility, and scalability in accessing various online information and data sources. However, researchers must critically evaluate online sources' credibility, validity, and reliability and implement appropriate ethical practices when conducting Internet research.

Finding and Limitations

Integrating the Internet of Things (IoT) and big data into Indonesia's foreign policy framework presents an unprecedented opportunity for diplomats and public diplomacy initiatives to enhance the nation's global standing and influence. By harnessing the power of IoT and big data analytics, Indonesia can cultivate deeper insight into global trends, economic patterns, and social dynamics, enabling more informed and strategic decision-making on the international stage.

One key advantage lies in leveraging IoT devices and big data analytics to gather real-time information on various aspects such as trade flows, environmental conditions, and social sentiments. This wealth of data can empower diplomats to craft more effective policies, negotiate favorable trade agreements, and address pressing global challenges such as climate change and sustainable development.

Furthermore, IoT and big data can bolster Indonesia's public diplomacy efforts by enabling more targeted and personalized communication strategies. Through sophisticated data analysis, diplomats can identify specific demographics and communities domestically and abroad, tailoring their messaging and outreach initiatives to resonate more effectively with diverse audiences. This approach fosters greater cultural understanding, promotes Indonesia's values and interests, and strengthens international partnerships and alliances.

Crucially, Indonesia must prioritize ethical considerations, transparency, and accountability when navigating this landscape to ensure the responsible use of data beyond privacy and national security concerns. Adopting robust data governance frameworks and fostering collaboration with international partners will safeguard against potential misuse or exploitation of data while upholding fundamental human rights principles and democratic governance.

Indonesia can position itself as a forward-thinking and proactive global player capable of addressing complex challenges and seizing emerging opportunities in the digital age by embracing IoT and big data as integral components of its foreign policy and diplomatic strategies. Through an approach that balances innovation with ethical considerations, Indonesia can harness the transformative potential of data-driven diplomacy to advance its national interests and contribute positively to the global community.

Utilizing IoT and big data in formulating foreign policy allows Indonesia to enhance diplomatic strategies and public diplomacy beyond data privacy consider-

ations and national security. By leveraging IoT and big data analytics, Indonesian diplomats can gain deeper insights into global trends, socioeconomic patterns, and emerging challenges. This understanding enables more informed foreign policy decisions that align with Indonesia's national interests and contribute to regional and global stability.

By analyzing big data from IoT devices, Indonesian policymakers can identify priority areas for investment and resource allocation in foreign policy initiatives. This data-driven approach ensures that diplomatic efforts are targeted toward the areas with the highest impact and return on investment potential. Beyond traditional diplomatic channels, IoT-enabled cultural exchange programs and digital platforms can foster people-to-people connections and enhance Indonesia's soft power on the global stage. By showcasing its cultural heritage and technological innovation, Indonesia can strengthen its diplomatic relations and influence the country's perceptions abroad. Big data analytics can be instrumental in monitoring progress toward achieving the Sustainable Development Goals (SDGs) domestically and internationally. Indonesia can demonstrate its commitment to global cooperation and leadership in addressing pressing global challenges by actively promoting SDG-related initiatives through diplomatic channels.

Integrating IoT and big data into Indonesia's foreign policy formulation allows for a more sophisticated and practical diplomatic approach. By leveraging technology to gain insights, engage strategically, allocate resources efficiently, promote cultural exchange, and advance SDGs, Indonesian diplomats can navigate the complexities of the modern world and contribute positively to global governance and cooperation.

Integrating IoT and big data analytics into Indonesia's foreign policy framework presents a multifaceted opportunity to enhance diplomatic efficacy and bolster public diplomacy efforts. Leveraging these technologies can yield several significant benefits beyond data privacy and national security; by harnessing IoT-enabled platforms and big data analytics, Indonesia can facilitate cultural exchange programs and showcase its cultural heritage to a global audience. Diplomatic missions can curate virtual exhibitions, interactive experiences, and digital content promoting Indonesian art, cuisine, music, and traditions, enhancing the country's soft power and fostering cross-cultural understanding. IoT sensors and big data analytics can be crucial in disaster response and humanitarian efforts. Diplomats can leverage these technologies to monitor environmental conditions, predict natural disasters, and coordinate emergency response activities. Indonesia can strength-

en its international reputation and build goodwill among the global community by demonstrating its capacity to provide rapid assistance and support to affected regions.

IoT-enabled supply chain management systems and big data analytics can streamline trade processes, optimize logistics, and identify new market opportunities. Diplomats can leverage these technologies to promote Indonesian exports, attract foreign investment, and forge strategic partnerships with critical economic stakeholders. Indonesia can enhance its diplomatic influence and contribute to regional stability and prosperity by fostering economic cooperation and integration.

Indonesia can empower its citizens to participate in diplomacy and global affairs through IoT-driven citizen engagement platforms and big data analytics. By soliciting feedback, facilitating virtual dialogues, and organizing online forums, diplomats can amplify the voices of ordinary Indonesians on the world stage and promote people-to-people connections across borders. The intersection of IoT and big data analytics in Indonesia's foreign policy toolkit offers a transformative opportunity to advance its diplomatic objectives, amplify its soft power, and foster greater global engagement. By embracing these technologies responsibly and transparently, Indonesia can navigate the complexities of the digital age while safeguarding the interests of its citizens and promoting international cooperation and understanding (Drakopoulou et al., 2010).

Modern diplomacy is changing fundamentally at an unprecedented level, influencing the character of diplomacy as it had been known (Barston, 2019). Changing this, especially digitalization in communications, influences how the work of diplomats must be understood. The number of domestic actors and international activities that have implications for a new form of diplomacy is increasing. These changes affect the aspects of domestic and global politics, which used to be less of a problem for diplomatic attention. The international public, as well as this study's focus country of Indonesia, has become more sensitive to policy issues abroad and attempts to influence diplomacy through social media and other platforms, ways of exchange between countries, as well as exchanges between governments and other domestic actors, progress affect diplomacy's ability to act lawfully and practical, with diplomats themselves as a result not always having to have the same attributes as before.

This trend reflecting society's general development needs to be absorbed by diplomacy as part of foreign policy governance. The novel value of the current interna-

tional relations systems is that they are already digital communication networks. Diplomats must understand the Internet to make deadlines and to know how to use influence to the maximum in public debate via social media. Face-to-face negotiations remain their prerogative, but the context of the talks and the forces at work involved in those negotiations are changing rapidly. These changes occur through the Internet and by having extensive data analysis of what happens within it (Scholz, 2013). Western diplomacy, followed by digital diplomacy, relies on the Internet and digital electronic devices and has already developed in line with this. Countries such as the United States and Australia are genuinely maximizing advances in modern technology and the potential of cyberspace and big data to support the struggle for their national interests on the international stage.

Digital diplomacy is more than big data with its sophisticated IoT-mediated analytical skills. More than that, a conceptual shift in diplomatic practice places greater emphasis on conversations with foreign populations. This cultural shift requires the Ministry of Foreign Affairs and related official state institutions to guard and share information. In this context, a debate has occurred between data and how privacy and its private and public domains should be presented.

This technological shift requires diplomats to develop digital skills ranging from knowledge of social media algorithms to writing computer programs and smartphone apps. For some diplomats, this is a time of innovation and experimentation. For others, it is a culture shock. This realization demands a definition of digital diplomacy that is inclusive and particular, as well as optimistic and careful. Diplomacy has been around long, previously referred to as negotiation. Using digital means to interact with the broader community worldwide is a new phenomenon that is still on its way to developing in the future. Compared to other ministries and government agencies, Indonesia's Ministry of Foreign Affairs is still a newcomer to social media. Therefore, the Ministry of Foreign Affairs can use social media as a new tool for public engagement in diplomacy.[1] On the other hand, using digitalism in diplomacy may be a new form of public diplomacy, and digital diplomacy may manifest new public diplomacy in Indonesia.

The discussion above shows that good opportunities and challenges exist in formulating diplomats' roles and reformulating how to manage their duties in modern public diplomacy, which can currently be agreed to have taken on a digital face. As

1 https://kemlu.go.id/portal/en/read/5686/view/vice-foreign-minister-highlights-importance-of-digital-transformation-in-electronic-based-government-system

a conflict between the idealism of the old style of diplomacy and the new diplomacy and its trend toward digitalization, the role of diplomats must be adapted regarding their duties and positioning. Furthermore, the following discussion will likely answer the question of how the role of big data used in digital politics influences the policy decision-making process, as will be shown in the following statements.

The grand event of the 2024 general election in Indonesia has passed, leaving a spotlight on domestic and international debates about the legitimacy and potential violations of authority regarding the neutrality of authorities and human rights issues. This was then quickly greeted with an explanation through an official statement from a spokesperson for the Ministry of Foreign Affairs of the Republic of Indonesia, and this perhaps explains the reason for the strength of digital politics.[2] Returning to the theme of the discussion in the four previous general elections from 2004, 2009, 2014, and 2019, political communication activities were seen to have required many mediums to convey political messages. However, digital politics had become the most significant phenomenon in the general elections, which saw the president directly elected in 2014 and 2019.

At least three digital political transformations can be found. First, digital media has become the central battle arena for political actors to gather as many votes as possible. Secondly, digital media has also become an arena for exchanging information and political communication that is highly inclusive and easily accessible to the broader community. For this reason, the current research paper sees that political actors must be careful when using digital media, namely when ideologizing and spreading a vision. This includes the previous regime's evaluation of how they carried out foreign policy being promoted and implemented by candidates who have and will occupy government positions as policymakers.

In line with the above discussion, digital technology has allowed Indonesian people to participate more in politics. Along with the development of the Internet and its inherent big data, social media and mobile applications have become tremendous factors in facilitating access to political information and platforms for discussion. This has allowed individuals from all walks of life, including those not previously politically active, to express opinions, contribute to the political process, and express their attitudes (Zhang et al., 2010).

2 https://en.tempo.co/read/1846551/govt-reacts-to-un-panels-concern-on-jokowis-neutrality-in-2024-election

To make studying this phenomenon easier, we will distinguish it into two significant possibilities, which we will explain. With the rise of digital technology, which makes massive use of big data, two enormous possibilities have emerged: (1) ease of access and (2) threats to democracy, as shown in Table 1.

Table 1. *Two Enormous Possibilities of Digital Technology*

Ease of Access	Threats to Democracy
Information Disclosure	Spread of False Information
Spirit for Criticism and Participation	Political Polarization
Elections and Online Political Campaigns	Data Privacy

Political information that was previously difficult to access can now be quickly found online. Citizens can follow political developments easily and make more informed decisions, such as in elections or supporting particular political activities. Social media provides a platform where people can talk about political issues, criticize government policies, and organize protests or campaigns. This gives citizens a stronger voice, especially those who feel ignored by the government.

Despite the many opportunities big data offers through the advancement of digital technology, it also poses significant challenges for Indonesian democracy. One of the main problems facing digital politics is the spread of false information or hoaxes. Social media can easily be used to spread fake news and thus can influence public opinion and political decisions. Social media also tends to create space for political polarization. People tend to be exposed only to views that align with their beliefs, which can deepen societal divisions. To collect voter data, political campaigns, and technology companies often need permission to collect more sensitive personal data. This can threaten individual privacy and data security.

Before making a temporary conclusion in this research paper, the discussion will again touch on the relations and interrelationships of digital politics and the threats they bring or cause. This discussion will again look at the advantages and limitations of digital technological innovation that has become so advanced in making foreign political policy in Indonesia as led by the Ministry of Foreign Affairs of the Republic of Indonesia and those in line with it from other official institutions or parties of the Indonesian government.

Data sources have been explored several times, and Indonesia views digital diplomacy as similar to conventional diplomacy. As stipulated in the latest Strategic Plan of the Ministry of Foreign Affairs of the Republic of Indonesia in 2017, digital diplomacy has virtually the same objective as conventional diplomacy: to collect and analyze information, disseminate foreign policy, and protect Indonesian citizens abroad. Understandably, the government considers the Internet and other digital devices as mere media. The Ministry of Foreign Affairs' Strategic Plan has adopted a skeptical view of digital diplomacy. However, it has been used to push things several times, presenting an opposite reality. This is similar to the difference between the front stage and the backstage in foreign policy fragments.

For example, upon referencing the data from www.twidiplomacy.com regarding 2022, which places Indonesian President Joko Widodo's participation and involvement in using Twitter as a means of public communication in 11th place and Indian Prime Minister Narendra Modi in the first place, this is not solely due to the number of engagements. Looking in-depth, what happened was not that both of them had sometimes campaigned for foreign policy and gotten many responses but rather the fact that the populations of these two countries are significant. These leaders used Twitter a lot in that year.

The emergence of digital diplomacy provides opportunities for communities to be involved in decision-making or at least in influencing the decision-making process. Through dialogical communication, diplomacy has become transparent due to the involvement of community groups. As a result, the government's policies have become stronger and more deeply rooted in the interest of society. Multistakeholder diplomacy, also known as integrative diplomacy, forces the government's decisions to reflect the interests of many parties more. Social media platforms also provide space for interaction, increasing engagement and advancing diplomatic goals. The potential ease of access to social media and lower costs compared to other methods make social media attractive to many embassies and other government offices facing budget cuts and demands for increased engagement. Many platforms allow more dynamic contact, such as videos, photos, and links, in addition to the traditional method of giving a diplomatic approach.

Digital technology can be beneficial for public diplomacy in the field of information collection and processing, as well as in the field of consular activities and for communication during emergencies. International practices show the competent use of digital diplomacy tools to benefit those who invest in them, mainly because digital diplomacy only sometimes requires an investment. Strengthening economic

diplomacy is necessary to get Indonesia out of the middle-income trap it still faces today. The promotions Indonesia carries out are intended to show the world that the Indonesian economy is growing fruitfully.

The Ministry of Foreign Affairs and its embassies have become part of various online networks where information is collected and stored via big data and algorithmic plays. Diplomats' use of mainstream social media has opened communication between policymakers and global citizens. Communication tools have given diplomatic missions direct access to citizens within the country and abroad. This communication frequently bypasses state and media filters, which allows countries to influence foreign audiences and achieve diplomatic goals more effectively. This conforms to reasonable changes in the structure and processes of foreign affairs. Revolutionary information and communication technologies have resulted in control over how information flows everywhere, allowing for the quick and broad dissemination of information. This allows people to judge themselves, express worries and feelings, and even influence policymakers. As a result, the government's ways of interacting have become quicker and easier.

Understanding Value for a Conclusion

The discussion and explanation above have led to the understanding that the rapid development of artificial intelligence innovation and big data bridged by the Internet of Things in various digital technologies has caused radical social changes in people's lives, including politics and policy, society's social interactions, and international relations. Society faces social problems that may have never been encountered in the past two decades. The description above of the delusions and vulnerabilities of algorithmic subjects surrounded in the power vortex of algorithmic governmentality does not tend to enforce the opinion that algorithmic subjects have been disciplined and normalized by this algorithmic governmentality as if nothing is left of them anymore, instead maneuvering for a space of resistance for the algorithmic subject (Daniel, 2016). No matter how hegemonic algorithmic governmentality is, room is still left for algorithmic subjects to maneuver to seize the spaces of social production that are more meaningful for oneself and one's epistemic community, and this is precisely a profound point. People must be more serious about designing a common agenda in this context. This political-hegemonic project radicalizes the algorithmic subject as a critical concluding note to the phenomenon in this discussion.

Integrating the Internet, big data, and digital algorithms has significantly impacted managing Indonesia's international relations and foreign policy issues. The following discussion becomes the critical conclusion of valuing integration and navigating the data stream. Using the Internet, big data, and digital algorithms has increased data analysis and decision-making efficiency in international relations and foreign policy. Data from online sources can be filtered and analyzed quickly using a digital algorithm, enabling policymakers to respond more rapidly and precisely to international issues.

Integrating the Internet and big data allows for broader data collection and a deeper understanding of international relations issues. Extensive data analysis can provide more comprehensive insight into the trends, patterns, and dynamics at the global, regional, and national levels, which can help Indonesia formulate a more effective and adaptive foreign policy. While providing great benefits, integrating the Internet, big data, and digital algorithms also presents data privacy and security challenges. Massive data collection and analysis can threaten individual privacy and the security of sensitive national information. Therefore, careful steps are needed to ensure that the data collected and used in a foreign policy context are not misused or exploited by the more giant unseen capitalist corporations (Witheford, 1999; Frayssé & O'Neil, 2015); this is where Foucault's principle of governmentality above must be interpreted, as Zuboff (2019) maintained in her inspiring interview statement.[3]

This navigation has also increased Indonesia's dependence on technology, which belongs to the super capitalists. This dependency can become a potential vulnerability if the technological infrastructure is not strong enough or if Internet access or computer systems disruptions occur. Therefore, developing a solid technological infrastructure and building internal capacity to use and manage information technology is essential. Still, technology also needs a proper regulatory framework. Appropriate regulations can help protect individual privacy, regulate the use of sensitive data, and ensure transparency in algorithm-based decision-making. Effective regulations can also help prevent the misuse of technology for political purposes or illegitimate interests. By paying attention to these aspects, Indonesia can take the proper steps to integrate and navigate the data stream and manage international relations and foreign policy issues to support sustainable development and global peace.

3 https://www.theguardian.com/books/2019/oct/04/shoshana-zuboff-surveillance-capitalism-assault-human-automomy-digital-privacy

This debate is indeed one that has not yet been concluded because this effort is an ongoing work on researching and studying the relevance of the spirit of the times and the technology it brings. This experience was written based on the focus of a temporarily referenced written study of experiences in Indonesia. However, carrying out more measurable and in-depth studies of relations in the future is available in various countries worldwide by taking into account the method and time, with equal importance given to having an adequate budget for this. Despite its apparent brevity, studying this case description has provided input and an injection of ideas from the perspective of other countries' experiences, as reflected in the studies in the bibliography. For this reason, as the authors, we are open to making improvements with enthusiasm and reflection regarding future discussions on practically identical themes covering a broader scope of study.

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Administrative Responsibility in *Force Majeure* Situations: The Case of Earthquakes

Ali Suat Pişkin

Abstract

Globally and throughout history, earthquakes have represented significant natural hazards that result in loss of life and property. After such disasters, administrative entities bear key responsibilities for protecting and preserving public welfare. Despite the absence of culpability on the part of the administration, their basic obligation remains to act in the best interest of the population, especially in unpredictable circumstances. This paper clarifies the concept of administrative responsibility and delineates measures to deal with events classified as *force majeure*. Furthermore, it delves into the administrative liability arising from contingencies, shedding light on the complex legal and practical dimensions of these phenomena. Through a comprehensive analysis, this study contributes to a deeper understanding of administrative duties in the wake of natural disasters, offering insights into effective governance and disaster management strategies.

*Keywords***:** responsibility, *force majeure*, administration, earthquake, public

Introduction

Earthquakes are natural disasters that have caused much loss of life and property in the world and in North Macedonia in the past. Earthquakes and unpredictable natural disasters are situations that countries all over the world may encounter and against which need to take precautions. Because such natural disasters are out of human control, one of the responsibilities of an administration is to take precautions by thinking and acting as if the public is always at risk.

Occupying an area of 25,713 km2, North Macedonia lies centrally within the Balkan Peninsula. Key road arteries including Corridors 8 and 10 traverse the nation's territory, forming vital links to the global community. Over the millions of years since the Paleogene era, North Macedonia has resided within the South Balkan extensional region and undergone continuous Neogene extension. Its geological narrative intertwines closely with significant fault lines such as the North Anatolian fault and the southern Hellenic trench (Dumurdzanov, Serafimovski, & Clark Burchfiel, 2005). The severity of earthquakes in Macedonia diminishes with distance from the epicenter and is influenced by local geological characteristics. Soft geological conditions can lead to a maximum attenuation of 0.5 meters, while hard geological conditions result in a minimum attenuation of 0.5 meters (Timovska, 1992).

Minor earthquakes are frequent in North Macedonia, while moderate ones are relatively rare and strong ones uncommon. These seismic activities generally originate within the Earth's crust at predominantly hypocentral depths (Černih & Čejkovska, 2015). Assessments of seismic risk conducted for the nation's aviation infrastructure, including airports, airfields, and flying fields, indicate a 64% probability of exceeding peak ground acceleration thresholds, posing significant hazards to aviation safety (Pekevski, 2006). The primary seismic activity in North Macedonia stems from tectonic forces, leading to sporadic occurrences of moderate to substantial earthquakes. This geological activity is primarily attributed to North Macedonia's geographical location within the Mediterranean region of the Alpine-Himalayan orogenic belt (Drogreshka, Najdovska, & Chernih-Anastasovska, 2019).

To define an earthquake, earthquakes must first be said to be natural events that have the potential to cause serious loss of life and property. An earthquake is defined in the dictionary as "a tremor, ground tremor, movement, or shaking of land caused by the breaking and shifting of the deep layers of the earth's crust or the eruption of volcanoes" (Turkish Language Association, 2024). Earthquakes have also been defined as events where vibrations that occur suddenly due to fractures

in the Earth's crust spread as waves and shake the environments and land they pass through (Turkish Ministry of the Interior Disaster and Emergency Management Presidency, 2024). Similarly, an earthquake is stated to be a phenomenon in which vibrations resulting from the displacement movement that occurs as a result of the sudden release of deformation energy accumulated on the fracture planes in the Earth shake the environments and the land through which they pass in the form of waves (Kandilli Observatory and Earthquake Research Institute, 2024).

The damage resulting from an earthquake is defined as *force majeure* in law and forms certain cases in many branches of law. Although *force majeure* is generally the subject of the law of obligations, it is also included in the area of administrative responsibility under administrative law. As is known, an administration works for the welfare and happiness of the people, and this imposes a responsibility on it over the public to prevent further damage that occurs after an unexpected situation, even if the administration is not directly responsible for the situation. Earthquakes can be given as an example of a situation that gives rise to administrative responsibility despite the administration not being responsible for the *force majeure*, with many studies having been conducted on this doctrine. Although *force majeure* does not have much place in administrative law in North Macedonia law, actions and example situations can be seen in its regulations (Kocevski & Georgievska, 2019)

Responsibility in Administrative Law

Responsibility typically denotes when the misconduct of an individual, whether physical or legal, deviates from established legal and moral norms and thereby incurs consequences for which they must be held accountable by law. In administrative law, this entails that each administrative body bears responsibility for its actions before other administrative, legislative, and judicial authorities. Through this accountability, the core values of a system are upheld, including efficiency, effectiveness, reliability, and predictability within public administration.

A distinctive aspect of administrative responsibility lies in its execution through a complex framework of formal procedures. Unlike abstract notions, administrative responsibility is concretely defined within a set of specific procedural guidelines. In the Republic of North Macedonia, administrative responsibility is codified within the Law of Administrative Servants, which delineates varying degrees of violations of official duties and outlines the procedures for establishing responsibility and imposing disciplinary measures.

When the administration acts according to the rules of public law, the for of the competent court it acts under varies according to different countries; sometimes the civil court is competent, and sometimes it is the administrative court. A large number of authors see responsibility as public authority and a necessary consequence of the principle of citizens being equal before public authority. Administrative action is carried out in everyone's interest, but during the execution of administrative action, adverse effects may occur from this; in other words damage may occur. In this case, harmful effects may arise that can be assessed without any test of administrative behavior; however, these may also involve harmful effects. Liability in public law as well as in private law includes three conditions: the occurrence of damage, the possibility of connecting this damage with a certain person, and the specific legal characteristics from which the obligation for compensation arises.

Earthquake and Situations That Reduce or Eliminate Administrative Responsibility

Force majeure

In some cases, an administration may be completely or partially relieved of its obligation to compensate for damage. In other words, the causal link between damage and administrative behavior may be eliminated or weakened for a reason outside of the administration's actions and behaviors. Here, administrative responsibility either disappears completely or decreases in direct proportion to the severing or weakening of the causal link (Düren, 1979; Günday, 2013). Situations that eliminate or reduce administrative responsibility are as follows: *Force majeure*, unexpected circumstances, the behavior of the one who suffered the damage, and the behavior of a third party.

The concept of *force majeure* is quite old and originates from Roman Law, where the concepts of *vis major*, *damnum fatale*, and *casus majores* were used as the equivalent of this concept. In exchange with these concepts, the term of *force majeure* began being used in Roman law to express events that were impossible to resist (Gözübüyük, 1957). *Force majeure* eliminates both faulty liability and strict liability in both public law and private law. *Force majeure* involves events that cannot be predicted or resisted. Onar (1966, p. 243) explained *force majeure* as something that "prevents the timely fulfilment or payment of an obligation or debt; It is any event that cannot be foreseen or overcome" and "an event that cannot be forecast or predicted in advance, such as an earthquake or a catastrophic revolution, and that lies

outside the perpetrator due to its natural, social or legal origin. In other words, it is completely outside of the will and action of a real or legal person and cannot be prevented by this person." An event described as *force majeure* may be natural, social, legal or human-caused. While these are generally natural events, such as earthquakes, landslides, lightning, floods, hurricanes, gusts, tornadoes, excessive rain or snow, frost, and drought, human events also can be considered *force majeure*, such as coups, war, revolutions, uprisings, and looting in extraordinary situations. Legal *force majeure* events can also be cited, such as general strikes for political purposes, import or export bans, and border closures. Judicial decisions and doctrines state that, in order for an event to be considered *force majeure*, it must have the elements of externality, unpredictability, and irresistibility (Gözübüyük p. 66). Therefore, an earthquake event must meet all these conditions to be considered a *force majeure* event.

In order for an event to be described as *force majeure*, the first condition is that there should be no administrative behavior underlying the occurrence of the event. In other words, the incident must have occurred outside the activities and actions of the administration. When a causal link exists between the damage and the administrative services being carried out, the administration must compensate for the damage.

The second condition of *force majeure* is unpredictability. In order for an event to be considered *force majeure*, it must also be impossible to predict in advance. Unpredictable events are extraordinary events. Frequently occurring events cannot be described as unpredictable events. An earthquake should not be considered a *force majeure* in a region located in an earthquake zone where earthquakes occur constantly. If an extraordinary event that has occurred in one place occurs again in the same way and in the same place, it can no longer be described as an unpredictable event. Atay (2012) stated the recurrence of a flood disaster in France that had also occurred a hundred years ago with the same severity is not considered a *force majeure*. In one of its decisions, the Supreme Court of Appeals considered an event where a contractor who'd made a commitment to import goods from a foreign country and had not fulfilled his commitment because the government of this foreign country had banned exports after the outbreak of war to be an unforeseen event (Gözübüyük, 1957). The assessment of unpredictability is a material matter made by judicial bodies. For a judicial body to considers an event unforeseeable, it is mandated to take into account the special nature of such an event and the circumstances of its occurrence.

Thirdly, for an event to be considered *force majeure*, it must also be irresistible and unpreventable. Whether an event is irresistible or not is decided by looking at the consequences and severity of that event. Low-intensity events that can be encountered frequently in the ordinary course of life and that do not cause serious consequences are not irresistible events. Disasters such as a very large earthquake or a severe winter that deeply affect social life, excessive rainfall that brings life to a halt, or extraordinary events such as war can be cited as examples of irresistible events.

Administrative Responsibility in Cases of *Force Majeure*

Public administration functions through objectively manifested forms of behavior within specific management systems. These systems are designed to achieve public goals, ultimately in order to meet the life needs and expectations of citizens.

The occurrence of earthquakes in North Macedonia represents a factual reality similar to other natural disasters that require legal considerations regarding the responsibilities of public administration. While an administration may be held liable for earthquakes resulting from defective and deficient acts, its duty to act in the public interest imposes certain obligations. Despite the absence of explicit legal provisions relating to earthquakes, the concept of *force majeure* is invoked in relation to an administration's responsibilities, which include measures such as extending the deadlines for applications and tax deferrals. Furthermore, definitions of *force majeure* are used to delineate situations that are eligible for free assistance, reflecting events beyond individual control that cause destruction or damage. In these cases, the administration's provision of financial assistance to citizens emphasizes its role in mitigating the impact of unpredictable and uncontrollable events such as earthquakes.

Conclusion

While public services are being carried out, people may suffer material and immaterial harm due to certain administrative actions and transactions. The responsibility of an administration is to cover the damages people suffer due to administrative activities. In order for an administration to be held accountable, certain conditions must be present. These conditions are damage having occurred to a person's material or spiritual existence beyond their will, an administrative behavior that caused this damage, and the presence of a causal link between the damage and the admin-

istrative behavior. In cases where an administration has fault liability, the terms of defective (meaning poor performance of service), delayed operation, or non-functioning must be added to these conditions. In cases where the principle of strict liability is accepted, the administration does not need to be found at fault in order to be held responsible for the damage caused.

In some cases, an administration may be completely or partially exempt from liability. The causal link (cause-effect relationship) between damage and administrative behavior may be eliminated or weakened for a reason other than administrative behavior. If the causal link is cut or weakened, administrative responsibility will either disappear completely or decrease. The fault of the injured person, the behavior of a third party, *force majeure*, and unexpected circumstances are situations that can either eliminate or reduce administrative liability.

If the damage is caused entirely by the fault of the injured person, administrative responsibility is completely eliminated due the severance of any causal link between the damage and administrative behavior. For example, an administration cannot be held responsible for the collapse of a building that had been built contrary to what had been licensed as a result of an earthquake. If an increase in the amount of damage occurs due to administrative activities, then the administration may be held responsible for this increase. In this sense, the relevant administrations will undoubtedly be held responsible for damage in this region as a result of an earthquake in direct proportion to its fault, such as in cases where the administration grants a construction permit that is in violation of the construction guidelines with respect to earthquake legislation in an area designated as an earthquake zone, or where the government permits construction along a fault line.

If damage has occurred due to the behavior of a third party, an administration will not be held responsible because no causal link exists between the administrative activity and the damage. If the damage had occurred as a result of the actions of both the administration and the third party, the administration would be partially responsible for the damage. A third party's behavior may affect administrative responsibility only in cases where the fault liability of the administration is accepted. In cases of strict liability, the behavior of the third party has no effect on administrative responsibility. In other words, the behavior of a third party who impacted the occurrence of damage (i.e., a person with no legal relationship to the administration) does not eliminate or reduce the strict liability of the administration. In cases where the administration can be held responsible for strict liability, the administration may be asked to compensate for the entire damage, even if the be-

havior of a third party had an impact on the damage. An administration that covers the entire damage may file a recourse lawsuit against that third party.

Unexpected events are events that are impossible to predict and resist. The concepts of *force majeure* and unexpected events can sometimes be confused with each other because the principles of unpredictability and unpreventability also apply to unexpected situations. However, unlike *force majeure*, unexpected and damaging behavior must have occurred within an administrative activity. Events described as *force majeure* occur outside the will of the administration. Because an earthquake is an event that occurs outside of administrative activities, it is not an unexpected event but rather a *force majeure*. However, in regions where earthquakes are likely to occur, the administration should always be prepared for possible earthquakes. Therefore, such an administration will be responsible for any disruptions or deficiencies in public services to be provided after the earthquake.

Meanwhile, possible damages can be minimized by taking the necessary precautions. In this sense, an administration has very important duties and responsibilities. The following precautions can be taken against the danger of earthquakes: Buildings should not be built in at-risk areas. Lands with loose soil should not be opened to development. Assurances must be made that the structures that are to be rebuilt or replaced in earthquake zones will be constructed in accordance with the provisions of the Regulation on Buildings to be Built in Earthquake Zones. Existing buildings should be made resistant to possible earthquakes. In this sense, urban transformations in at-risk areas must be completed immediately. Buildings should be built in places that have been determined in a development plan. Construction outside of zoning plans should be forbidden. Buildings should not be built on steep valleys or the edge of steep cliffs, as these are at higher risk in possible earthquakes. Houses should be insured against earthquakes. The administration must meticulously carry out the necessary inspections and controls on these and similar issues. In addition, citizens should be made aware of how to behave before, during, and after an earthquake. In this sense, such things as having items that are in danger of falling, tipping, or slipping inside a building be affixed; having automatic natural gas valve shutoffs and electrical shutoff fuses installed; having items at risk of burning or explosion carefully be stored; having the necessary precautions for evacuating buildings immediately in case of danger be taken and emergency exits kept open; and having fire extinguishers be present where everyone can easily reach them in buildings should happen before an earthquake strikes. All citizens should be made aware of and be sensitive toward these issues. In the event of an

earthquake, people need to know to stay away from items that are in danger of falling, slipping, or tipping over; to not use elevators, to not jump from windows or balconies, to not ascend stairs or go on balconies, to not use flame-starting devices in the face of possible fire danger, and to turn off electrical fuses, natural gas, and water valves after an earthquake has passed. Citizens need to be informed about these issues, and the necessary efforts should be made to make citizens aware of how to act after an earthquake.

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A Legal Overview of Mediation Procedures in Former Yugoslavian Countries (R. Croatia, R. Slovenia, and R. Serbia)

Fjolla Kaprolli Ismaili

Abstract

Mediation is a mechanism known for its efficiency, economy, and flexibility, characteristics that enable the constructive resolution of a dispute between parties. This method offers an extended range of contributions, especially regarding its influence on the state itself and on that state's citizens. The successful practice of legal mediation seen in different states, starting from the USA, known for resolving 90% of its civil cases through this extrajudicial method. Afterward, the rest of the world began introducing this legal tool into their national legislations. Establishing mediation in countries' legal systems are also been conditioned by the need to make a country's laws and legal standards compatible and in harmony with those of the European Union. This, in addition to the goals desired to achieve with this action, namely reducing the number of unresolved cases in court, reducing procedural costs and duration, and increasing the quality of dispute resolution and parties' involvement in the dispute resolution process, resulted in judicial involvement regarding contemporary reforms and in particular increasing citizens' trust in the judiciary. This process started at the same time for a considerable number of Balkan states, whose main aim was integration and membership in the European Union. The paper will focus on a legal analysis of the mediation procedure through the method of content analysis for the laws of a selected number of states in the region (i.e., Republic of Croatia, Republic of Slovenia, Republic of Serbia), as well on finding the similarities and differences for several elements of this procedure in these states compared to those in the Republic of North Macedonia.

Keywords: mediation, alternative dispute resolution methods, mediation in Croatia, mediation in Slovenia, mediation in Serbia, mediation in Balkan states

Introduction

When making a comparison in terms of the historical development of peaceful dispute resolution and alternative dispute resolution (ADR) in the sense in which used today, the historical development of ADR methods are consider much more contemporary than the historical development of peaceful dispute resolution, which has been present since the first stages of social communities. An opinion exists among historians that cases had occurred where mediation was been used in disputes arising in trade with the ancient Phoenicians and ancient Babylonians. Mediation in ancient Greece mostly was used in marital and family disputes. On the other hand, the ancient Romans used certain procedures similar to mediation, where the use of peaceful resolution as a way of resolving a dispute in this period able to be found in the book *Digesta*, Justinian's compendium of juristic writings. In creating the basic concept of alternative dispute resolution (ADR), a similarity exists with historical efforts to create and define the concept of peaceful dispute resolution. When talking about mediation or ADR methods, these are much different than the dispute resolution in court procedure as well as in arbitration where a neutral third party helps the parties reach a common resolution. When comparing the mediation procedures of the past with those applied today, the difference lies in the techniques used in mediation, which have been systematized based not only on American practices but also on those of European countries as well as of other continents. Mediation as an alternative way of resolving disputes is accepted and implemented both in the Republic of North Macedonia and in many different countries of the world.

Mediation Procedures in the Republic of Croatia

In the legal system of the Republic of Croatia, alternative ways of resolving disputes have no great ancient tradition; even though mediation occasionally was used in different forms such as reconciliation in marital disputes, it was not a pure form of mediation. Before the introduction of the law that would regulate mediation, one of the issues that arose as a matter of discussion in almost all the projects that had been organized to promote mediation in the Republic of Croatia was the legal regulation of mediation as well as the possibility that even without having a legal framework for mediation, this matter should be regulated by implementing pilot projects (i.e., Law No. 89/14 on Contentious Procedure in the *Official Gazette of the Republic of Croatia*), as was the example in the Netherlands (i.e., the project

"Many roads to justice: Document on the Policy of Alternative Dispute Resolution 2000-2002"). As a result of the lack of national experience in the Republic of Croatia, several international models regarding mediation were compiled in comparative law, such as the Green Paper on Alternative Dispute Resolution in Civil and Commercial Matters (Commission of the European Communities, 2002) and the United Nations Commission on International Trade Law's (UNCITRAL) Model Law on International Commercial Conciliation (UNCITRAL, 2018), and the Singapore Convention on Mediation, formerly United Nations Convention on International Settlement Agreements Resulting from Mediation. Serious steps to establish mediation in the legal system of the Republic of Croatia were taken while amending the Law on Contentious Procedure, which involved a proposal for the Law on Contentious Procedure to contain more legal provisions on mediation being submitted before the working bodies of the Government and the Parliament of the Republic of Croatia. However, due to the increased volume of work for these groups that were dealing with the amendments and additions to the Law on Contentious Procedure, especially the large number of proposals that were given in that period, following all the proposals one by one and implementing them in the Law on Contentious Procedure became impossible, resulting in the drafting of a special law that would regulate mediation being seen as a better solution to this chaotic work and overloading the text of the Law on Contentious Procedure. Thus, efforts were made to draft a law that would regulate mediation, wherein mediation finally took its first steps as a way of resolving disputes in 2003 with the adoption of Law No. 163/03 on Mediation. "With this law, mediation was regulated in legal-civil disputes such as commercial, legal-property, and labor disputes, as well as in all other disputes in which parties can freely dispose of their rights" (Šimac, 2004, pp 121–126). The purpose of bringing this law was to simplify the approach to mediation as a way to resolve disputes between the parties, to speed access to mediation, and to raise awareness among citizens about choosing the mediation procedure to resolve their disputes.

According to Article 3 of the Law on Mediation, mediation is considered as any procedure in which the parties seek an amicable settlement of their dispute with the help of one or more mediators who assist the parties to reach a settlement without the authority to impose that settlement on the parties as binding, regardless of whether it is carried out in court, in any institution, or outside of it. The law also provides the principles of the mediation procedure. These are: the principle of voluntary initiation of the mediation procedure, the principle of procedural efficiency, the principle of parties' procedural equality, the principle of parties' procedural

autonomy, and the principle of procedural confidentiality and impartiality (Art. 4, para. 2, Law on Mediation, No. 18, 2011 and Art. 5, para. 2 No. 67, 2023).

Article 3 of the Law on Mediation defines the mediator as a person who, based on the agreement of the parties, implements the mediation procedure. One procedure may include one or more mediators selected from the list of mediators by the parties themselves. Article 16 of the Law on Mediation also foresees that the mediator cannot be the judge who was competent for making the decision regarding the contentious case in the interrupted contentious proceedings.

One of the first stages of mediation is to appoint the sessions or meetings in which the parties will meet to discuss their needs and interests (Article 10 of the Law on Mediation). During these meetings, the mediator can always propose ways on how to resolve the dispute between the parties (Article 11). The mediation procedure will also depend on the outcome of these meetings (Article 12). A mediation procedure that concludes with agreement between the parties becomes binding only for the parties who sign the agreement (Art. 13, para. 1). This law also has foreseen the issue of enforceability of the agreement, having established an enforcement clause whenever the mediation agreement address any specific obligation. Thus, according to para. 3 of Art. 13, if the mediation agreement contains the enforcement clause, when the time for voluntarily fulfilling the obligation passes without the obliged party fulfilling it, then mandatory enforcement will follow (i.e., enforcement procedure). The parties may decide to draft this agreement as a notarial act, court settlement, or arbitration decision based on the agreement. In order for the conclusion of the mediation agreement to consider it valid, it must be concluded in accordance with para. 4 of Art. 13. Otherwise, mandatory execution cannot be requested. Upon initiating the mediation procedure in accordance with the Law on Mediation, parties will not lose the right to resolve the dispute in court due to prescriptive or preclusive deadlines. "When, by law, the right to claim for the protection of the right - the lawsuit, is limited by preclusive deadlines, the deadline begins from the day when the proposal for the mediation procedure is rejected or considered rejected, respectively when the reconciliation ends without an agreement" (Šimac, p. 124).

As for the issue of the procedural costs of mediation, the parties can agree with the mediator on how the burden of costs will be divided, while if the parties do not agree in advance on how to cover the procedural costs, then according to the law, each party will cover its own expenses, with joint expenses being shared equally (Law on Mediation, Art. 20). The issue of the procedural costs of mediation is also similar regulated in the Republic of North Macedonia.

Mediation Procedures in the Republic of Slovenia

Mediation as an alternative way of dispute resolution entered the legal system of the Republic of Slovenia quite late, though it has existed since 2001 in most cases as the practice of annexed judicial mediation. Until the enactment of the first Law on Mediation in the Republic of Slovenia, this alternative method had gone through different stages of development without any special law in force to regulate this matter. During these phases of the development of mediation, even though no legal framework existed for the regulation, pilot projects that had the same goal as in other countries began to make great contributions to promote alternative methods of resolving disputes for the first time that also included mediation. In the Republic of Slovenia, the courts took the first step in establishing mediation, and not the scientific institutions, as had been the case in the USA. The District Court in Ljubljana announced the first mediation pilot program as a court annexed mediation; which then was presented to other district and local courts in the territory of the state. Thus, when the courts saw the need to deal with their overload from cases that were still unresolved, they started using these programs that contained rules for the mediation procedure, with identical principles also being contained in the special laws regulating mediation. Art. 62 of Law No. 16/19 on Courts (Official Gazette of the Republic of Slovenia, 2019) provides that, if a court finds the number of cases left unresolved is too high, then the president of the court has the duty to approve the pilot program for implementing mediation in order to reduce that number of unresolved cases (Law No. 97/09 on Alternative Resolution of Court Disputes, Official Gazette of the Republic of Slovenia, 2009). Immediately after creating court-annexed mediation, extrajudicial mediation also began to develop and was immediately followed by the creation of the Slovenian Association of Mediators (http://www.slo-med.si) and the Association of the Organization of Mediation in Slovenia (MEDIOS; https://www.medios.si).

On February 21, 2008, a group of experts from the Faculty of Law in Ljubljana along with a group of practitioners prepared the Proposal for a Law on Mediation of Civil Disputes, the first draft of which was prepared based on the UNCITRAL Model Law on International Commercial Arbitration. The General Resolution of the United Nations Assembly insists that all countries should be served with the UNCITRAL Model Law, which will greatly help them create a harmonized legal framework for the fair and efficient resolution of disputes, especially those originating from the field of international commercial relations (Jovin Hrastnik, 2011, p. 10). The Law on Mediation in Legal and Commercial Matters was approved on

May 23 and started to be implemented from June 21, 2008. This law was created as a result of the Proposal for the Law on Mediation, which was the continuation of the UNCITRAL Model Law both in terms of structure and content. Mediation in the Republic of Slovenia belongs to the mediation of the UNCITRAL Model Law and as such is presented as a continuation of the court. "The mediators are chosen by the court, while the mediation procedure is implemented in the court premises" (Kis, 2006, p. 8). Although mediation is seen as a procedure that is implemented under the shadow of contentious procedure, these two procedures are different, and the implementation or initiation of the mediation or contentious procedure does not imply any prerequisite for initiating the respective other procedure.

Art. 6 of the Law on Mediation in Civil and Commercial Matters states that the moment when a mediation procedure will be considered initiated is foreseen. Once the parties have agreed in advance regarding the case of presenting a joint dispute, the mediation will begin on the day on which one party accepts the proposal to initiate the mediation procedure from the opposing party (Art. 6, para. 1). The parties themselves select the mediator, unless they cannot choose one that would be suitable for both parties, in which case they have the option of asking help form a third person or institution to select the mediator instead (Art. 7). According to para. 1 of Article 305 of Law No. 16/19 on Contentious Procedure (Official Gazette of the Republic of Slovenia, 2019), the court sets a session for reaching an agreement peacefully, in which the parties are informed about the use of mediation, which the parties have at their disposal as an alternative method for resolving disputes. In these sessions, the judge or judge's assistant can provide information about mediation (Art. 18 of the Law on Alternative Dispute Resolution in Court Cases). If the parties agree to try to resolve their dispute through mediation, then the court will suspend the procedure for up to three months (Art. 305 of the Law on Contentious Procedure). According to the article, the court guarantees the parties that it will give the them up to 3 months of space and opportunity to resolve the dispute in a mediation procedure, a period that starts from the day when the parties agree on mediation. On the other hand, neither the Law on Mediation nor the Law on Contentious Procedure foresees any time limit in terms of the deadline within which a mediation procedure that has started after initiation of the contentious procedure must be completed. No time limits are found even for an initiated mediation procedure regardless of the initiation of the contentious procedure. As such, the mediation procedure lasts as long as is necessary for the parties to resolve their dispute. This aspect differs from the mediation procedure in the Republic of North Macedonia, for according to para. 2 in Art. 20 of North Macedonia's Law

on Mediation, a legal deadline does legally exist within which the parties together with the mediator must complete the mediation procedure, regardless of the procedure's outcome. Whereas in the Republic of Slovenia, if the parties do not accept the court's instruction to resolve their dispute through mediation, then the contentious procedure will not be stopped at all, nor will the mediation procedure be initiated.

The issue of confidentiality and private storage of data and information's that emerge because of the meetings of the parties in a mediation procedure are regulated in Arts. 10 and 11 of the Law on Mediation. According to Art. 10, the information obtained from the sessions of meetings and talks with one party can be shared by the mediator with the other party unless the initial party requires the mediator to keep the information confidential. While Art. 10 regulates the issue of confidentiality during the mediation procedure, Art. 11 regulates confidentiality outside the mediation procedure by prohibiting the sharing with third parties information that has originated directly from the parties' meetings unless the parties have agreed to share as such or when not sharing is impossible due to the enforcement of the dispute resolution agreement being required. Regarding the evidences related to any information that has been obtained through mediation, they should not be used as evidence in other procedures such as arbitration proceedings or judicial proceedings except when such information is allowed by law to be used before the competent contentious court, arbitration court, or before any other body or authority (Law on Mediation, Art. 12). The Republic of North Macedonia regulates the issue of confidentiality the same way in Art. 9 of its Mediation law.

According to a study conducted from 1995-1998, up to 80% of mediation cases were concluded to have reached an agreement in the early stages of the procedure, with this being the first session in most cases (Betetto, 2007, pp. 219–220). This is a good indicator that the earlier attempts are made to resolve a dispute through mediation, the greater the expectations and chances for a successful result. For this reason, even the pilot projects for mediation had insisted that the courts offer the parties the possibility of alternative solutions to a dispute as soon as they presented a lawsuit in court.

Enforceability of a mediation agreement in the Republic of Slovenia is regulated analogously both by Art. 14 of the Law on Mediation in Civil and Commercial Matters and by Arts. 306 and 309 of the Law on Contentious Procedure, depending on whether the agreement reached in the mediation procedure occurs while the contentious procedure is ongoing (Law on Contentious Procedure, Art. 306) or a court

agreement occurs in cases of out-of-court mediation (Art. 309), or an enforceable notarial act is rendered (Law No. 91/13 on Notary, Official Gazette of the Republic of Slovenia, 2013).

Unlike the Republic of North Macedonia, mediators in the Republic of Slovenia are not organized in a Chamber of Mediators but in Mediator Associations. In relation to the expenses presented in the mediation procedure in the Republic of Slovenia, the same rules apply for the regulation of procedural expenses for mediation in the Republic of North Macedonia. According to para. 1, Art 18 of North Macedonia's Law on Mediation, the mediator has the right to remuneration as well as the coverage of expenses incurred while implementing the mediation procedure. Who is to cover those expenses and how much, depend on the agreement between the parties. In cases where the parties have not agreed on this, each party will bear its own expenses, while both parties will bear equal responsibility for those expenses that are considered general.

Mediation Procedures in the Republic of Serbia

The Republic of Serbia's Law No. 55/14 on Mediation and Solving Disputes (Official Gazette of the Republic of Serbia, 2014) and Law No. 58/03 on Contentious Procedure (Official Gazette of Republic of Serbia, 2003) are closely related and contain common rules for regulating mediation procedures. In Serbia, mediation and its procedures are foreseen in the framework of the principle for peaceful resolution of disputes in the Law on Contentious Procedure. Accordingly, Art. 11 of said law states the parties and the court are to request before and after the initiation of the contentious procedure that the legal-civil disputes are to be resolved through mediation or any other peaceful way.

Going back to the first steps that were taken in order to establish mediation in the Republic of Serbia's legal system, this process is seen to have begun with the introduction of the Law No. 125/04 on Contentious Procedure (Official Gazette of R. Serbia, 2004), with Art. 11 of this law providing for the parties and the court to be obliged to try and resolve the dispute through mediation or any other peaceful method before and after the initiation of the dispute procedure. The introduction of this law in fact only laid the foundation on which mediation would be built as an alternative to the court; it did not exclude the need to introduce a special law that would regulate mediation because the Law on Contentious Procedure could not include the regulation of mediation due to its overloading. Thus, Law No. 18/05

on Mediation (Official Gazette of the Republic of Serbia, 2005) was introduced as *lex specialis*, which only regulated mediation procedures. Art. 2 para. 3 of the Law on Mediation defines mediation as any procedure, regardless of its name, in which the parties wish to resolve their contentious relationship peacefully with the help of one or more mediators who will assist the parties in reaching an agreement. Changes and additions to this law began very soon, because time showed the primary stat of the law's implementation was unable to construct a stable mediation system.

Due to the need to improve and frequently change the previous legal framework of mediation for a short period of time, a need also existed to introduce a new mediation law that would be a more advanced version of the old law by adding new solutions for issues to which the old law did not offer. Thus, the introduction of the new Law No. 55/14 on Mediation (Official Gazette of the Republic of Serbia, 2014) came as a result of the more successful application of mediation in contentious relations. This new law on mediation expanded the scope of mediation, in particular the disputes that can be resolved through mediation. According to para. 1 of Art. 1 of the old 2005 Law on Mediation, mediation could be used in the solving of legal-property, commercial, family, labor, and other legal-civil disputes, as for the new 2014 Law on Mediation added administrative and criminal disputes where the parties can freely dispose their rights, as well as disputes against the environment and consumer disputes. The new law also does not exclude the possibility of mediation for resolving misdemeanors against legal-property claims.

According to Article 18 of the 2014 Law on Mediation, the mediation procedure is considered initiated when the parties conclude an agreement to initiate mediation. This occurs when the parties request to initiate a mediation procedure before having filed a lawsuit in the competent court. Meanwhile, in cases where the mediation procedure is initiated as a result of the suspension of the dispute procedure due to the court instructing the parties to try and resolve their dispute through mediation, the mediation procedure will then be considered to have been initiated once the mediation agreement between the parties is submitted before the court. The parties agree to select the mediator through mutual agreement. The parties also decide on the number of mediators who will help them through the mediation procedure through mutual agreement. If no mutual agreement can be reached on the appointment of the mediator, then the court that has stopped the dispute procedure until completion of the mediation procedure makes the appointment (Art. 20, para. 2). During the implementation of the mediation procedure, the media-

tor will also schedule meetings with the parties, and similar to in the Republic of North Macedonia, these can be organized as joint meetings where both parties can participate or they can be held separately for each party. Having separate meetings does not exclude the mediator from sharing the information received from one party with the other opposing party (Art. 23, para. 3). In the Republic of Serbia, the initiation of the mediation procedure does not interrupt the limitation period, nor does it affect the preclusive periods for the initiation of the contentious procedure, except in cases where mediation has been presented as a procedural condition for the initiation of the contentious procedure (Art. 25). As for the deadline within which the mediation procedure must be completed, Article 26 para. 1 of the 2014 Law on Mediation provides a deadline of 60 days, which is shorter than the deadline of 90 days for the Republic of North Macedonia (Art. 16, para. 1 of North Macedonia's Law on Mediation). The deadline of 60 days is foreseen as a deadline, which if exceeded, will cause the procedure to end. Legislators have set this as the optimal deadline for reaching an agreement regarding a specific dispute. However, legislators have left open the possibility that, even in case this deadline will exceed, the procedure can continue if the parties agree to this according to the fourth point in para.1 of Art. 24 of the new 2014 Law on Mediation. The law also foresees the ways in which a mediation procedure is completed (Art. 24, para. 1). One of those ways is through the conclusion of a mediation agreement through which the parties have managed to resolve their dispute. Such agreements will acquire the power of an executive document if certain conditions are met, if it contains the clause for enforcement, and if the signatures on the agreement have been certified by the court or a notary. In this way, the parties can request enforcement in an enforcement procedure without having to initiate a contentious procedure. This provision is not binding for the parties regarding any agreement reached in the mediation procedure. However, this does represent a secure option for the parties because such an opportunity exists and this frees them from not having to initiate a contentious procedure in the future when the other party fails to fulfill its obligation. In terms of procedural expenses, each party must to cover its own expenses, with joint expenses including the mediator's remuneration for the work performed to be jointly and equally covered by the parties barring any other agreement made in this regard (Art. 29).

Comparative Overview of the Mediation Procedures for North Macedonia and the Mediation Procedures for Croatia, Slovenia, and Serbia

Mediation as an alternative way of resolving disputes has been accepted and implemented in the Republic of North Macedonia as well as in countries cohabiting in the Socialist Federal Republic of Yugoslavia, such as Croatia, Slovenia, and Serbia. These countries' mediation legislations have been the object of the research in this paper. Because these states had shared the same legislation when they were part of the federation of Yugoslavia, despite currently being separated and independent, the fact that these states share their legal tradition in the same or similar intensity can neither be ignored nor denied.

As part of the research study, these three countries have regulated mediation through legal acts and Laws as *lex specialis* that regulate every issue regarding this procedure. Secondly, the usage of mediation within contentious or judicial procedures as well as outside of these procedures' scope as an extrajudicial procedure is also common to all of these countries. In all four countries, mediation can be organized in two forms: 1) agreed mediation, in which the parties voluntary decide to initiate mediation to find a mutual resolution to their dispute and in which the decision they mutually agree in their agreement for every possible dispute that might occur in the future between the two contractual parties, and 2) court-annexed mediation, in which the judge instructs the parties to try and resolve their issue through mediation. Thirdly, the parties to the procedure have similar roles in the four countries, which is possible not only due to their similar legal tradition but also because of the similar structures and procedures for mediation that allow mediation to be conducted in different part of the world and in countries that are have different legal systems and traditions. In addition, these ex-Yugoslavian countries are all very similar to the Republic of North Macedonia regarding the legal nature of a concluded mediation agreement. Of the three countries this research paper has examined, the Republic of Serbia has the most similar procedure regarding the final mediation agreement. The legislation of the Republic of North Macedonia is the same as the Serbian legislation in that an agreement reached between the parties in a mediation procedure can be announced in minutes in front of the competent court that instructed the parties to initiate the mediation procedure in place of a contentious procedure. In this way, the agreement is transformed into the judge's final decision and from that moment gains the power of an enforceable document. The mediation agreement can also be transformed into an enforceable document by a notarial act in a notary office. The point where

these two countries differ is the nature of the agreement regarding the existence of the enforcement clause that makes the mediation agreement enforceable in case it is not fulfilled voluntarily by the party. In Serbian legislation, enforcement of the agreement is permitted with an enforcement clause, whereas in North Macedonia, the legislators have not foreseen such a possibility. The Republic of Slovenia's and the Republic of North Macedonia's laws on mediation have the same solution regarding the legal nature of the mediation agreement. The power to enforce a mediation agreement in these two countries is given through the announcement of the agreement in the minutes of the case in front of the judge where the mediation procedure had been initiated as a court-annexed procedure or through the certification of the agreement by a notary when the mediation procedure is conducted outside the scope of contentious procedure. As for enforcement through a special enforcement clause within an agreement, the laws of both Slovenia and North Macedonia have not foreseen such a possibility for the parties. The Republic of Croatia is a different case and not as similar to the Republic of North Macedonia when addressing how a mediation agreement is enforced. What makes Croatia different in this respect is that the power to enforce a mediation agreement is given only through an enforcement clause in an agreement and not by announcing the agreement in the minutes of a contentious procedure or by having a notary notarize the contents of the agreement and the parties' signatures, as is the case in North Macedonia. Based on the above, mediation procedures are clearly unique and as such are presented in the same or similar light in the legislation of every country in the world, including the countries this article has analyzed. They share a large number of similarities. Based on the small number of differences, sometimes mediation is a very logical choice for finding a good resolution to a situation that is considered imperfect and that affects the efficiency of the court's procedures or as a less expensive option compared to the contentious procedure. According to my opinion, by always emphasizing the non-formality of this procedure, mediation is considered the best option for greater efficiency regarding its outcome and its ability to increase citizens' confidence related the successfulness of this procedure. How we can touch to the citizen's conscience for raising the awareness of the success of the mediation? One of the most successful ways is with the intervention of by lawmakers in our country by stipulating in its Law on Mediation the possibility of legally enforcing mediation procedures through the presence of an enforcement clause in a mediation agreement reached between the two parties to a dispute. This is the perfect way to avoid the formalities of the contentious procedure and the procedure for solemnization conducted in front of the public notary.

Conclusion

Mediation as an alternative method for resolving a dispute offers the parties to a dispute a way to reach a mutual resolution with the help of a mediator who is positioned in the middle as a facilitator and negotiator helping to bring the dispute to an end. A unique element in this way of resolving disputes definitely is opportunity that allows for the parties themselves to find the best resolution with the mediator acting as a third neutral party in this procedure. The parties are the ones who have the last word in this procedure. The moment they realize that the resolution to all their problems lies in their own hands creates an indescribable satisfaction for them. This also positively affects the legal system of a stat by enabling better and easier functioning, with everyone coming out satisfied in the end. That the parties are the ones who are satisfied is especially true, because at the end of the day, they have decided on their future problems. Mediation is based on the idea of not burdening the judiciary while at the same time resolving disputes between parties who in the end will continue to maintain their relations.

From the legal perspective and analyses, the mediation procedures in these three countries and their similarities to the mediation procedures used in the Republic of North Macedonia are able to show many points, starting from the legal regulations, its usage within contentious and judicial procedures as well as outside the scope of these as an extra judicial procedure, the position and authority of the mediator in the procedure, the parties' roles in the procedure, and also the legal nature of a mediation agreement that is concluded at the end of a successful mediation. Another relevant factor that has contributes to the presence of these similarities among different countries with independent legal systems is the fact that they all follow the principles of different international instruments that have been drafted for the purpose of unifying and standardizing the mediation procedures for every country in the world.

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Digitalization in Public Administration: A Comparison of Practices in Albania, Türkiye and North Macedonia

Entoni Miska, Omer Cem Ulutas and Gjorgji Ristov

Abstract

This article addresses digitalization processes in the field of public administration for Albania, Türkiye, and North Macedonia and examines in depth the digital management strategies, achievements, challenges, and future plans of these three countries. A transformation process has been initiated in Albania, which offers various e-services such as e-Albania. Türkiye has made a significant transformation in the digital field by offering a wide range of services to citizens through the e-Government Gateway. North Macedonia's aim was to facilitate access to public services through early digital reforms and initiatives such as the One Stop Shop project. This study reveals the common challenges and opportunities the three countries have faced in their digitalization journeys and emphasizes the importance of investments in digital infrastructure, digital literacy programs, and cross-sector collaboration. As a result, Albania, Türkiye, and North Macedonia's efforts to digitalize public administration show them to have taken important steps toward a more transparent, effective, and participatory management approach.

Keywords: digitalization in public administration, e-services, cyber security, innovation in public services, e-government

Introduction

This study looks at digitalization as a method governments are increasingly using to improve the quality and accessibility of the services they offer to their citizens. Moving public services to digital environments increases the efficiency of processes. However, this transformation occurs at different speeds and forms in different countries. This study also evaluates the effects of digitalization processes on public services, as today's changing mechanisms are causing governments to invest in digital developing public administration and public services.

Digitalization significantly facilitates citizens' access to government services. People can access various public services over the Internet and use these services from anywhere at any time without having to go to physical locations, wait in long queues, or receive services during limited working hours. This provides a great advantage, especially for disabled individuals, those living in remote areas, and those with time constraints. Digitalization of public services enables transactions to be carried out faster and at less cost. Digital systems reduce paper use and provide great savings in terms of filing and storage costs. Additionally, digital transactions have a lower error rate compared to manual transactions, meaning time and cost savings for both governments and citizens. Digital governance systems enable government operations and decision-making to be more transparent. Citizens can easily access more information about various public services and policies and take a more active role in these processes. This encourages governments to be more responsive to citizens' needs and increases public confidence. With public services moving to the digital environment, protecting citizens' personal information against cyberattacks is vital. This means that governments need to constantly update and strengthen their cybersecurity measures.

E-Government in the Republic of Albania

The e-government process in the Republic of Albania started with two important documents adopted by the Albanian government: the 2007-2013 Strategy on Electronic Transactions in Public Administration and the Strategy on the Digital Agenda of Albania for 2015-2020. The aim of both of these documents was to form a foundation for transforming public administration into an Albanian information society. By doing so, the Republic of Albania would be in a state of constant development and at the same level as developing countries, which according to Pasha (2022) are very aware that the transition from traditional public service to a full

inclusion in information society is the only possible path for the future. The importance of these strategies is how it emphasized the introduction of electronic transactions into the internal procedures of public administration as well as to the administrative services that are important for any natural and legal person. The very purpose of introducing electronic transactions was to provide a simple, free, and fast quality access for any natural or legal person to information about public administration and services, which as a result would ensure greater transparency and efficiency in the functioning of public administration. As a crucial component for a democratic society, modernized governance is also another government objective. The major point is to promote the digital initiative as a tool for modernizing governance and knowledge for a more open and economically sustainable society for citizens. Last but not least, the digital initiative plays a principal role in joining regional cooperation and coordination with the European Union Law and European Union institutions as part of the process of integrating the Republic of Albania into the European Un

The concrete actions for fulfilling this important and vital objective involved the implementation of certain e-services for citizens and businesses, such as e-Albania and the National Agency for Information Society Services (AKSHI). What these e-services have offered are several service categories such as document certifications with a digital stamp that proves the legal status of the service user as well as education, work insurance, contributions, and more based on requests made by the user. Even though electronic governance in Albania is in the early stages of its development, some of the achievements that have been reached so far include the government network of GOVNET, which was implemented with the support of the United Nations Development Programme (UNDP) and the European Commission. With the support of the ministries as well, this project has been implemented much faster, with government departments as well as two public service organizations having been connected through a high-speed fiber-optic network. In general, all ministries have a website and an electronic database where legal acts are presented as well as news about the activity of each ministry and all strategic documents, thus realizing the electronic distribution of information (Pasha, 2022).

According to Keta and Ziu (2020), when addressing the new way for citizens to participate in the decision-making process, the first instrument one needs to consider is the rule of law, which is not just an instrument of the government but more importantly a principle to which all of society, government included, are bound and a fundamental element in advancing democracy. One key component in the 21st

century has been the use of e-tools. According to Davies (2015), the process being realized through the eyes of a citizen or business also provides an opportunity for redesigning organizational structures and procedures with the purpose of promoting efficiency within public services.

According to Keco et al. (2023), the development of the public sector in Albania over the last two decades has undergone significant improvements, this being seen as well in terms of citizens' demands and expectations of public services. What Keco et al. emphasized is that public agencies are providing a variety of digital services to users, and with regard to addressing citizens' expectations, the governmental platform e-Albania has improved and increased the number of electronic services for citizens and businesses over the last decade.s ear (2024) also mentioned how the 2022-2026 Digital Agenda recently adopted in June 2022 has set a great advantage for Albania to navigate the market dynamics and competitive pressures within the European Union (EU). Sear also stipulated that, with the adoption of such an agenda, the country has shown a degree of readiness and made improvements for enhancing its competitiveness.

AKSHI is a public administration institution that has the status of a legal entity with a public budget. AKSHI is subordinate to the Prime Minister's office and has headquarters in the capital city of Tirana. AKSHI's organizational form has remained at the central level while extending its activity to the entire territory of the Republic of Albania. AKSHI's main responsibility is closely related to providing services in the field of technology and information to natural and legal persons with public or private status (Republic of Albania Law No. 43/2023 on Electronic Governance, Article 23).

For implementing its mission, AKSHI has divided its responsibilities into three roles: as a creator and administrator of service infrastructures, systems, portals, trusted services, and registries; as a contributor to the drafting of policies and action plans in the field of information and communication technology (ICT), and other duties according to the provisions of the Republic of Albania Law No. 43/2023 on Electronic Governance. In order for AKSHI to fulfill its functional tasks, it uses human resources for the purpose of providing electronic services with complete efficiency and effectiveness 24 hours a day, seven days a week (Article 24 of Law No. 43/2023).

AKSHI performs certain tasks within its role as a creator and administrator of service infrastructures, systems, portals, trusted services, and registries. These tasks are:

- Providing online services for citizens and private entities through ICTs that are served by the government and public entities,
- Providing ICT services for state administration institutions and bodies under the responsibility of the Council of Ministers. ICT services are also offered to other public institutions upon their own request,
- Providing authenticated acts, electronic signatures, electronic seals, and electronic certificates for public administration bodies and institutions and public entities in accordance with the decision of the Council of Ministers,
- Enabling interaction with the governmental portal e-Albania and other platforms for the purpose of using the electronic identification and other trusted services from qualified trusted providers authorized in the Republic of Albania,
- Guaranteeing the implementation of cyber security measures for all electronic public service infrastructures in the capacity of a government operator.

The government platform e-Albania is another novelty the government of the Republic of Albania has presented for the purpose of having fast and efficient public administration, faster receipt of public services and response to any problematic issue citizens might have. This governmental interactive platform offers electronic services and is administered and developed by AKSHI. The function of e-Albania is to serve as a gateway through which any interested citizen can receive electronic services public institutions provide through the Internet. Since 2020, the digitalization of a good number of public services has been provided, through which citizens and legal entities can now apply for online. The procedure is easy. Citizens and legal entities are able to apply simply through the e-Albania platform for whatever public service they request, and the public administration employees look after the platform and collect applications for all the subjects. All state records and documents can be easily used and reused without any kind of obstacle, freeing citizens from the burden of having to collect them physically (Republic of Albania, 2014).

The significant part of the government portal e-Albania is its connection to the Government Interaction Platform, which plays an important role in enabling the electronic systems of the public institutions to interact, as well as communication to occur between state databases in order to provide effective electronic services. The e-Albania platform acts as a one-stop shopping system, where the portal serves as a single point around which government institutions provide public services, thus working as a single entry point for citizens and legal entities while being con-

nected to the Government Interaction Platform, which currently enables 60 electronic systems of public institutions to interact (Republic of Albania, 2014).

As one of the most important initiatives under the principle of good administration, the government portal e-Albania offers some basic standards. The first is related to public administration institutions providing information about their services. The information presented on the governmental portal is updated as needed by the institutions themselves. The second standard has to do with the portal functionality. The e-Albania platform ensures its availability 24 hours a day, seven days a week, at over 99% functionality. Another thing to mention is how its functionality ensures payments for every electronic service provided, and these are made securely through the Government Electronic Payments Platform, which is connected to banking and other non-banking institutions. The third standard is related to the registration process and the protection of personal data. The registration process is carried out through the e-Albania platform, and the data users fill in during this process are verified electronically through the National Register for Civil Status for individuals or through the National Commercial Register for legal entities. When addressing the protection of personal data, the portal is designed to offer a combination of security technologies (Republic of Albania, 2014).

Digitalization has a crucial impact in human life in modern time, when nowadays people can communicate or get information faster than was possible in earlier periods. The process of digital transformation in Albania has been going on for a long time, and all public and private actors contribute to changing the mindset of citizens regarding this new form of communication, something which is also inevitable at the same time. According to the Digital Agenda of the Republic of Albania 2022-2026, Albania currently has over 1,200 public services that are offered online, translating to around 95% of all public services, which compared to 2014 had only 14 public services (i.e., only 1% of services were available online then). Based on the findings of the Digital Agenda of the Republic of Albania 2022-2026, the increase in online public services has brought several advantages, such as lower costs, facilitation of bureaucratic procedures, and less time spent receiving these services; however, what the Digital Agenda 2022-2026 really emphasizes is the improvements in the transparency and quality of what is provided.

The major investments the Albanian government undertook involved such things as digitalizing physical archives, increasing the number of public institution systems connected to the Governmental Interaction Platform, exchanging data among the public institution systems, adding new electronic services to the e-Al-

bania platform, establishing the specific mechanisms enabling the circulation of legal documents equipped with electronic signatures and seals. All activity has been concentrated on digitalizing the public administration based on a specific legal framework covering all the processes required for developing the country's e-Government (Digital Agenda of Albania 2022-2026, 2022).

Several of the most prestigious international organizations have given their opinions regarding digital governance in Albania. According to the latest report on the European Commission for 2023, the institutional and legal framework on ensuring a public administration oriented toward the citizens is in place. As an example, the European Commission Report (2023) took the new Digital Agenda of Albania 2022-2026 and stated that it still needs to align with such important frameworks as the European Interoperability Framework and that this must be ensured. The United Nations' (UN, 2022) e-Government Survey organized by the Department of Economic and Social Affairs stipulated that Albania, alongside 11 other upper-middle income countries (Argentina, Brazil, China, Ecuador, Kazakhstan, Malaysia, Mexico, Peru, Serbia, Thailand, and Türkiye) had achieved very high levels in the sector of open systems interconnection (OSI) by reaching considerable advances in capital and infrastructure development. Alongside other reports, the Regional School of Public Administration (ReSPA, an EU initiative) and Support for Improvement in Governance and Management (SIGMA), a joint Organisation for Economic Co-operation and Development (OECD) and EU initiative, have also awarded the Republic of Albania with a prize for digital governance with its Digital Agenda of Albania 2022-2026 through which it has implemented applications, initiatives, online services, and efficient measures for dealing with COVID-19 throughout the pandemic period.

When addressing electronic seals, since 2017 when electronic documents were given full legal status in the Republic of Albania, their number has increased, with more than 16 million documents having been downloaded; thusly, citizens have avoided the prolonged time waiting in lines (United Nations in Albania, 2022). Considered the basic architecture for interacting with public institutions' electronic systems, the government interaction platform is currently connected through the government network GovNet with 55 public administrations' electronic systems. GovNet is a private government fiber optic network built from the latest technological equipment with advanced security that has managed to be present in over 250 government institutions, distributing Internet and other centralized services (United Nations in Albania, 2022).

On May 1, 2022, the government of the Republic of Albania decided to close its so-called "front desks" for the purpose of transforming public services into 100% online service delivery. On one hand, the aim of improving service quality by offering short waits and reduced corruption has almost been fully achieved (European Commission, 2023), while according to another report from the European Commission (2022), this rapid shift has raised the question about the quality and accessibility of services for those with limited digital skills, those with limited access to the Internet, and those with disabilities. In response to this question, the government has expressed its intention to establish certain contact centers throughout the country's territory. Currently, most municipalities have one-stop-shop centers that are able to provide services to the citizens. As for accessibility to electronic services for persons with disabilities, according to European Commission Report (2023), the Republic of Albania need to align with Article 2 of Directive 2016/2102, which foresees the need to understand accessibility as principles and techniques that need to be taken into account when designing, constructing, maintaining, and updating websites and mobile applications in order to make them more accessible to users, including persons with disabilities in particular.

The cyberattacks that happened in July and September 2022 temporarily shut down the governmental portal. In response to such a big issue, the government began to strengthen its cybersecurity architecture by appointing a National Coordinator for Cybersecurity, setting up a Cybersecurity Operations Center, and adopting the Law on Cybersecurity with the aim of further aligning with the NIS 2 Directive, which was enacted in 2023 with the main objective of modernizing the legal framework for other countries, increasing digitalization, and evolving a strong cybersecurity mechanism. The 2020-2025 national strategy for cybersecurity and its action plan is the first step for strengthening this crucial area. Another important institution is the National Authority on Electronic Certification and Cybersecurity, and apart from dealing with cyber threats, it also has the main duty of organizing and interacting with the national security and defense institutions in Albania for participating in the cyber exercise called the Cyber Coalition of NATO. This coalition brings together a cyber coalition of NATO bodies, allies, and partners with the purpose of defending against the cyberattacks by supporting NATO's main tasks in this regard (National Authority on Electronic Certificaton and Cyber Security, 2022).

e-Government in the Republic of Türkiye

The e-government system in Türkiye was developed for citizens to have electronic access to government services. It has been an integral part of the digital transformation process in Türkiye's public administration and provided significant gains as it has evolved over time regarding the functions it offers and its purposes.

The foundations of the e-government system in Türkiye began to be laid in the early 2000s. The first steps were toward moving public services to the electronic environment and making them accessible to citizens over the Internet. This process has gone through multiple stages and reached today's comprehensive and integrated service structure. Many public institutions began developing internal digitalization projects, but these efforts initially proceeded independently of one another with no coordination. Türkiye's e-Government Gateway (e-Devlet) was launched in 2008 (Government of Türkiye, 2023). This platform has been designed to enable citizens to access various public services securely from a single point. With the launch of the e-Government Gateway, citizens have gained significant convenience and speed when accessing public services.

After the e-Government Gateway became operational, the number of services offered and the number of system users increased rapidly. The development of mobile technologies and Internet infrastructure also changed the e-Government system. The mobile application of e-Devlet has enabled citizens to easily access services via their smartphones. In addition, the development of authentication methods and the introduction of digital authentication tools such as electronic and mobile signatures have increased system security and improved user experience. The development of the e-Government system has also been recognized internationally, and Türkiye's actions regarding digital public services have been shown as an example on many platforms. Additionally, Türkiye has contributed to global digital transformation efforts by sharing technology and information with other countries (Şeker, 2023).

The system was expanded over time to include public services in different areas such as health, education, justice, police, and social security. The e-Government website has different functions citizens can access, such as:

- Justice,
- Environment, Agriculture, and Livestock,
- State and Legislation,

- Education,
- General Information,
- Security,
- Business and Career,
- Personal Information,
- Health,
- Social Security and Insurance,
- Complaints and Obtaining Information,
- Telecommunications,
- Traffic and Transportation,
- Taxes, Fees, and Penalties (Government of Türkiye, 2023).

Türkiye's e-Government system has been internationally recognized through various evaluations. Studies such as the United Nations e-Government Survey (UN, 2022) have frequently emphasized Türkiye's progress in the field of e-government applications and digital public services and comparatively analyzed it with other countries, stating Türkiye to have taken significant steps in its digital transformation and highlighting the scope, accessibility, and user-friendly interfaces of the services Türkiye offers.

In particular, developing countries are sharing knowledge and experience on how they can improve their own e-government services. Türkiye's e-Government system has created a transformation in the delivery of public services and adapted to the requirements of the digital age by facilitating citizens' interactions with the state. This success has been made possible by integrating technological innovations and adopting a citizen-centered approach (OECD, 2023).

Although the e-Government system in Türkiye has achieved significant success in digitalizing public services and facilitating citizens' access to government transactions, areas exist that need improvement, as frequently expressed by users.

Users have criticized the user interface of and experience with the e-Government system from time to time. Unfriendly interfaces and cybersecurity concerns in some parts of the system can create difficulties. In particular, news about the hacking of user information sometimes causes concern among citizens (Kara-Kaşka, 2022). Users' personal information, financial data, and other sensitive data must

be securely protected. In Türkiye, although its e-Government system is generally considered secure, it needs to be constantly updated and its security measures improved against cyberattacks and data breaches. As such, ensuring the transparency of the system and information about how user data is protected is important.

Besides the criticism brought by users, Türkiye's e-Government system usually receives good feedback from its users. Additionally, it encourages people to be engaged with the online services as well, with 73.9% of citizens actively using the e-Government Gateway (Turkish Statistical Institute, 2023). Statistically, 4.4 billion people had accessed the e-Government Gateway by the end of 2023 (Bodur, 2024). The e-Government system has created an important milestone in the field of digital public services; and its ongoing developmental work has the potential to increase user satisfaction and provide more inclusive service in Türkiye. Still, its system functionality has good room for improvement.

e-Government in the Republic of North Macedonia

Digitalization represents a significant subject. Nonetheless, one must not overlook the fact that society is subject to change, and modernization and technological advancement have induced substantial societal shifts within a relatively short period of time. Posing inquiries regarding the nature of progress itself, its efficiency, and its long-term ramifications is essential, sometimes even on an evolutionary basis. Summarily, when considering that developing countries including North Macedonia aspire toward complete digitalization and envisage a significant future within this realm, to initially delineate the positive aspects thereof and conduct a retrospective analysis of the situation would be prudent.

According to Agenda 2030 (Mojsovska, 2022, p. 26). the primary focus of digitalization in North Macedonia is placed on the following areas:

- Skills (number of ICT experts in the country, particularly women, and the percentage of digitally literate population),
- Government (digitalization of public services, e-health, and digital identity),
- Businesses (percentage of companies using advanced IT technologies in their operations; speed of growth of innovative companies and the percentage of SMEs using basic digital technologies),
- Infrastructure (Internet connection quality and speed; the number of secure communication nodes; Mojsovska, 2022, p. 26).

According to data from the State Statistical Office, over 83% of households had Internet access at home in 2020, with the majority using broadband Internet. Regarding business entities, 91% of companies with more than 10 employees use computer technology and broadband Internet. Among the total number of firms with 10 or more employees, 54.5% had a website, and concerning e-commerce, 6.2% utilized electronic sales platforms. The latter two indicators point to a very low prevalence of formal electronic sales by business entities. However, informal sales should be noted to occur through the direct use of social networks (State Department of Statistics, 2023). The Global Goals and the 2030 Agenda for Sustainable Development (UN, 2015) focuses on digitalization of the administration and created couple of focus topics;

1. Accelerating Digital Transformation in the Country:
    - Advancing infrastructure and digitization technologies while keeping pace with global changes (e.g., 5G).
    - Providing training to enhance digital literacy among the population and workforce.
    - Digitalizing all levels of education, focusing on providing infrastructure and promoting advanced digital skills among students, teachers, and educational staff.
    - Introducing various means of electronic identity.
    - Implementing public-private partnership models as a means to accelerate digital transformation.
2. Promoting the Digital Economy:
    - Ensuring easy access to information for businesses regarding available digital technologies in the country and the business opportunities they offer.
    - Promoting formal electronic sales in domestic and international trade of goods and services.
    - Implementing the digital agenda of the Western Balkans.
    - Elevating the level of digital skills among the workforce.
3. Developing the Macedonian IT Sector:
    - Encouraging the education of ICT experts.
    - Promoting the development of the IT sector as a driving service activity in North Macedonia.
    - Actively attracting investments in the IT sector in the country.

- Strategically retaining IT professionals in the country.

4. Complete Digitalization of Public Services:
    - Completing the e-services system as a comprehensive system.
    - Enhancing the capacity of public institutions to deliver comprehensive e-services.
    - Elevating the digital literacy of citizens and business entities for using e-services (Mojsovska, 2022, pp. 27-28).

The aim of digitalization has been to allow citizens to adopt digital services, to prevent corruption, and to secure citizens' electronic data. Then-Minister of Justice Mihajlo Manevski stated, "The electronic counter is the greatest preventive barrier against corruption" (Ministry of Justice, 2011). Chamber of Notaries of the Republic of North Macedonia President Zlatko Nikolovski and Information Society and Administration Minister Ivo Ivanovski emphasized that the introduction of the e-counter will secure data and that a service-oriented administration will be developed for citizens (Metamorphosis, 2022).Top of Form

The first initiative was the One-Stop Shop project of the Ministry of Information Society and Administration, which aimed at connecting all state institutions in the Republic of North Macedonia in order to simplify citizens' access to institutions and the services they offer. Citizens can get all the services and information they need in one place. At the One-Stop Shop center, one's ID profile can be upgraded for the needs of the National Services Portal. Citizens can reserve their appointment or use the electronic booking system *Get a Number*. The project has aimed to streamline citizen access to government services by consolidating multiple services from various ministries and state institutions into a single location. This initiative was a response to the growing demand for improved efficiency and convenience in accessing public services. The implementation of the One-Stop Shop system has provided citizens with access to services and information from various institutions. These include the Ministry of Interior, Ministry of Transport and Communications, Public Revenue Office, Agency for Real Estate Cadastre, Employment Agency, Ministry of Labor and Social Policy, Central Registry, Health Insurance Fund, Civil Registry Office, and Pension and Disability Insurance Fund (Employment Agency of the Republic of North Macedonia, 2022).

Overall, the One-Stop Shop project has represented a significant advancement in the digitalization of public services, aiming to improve efficiency, reduce bureau-

cratic barriers, and enhance citizen satisfaction. A large number of the people weren't even familiar with the government's efforts toward digitalization; it had never produced a grand effect or raised efficiency. All implementations had very little result on the population's interest toward digitalization, and the analyses are ones that that were conducted recently in 2022.

According to the information from *Kanal 5* [Channel 5, a national TV channel), citizens with higher education were shown in 2023 to tend to turn more toward online administrative services. For instance, while 62.1% of respondents with a higher education preferred online administrative services, only 11.6% of those without even basic education shared this preference. Those who have used online services overwhelmingly expressed satisfaction. In fact, 87.4% of respondents said they were satisfied with the online service they'd received from government institutions, while only 11.6% were dissatisfied. Many citizens (25.6%) used the online services of the Ministry of Interior, followed by 10.6% having used those of the Employment Agency and 7.8% the online services of the Agency for Real Estate Cadastre. Based on these statistics, citizens can be said to have been insufficiently informed about the benefits of digital administration. In this context, the system does function, despite not being very popular. This stance was expressed by 53.3% of the respondents, while 23.7% believe that reform in public administration should focus on new hirings and training. Here, the clientelist hirings had evidently harmed the state (Kanal 5, 2023).

Conclusion

The implementation of e-government formats is now considered a way to improve the quality of services that states provide to their citizens and to facilitate access to these services. In this context, different countries such as Albania, Türkiye, and North Macedonia have aimed to accelerate the transformations in this field by adopting digitalization processes regarding public administration. All three countries have developed their own e-government applications and encountered similar challenges within these processes. However, they've also differed in terms of the way their systems have been implemented and the successes they've achieved.

Albania has taken important steps in implementing e-government applications. In particular, e-services offered through the e-Albania portal have allowed citizens quicker and easier access to government services. However, one of the biggest challenges Albania faces in the implementation of its e-government strategy is the in-

adequacy of its digital infrastructure. This situation prevents e-services from being used to their full potential and has slowed down the pace of its digital transform.

Türkiye has come to a very advanced point in the field of e-government. The comprehensive services offered through its e-Government Gateway have facilitated citizens' transactions with the government and increased the efficiency of public services. A strong digital infrastructure and high level of digital literacy lie behind the success of the e-Government applications in Türkiye. However, one of the challenges Türkiye also faces involves countering the ever-increasing cybersecurity threats and protecting citizens' personal data.

North Macedonia has made significant initiatives in the digitalization of public services through the One-Stop Shop project. However, the particular challenges North Macedonia faces in its digital transformation are its slow progress digitalizing public institutions and citizens' low interest in e-services.

From a comparative perspective, the e-government applications of Albania, Türkiye, and North Macedonia have been shaped in line with the specific conditions and needs of each country. Although all three countries have taken significant steps toward digitalizing public services, they have differed in terms of the challenges encountered and the successes achieved from this process. For example, progress in the delivery and accessibility of e-services in Albania has required continued efforts to improve digital infrastructure and literacy levels. Meanwhile, Türkiye's e-Government Gateway has significantly facilitated citizens' access to government services with its wide range of services and user-friendly interface; however, cyber security measures need to be strengthened for the sustainability of this success. On the other hand, North Macedonia has been trying to increase the accessibility of public services through innovative projects such as the One-Stop Shop, but more efforts are needed to ensure widespread adoption and effective implementation of such projects.

As a result, the e-government applications of Albania, Türkiye, and North Macedonia have made significant strides in accelerating digital transformation regarding public administration. This process has included both common challenges and unique problems faced by each country. These countries' experiences emphasize the importance of a comprehensive strategy, a participatory approach, and efforts at continuous improvement in digital transformation. The successes achieved in this journey provide valuable examples for other countries and shed light on the future development of e-government applications.

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